

SCARE TACTICS

**Arguments that Appeal to Fear
and Threats**

Douglas Walton

SCARE TACTICS

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ARGUMENTS THAT APPEAL TO FEAR AND THREATS

by

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Liber Amicorum

This book is dedicated to the memory of my old friend and colleague Kevin Donaghy. Kevin and I were graduate students in the same philosophy program at the University of Toronto. But we kept in touch even after Kevin became Professor of Computer Science at Rochester Institute of Technology. Kevin's premature death of cancer in 1998 was a deep loss to me, and to all who had the good fortune to know him.

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INTRODUCTION

This book presents many interesting cases of arguments that use scare tactics—appeals to fear, threats and force, of various kinds. Many of these arguments are amusing, once you see the clever tactic used. Others are just scary. Some of the arguments appear to be quite reasonable, while others are highly suspicious, or even outrageously fraudulent. Many of them are examples of the so-called *argumentum ad baculum*, the "argument to the stick/club," traditionally treated as a fallacy in the logic textbooks. Many others are examples of fear appeal ads, currently much in evidence in television commercials that portray the deadly consequences of drunk driving or having sex without a condom. The purpose of this book is to explain how such arguments work, and to present a method for analyzing and evaluating their use in particular cases.

Appeals to fear and threats have long been known to be powerfully effective arguments. It is easy to routinely dismiss such arguments as fallacious, as the logic textbooks have generally tended to do, and to assume they are always wrong (from a logical point of view). But these appeals are used so commonly in advertisements, negotiations and other kinds of everyday conversational argument exchanges—sometimes for a good purpose, for example to try to get teenagers to avoid risky sexual behavior—that they do sometimes appear to have a legitimate function as reasonable arguments. Hence it is simplistic to condemn them as being logically fallacious in every case. This being so, the problem is where to draw the line, distinguishing between the fallacious and legitimate cases.

A speaker presenting a plan for a reorganization of a business concludes her presentation to the employees of the business with the following words: "Gentlemen, I am sure that if you think it over you will see that my suggestion has real merit. It is only a suggestion of course, and not an order. As I mentioned at our last conference, I am planning to reorganize the whole business. I still hope, however, that it will not be necessary to curtail the operations of your department." No explicit threat is made, but it would be very clear to the employees at the meeting that the speaker has indeed made a threat, and that the threat was made to get the employees to support the speaker's suggestion for reorganization. The problem here appears to be a failure of relevance. The threat does not really support the arguer's thesis that her suggestion has merit as a plan. Even if its irrelevance is recognized however, the threat could be quite persuasive to the employees, as a reason for compliance. This case is an example of the kind of argument traditionally classified as an *ad baculum* fallacy by the logic textbooks. But exactly what the fallacy consists in remains unclear.

Another kind of argument covered under the same heading is the fear appeal. Much used in current politics, as well as sales and advertising argumentation, this argument tries to get a target audience to adopt a course of action by portraying the only alternative as some horrible disaster (usually death or severe injury) that is very fearful to the audience. In anti-smoking campaign ads, for example, cigarettes are shown as melting into a slimy mass of poisonous chemicals and being drunk by a

person from a beer glass (case 1.5). In an ad to target teenagers on drunk driving, a horrible traffic accident is depicted, where a young girl is killed. Then someone is shown informing her parents of her death (case 1.10). Use of fear appeal argumentation is very common, and these appeals often appear to be quite persuasive, or to be successful tactics for gaining compliance. One could even say that, in many cases, they seem to be appropriate arguments, as used in a particular context. Aristotle (*Rhetoric* 1382a20) described appeal to the emotion of fear as a fundamental rhetorical strategy of argumentation. Religious argumentation has always relied heavily on fear of the devil and the tortures of hell as a central theme in the fiery sermon. In management-union negotiations and in business bargaining of all kinds, threats to take actions that will have bad financial consequences for the other party are extremely common. Such threats seem to be a normal part of the fabric of the negotiation process. Advertisers commonly use fear appeal arguments suggesting that the viewer will be a social outcast, or will be infected by scary germs, if he does not use a recommended deodorant, mouthwash, deodorant, or toilet bowl cleaner. Politicians use attack ads to tell voters that an opponent will raise taxes or lower taxes, with disastrous consequences, in a way that appeals to the fear of the respondents. In one famous ad, a candidate for the U.S. presidency was characterized as "trigger happy," and the ad featured a nuclear explosion. And of course, governments now use fear appeal ads on a wide scale, to try to get teenagers to stop smoking, to try and discourage drinking and driving, to warn of the dangers of AIDS, and for other purposes of promoting public health and safety. Here we have an abundance of actual cases that suggest that the use of scare tactics is not only very common in everyday argumentation, but also that such tactics often appear to be highly persuasive. Experimental findings are mixed, but the perception at present is that fear appeal ads can be successfully used to change behavior and attitudes of the groups to whom they have been specially addressed.

In the past decade, there has been an especially well accepted belief in government and business that fear appeal arguments are an effective tool of advertising, public persuasion, and advocacy. This perception has prompted, and been encouraged by, a mass of experimental work in the social sciences. This work seems to suggest that fear appeals are effective in changing behavior and attitudes, and it has tried to explain why, but only with partial success. The problem is that experimental investigations discovered that fear appeals have a cognitive component, as well as an emotional-affective component. In other words, the subject, when confronted by a fear appeal argument, does not just respond directly to the level of fear induced by the message, but may tend to think out how to deal with the message by looking at alternatives, or coping with the fear, instead of just acting in accord with the solution advocated in the message. Studying how fear appeals work is shown (in chapter one) to require more than just an empirical study of experimental responses to fear appeal messages. It requires a logical analysis of the structure of reasoning that a subject uses when confronted by a fear appeal argument.

It is the argument of this book that this logical structure is a kind of agent-based practical reasoning of the kind currently being used in artificial intelligence in the design of intelligent robots and software systems. Called practical reasoning in multi-agent systems, this structure is based on the concept of a goal-directed agent as a reasoner that interacts with its environment (including other agents) in order to carry out its goals. A basic component of multi-agent systems is the communicative

interaction of one agent with another, so that the two agents can engage in argumentation by reasoning with each other. For example, one agent can try to persuade the other agent to carry out a particular course of action by arguing that if the first agent did not carry out this action, negative consequences for the first agent would be likely to occur. This basic form of reasoning, called argumentation from consequences, is shown in the book to be fundamental to the structure of fear appeal and threat appeal arguments. By specifying other different forms of inference that make up the cognitive structure underlying fear and threat appeal arguments, *Scare Tactics* classifies the various different types of argument involved, and shows how they relate to and reinforce each other. The most important of these forms of inference are collected for easy reference in the summary of the evaluation process presented in the last section of the last chapter (chapter 7, section 10).

This book gives general criteria for the identification, analysis and evaluation of fear and threat appeal arguments that apply to the above kinds of cases, and many others as well, challenging the traditional presumption that all such arguments are fallacies. Forms of argument representing the different types of scare tactics arguments are defined, and it is argued that these forms are often used in common arguments in a way that is not fallacious. Many interesting cases of this type of argument are studied, in all kinds of contexts, including politics, legal arguments, international negotiations, sales, and advertising.

CHAPTER 1

FEAR APPEAL ARGUMENTS

The subject of this chapter is the fear appeal argument, a scare tactic widely used in the mass media by corporations, government agencies, public relations firms and politicians to influence public opinions and behavior. Opinions are somewhat divided on how effective fear appeals are,¹ but the growing use of them in the past decade suggests there is a perception by social scientists that these appeals are successful as devices of persuasion. In this chapter, many examples of these fear appeals are presented, along with a survey of the leading theories presented by social scientists to show how the fear appeal type of argument works to persuade a subject.

The subject of this book is the logical evaluation of arguments based on appeal to fear of various kinds. And this chapter, beginning with section 7, turns to that logical or normative question. But it is also the contention of the book that the empirical and logical study of fear appeals are connected, and that to get the best understanding of fear appeals, it is best to join the two together. The best point to begin, therefore, is with some actual cases, and with some empirical considerations on how fear appeal arguments work in these cases.

1. WHAT ARE FEAR APPEAL ARGUMENTS?

Fear appeal is recognized as a distinctive type of argumentation by empirical researchers, where it is seen as a kind of argument used to threaten a target audience with a fearful outcome (most typically that outcome is the likelihood of death), in order to get the audience to adopt a recommended response. Witte (1994, p. 114) defines *fear appeal* as "a persuasive message that attempts to arouse the emotion of fear by depicting a personally relevant and significant threat and then follows this description of the threat by outlining recommendations presented as effective and feasible in deterring the threat." Such a threat, according to Witte, Sampson and Liu (1993, p. 3) is normally composed of "some terrible consequence or harm that will befall the individual for not adopting the recommended response." The use of the term 'threat' in the social science literature is unfortunate, because fear appeal arguments, of the kind the empirical research is concerned with, do not use a threat, at least in the precise sense that will be carefully defined in chapter 4 of this book.

The fear appeal type of argument generally does not involve a threat, but instead has only the form of a warning that some bad or scary outcome will occur if the respondent does not carry out a recommended action. In an example cited in Walton (*Emotion*, 1992, pp. 230-231), an advertisement for a particular brand of mouse bait warns the audience never to go near a dead mouse, because you could get Lyme disease. Then it tells the audience that with this brand of mouse bait, you never go near the mouse. Instead, the mouse simply goes off to die, after it eats the bait.²

In another case described by Clark (1988, p. 111), the father in a Pakistani commercial finishes his dinner, lights up a cigarette, and falls to the floor, dead. As the doctor pulls the sheet over the man's face, he says to the camera, "This could be you if you don't give up smoking."³ A third example was the use of the fear appeal argument by the insurance salesman in case 2.19 who described a house fire to sell his insurance policy. The salesman was not threatening to burn down the house if the homeowner failed to buy the insurance policy. He was merely appealing to the danger or fear that would be evoked by the description of the fire.

In chapter 2 and following, the kind of fear appeal argument in which a threat is made by the speaker to the recipient of the message (if it is rightly classified as a fear appeal argument) will be considered. In chapter 1, we will only be concerned with fear appeal arguments in the narrower sense—meaning those that do not involve the making of a threat.

Among the fear appeals used in commercial advertisements and other kinds of public messages meant to elicit responses from a public audience are the following. Janis and Feshbach (1953) studied fear appeals warning teenagers that their teeth will decay if they do not brush them properly. Rogers and McElroy (1976) studied ads telling smokers that they will die an excruciating death from lung cancer if they do not quit smoking. Witte (1994) studied fear appeals that expressed a threat to college students that they would get AIDS if they did not use a condom properly.

What all these arguments have in common is that they describe a danger that is supposedly fearful to the target audience of the message, and then they present some recommended action. The gist of the message is that if the respondent of the message takes the recommended action, he will avoid the danger.

All these examples are instances of the use of the fear appeal argument. Nevertheless, the speaker does not make a threat to the hearer, in the precise sense that will be shown to be so important in subsequent chapters of this book. Both appeals are threatening to the hearer, in the sense that they pose some message of danger or harmful consequences to the hearer. The difference is that, in neither case, does the speaker tell the hearer that he personally (the speaker) undertakes to bring about this bad event if the hearer does not do the recommended action. So the speaker is not making a threat to the hearer (in the sense defined in chapter 4). Instead, the speaker is appealing to a fear of a target audience in order to try to get them to take a specific course of action. This is, broadly speaking, the type of argument we will call the fear appeal argument in this chapter.

2. FEAR APPEALS IN SALES AND ADVERTISING

Although the use of fear appeal arguments by government agencies has become extremely popular in the last decade, these arguments in commercial advertisements have been around for a while. Some recent cases are shown in table 1.1 (LaTour and Zahra, 1989, p. 62).

Table 1.1. Examples of Fear Appeal Advertisements

<i>Sponsor</i>	<i>Year of Ad</i>	<i>Medium</i>	<i>Theme</i>
American Express Travelers Checks	1987	Television	A couple on a vacation was shown victimized by a robbery and left in a state of shock and desperation.
American Trauma Society	1987	Television	The inside of a car with a broken windshield was shown with a voice stating, "The head that could make the decision to buckle up no longer can."
Trojan-Enz. Inc.	1987	Print	A man with a serious facial expression showed concern about the need to use condoms. He had heard the U.S. Surgeon General's warning about the new severe threats of venereal disease.
Prudential Insurance	1983	Television	A man was shown dying on an operating table. The message focused on who will take care of his children.
Prudential Insurance	1983	Television	The commercial featured a woman drowning. The message stressed the need for life insurance.
Michigan Association for Traffic Safety	1980	Print	A photo of a child in a child seat for automobile travel was presented as a choice to parents, compared with a child in a wheelchair.
Commercial Union Assurance Companies	1979	Print	A photo was presented featuring a car which had collided into a tree resulting in a fatal alcohol-related accident. The headline read, "The Party's Over."

One particular group that has been especially targeted as a market to which fear appeal ads can persuasively be directed is the elderly. Especially the marketing of health care services and products has been promoted by fear appeal ads. Benet, Pitts and LaTour (1993, pp. 45-46) cite the following TV commercial.

Case 1.1: An elderly person is shown in the intensive care ward of a modern high tech hospital. Nurses and doctors are hovering around the bedside. The elderly patient is all but hidden by electronic monitors and intravenous tubes. In the background distraught and frightened family members are gathered. The scene is all too real to the millions of elderly in this country.

A voice now announces the obvious concern: "how to pay for all the technology that now prolongs our lives" . . . "the high cost of health care today" and an additional concern for the elderly, "the impact of such costs on their own limited resources and the resources of their families." . . . The voice continues with the frightening messages that "Medicare won't pay all costs today" . . . "you could end up with deductibles, co-payments totaling thousands of dollars."

Finally, the point of the ad is given. The solution is *medigap insurance* . . . available for only pennies per day without a physical. You cannot be turned down."

Benet, Pitts and LaTour (1993, p. 53) raise questions about the ethics of the use of fear appeal ads directed to elderly viewers, given that there may be side effects in that the elderly may have detrimental psychological reactions to these scary messages. But ethics apart, such ads appear to be successful as marketing tools, and are widely used.

Fear appeal sales techniques have frequently been used to market security devices of various kinds. A case in point is a series of television commercials and door-to-door sales pitches designed to sell expensive electronic emergency-response systems. These systems, according to a *Consumer Reports* article (Comment, 1991), are supposed to summon help quickly if an elderly person has a fall or attack that renders him or her helpless.

Case 1.2: In one ad for the *Lifecall* system, a gray-haired woman falls, presses the panic button worn around her neck, and shouts, "I've fallen and I can't get up!" Paramedics and doctors respond on the double. . . .

Some companies are using high-pressure tactics to unload merchandise. In one case, recounted by an investigator in the San Francisco district attorney's office, the salesperson reportedly used grisly details about a fictitious crime to sell some systems. In Baltimore some 200 elderly people bought expensive but useless equipment:

The seller hadn't paid the answering service responsible for monitoring calls.

According to an official at the American Association of Retired Persons, some people have paid thousands for systems embellished with smoke detectors and burglar alarms.

These ads can be very effective, because of the fear aroused by them. They also depend for their persuasiveness on a certain logic. Where human life is at stake, we often reason by placing a high weight of presumption on the side of safety.⁴ So even though a device may be expensive, we think, "Well, if it saves my life, it is worth it." The logic of the argument seems to rest on a disjunction between the worth of saving a life and the comparatively trivial cost of buying the device.

But critical questions need to be asked in assessing fear appeal arguments of this type. We need to ask practical questions—for example, is the expensive electronic device really necessary, or is there a cheaper way available that may be just as effective? According to the *Consumer Reports* article (Comment, 1991, p. 5), facilities provided by the police or local social-service agencies run programs in some areas to telephone elderly people with disabilities daily. Or (p. 5) if an electronic emergency-response system is the best option, you may be able to rent one from a hospital for quite a reasonable monthly rate.

An argument can play on or exploit fear without necessarily being a fear appeal argument. For example, in the following case, an advertiser was accused of playing on fear. Knight's Spray Nine is a cleaner that has been used by NASA and the U.S. Navy for years, but recently added the claim to its label that it kills HIV-1 (the primary AIDS-causing virus) in thirty seconds. According to Underwood (1995, p. 47), this "advertising breakthrough" was defended by the company (that makes the spray) against the charge it played on fear.

Case 1.3: Knight's insists that the company isn't just playing on consumer fears. Hospitals and other institutions must meet OSHA regulations for cleaning up blood spills. By guaranteeing a 30-second HIV kill time (rather than the two to 10 minutes claimed by other disinfectant cleaners), Spray Nine helps ambulance crews minimize turn-around times. Wrestlers can wipe down mats after a blood spill and get back to the sport while they're still sweaty. In the two years since Knight's added the 30-second notice, says the company, sales have grown at least 25 percent.

A question raised by Underwood (1995, p. 47) however, is whether household sprays really help much when the HIV virus is so fragile that almost anything—like bleach, mouthwash, or even orange juice—will cause it to die. Once again, critical questions need to be asked by an informed consumer before buying this product. But like the previous ad, the message may be effective in selling the product because most of us will choose safety if we are in doubt, and the cost of the product is easily affordable.

Fear appeal ads seem manipulative, and many of them might not stand up to much critical scrutiny, but we expect ads to try to promote a product by any

persuasive means short of actually stating anything false. But the manipulative aspect is a little more worrisome when we see these ads being used by public relations firms and governments to try to gain public compliance and action on a wide scale. Still, if the cause is a good one, we don't feel there is any reason to complain or to feel we are being manipulated unfairly.

3. GOVERNMENT USE OF FEAR APPEAL ADS

The first use of a fear appeal ad on a wide scale was the so-called Grim Reaper TV commercial produced by the National Advisory Committee on AIDS (NACAIDS) in Australia in 1987. Launched on April 5th of that year, the video showed a series of death-like skeletal figures, or Grim Reapers, each carrying a scythe. NACAIDS drew on social science research which postulated that in order to change behavior in relation to AIDS, there must be a belief that AIDS is a personal threat (Rigby, Brown and Anagnostou, 1989, p. 146). The message was meant to show that all members of the community, and not just homosexual males, were at risk from AIDS (Rigby, Brown and Anagnostou, 1989, p. 146; Lupton, 1992, p. 13). The decision made by NACAIDS was to use a strong message that would give an emotional shock to the community, in order to raise public awareness. The following description of the Grim Reaper ad is given by Lupton (1992, p. 13).

Case 1.4: Television and print advertisements for the Grim Reaper campaign drew upon medieval imagery, portraying the grim reaper, a horrifically skeletal and skull-headed figure swathed in a black hood carrying a scythe and (incongruously) a bowling ball. Instead of ten-pins, a collection of stereotypes representing the diversity of 'ordinary' Australians were knocked down (killed) by the huge bowling ball aimed by the figure of Death. These included a housewife, a baby, a little girl and a footballer.

The Grim Reaper campaign received much publicity and media attention at the time, most of it favorable and supportive. The criticisms were that the campaign had exaggerated the number of AIDS carriers, had failed to give exact information on how AIDS was transmitted, and had cost an exorbitant amount of money—around three million Australian dollars (Morgan, 1987). But the general perception was that the Grim Reaper ad had been highly successful. This perception led to a wave of fear appeal commercials over the next decade, used by government agencies in many countries to promote initiatives for community health and safety issues. The fear appeal ad was on its way.

Fear appeal arguments have become particularly popular in television and newspaper ads produced by government agencies in Canada. Many of these arguments have been used by Health Canada in anti-smoking ads. One of these ads is described as "traditional" by Ha (1995, p. A1) because it describes bad consequences for the health of the smoker.

- Case 1.5:* One of the television ads is more traditional and shows a man at a bar squeezing a bunch of cigarettes over a beer glass. As a brown goo starts oozing between his fingers, a voice-over intones: "Arsenic, cyanide, mercury, lead, ammonia, tar, nicotine . . . cigarette smoke is a lethal brew of over 4,000 chemicals—and it kills 40,000 Canadians every year."

Two other ads, which were broadcast around the same time, focus on the impact of second-hand smoke on children. This approach is described by Ha (1995) as a "new shift," because the traditional ads, which focused on the health of the smoker, were seen as ineffective in changing smoking habits.

The first of these nontraditional ads features a baby sleeping in a crib, and eerie music is played (of the kind that would suggest something bad is going to happen in a movie) as smoke creeps into the room and surrounds the crib. This ad is described by Ha (1995, p. A1) as follows:

- Case 1.6:* A baby is seen sleeping in a crib when cigarette smoke starts drifting into the room. A voice says: "Two days after Michael was born, his parents started smoking, again."

"Oh, not much, they think, only half a pack each day." As the room fills with smoke and the baby appears to be gasping for air, the voice continues: "By the time Michael celebrates his first birthday, he may be exposed to the smoke from 7,000 cigarettes."

The other ad is described by Ha (1995, p. A5) as follows:

- Case 1.7:* The last ad follows a trail of smoke through a house, as it surrounds children and a teenager holding an asthma inhaler. "Your children don't smoke and they don't want to," the voice-over says, adding that smoke causes ear infections, asthma, bronchitis and an increased risk of sudden-infant-death syndrome. The ad ends by saying: "No amount of secondhand smoke is safe."

These ads were part of a series produced under a 31 million dollar three-year program as part of a 183 million "anti-tobacco strategy" funded by a surcharge on the tobacco industry.

Although the Canadian government has been testing these ads on focus groups, it is not clear how successful they have been in persuading people not to smoke. According to a report (Howard, 1995), the types of ads cited above are regarded as "traditional," and the federal government was considering replacing them with more aggressive ads that attacked the tobacco industry (p. A3).

Five hard-hitting television ads, which described the tobacco industry as unscrupulous and immoral for producing a deadly product, were written for

the federal Health and Welfare Department last year. Another television commercial, which the department's chief strategist said "vilified retailers who sold tobacco to minors," was also prepared, said James Mintz, director of the department's program promotions division.

However, "field results" showed that the anti-industry ads "were not a big hit," so the government decided not to use them (Howard, 1995, p. A3). It appears, however, that it was felt that the "traditional" ads were judged successful enough to continue using.

Other ads paid for by the Canadian government included fear appeal messages designed to get bystanders to report spouse abuse. A fear appeal argument produced by the Ontario Women's Directorate (a government agency) depicted women being assaulted by violent husbands. One ad shows a man slapping his wife at a train station (Rusk, 1994, p. A5).

Case 1.8: In one scene, for instance, a man waiting at a train station viciously slaps a woman who arrives late to pick him up. During the scene, as in all the incidents depicted, watching bystanders do nothing.

Another ad is described by Reid (1995, p. A20):

Case 1.9: This ad shows a man pushing his wife in the face over a broken jar of olives, while bystanders look on and do nothing.

According to Reid (1995, p. A20), both ads use film techniques to involve a feeling of fear: "The ads borrow horror-film techniques such as slowing down and amplifying the attacker's breathing and voice in order to create monstrous, inhuman sounds." Both ads were apparently designed to get action from viewers, according to Attorney General Marion Boyd, who was responsible for the ads (Rusk, 1995, p. A5).

Ms. Boyd said the directorate chose the current theme because it found that, while there is a general reluctance by people to get involved when they see violence, they are even more hesitant to intervene in something they perceive as a family matter.

The purpose of the ad was to overcome this reluctance to intervene, and to get bystanders to call the "wife-assault hotline" to report any such violence.

All of these ads—whether against smoking or spouse abuse—seem fairly reasonable, if they work. At least, it would seem too harsh to call them fallacious, or to classify them as scare tactics in a sense implying they are deceptive and logically incorrect, simply because the basis of their strategy is the use of a fear appeal argument. This benign evaluation is even more convincing when we turn to the use of fear appeal ads to try to lessen deaths and injuries caused by drunk driving.

The following case is a television commercial that appeared on the CBC network in December, 1994, as a message against drinking and driving. A printed message at the end, "Drinking and driving can *kill* your dreams" indicated that the ad was sponsored by Manitoba Public Insurance.

Case 1.10: Four teenagers are getting into a car, and the boy says to the girl, "Give me the keys!" but she replies, "I'll drive, OK?" They argue a bit, but he takes the keys, saying, "C'mon, I'll be fine. Let's go!" In the next scene, the four are seen driving along the highway at night. The boy, who is now driving, turns to talk to his girlfriend, and the car goes off the road and crashes. As the girl is carried on a stretcher into the ambulance, the attendant says to him, "Were you driving the car? How much did you have to drink tonight?" He replies, "She's not going to die, is she?" The boy is very distressed and tries to follow the ambulance, screaming out, "I have to go with her, please!" In the next scene, two police officers knock on the door of a house. When a woman answers, the one police officer says, "Mrs. Perrin? Do you have a daughter named Caroline?" She replies, "Yes," and then, as her husband comes in, she starts to cry. The police officer starts to say, "Ma'am, I'm sorry, but we have to inform you that your daughter . . ." The woman is now crying hysterically, saying, "No! No!" over and over. Then a voice says, "Driving and drinking can *kill* your dreams."

Of course it is an empirical question whether this ad was effective, in the sense of successfully persuading a significant number of people not to drink and drive. But the logical question of how to evaluate such a fear appeal argument is a different one. Is it fair or reasonable to categorize such an ad as a fallacious fear appeal argument (*ad metum*), because the argument appeals to emotion instead of presenting evidence (in the form of statistics on fatalities and drunk driving, for example)?

Probably it does not seem to most readers (at this point) that these ads should be classified as fallacious. However, the story may be different when we turn to fear appeal ads used in election campaigns and other political arguments. There seem to be numerous logical problems in these cases. One is that the fear appeal is used to attack a candidate personally, by suggesting he is a danger to voters. Another is that innuendo is often used, and the allegation is not well supported by the offering of the kind of evidence that would seem to be required. Another factor is that democratic politics is presumably based on the assumption that the voters will have at least some chance of making a rational choice between candidates, based on arguments that are not entirely fraudulent and deceptive. But the fear appeal ad has become so prominent as a political tool that it has featured prominently in recent U.S. presidential election campaigns.

4. FEAR APPEAL ADS IN PRESIDENTIAL CAMPAIGNS

Calantone and Warshaw (1985, p. 627) cited many cases in which fear appeal ads have been used in U.S. presidential campaigns. Among the most recent were the campaigns of 1980 and 1984, in which the Democrats attempted to portray Ronald Reagan as a dangerous and irresponsible person. According to Calantone and

Warshaw, such ads can be effective, but can also be countered effectively. Below is a summary of the results of their empirical study.

Candidates in elections are frequently called dangerous by detractors who seek to induce fear among voters. If these charges are made by credible sources, the attacked candidate will probably lose votes. Our study examines this issue plus two countering responses to such attacks; deny the validity of the charges and/or counterattack against the opponent. Each option is discussed in light of fear research, and an experiment is reported that supports the effectiveness of both denial and counterattack. Namely, fear-inducing charges by a credible source reduced the attacked candidate's vote. When a second credible source denied that the charges were valid or levied a counterattack against the alternate, the attacked candidate's vote loss was fully offset. When denial was combined with counterattack, the attacked candidate's vote increased above even its pre-attack level.

What is shown here is that the fear appeal type of argument, when used in campaign ads in political argumentation, combines fear with an *ad hominem* argument that attacks the character and credibility of the respondent. Thus a good deal of the effectiveness of the argument turns on the credibility of the respondent, as well as the credibility of the proponent of the argument in the fear appeal ad.

Calantone and Warshaw have shown how the respondent can counterattack by using "countering responses." He can deny the charge, or use an *ad hominem* attack to question the credibility of the attacker. However, a common problem is that the attack posed in the fear appeal ad is indirect. Instead of a direct attack that can be denied or questioned, the fear appeal in the ad may be based on innuendo. In such a case, neither countering response may undo the damage caused by the ad. The classic case of the successful use of a fear appeal argument in a presidential campaign is the so-called Willie Horton case. William R. Horton, who was in jail for murder in Massachusetts in 1986, was released on a furlough. After being released, he invaded a home in Maryland where he raped a woman and stabbed her fiancée. Horton had been on a weekend furlough which was part of an experiment in the criminal justice program of then-Governor Michael Dukakis. This incident occurred prior to the presidential campaign between Dukakis and George Bush in 1988. During this campaign, strategists on the Republican side used the Horton case as a very effective appeal to fear, suggesting that Dukakis was soft on crime.

According to a report in the *New York Times* given by Toner (1988, p. B6), William R. Horton was a convicted murderer who had been furloughed from a Massachusetts prison for a weekend on the night of April 3rd, 1987. He broke into the home of Angela and Clifford Barnes, a young couple who live in a suburb of Washington. Horton bound and stabbed Mr. Barnes and then raped his fiancée. Although the *New York Times* report describes the Barnes' as husband and wife, in fact, they were not married at the time, but were later married. Mr. Horton had been in prison for the murder of Joseph Fournier, a 17-year old vocational school student. Fournier was working at a gas station in Lawrence, Massachusetts on the night shift on October 26th, 1974 when he was robbed, stabbed nineteen times and his body left in a trash barrel (Toner, 1988, p. B6). Horton and two others were arrested and convicted of murder. Horton's sentence was life without parole, but he was judged eligible for a furlough under a program long supported by the Dukakis administra-

tion, which had the purpose of "re-integration" of inmates back into society (Toner, 1988, p. B6).

Starting in September, 1988, a whole series of televised ads appeared, put forward as part of the Bush campaign against Dukakis. These ads used the Horton case as a symbol of the terrors of crime in a fear appeal argument. Some also alleged that the ads exploited racist fears because Horton is black while his victims had been white. Bush himself often referred to the Horton case in his political speeches during the campaign. But, of special interest are the ads that appeared on television. A very good description of two of these ads is given in Jamieson (1992, pp. 17-18). The first ad described by Jamieson was put forward by the National Security Political Action Committee.

Case 1.11: The ad opens with side-by-side pictures of Dukakis and Bush. Dukakis's hair is unkempt, the photo dark. Bush, by contrast, is smiling and bathed in light. As the pictures appear, an announcer says "Bush and Dukakis on crime." A picture of Bush flashes on the screen. "Bush supports the death penalty for first-degree murderers." A picture of Dukakis. "Dukakis not only opposes the death penalty, he allowed first-degree murderers to have weekend passes from prison." A close-up mug shot of Horton flashes onto the screen. "One was Willie Horton, who murdered a boy in a robbery, stabbing him nineteen times." A blurry black-and-white photo of Horton apparently being arrested appears. "Despite a life sentence, Horton received ten weekend passes from prison." The words "kidnapping," "stabbing," and "raping" appear on the screen with Horton's picture as the announcer adds, "Horton fled, kidnapping a young couple, stabbing the man and repeatedly raping his girlfriend." The final photo again shows Michael Dukakis. The announcer notes "Weekend prison passes. Dukakis on crime."

When the Bush campaign's "revolving door" ad began to air on October 5, viewers read Horton from the PAC ad into the furlough ad. This stark black-and-white Bush ad opened with bleak prison scenes. It then cut to a procession of convicts circling through a revolving gate and marching toward the nation's living rooms. By carefully juxtaposing words and pictures, the ad invited the false inference that 268 first-degree murderers were furloughed by Dukakis to rape and kidnap. As the bleak visuals appeared, the announcer said that Dukakis had vetoed the death penalty and given furloughs to "first-degree murderers not eligible for parole. While out, many committed other crimes like kidnapping and rape."

Following the appearance of the two ads described above on television for two and one-half weeks, further ads sponsored by action committee groups on the Republican

side began to feature the victims of Horton. One of these ads showed the man whose fiancée had been raped by Horton (Jamieson, 1992, p. 20). In this ad, Mr. Barnes says that he was beaten, slashed and terrorized for twelve hours while his wife was brutally raped. Mr. Barnes then says "When his liberal experiment failed, Dukakis simply looked away. He also vetoed the death penalty bill. Regardless of the election, we are worried people who don't know enough about Mike Dukakis" (Jamieson, 1992, pp. 20-21).

Jamieson (1992) is highly critical of the argumentation used in these political ads. For example (p. 23), according to her analysis, the Bush revolving door ad "invited the false inference that Dukakis had furloughed 268 first-degree murderers who had then raped and kidnapped" (p. 23). However, the ads were widely seen as highly effective. According to Lamar (1988, p. 22), Dukakis had worked hard to reverse his earlier image of being too liberal on crime and had achieved an impressive record in this area. However, the furor about the Horton furlough achieved such a momentum in the news media that it had the effect of overshadowing Dukakis's achievements in the area of crime. Although Massachusetts is one among 45 other states that allowed prison leaves (Lamar, 1988, p. 22), and defenders of these furlough programs argued that they provide relief in dangerously overcrowded prisons. But the furor provoked in the media by the Horton case was such a powerful argument in the political campaign that it tended to overshadow these contrary arguments. The Horton ads were a successful appeal to fear of crime.

According to Alter (1988, p. 15), Dukakis also explained that he had inherited the furlough program from his predecessor and, when the cry for reform grew loud enough, he eventually changed this program. Dukakis also stressed his record on law enforcement in Massachusetts (Alter, 1988, p. 15). However, none of these counter-arguments appeared to be successful. Dukakis appeared to be on the defensive, given the enormous impact of the Horton case in the Republican campaign arguments. The appeal to fear made the position of the Dukakis side appear weak and defensive.

According to Gest (1988, p. 18), Horton became a central symbol in the battle for values in the presidential campaign. In particular, Horton became the symbol of the liberalism of Dukakis, casting doubt on Dukakis's claims that he is tough on crime and a good manager (Gest, 1988, p. 16). Media reports like Gest (1988, p. 17) pointed out that most murderers get out of jail within eight years of sentencing with or without furloughs. However, this information didn't seem to have much effect on the impact of the fear appeal argument used in the Horton case. The image of Horton raping and terrorizing while on the furlough seemed to be such a powerful argument in the election campaign, and seemed to have such an enormous visual and emotional impact, that the various counterarguments used by the media and by the Dukakis camp to set this fear appeal into some kind of perspective did not appear to have much effect.

According to a report in the *New York Times* (Rosenthal, 1988, p. A1), foes of the Bush campaign accused them of using the Willie Horton ad to inflame racial tension. Senator Lloyd Bentsen, Reverend Jesse Jackson, and other Democrats, accused the Republican campaign of inflaming racial fears with the Horton ad (Rosenthal, 1988, p. A1). However, these tactics to counter the Republicans did not appear to have much effect, and Lee Atwater, according to Rosenthal (1988, p. B5), told reporters that the Horton case is a "gut issue" and a "value issue," and that if the Republicans "keep hammering away" at this issue, they are going to win. In the

controversy about the racial issue in the revolving door ad, it was pointed out that there were only a few discernibly black faces among the two dozen or so prisoners shown in the ad (Rosenthal, 1988, p. B5). However, the Democrats didn't seem to get too far with the public in accusing the Republicans of purposely exploiting racial hatred in their use of the Horton ads.

According to Martz (1988, p. 17), political analysts did comment that one of the messages in the Republican ads had a racist dimension in that Horton's picture was described as menacing and brutal. However, according to Martz *et al.* (1988, p. 17), Bush staffers denied racist intentions, and by and large, the Dukakis camp showed no eagerness to make racism an issue.

According to Schram (1990, p. 17), the original Horton ad was produced by Larry McCarthy, who worked for an organization called "Americans for Bush," an independent group that was part of the National Security Political Action Committee headed by a former chairman of the Joint Chiefs of Staff. This organization apparently had no connection with the Bush campaign. The campaign manager of the Bush campaign was Lee Atwater, and Roger Ailes was the message strategist (Schram, 1990, p. 17). McCarthy realized that the photograph of the face of Horton looked menacing and would have tremendous visual impact if included in the ad. Therefore, McCarthy decided to make two ads—one included the Horton photo and the other omitted it (Schram, 1990, p. 19). He sent both ads to the cable networks and then each network made the substitution as requested (Schram, 1990, p. 19). McCarthy didn't have enough money to buy time for the Horton ads on the major networks, so what he did was to allow a videotape of the ad featuring the picture of Horton to be broadcast on a television talk show where panelists discussed it. Once the media picked up on this program, it became major network news. Then, two weeks later, Roger Ailes aired his famous ad featuring the revolving jailhouse door (Schram, 1990, p. 19). This ad did not show the photograph of Horton nor did it even mention his name and, according to Ailes, this omission was done on purpose because he was afraid that, if they did use Horton's name or photo, that they would be accused of racism (Schram, 1990, p. 19). Then, after McCarthy's TV ad was spread out by news reports, the Bush campaign protested loudly and, after the ad had run for 25 days, the Bush campaign chairman formally requested that it no longer be shown (Schram, 1990, p. 19). So, what is important to see here is that the Bush campaign separated itself from the group that put forward the original ad using the pictures of Horton. In fact, according to Schram (1990, p. 17), the Bush campaign had no official connection with, and publicly disavowed the action group that ran the ad. In fact, according to Schram (1990, p. 17), the Bush campaign was barred by law from contact with the action group.

This tactic in argumentation of shielding oneself off from a burden of proof is common in election campaigns. The technique is to use a veiled or indirect approach in presenting the argument in order to achieve plausible deniability. Thus, when an *ad hominem* attack or other type of powerful argument is put forward as part of a political campaign, is so powerful that it could backfire, typically, the argument is put forward from, or leaked from, sources independently of the main figure in the campaign. For example, the phrase may be used "Sources close to the President said that . . ." By distancing him or herself from the attack, the principal can achieve plausible deniability and thereby evade burden of proof or responsibility for having made the charge. The use of the fear appeal argument by the Republican strategists

was perceived as being so successful that this type of argument has become more and more popular.

5. SCARING BY SUGGESTION

Some fear appeal arguments work by sketching out a picture that suggests (often rather vaguely) something that is highly fearful to a target audience. This type of fear appeal argument tends to be logically weak, because it is based on suggestions instead of hard evidence that the fearful event really will occur.

According to Jason (1987, p. 498) government bureaucrats routinely use "scare tactics" arguments to manipulate public opinion. Such cases are common, according to Jason, and he cites a type of example where, on a foreign policy issue, both sides commonly resort to this tactic (p. 498).

Case 1.12: Foreign policy decisions are made behind close doors, and then "justified" by scare tactics ("if we don't send arms to Nicaragua, the communists will soon be at our border!" cry the conservative policy makers; "if we send arms to Nicaragua, we will be in another Vietnam!" cry the liberal policy makers.)

Jason (p. 498) sees this type of case as a fallacious use of the *ad baculum*, because the bureaucrats are using scare tactics to manipulate, not to "logically persuade" the public. However, this assessment may be somewhat severe (as will be argued in chapter 7), because both sides have a right to use partisan advocacy in trying to persuade the public to swing towards their viewpoint in a balance of considerations argument. In case 1.12, however, clearly the arguments are weak, because they base the fear aspect more on suggested possibilities that are scary, but that (if you reflect on the evidence) are not likely to occur. For example, the arguments in case 1.12 make claims that are highly implausible, and present no evidence for them (at least as far as we are told, in the presentation of case 1.12).

At any rate, suspending judgment until chapter 7 on whether the argument in case 1.12 really is fallacious or not, it is interesting to observe that both sides in the dispute can use the same type of argument. Both arguments seem to postulate an unstated sequence of negative consequences resulting in some terribly bad outcome. Both are vague and highly contextual, but they come close to being short form slippery slope arguments, where a first step is linked by a sequence of connected events to some dangerous final outcome.

In most fear appeal arguments, the conditional is a simple two-step connection between two propositions or events—the hearer is told that if he carries out some action, then some bad event will occur that is fearful to him. However, in some cases, the fear appeal argument can be more complex in its structure. What is alleged by the speaker is that if the hearer carries out one action, then that will lead to another, and so forth, in a sequence of connected events that results in some horrible or fearful outcome. What is fearful for the respondent in this type of argument can be not only the final outcome, but also the uncertainty and insecurity attached to the uncontrollability of this sequence. Some dangerous event that, it is said, might

happen in the future, raises gloomy foreboding and fears related to the uncontrollability of what could possibly happen in an uncertain world. Fear appeal arguments like those cited in case 1.12 trade on uncertainty about a possible future sequence of events that might be set into motion once a step in a certain direction is taken.

The Horton case was not the first instance of the effective use of an appeal argument in an American election campaign. The striking use of a fear appeal argument in a visual political ad was illustrated by a famous television ad used by the Democrats in the 1964 presidential campaign. This ad, described by Jamieson (1992, pp. 54-55) as follows, demonstrates the power of television to use visual associations to evoke an inference from an audience.

Case 1.13: The Democrats juxtaposed a child plucking the petals from a daisy with the explosion of a bomb as Lyndon Johnson extolled the value of loving one another. A young girl is picking daisies in a field. "Four, five, six, seven," she says. An announcer's voice (actually the voice used to count down the space launches at Cape Canaveral) begins an ominous count. "Ten, nine, eight . . ." At zero the camera has closed on the child's eye. A nuclear bomb explodes. Lyndon Johnson's voice is heard: "These are the stakes. To make a world in which all of God's children can live. Or to go into the darkness. We must either love each other. Or we must die." Until the tag line appears, the ad has no explicit partisan content. "Vote for President Johnson on November 3. The stakes are too high for you to stay at home."

The argument expressed by this ad is an interesting fear appeal argument because it explicitly uses a device that could be called "dichotomization." Johnson's voice puts the choice as one between two alternatives—voting for Johnson, i.e., making a world in which we love each other, where all children can live, or voting for Goldwater, i.e., going into the darkness of a nuclear holocaust.

A curious example of the use of scare tactics in a scientific report is cited by Corcoran (1994, p. B2). A report on Great Lakes Water Quality, released by the International Joint Commission (IJC), a Canada-U.S. panel that regularly reviews progress on cleaning up the Great Lakes, cited certain frightening effects of pollution:

Case 1.14: According to the commission's U.S. chairman, Gordon Durnill, toxic substances dumped into the Great Lakes are causing serious harm to human reproduction systems. Mr. Durnill, interviewed by a reporter, said the harm includes "situations such as reduced penis size, testicular cancer, nondescended testes, and just a very major disruption of the ability of the male to reproduce."

Corcoran (p. B2) comments "there is no scientific evidence to support the existence of a connection between Great Lakes water and the size of sexual organs," but the

idea of such a connection is a scaremongering tactic that certainly is "attention-grabbing."

Corcoran (p. B2) also cites the use of speculative conditions in the report as another questionable kind of argument:

The use of scary "What if . . ." statements are particularly dangerous. "What if the documented declining learning performance and increasing incidence of problem behavior in school children are not functions of the educational system? What if they are the result of exposure to developmental toxicants?"

Another statement quoted from the report is cited (p. B2) as a dismissal of cause and effect by replacing it with "broad relationships between substances and circumstances and probabilities."

"If, taken together, the amount and consistency of evidence across a wide range of circumstances and/or toxic substances are judged sufficient to indicate the reality or a strong probability of a linkage between certain substances or class of substances and injury, a conclusion of a causal relationship can be made."

This kind of use of suggested causal relationships to promote a climate of apprehension and provoke "noncrises" has become a familiar phenomenon of so-called "junk science" (Huber, 1991).

Cases 1.12, 1.13 and 1.14 are fear appeal arguments that are logically weak, because the outcome is very fearful, but it is improbable that it will occur, and the argument offered gives little or no evidence to back up the claim that it might or will occur. In fact, the argument is little better than a suggestion that such a scary outcome might possibly occur. The tactic is one of making a scary suggestion without giving enough (or even any) evidence to back up the argument.

One can see then how fear appeal arguments can be exploited or abused to play on the deeper psychological fears of an audience quite effectively, even though the logic of the argument is sketchy at best. The power of these ads has been appreciated by psychologists, who have been, for some years, studying them to see how they work. Although much data have been collected through many experiments, the problem has been to get a clear enough theory of the structure of the fear appeal argument, to grasp what the variables in it really are. It seems that the fear appeal argument may be somewhat more complex in its structure than it may appear to be on the surface.

6. THREE SOCIAL SCIENCE FEAR APPEAL MODELS

Experimental work in the social sciences has developed three different theories or models to explain how fear appeal arguments work in influencing behavior and attitudes—the drive model (Janis, 1967), the parallel response model (Leventhal, 1970), and the protection motivation model (Rogers, 1975). While an impressive number of empirical investigations have been undertaken by social scientists, there is conflicting evidence on whether fear appeals are effective in changing behavior, and

on what factors make them more or less effective. Each of the three models is more sophisticated than its predecessor(s), as more factors are accounted for in the models.

According to the drive model, when an organism is in an unpleasant state, it will strive to reduce that state, and this striving process is called a "drive." Newcomb, Turner and Converse (1965, p. 23) define *drives* as "bodily states that initiate tendencies to general activity. These states are frequently experienced as states of tension or restlessness." Hunger and fear are both taken to be drives. Fear was seen as a drive "aroused by exposure to a message that detailed the gruesome consequences of failure to behave in accordance with the advocacy" expressed in the message. According to drive theory, the drive in a fear appeal is towards reduction of the fear. Hence, experimental testing using the drive theory involves measuring fear twice—once at the end of the "arousal phase" and once at the end of the abatement phase (Dillard, 1994, p. 297). The sequence of events postulated by the drive theory are (1) fear arousal, produced by the message, and (2) a need for fear reduction, leading to (3) a change in attitude and/or behavior.

According to the drive theory, the more fear that is aroused, the greater is the likelihood that the fear appeal will be successful. But this relationship works up to a certain point, and then reverses itself when the fear becomes too intense. Beck and Frankel (1981, p. 206) explain how this double effect works, according to the drive model.

The more fear and the more subsequent reduction of the fear by reassuring information, the greater the motivation to engage in the recommended health activity. However, when the fearful drive state becomes so intense that the recommended actions are no longer sufficiently reassuring, individuals become motivated to reduce their fear by other means such as not attending to the message, minimizing their perceived susceptibility to the health threat, or impugning the credibility of the communicator.

An experimental outcome predicted by the drive model was the failure of high school students to accept a fear appeal message once the fear arousal in the message was too high (Beck and Frankel, 1981, p. 206). In general, however, the drive model was not well supported by empirical research findings. According to Rogers (1983, p. 156) the drive model had to be abandoned because it failed to show a direct relationship between drive (fear) and attitude change, because it appeared to be overlooking other variables that influence attitude change in fear appeals. What it overlooked appeared to be a cognitive component in how subjects react to a fear appeal argument by thinking about different ways to deal with it, other than by taking the recommended action precisely cited in the fear appeal message. It seems that respondents have various ways of maneuvering around the fear appeal that are not accounted for in the drive model.

The parallel response model cites two independent but parallel systems at work in the fear appeal. One is fear control, seen as a need to cope with fear, as in drive theory. The other is danger control, which involves changing the circumstances to reduce the danger.

Danger control involves the selection and execution of responses aimed at averting the threat. Because the threat exists in the environment, the individual must alter her or his relationship with the environment in order

to reduce the danger. Consequently, the danger control process depends heavily upon external cues.

In contrast, the purpose of *fear control* is to reduce or eliminate the unpleasant experience of fear. The sensation of fear arises from "internal bodily disturbances (which are labeled as affective or emotional)" (Leventhal, 1970, p. 172). A variety of methods of fear reduction are possible. These include, but are not limited to, avoidance reactions, distraction, denial, and management of one's own physiology, perhaps through substances such as alcohol (Dillard, 1994, p. 298).

In Leventhal's model fear control and danger control are seen as simultaneous events, rather than as being sequentially related (Leventhal, 1971, p. 1211):

Responses to control danger are aimed at manipulating the external environment, by changing the danger agent and its ability to strike us. Responses to control fear are concerned with avoiding contact with stimuli which are fear-producing and to engage in reactions, such as eating, sleeping, intense laughter, etc., that will interfere with or disrupt unpleasant emotional responses.

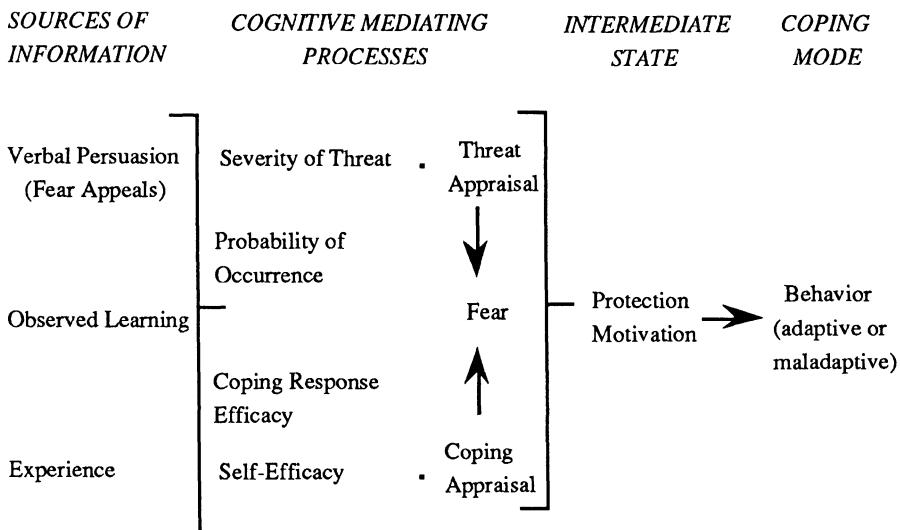
What is indicated by the parallel response model is that there might be two quite different ways a respondent might react to a fear appeal argument. One way is to take some form of action to try to avert or minimize the danger. But another way is to try to reduce the fear, by simply ignoring it, for example, or even by trying to rationalize it. In the parallel process model, danger control leads to action, while fear control is an emotional process in which the respondent copes with the fear, not the danger (Witte, 1995, p. 231).

Although the parallel response model was recognized as drawing an important distinction between fear motivation and danger motivation, it failed to specify the stimulus conditions that lead to one response or the other (Beck and Frankel, 1981, p. 209). This major weakness led empirical researchers to see the parallel response model as not adequate, by itself, to predict experimental outcomes of fear appeal messages. Thus it was seen (Leventhal, 1970, p. 181) as only a "first step" towards a theory of fear appeals. The parallel response model was seen as an advance over the more simple drive model, however, because it introduced a cognitive component, by postulating the recipient of the message as choosing different responses, and forming a plan of action to try to control the danger presented by the fear appeal message.

The cognitive aspect of fear appeal responses is made even more explicit in the protection motivation model. According to this model, the response to a fear appeal depends on three crucial factors: (1) the perception of the severity of the danger, (2) the likelihood of its occurrence, and (3) the belief in the effectiveness of the subject's coping response (Rogers, 1983, pp. 157-158; Tanner, Day and Crask, 1989, p. 269). These three factors are labeled by Beck and Frankel (1981, p. 210) as (1) *seriousness of the threat*, meaning the perceived level of danger conveyed by the message, (2) *susceptibility to the threat*, meaning the probability that it will occur, and (3) *effectiveness*, meaning how controllable the threat is perceived to be. Note that in the usage adopted in this social science literature, the word 'threat' refers to the danger postulated by the fear appeal message.

Figure 1.1 represents the structure of the protection motivation model.

Figure 1.1. (Tanner, Day and Crask, 1989, p. 269)

Protection Motivation Model

"Self-efficacy" in figure 1.1 refers to the subject's expectation that he can cope with the danger. If the subject feels he can cope with the danger, within his existing resources, fear is not aroused. If not, then fear is aroused.

The protection motivation model expresses the structure of the fear appeal as based on a kind of rational calculation of the probability and severity of a set of outcomes. This structure, sometimes called "subjective expected utility," is familiar to those who study reasoning and cognition, and is similar to the kind of structure often called "cost-benefit analysis." This model of human cognition sees the agent or human subject as a kind of rational calculator who weighs alternative courses of action by estimating the probability of occurrence in with the appraised positive or negative values of these alternatives. The protection motivation model has the advantage that it takes more variables into account than the other two models. But some have criticized it precisely because of its cognition emphasis.

Tanner, Day and Crask (1989, p. 269) comment that the protection motivation model is "only concerned with the danger-control process." In this theory, the element of fear could even be said to have been lost sight of, because the structure of the so-called fear appeal argument represents a kind of response to danger. As Tanner, Day and Crask (1989, p. 269) put it: "Because fear is an emotion, fear may be present, but plays no part in this process." The process is one of how a subject protects himself against a perceived danger by taking a course of action.

The social scientists began by trying to link the emotion or "drive" of fear directly to the subject's behavior. But with the advent of the parallel response model, the necessity of introducing a cognitive component was made evident, in order to account

for the experimental data. The subject has to be seen as thinking through a calculated response to perceived danger, as well as fear. Finally, with the advent of the protection motivation model, we see more of a process of reasoning involved in modeling how the subject reacts to a fear appeal, by engaging in some kind of orderly goal-directed process of thinking.

7. LOGICAL AND RHETORICAL STRUCTURE OF FEAR APPEAL ARGUMENTS

The social scientists have been primarily interested in the empirical task of explaining and predicting how fear appeal arguments work to alter behavior. But the emergence of the cognitive component in their investigations suggests that there could be a logical or normative component involved, and that to get the best understanding of fear appeal arguments, the empirical and normative components need to be combined. The normative or logical structure of the fear appeal argument has not yet been systematically studied. But some features of it are already evident from the cases studied in this chapter.

The term 'fear appeal argument,' judging by the examples of its use studied so far, refers to a specific type of argument that has three central characteristics: (i) it cites some possible outcome that is fearful to the target audience, (ii) in order to get that audience to take a recommended course of action, (iii) by arguing that in order to avoid the fearful outcome, the audience should take the recommended course of action. As will be shown in chapter 5, there are various special forms of argument that conform to this general form of the fear appeal argument. One of these forms is based on a set of alternatives, and the argument suggests to the audience that the best way to avoid the fearful outcome is to take the recommended course of action. One subspecies of this disjunctive form of argumentation postulates only two choices—either take the recommended action or the fearful outcome will occur. In this dichotomized form of the argument, the gist of the argument is: the *only* way you can avoid this very fearful outcome is to take the recommended action. For example, this dichotomizing feature of fear appeal arguments was present in case 1.13, where the nuclear explosion commercial put the choice between two alternatives for the audience—voting for Johnson (associated with a world of love and flowers), or voting for Goldwater (associated with a nuclear holocaust). Dichotomization is a rhetorical tactic that is evident in many of the cases studied above as well. Dichotomization is rhetorically effective because it simplifies the fear appeal argument, leaving no room for potential rationalization or equivocation.

Dichotomization means that the fear appeal argument sharply divides the respondent's available options into two mutually exclusive actions (events) where one will (supposedly) occur if and only if the other does not occur. In other words, the upshot of the dichotomized argument is that the respondent has only two options, and that no third option is possible. Either the respondent must do exactly this one particular thing, or else the fearful outcome will occur. The rhetorical force of the fear appeal argument often depends on this dichotomization. It must appear to the respondent that he has no other options. It must not seem to him that he can "wriggle out" of

the dichotomy by some compromise—by partly doing one thing and partly doing the other. No middle way must appear to be left, or the appeal to fear may not work.

So we begin to see how the fear appeal argument works. By making one option appear terribly fearful to the audience, the argument pushes the audience strongly towards the other option. These are not only the empirical conditions of the effectiveness of a fear appeal argument, but they also reflect its underlying rationality as a logical type of argument with a normative structure. The disjunctive syllogism is a very common type of argument used in logical deliberations. Where *A* and *B* are propositions, it has the following form: either *A* or *B*; not *A*; therefore *B*. The 'either . . . or' is meant in the exclusive sense, directing the agent to choose one or the other proposition, but not both. This basic form of inference is clearly an important aspect of the logical structure of fear appeal arguments. One premise is dichotomization. Another premise is the elimination of the one disjunct of the dichotomy, by associating it with fear. The conclusion is to accept the other disjunct of the dichotomy. But other variables are involved as well. The recommended course of action must be relatively easy to carry out. And the way the danger is presented as a "threat" is important as well.

Witte's research indicated that fear appeals can be effective, but only under two conditions: (a) the threat must be credible, so that the respondent takes it as a real danger to her, and (b) the action recommended to deter the threat must be perceived by the respondent as feasible, and easy to carry out. In fact, our analysis is that this research indicates that the respondent is influenced by the balance between factors (a) and (b). Only if the feasibility and ease of the recommended action outweigh the threat will the respondent be persuaded to take the action. Otherwise, the respondent will choose to deal with the threat emotionally, e.g., by rationalizing that it might not really happen. This structuring of the options appears to be a function of the logic of the fear appeal argument.

In fact, in the case of using fear appeals to try to get adolescents to use condoms in a Canadian program, the response typically given by adolescents who resisted the message was, "It could never happen to me." This was credited to a characteristic of adolescents, who feel that they are "immortal" or that deadly consequences could never happen to them personally.⁵ This amounts to a questioning or denial of condition (a) above.

These empirical questions about the efficacy of fear appeals as arguments leads to, and appears to be connected with normative questions concerning the conditions under which such arguments are correct or incorrect. By 'correct' and 'incorrect' here we do not mean deductively valid or inductively strong, but refer to the pragmatic standards under which such arguments are used to shift a burden of proof in a dialogue exchange (Walton, *Plaus. Arg.*, 1992). Fear appeal arguments do appear to have a structure, as species of argumentation from consequences, that does involve normative requirements under which they may be used correctly (appropriately), or not, to meet these requirements.

Of course, this normative question of whether the argument is correct or not, according to some structural standard of what constitutes a correct argument, is not the primary concern of the empirical research on appeal to fear. The primary concern of this research is to determine the conditions under which such arguments are *effective* (efficacious) in the sense of successfully leading the respondent audience to

comply with the recommendation of the conclusion by carrying out the designated action.

However, it could well be that the effectiveness of fear appeal arguments in persuading target audiences is closely connected in many cases with the normative structure of this type of argument. That is, such arguments may tend to be more effective when they do in fact function as practically reasonable arguments that conform to an audience's perceptions, commitments and goals, and guide these premises towards a conclusion that expresses a practical 'ought.' To explore this hypothesis, let us try to define the type of argument more precisely, before working towards an analysis of its structure, in later chapters. The following account will be refined and fully developed later, in the form of a theory of fear appeal arguments. But for the present, a certain common pattern, or normative structure of the reasoning used, is evident in the cases studied so far.

The argument from fear appeal has a dialectical (dialogue) structure based on the following components. The argument has a proponent P who engages in dialogue with a respondent (opponent, audience), R . The purpose of the dialogue is for P to get R to carry out a particular action A . The means of getting compliance centers on a danger, D , that is a very bad outcome from R 's point of view, and generally represents a potential loss of R 's safety or continued well-being. In many cases, D represents loss of life for R . What is essentially characteristic of D in the fear appeal argument is that the proponent thinks that D is particularly fearful for R . These characteristics are evident in the range of cases cited above.

The crux of the inferential structure argument from fear appeal is the following conditional, presented as a message from P to R .

(CE) If you (R) do not bring about A , then D will occur.

The conditional (CF) is used in the argument from fear appeal as part of the following inference, presented by P to R . More accurately, this chain of reasoning is a sequence of two inferences linked together.

(DF) D is very bad for you.

Therefore, you ought to stop D if possible.

But the only way for you to stop D is to bring about A .

Therefore, you ought to bring about A .

The effect of (DF), when employed in a particular case against a respondent R , is to put R between a rock and a hard place (dichotomization). R must either accept that D will happen, an outcome that is, of course, very hard for R to live with. Or, R must bring about A . Thus the purpose of using the fear appeal argument is to get R to bring about A , the recommended course of action (omission).

However, another aspect of the practical context in which this type of argument is used in everyday conversational exchange is that generally, bringing about A involves some level of hardship or unpleasantness for R . Thus when P uses the fear appeal argument, it has to provide enough incentive to overcome R 's resistance to doing A . The fear appeal argument is scary. It is not used or useful in the broad range of cases of everyday arguments. It is only needed when there is enough resistance or inertia on the part of R that an argument with a strong impact is needed to overcome that resis-

tance. Hence the appropriateness of the expression "between a rock and a hard place" to describe the position of R . Bringing about A for R involves some degree of pain, effort, or unpleasantness. Thus for the argument to be effective, the negative value of D for R must be significantly greater than the negative value of carrying out A . The awful badness of D , so to speak, must force R towards the option of choosing the limited badness of A . Pain must be chosen in order to avoid greater pain.

One aspect of the fear appeal argument that is not an essential characteristic of it, but is nevertheless important in seeing how it works, relates to the two variables D and A . Quite often, D is a long-term consequence that may well occur at some future, unspecified time. But A may be an action that requires immediate steps to be taken right now, or that affects what is happening on a short-term, more immediate basis, for R . This temporal aspect is characteristic of practical reasoning as used in deliberation and planning—see Wilensky (1983) and Walton (*Pract. Reas.*, 1990)—of the kind now called multi-agent reasoning in artificial intelligence.

This practical reasoning aspect is important because appeal to fear arguments are frequently most useful where there is a trade-off between a long-term outcome or goal, and some daily action that has short-term impact. These arguments frequently involve a choice between long-term safety and immediate gratification. Thus if the respondent does not have much of a grasp of the long-term consequences of actions, or for some reason, does not care about them, then the use of the argument from appeal to fear may not be effective.

Hence this type of argument may be more effective on some respondents than on others. If the respondent is an adolescent, for example, who has little interest in, or appreciation of the long-term consequences of her actions, then the fear appeal argument will not be effective. But it is well to emphasize that it is not just the empirical effectiveness of fear appeal arguments that is our subject of investigation. Our primary concern is with their normative structure as a distinctive type of argument. When (CE) and (DF) are put together, an underlying structure of reasoning used in fear appeal arguments is revealed. It can be seen clearly then that fear appeal arguments do have a logical structure representing the cognitive component in how they work to persuade.

These tentative evaluations point the way to our ultimate analysis in this book of the underlying cognitive structure of the fear appeal type of argument, as a species of practical reasoning that joins together actions and goals in relation to an agent's perception of a given situation. As prudential or practical arguments, these inferences can be evaluated as logically strong or weak, in relation to the information given about ways and means of avoiding a bad or fearful outcome in a given case. But now we are introducing a whole new dimension to the study of fear appeal arguments. We are considering how to judge each argument, from a normative point of view, as strong or weak. Such a project takes us out of empirical psychology and into the area of logic.

8. INTRODUCING THE *AD BACULUM* FALLACY

There is considerable interest in fear appeal arguments both in the normative (logical) and the empirical (psychological) literature on argumentation.⁶ However, these two streams are, so far, relatively independent of each other. In this book, an attempt is

made to join them together, or at least open up a canal between them, and to give a more precise analysis of the structure of this type of argument generally.

In the social sciences, fear appeal arguments have been studied to determine their efficacy in getting a target group of respondents to adopt a recommended course of action. Primarily, commercial advertisements directed to a public audience have been the focus. In this chapter, we have identified important, underlying structural relationships between these two aspects, i.e., the normative aspect of whether the argument is correct or fallacious, versus the empirical aspect of whether the argument is efficacious or not in gaining compliance. But the normative aspect has been studied in logic, under a broader category, in which not only fear appeal arguments, but also arguments based on appeals to force and appeals to threats are included. Although the fear appeal argument, as studied in the social sciences, is often described in that literature as based on "threatening" or a "threat," as we have seen, the term 'threat' is used in a special, technical sense, referring to what is called the "danger" in the parallel response model. The "danger," for example, in an ad warning about the danger of drunk driving is death. The ad is not meant to convey a literal threat, saying that if you do not stop engaging in drunk driving, the government will kill you. But in the tradition of logic, a so-called *ad baculum* argument includes arguments that actually make a threat to the respondent. An *ad baculum* argument, according to the *Dictionary of Philosophy* (Runes, 1964, p. 19) is "an argument deriving its strength from appeal to human timidity or fears; it may contain, implicitly or explicitly, a threat." *Ad baculum* arguments, long regarded as fallacious in logic, are shown in this book to be very common in the practices of everyday argumentation—they are frequently used in international negotiations, legal arguments, political arguments, advertising and sales, and are currently very popular in government-sponsored ad campaigns. The question investigated by this book is whether these arguments are as fallacious as tradition presumes, or if they are not always fallacious, whether criteria for evaluating them can be given.

An example of an *ad baculum* argument containing an implicit threat (case 2.1) is the reply of the utility company representative to the community member who criticized the company's policy, saying, "You wouldn't want our company to withdraw its business from your fair city, would you?" This not-so-innocent question makes an implicit threat by appealing to the interests of the community. The threat is expressed in the form of a conditional: "If you don't stop this criticism of our company, we will withdraw our business from your community." Certainly one can see in this kind of case the basis for calling the *ad baculum* argument a fallacy—the threat made by the company representative seems to be an unfair way of attempting to silence a criticism that may be valid, or at any rate should have a fair hearing.

The fear appeal arguments studied in this chapter, even though they would fall under the general heading of the *ad baculum* type of argument, do not seem to be fallacious, however. The things they warn about—the dangers of smoking, spouse abuse, and drunk driving—really are dangerous, and are eminently worth warning about. In these cases, in fact, the use of fear appeal argumentation seems highly reasonable and appropriate. It is much harder to brush off the fear appeal arguments in these cases as being *ad baculum* fallacies. In these cases, the purpose of the ad—to get teenagers to think twice before driving after drinking, or to get people to stop smoking—is commendable, and one hesitates to judge the *ad baculum* in the ad as fallacious.

9. FALLACIOUS AND WEAK ARGUMENTS

Criteria for evaluating when an *ad baculum* argument is fallacious or not will be given later in this book. But to prepare the way for these developments, and to close chapter 1 to the reader's satisfaction, some preliminary consideration of the cases in chapter 1 on this issue is needed. Are fear appeal arguments fallacious? Citing cases 1.5, 1.6, 1.7, and 1.8, it would seem fair to comment that while the fear appeal arguments used here are manipulative, they seem to be based on good reasons that could be quite well supported by scientific evidence. On what basis then could we argue that such a use of a fear appeal argument by a government bureaucracy is fallacious?

Jason (1987, p. 498) presents an interesting case to justify his thesis that domestic political policies are often justified by government bureaucracies through the use of scare tactics in fallacious *ad baculum* arguments.

Case 1.15: For example, in the U.S. today, there is a governmental campaign to get people to obey the 55 MPH speed limit. The 55 MPH law was passed a decade ago as a measure to lower gasoline usage during the energy crisis. The public, through their representatives, voted the law in. However, long after the energy crisis ended, the Department of Transportation has pushed to keep the law enforced, and has put messages in all the media to the effect that the 55 MPH limit saves lives. Their messages invariably show horrible automobile accidents and other such frightening scenes. Yet the statistical evidence for the claim that the lower speed limit does indeed save lives is absolutely insufficient. The scare tactics are used precisely because the evidence is lacking for a policy the bureaucrats wish to keep in place.

According to Jason, this type of *ad baculum* argument is fallacious precisely because it uses manipulation instead of evidence to "logically persuade" the public. But the negative consequences of traffic accidents that result in injury and loss of life surely do constitute some sort of evidence relevant to the speed limit issue. And the bureaucrats surely have a right to present commercial advocacy messages to support their point of view, if they think it is right.

To say that an argument is fallacious is a strong charge, entailing more than just the claim that the argument is weak, or has been insufficiently supported by good evidence. A fallacy is an underlying, systematic kind of error or deceptive tactic of argument used to deceptively get the best of a speech partner (Walton, *Prag. Theory*, 1995). If the only basis we have for criticizing a fear appeal argument in a given case is that evidence is lacking to support the policy it recommends, that should not be enough (by itself) to evaluate the argument as a fallacious *ad baculum*.

Indeed, what we have found in this chapter is that the range of cases studied fall along a spectrum from weak to strong arguments. Moreover, they are prudential arguments that can fall short, or be insufficiently supported, in various ways. But fear appeal arguments, because of their persuasiveness can be effective when used in

cleverly deceptive commercial and government advertisements. Jamieson (1992) had already noted that the use of the fear appeal argument in the Bush revolving door ad—see case 1.11—invited false inferences to the effect that Dukakis had furloughed 268 murderers who then raped and kidnapped. The cases in section 2 also served to show how fear appeal ads can misleadingly suggest conclusions that are not well supported.

But how and why are these powerful, manipulative, misleading, and cleverly deceptive arguments instances of some fallacy? A more precise definition of the *ad baculum* is needed before we can advance towards a precise and well worked out answer to this question. And how does the fear appeal argument fit in with the treatment of this fallacy in logic? Is there some structure common to the fear appeal argument and the more traditional type of *ad baculum* argument where a threat is made? These are the questions that need to be answered.

10. EVALUATING CASES

The fear appeal arguments that have been really effective, among the cases studied in this chapter, find something really frightening to the target audience (a nuclear holocaust, in case 1.13) and then present the action (they want the audience to take) as the only alternative. But how is this tactic of dichotomization used in the cases presented in chapter 1?

The fear appeal argument worked in the Horton case because of a perceived link between voting for Dukakis and the release of a dangerous criminal. The image conveyed of a stranger invading your home and committing the worse kinds of crimes and bodily injuries is something that definitely creates a feeling that evokes a powerful appeal to fear. In this case, this horrible scenario is linked to decisions and policies of then-Governor Dukakis. The inference that the respondents are encouraged to draw is that, if Dukakis is elected, this kind of thing could continue to happen. Perhaps, it is being suggested, it could happen on an even wider scale, and even more frighteningly, it could happen to you personally. The appeal to fear argument, in this case, does not contain a threat or an appeal to threat—that is, the Republicans are not arguing that somehow, if the voters don't vote their way, they will release other people like Horton or somehow punish people by setting criminals on them. There is no implication of that sort in the ads at all. Rather, the argument is a pure appeal to fear in the sense that a fearful situation that could impact on any citizen is evoked, and the implication is drawn that, if people vote a certain way, i.e., for Dukakis, that this would make the situation more likely to happen, or might even make it possible for it to happen to them personally. The line of argument implicit in the ad takes the form of a disjunctive syllogism of a kind that is common in practical deliberation. You, the voter, have a choice. You can vote for Dukakis or Bush, but, if you do vote for Dukakis, then you may be doing something that will bring about a very fearful situation which could lead to consequences that might even be very dangerous for you personally. Therefore, the implication is, if you want to be on the safe side, and be sure of personal security, you should vote for Bush.

The Republican strategy was to deflect the debate away from other subjects, and onto the topic of crime, where Dukakis was perceived as being vulnerable. Dukakis' record on crime wasn't really all that bad. But the Republican tactic was to focus on a

single case, where it could be made to look bad. The Democrats needed to respond vigorously. However, in fact, the response of the Democrats to the argument posed by the Horton case was not that effective and, therefore, it seemed to the voters then that the Republicans had focused on a real weakness in the Democrats. Certainly then, the use of the fear appeal argument in this case was highly effective, and it is hard to doubt that it was an important factor in the Republican victory. Certainly, it seems that many commentators have taken it to be an important factor in the Republican victory, as evidenced by the popularity of the fear appeal argument in subsequent political campaigns and also commercial advertisements.

The effectiveness of the logic used in the fear appeal argument put forward by the Republicans in the Horton case can be appreciated when one realizes that the voter is being asked to consider and compare two situations or possibilities. One is the fearful situation evoked by a case of somebody's home being broken into and then the people in the home being raped and stabbed. This scenario represents a very bad and fearful situation for most people. The other alternative given is that of voting for Bush instead of Dukakis. Now, this second alternative is poised in a balance of considerations situation where, presumably, a large number of the voters who are undecided voters are balanced between whether to vote for Bush or Dukakis. So, on the one hand, we have this massive fear appeal situation which posits something very negative that these respondents would presumably strongly want to avoid, and, on the other hand, you just have the very simple action of voting for Bush as opposed to Dukakis. Presumably, a large number of voters could easily be swung one way or the other. So, the power of the argument is that you are presented with a very bad situation which you are very fearful about, and you are presented with a very easy and painless way of stopping this situation from coming about. So, given the choice between this very bad and fearful situation and this very easy solution to prevent it from happening, the logic or the argumentative thrust of the argument is towards the simple solution.

This representation of the choice to resolve a very bad situation by some relatively painless course of action is characteristic of how the fear appeal argument works when it is effective. It is clear, also, from the comments of McCarthy above, who crafted the original Horton ad, that the images evoked in this case were used specifically to create an argument that would appeal to fear. Perhaps racial fears could have been involved as well, but the main appeal was to the fear of a majority of people of dangerous criminals being released. Clearly, this appeal was a deliberate tactic. The ads in question were crafted very carefully to appeal to a specific fear by focusing on this one particular case and selecting it out for special emphasis in the context of the election campaign. Evidently, the argument was successful in its intended goal, for, according to Jamieson (1992, p. 16), as long as three years later, voters, when asked what they remember as being important in the 1988 presidential campaign, cited "Willie Horton" as being linked, in their minds, with Michael Dukakis.

Since the Horton case, public relations specialists in political campaigns have certainly got the idea that the appeal to fear is an effective kind of argument to use. In an interview with James Carville, the spin doctor who got Bill Clinton elected, Kelly (1995) claimed that the theme for the next Democratic campaign would be fear: "Specifically, it is the fear of conservatism untrammeled, the fear that without a Democratic President the Republicans will run amok—will become rampaging

elephants trampling social security recipients, schoolkids at lunch, and Big Bird." The argument was that, if Republicans are elected, they will do bad things like take away school lunch programs. According to Kelly (1995, p. 39), the campaign using the fear appeal argument had already started as of May, 1995. In the March edition of the *Today* show, White House Chief of Staff Leon Panetta compared the Republicans' proposal to cut 17 billion dollars from the federal budget to the situation of parents taking away their children's school lunch money and then going out spending it, having a good time out on the town (Kelly, 1995, p. 39). Not only the political public relations specialists, but also advertisers, appear to have gotten the message that fear appeal arguments are effective.

As noted in cases 1.13 and 1.14, fear appeals can be powerfully effective even if the factual basis for supporting them is weak, because they are based on a suggestion that is somewhat plausible, and may be difficult to rebut. At the same time, if the pictured outcome really is very scary to the target audience, the overwhelming power of persuasiveness of the fear swings a strong weight of presumption towards acting to be on the safe side. For example, in case 1.14, if reduced penis size and testicular cancer are very scary possibilities, the fear aroused by citing these outcomes could be a powerfully suggestive argument for siding with environmentalist concerns if you live near the Great Lakes. The scientific argument may be weak, but if it is scary enough, it might have quite an impact anyway.

On the other hand, the fear appeal arguments on smoking, spouse abuse, and drunk driving (cases 1.5, 1.6, 1.7 and 1.8) may be based on good evidence, and be sound prudentially, in the sense that the dangers of smoking, spouse abuse, and drunk driving may be very real. Moreover, these are all preventable dangers that are well worth warning about. So although these arguments too are manipulative, as in the Horton and Goldwater cases, they are based on dangers that could be justified as real and significant by statistical and medical data.

The clue to how to evaluate these cases seems to reside in practical questions of whether the proposed action really is useful or necessary to deal with or avoid the fearful situation cited as the alternative. In case 1.10, the ad on drinking and driving is scary, but it does make the legitimate points that the outcome is terribly bad, and that there is a fairly easy way to avoid it—a way that would (presumably) really work. In contrast, the ad for the *Lifecall* system, in case 1.2, is criticized by *Consumer Reports* precisely because the equipment is expensive but useless. The same could be said about the ad for Spray Nine in case 1.3. The spray does have its uses, and probably is a good cleaner for certain purposes, but the question is whether it is really necessary (in most cases) to kill a virus that will die very quickly under normal conditions anyway.

In each case, critical questions need to be asked. The asking of the appropriate question defeats the fear appeal argument by breaking the dichotomization. Already, our account of the basic structure common to the fear appeal arguments used in all these cases, indicates the variables in the cognitive structure of the argument by suggesting the appropriate critical questions. But clearly this analysis is only the beginning of understanding the logical structure of the fear appeal argument.

It will be shown in this book that fear appeal and *ad baculum* arguments (so-called) generally are not only very common in everyday practices of argumentation, in many cases they are persuasive, and harder to judge objectively than the empirical investigations have presumed. In order to work towards the objective of the book—

evaluation of *ad baculum* arguments as correct or incorrect, two prior tasks are undertaken. First, it is necessary to identify *ad baculum* arguments, by clearly defining them as a distinctive type of argument with clear and definite characteristics. One pressing problem is whether the *ad baculum* category should be defined so broadly as to include fear appeal arguments, or whether the fear appeal argument should be seen as a separate category. Second, it is necessary to analyze *ad baculum* arguments, by showing the distinctive structure they have as a type of reasoning. By accomplishing the first task, we will determine what kinds of arguments are included or excluded as *ad baculum* arguments—a subject of considerable disagreement in both the textbook accounts and the scholarly literature on the subject. By accomplishing the second task, we will be able to determine, in a particular case, what the premises and the conclusion of an *ad baculum* are, how the premises are linked by some identifiable form of inference to the conclusion, and how this reasoning is embedded in a context of dialogue.

NOTES: CHAPTER 1

¹ Garwood Tripp and Alix Davenport, 'Fear Advertising—It Doesn't Work,' *Health Promotion*, 27, Winter 1988/89, 17-19.

² Many of the student respondents in my argumentation class worried that it could be a significant side-effect if the mouse crawled into some inaccessible space in your house, and then died there.

³ Evidently this ad was pulled, because viewers found it too shocking and disturbing to be appropriate as a television commercial message. See Clark (1988, p. 111).

⁴ This principle of being on the safe side in a situation of uncertainty where risk is involved is sometimes called *tutorism*.

⁵ This special report was broadcast on the *CBC Evening News*, November 12, 1994.

⁶ The logical literature will be summarized in chapters 2 and 3.

CHAPTER 2

AD BACULUM IN THE LOGIC TEXTBOOKS

The best introduction to the *argumentum ad baculum*, as it has been conceived in the tradition of logic as an informal fallacy, is to look over the standard accounts and examples of it given in the logic textbooks and critical thinking manuals. The standard treatment¹ of the *ad baculum* in these sources is full of contradictions, implausible statements, and unanswered questions. But it does point the way towards a certain broad conception of the *ad baculum* as a fallacy. It also contains (haphazardly) many useful suggestions and insights. Before beginning an account of the standard treatment, some historical questions about where the *ad baculum* first appeared as a fallacy are clarified.

The account that follows is a survey of the standard treatment of the *ad baculum* fallacy in logic textbooks and manuals in English from the period 1906 to 1995. Typically, in these textbook treatments, the *ad baculum* gets only a brief mention. Typically, it is only a few lines, and almost always less than half a page, although in a few of the textbooks, it is given a somewhat longer treatment. This survey is not complete, but it is fairly comprehensive. All the logic textbooks in the University of Winnipeg library and in the author's personal collection were surveyed. No exact count was made, but it is certain that considerably fewer than half the textbooks surveyed, comprising those that treat of informal logic or have a section on informal fallacies, mention the *argumentum ad baculum*. It would seem to be a characteristic of the standard treatment that a slight preponderance, that is, somewhat over 50 percent of the books that *do* have sections on fallacies or treat of informal logic, *do not* mention the *argumentum ad baculum* at all, and many of the textbooks that *do* mention it, as we will see, treat it very briefly as just another species of irrelevance. However, that is not to say that *argumentum ad baculum* is insignificant in the standard treatment of fallacies. On the contrary, we would say that it is one of the major fallacies, and is typically treated as a fallacy by the leading logic textbooks that are currently most popular. For example, the two leading textbooks, *A Concise Introduction to Logic*, by Hurley and *Introduction to Logic*, by Copi and Cohen, both have sections amounting to half a page or so on the *argumentum ad baculum* as an informal fallacy. So, even though a lot of the textbooks do not include *ad baculum* as a fallacy, still, amongst the mainstream textbooks that have had a lot of influence in the 20th century, the *ad baculum* typically is treated as a fallacy.

One thing to notice before we begin the survey is that there is considerable disagreement on how to define or identify the *ad baculum* as a distinctive species of argument. The early textbooks define it as appeal to force, but there is also a tendency in some textbooks to identify the *argumentum ad baculum* with the use of threats in arguments. Some textbooks compromise and define *argumentum ad baculum* as appeal to force or the threat of force, so there is a question here of what role the concept of threat has, if any, in the definition of the *argumentum ad baculum*. In the accounts that follow, the reader should keep an eye on these variations.

In the more recent textbooks, there is a tendency to make a change and to define *argumentum ad baculum* as appeal to fear in argument. Many of the textbooks also define *argumentum ad baculum* as the fallacy of appeal to fear or force. Some textbooks even include all three elements, defining *argumentum ad baculum* as appeal to fear, force, or the threat of force. So, there are important questions of definition here. Is the *argumentum ad baculum* to be defined as strictly appeal to force, or is the notion of a threat essential to it, or is threat an optional element combined with force, or, more broadly, can *argumentum ad baculum* be defined as appeal to fear, or is some combination of these three elements the right way to define the *ad baculum* argument? There is little consistency in the textbook treatments. However, the trend, as we shall see, is that the early books definitely define it as appeal to force, whereas the more recent textbooks tend more to define it as appeal to fear, or to include the idea of appeal to fear as part of the *argumentum ad baculum*.

Another fundamental question to be raised about the textbook treatments is whether the *argumentum ad baculum* is supposed to be inherently fallacious or whether, sometimes, appeals to force or fear could be legitimate in argument. Many of the textbooks—especially the early ones—take it for granted that *ad baculum* arguments are inherently fallacious. However, some of the textbooks, especially some of the more interesting accounts, suggest that this type of argument may not always be fallacious, and cite instances where appealing to force or threat or fear could be reasonable in a given context. The issue raised by these provocative accounts is how one should distinguish between the fallacious and the nonfallacious use of the *argumentum ad baculum*. As we will see, some of the textbooks actually make suggestions on how one might go about arriving at such a determination, and these frequently turn out to be very useful. However, for the most part, they are very brief suggestions which amount to a posing of an interesting question.

1. HISTORICAL ORIGINS

The origin of the expression *argumentum ad baculum* as a term to name a logical fallacy in the logic textbooks is unknown. However, Hamblin (1970, pp. 156-157) cited the first unnamed appearance of the *argumentum ad baculum* as occurring in Arnauld (1662). Hamblin quoted the following passage from *The Art of Thinking*, or *Port Royal Logic*, as it is usually known, which occurs in the very interesting second chapter on sophisms of self love of interest and of passion. Under the heading, "Sophisms of Authority," the use of force in argument is cited as a type of fallacy.

The very manner in which some religious tenets are urged on us determines their credibility. In different ages of the Church—principally in the last century—we have seen men trying to spread their doctrines by sword and bloodshed; we have seen men arm themselves against the Church by schism, against temporal powers by revolt; we have seen men without a common mission and without miracles and without any external marks of piety but rather with the obvious marks of licentiousness undertake to change the faith and the discipline of the Church. Any reasonable person will reject whatever is urged in so offensive a manner and not even the most stupid will listen.

In commenting on this passage, Hamblin noted that force, "is regarded not merely as irrelevant to an argument's merits but as positively injurious to them." Hamblin went on to note in a footnote (p. 156), however, that the *Port Royal Logic* may not be the first place where appeal to force is cited as a fallacy. For, in Wilson's early logic textbook, *The Rule of Reason* (1551, folio 166), there is a passage where Wilson wrote about reasoning with arguments that were neither in figure or in mode, but "stode in plaine buffettes" (p. 206 in Sprague edition of 1972). Wilson wrote of two parties disputing together when "rage overthroweth reason," and then the two parties "fell to reasoning" with arguments that were "neither in figure, nor in mode, but stode in plaine buffettes." Wilson added that this turn in the argument is dangerous, and cannot be avoided "except one have a headpece, or some weapon in his hande." The key sentence reads as follows:

Thou art to blame, quoth he, to deprave soche a mannes estimation, for by Goddes mother, he is a verie honest manne, for he is my special frende, I would thou shouldest knowe it, and therefore ceasse thy railing; with that, other came to parte theim, for thei fell to reasoning with Argumentes, that were neither in figure, nor in mode, but stode in plaine buffettes, whiche is a subtiltie, that is not mencioned within the compasse of this booke, and therefore daungerous, neither can it bee auoided, except one haue a headpece, or some weapon in his hande to beare of soche deceiptes, and so sauе himself harmeless.

By citing this passage, Hamblin implies that the curious phrase "stode in plaine buffettes" may refer to the tactic of appealing to force when two parties are arguing together. However, Wilson wrote nothing else about this apparent fallacy, so, at best, the quote represents only a mention in passing of the idea of appeal to force in a logic textbook. Even so, since Wilson's textbook, the first logic textbook in English, was roughly a century ahead of *Port Royal Logic*, that would make it the first known occurrence of the citing of appeal to force as a species of fallacy in a logic textbook. Neither Wilson nor Arnauld, however, used the expression *argumentum ad baculum* specifically to refer to the fallacy of appeal to force, so the question remains where the expression *argumentum ad baculum* originally appeared in logic textbooks.

After searching through the usual sources, Bentham (1824), Mill (1843), Whately (1826), DeMorgan (1847), Schopenhauer (1851) and Sidgwick (1884), I have found no mention at all of *argumentum ad baculum*. However, it is a reasonable conjecture that this phrase first began to appear in logic textbooks at some point following the publication of Locke's *Essay Concerning Human Understanding* (1690), which introduced three of the other *ad* fallacies that have commonly come to be treated in the standard account of fallacies in the logic textbooks: the *argumentum ad hominem*, *argumentum ad ignorantiam*, and *argumentum ad verecundiam*.² Locke's account of these fallacies was very popular, and was often quoted or copied in subsequent logic textbooks right up to and including the 20th century texts.³ It is a reasonable conjecture that, at some point, an author of these logic textbooks added to Locke's list of *ad* fallacies by introducing the *argumentum ad baculum*.

Which textbook was the first to follow this practice or introduce this terminology is not known. The first mention I have found of the *argumentum ad baculum* is in John Grier Hibben's *Logic: Deductive and Inductive* (1906). Hibben, who was

Stuart Professor of Logic in Princeton University, described *argumentum ad baculum* as a fallacy which repudiates argument and resorts to force. Interestingly, just beneath this comment (Hibben, 1906, p. 164), there is mention of Locke's well-known expression, *argumentum ad judicium*, indicating that Hibben was familiar with the Lockean treatment of the *ad* fallacies. This may be taken as a small indication confirming our conjecture that the *ad baculum* was introduced, at some point, as a kind of add-on to the various Lockean *ad* fallacies.

There is no mention of appeal to force, or to the threat of force, or any other fallacy that would correspond to the *ad baculum*, in Aristotle's list of fallacies in *On Sophistical Rerputations*.⁴ However, there is quite a bit of interesting material on fear appeal arguments in *Rhetoric* (see especially 1383a14-1383a16).⁵ But whether the logic textbooks were aware of this material, or used it in the standard treatment, is extremely doubtful.

2. APPEAL TO FORCE

The early accounts of the *ad baculum* defined it as appeal to force, but by the late 1940's the concept of threat came to be introduced, alongside the idea of use of force. As noted above, the first textbook I found that treats of the *argumentum ad baculum* was Hibben (1906, pp. 163-164). Hibben treated the *ad baculum* under the heading of fallacies of irrelevance. He used the Aristotelian phrase "*ignoratio elenchi*," meaning ignorance of refutation, to refer to the general category of failures of relevance in argument. Under this category, Hibben distinguished a number of *ad* fallacies, including the *ad hominem*, *ad ignorantiam*, *ad verecundiam*, and, interestingly (p. 163), the *ad populum*. To the list (p. 163-164), he added the *argumentum ad baculum*, described briefly as follows, "This repudiates all argument and resorts to force in order to establish one's point" (pp. 163-164). Hibben contrasted the *ad* fallacies with the good kind of argument he calls "arguing directly to the point at issue," or *argumentum ad judicium*. As noted above, this phrase originates from Locke's *Essay* (1690). Hibben's account is highly typical of the early logic textbooks in two respects. First, he described *argumentum ad baculum* as appeal to force, and second, he categorized the fallacy as a failure of relevance—that is, he sees the fallaciousness of the *ad baculum* as lying in its failure to argue directly to the point at issue in discussion. A third aspect of Hibben's account that is typical is that he portrayed the *argumentum ad baculum* as being an inherently fallacious type of argument—that is, in his treatment, it is a fallacy and we can take it for granted that it is an erroneous or inherently sophistical type of argument whenever it is used.

The next account, that of Creighton (1910), is very similar. Creighton, who translated the phrase *argumentum ad baculum* as "appeal to the big stick" (p. 187), defined the fallacy as a failure of relevance, classifying it under the heading of irrelevant conclusion, or *ignoratio elenchi*, similarly to Hibben's treatment. Creighton has only the briefest mention of *argumentum ad baculum*. Another book where *ad baculum* gets bare mention is that of Schiller (1912), where *ad baculum* is briefly mentioned (p. 359) along with a list of other *ad* fallacies. Nothing is said about *ad baculum* as a distinctive type of argument other than classifying it as a failure of relevance. Mellone (1913, p. 354) also included the *ad baculum* in a list of other *ad* fallacies. All Mellone wrote about it (p. 354) is that the *ad baculum* "is not an

argument at all, but an appeal to physical force." It is noted in the bibliography of Hamblin (1970, p. 311) that the first edition of Mellone's *An Introductory Text Book of Logic* was published in 1902. It may be then that Mellone treated the *ad baculum* fallacy before Hibben (1906). Another textbook, Burtt (1931), gave even briefer mention to the *ad baculum*, including it in a list of six other *ad* fallacies. Burtt said nothing further about the *ad baculum* except to include it as a species of the fallacy of irrelevant conclusion, thereby assuming, like the previous text, that this type of argument is inherently fallacious.

Castell (1935, p. 372) tells us that *argumentum ad baculum* is the fallacy of appealing to force instead of appealing to reason. Here too, consistent with the previous treatments, *ad baculum* is defined as appeal to force, and dismissed as inherently fallacious on grounds that it is not a relevant contribution to a reasoned discussion. We find a slightly more elaborate account of the *ad baculum* given in Werkmeister (1948, pp. 61-62). Werkmeister described the *ad baculum* or appeal to force as a tactic used "when all other appeals have failed" (p. 62). Werkmeister took the view that appeals to force are not really arguments in the sense of using logical reasoning. Werkmeister (p. 62) even put the word 'arguments' in quotes when describing the *argumentum ad baculum*: "Threats of retaliation, of economic or social pressure, and of brute physical force have been substituted for evidence and for logical argumentation" (p. 62). Two things are interesting to note here. One is that Werkmeister uses the word 'threat' in addition to the concept of appeal to force in describing the *ad baculum*. The other, that he took the view that *ad baculum* arguments are not really even arguments at all because, as he put it (p. 62), threats and the use of force cannot "establish the truth or falsity of a proposition or a theory." This point of view seems to be a variant on the theme that *ad baculum* arguments are irrelevant because they do not really contribute to a discussion that has the purpose of finding the truth of a matter by rational evidence. However, Werkmeister took this view even a step further by claiming that, not only are *ad baculum* moves irrelevant, but that they are not even really arguments in the sense of the word in which an argument is a contribution to a reasoned discussion which could lead to the truth of a matter. This view could be called the *nonargument thesis* on the *ad baculum*. Werkmeister appears to be the first exponent of it.

The two examples given by Werkmeister are also interesting in their own right. In the first example in case 2.1, quoted from Werkmeister, p. 62, a clear and definite threat is made by one of the parties to the discussion.

Case 2.1: Adverse criticism of the utility companies advertises the entire community as a poor place in which to live and tends to retard its growth. Our company certainly would want to withdraw its business from such a community. Now, you wouldn't want that to happen to your fair city, would you?

In this case, a threat is made, an indirect threat, put in the form of a question. The second case is a paradigm type of appeal to force, of the kind that the earlier logic textbooks probably have in mind, where an army or military force is used as a kind of move in some kind of argument two parties are having. Here we quote case 2.2 from Werkmeister (p. 62).

- Case 2.2:* We have a right to these territories; our victorious armies will demonstrate this forcefully if you insist upon disputing our rights. All who refuse to accept these doctrines will be exterminated.

This case, too, is an interesting example of an indirect threat. When the arguer says, "All whose refuse to accept these doctrines will be exterminated," he is clearly making a threat. That is, he is posing some consequences that would be highly unfavorable to the other party, and indicating that his side has a willingness to carry out these consequences if the other party does not comply. It is interesting to note then that, in both of the examples given by Werkmeister, a threat is prominently part of the *argumentum ad baculum*. We could probably say, too, in commenting on these cases, that the textbook or the teacher of the course wouldn't have to work too hard to persuade the students or readers that these arguments or tactics used in argumentation are fallacious. For, in both cases, the threat or appeal to force is made in a fairly objectionable way that most readers would probably be inclined to accept as inappropriate kinds of tactics to use in argumentation.

Little, Wilson, and Moore (1955) make explicit a doctrine that has been implicit in some of the previous texts by describing the *argumentum ad baculum* not only as appeal to force but also as including the threat of force. Following the typical treatment of the previous texts, however, they describe the *argumentum ad baculum*, which they translate as "appeal to a club," as inherently fallacious, seeing the fallacy as a failure of relevance. As they put it: "Logically, when one argues in favor of a proposed action, he should restrict himself to sound reasons based on the whole, relevant truth" (p. 20). Little, Wilson, and Moore define the *ad baculum* as the use of force or the threat of force substituted for reason with the result that the *ad baculum* is inherently fallacious. The grounds for this categorization of the *ad baculum* as fallacious is that appeal to force, or a threat of force, cannot function as a sound reason in an argument that is relevant as part of a discussion, which has the aim of discovering the truth of the matter.

The two examples of the *argumentum ad baculum* given by Little, Wilson, and Moore (p. 20) are also inherently interesting and worth quoting:

- Case 2.3:* This device is commonly used by parents who, in controlling the behavior of their children, substitute the threat of the switch or the paddle for sound reasons. Nations also use the *argumentum ad baculum* when they hold impressive military maneuvers near the border of a neighboring country in times of tension or while international agreements are being negotiated. Such movements are designed to make the neighboring country more compliant than it might otherwise be.

What is interesting about these examples is that no overt threat is made in either of the cases cited, nor is it clear in either case that an argument is being put forward. For example, in the military case, if a country holds impressive military maneuvers near the border of a neighboring country, the staging of maneuvers may, in fact, be designed to function as a threat, but in fact, no verbal argument may have been put

forward at all. So, at best, there is an implicit threat here. This case is an interesting one, too, because one might question whether putting on military maneuvers in order to influence international negotiations really is a fallacious type of argument. For threats, after all, are commonplace in negotiations and are generally accepted, at least in some instances, as not inherently unreasonable moves to make in a negotiation.

This analysis of the second case contrasts sharply with the presentation of the first case concerning the threat of the switch or paddle used by the parent. The way Little, Wilson, and Moore describe this case, the parent is substituting the threat of the switch or the paddle for sound reasons. The notion of substitution here is important because it makes explicit that the use of the threat is not being regarded in the context of the discussion as a relevant argument. So, in this case, the way the example is presented, there are much stronger grounds for saying that the use of the threat could be fallacious—at least in the sense of being inappropriate as a move made in the context of a discussion.

We might contrast this case with Little, Wilson and Moore's second case of the negotiation of an international agreement, where it is much less clear that the threat is inherently inappropriate in the context of the argument that is being considered. The problem that arises with respect to the first case, the paddling case, is that it is questionable whether threats are always fallacious, precisely in connection with this type of case. In fact, in another example used by Little, Wilson, and Moore (p. 21), it is unclear whether the *ad baculum* argument used in this case is fallacious at all.

Case 2.4: A robber points his gun at a victim and threatens "Your money or your life."

The threat in case 2.4 could be fallacious if the robber and his victim were having a prior discussion on some issue like the abortion issue, or something like that, and then, suddenly, the one party to the discussion pulls out a gun and threatens the other party saying, "Your money or your life." Here, the *ad baculum* argument would be irrelevant to the discussion that the participants were originally taking part in. But, if you look at the case of the robbery just as a robbery, the use of the threat is certainly immoral and illegal, and probably has lots of other kinds of faults. But, whether it is an *ad baculum* argument in the sense of a logical fallacy, or somehow an irrelevant move in some truth-seeking dialogue that the two parties are supposed to be engaged in, is highly questionable in this case. Case 2.4 will become such a familiar example in the textbook treatment of the *ad baculum* that we give it a name—the mugger case.

On the other hand, Little, Wilson and Moore (p. 21) took a highly condemnatory line towards *ad baculum* arguments in general, writing that such arguments are "always logically irrelevant and may be dangerous to human and to international relations." Here, it seems, Little, Wilson, and Moore are making a leap from the premise that such an argument may be immoral, illegal or dangerous to international relations—all of which are important kinds of thoughts, admittedly—to the conclusion that such an argument is fallacious, in the sense of being logically irrelevant. This logical leap seems highly questionable. In the mugger case, for example, the act of pointing the gun and making the threat "Your money or your life." does seem relevant to the context of this robbery conversation between the two parties. So it seems somehow unwarranted, in this case, to make the claim that the two parties are supposed to be marshaling reasonable arguments in some truth-seeking discussion that they are

having, and that the reason the *ad baculum* argument is fallacious is because the pulling of the gun and making the threat was somehow an interruption or irrelevant argument in this discussion.

Of course, it is easy to see why this condemnation of the use of force or threats would easily convince students or readers of the textbook that such *ad baculum* arguments are to be condemned. But, careful thought should be given to the analyses of these and similar cases by asking whether there is a distinction to be made between two kinds of cases. One kind of case is that of a fallacy that occurs because a move in a context of a discussion is logically irrelevant, or constitutes some other kind of inappropriate move in a discussion. The other kind of case is a use of force or a threat which could be a violation of morality, or some kind of illegal action, or some kind of use of force or threat which we would want to condemn as being immoral, or perhaps inappropriate, on ethical grounds.

So we see then that, as early as 1955, as the textbooks introduced some realistic cases of uses of appeal to force in an argument that raised many questions about why the arguments used in these cases really are fallacious. It is one thing to condemn appeals to force, or to argue against a "might makes right" doctrine. It is quite another to diagnose a failure of argument, in some particular case, where appeal to force has been used as a fallacy on the grounds that it is irrelevant or, on some other grounds, that it fails to contribute to a reasoned discussion, and should therefore be classified or evaluated as a logical fallacy.

3. APPEAL TO FEAR

The year 1956 seems to be a watershed point in the historical development of the *ad baculum* as a fallacy in logic textbooks because here, for the first time, the *ad baculum* is defined as appeal to fear as opposed to appeal to force in argument. Chase (1956, p. 203) defined *ad baculum* as appeal to fear. Then Blyth (1957, p. 40) defined *argumentum ad baculum* specifically as appeal to fear. Blyth added that this type of argument might also appropriately be called "the scare technique" (p. 40). Using the example of Orson Welles' dramatic radio broadcast of a play depicting an invasion from Mars, which caused widespread panic at the time, Blyth (p. 40) described the technique of the *argumentum ad baculum* as follows: "By arousing sufficient fear in a person or a group of people, it is frequently possible to make them believe things which they would reject as false in calmer moments." So, Blyth, following Chase, saw the *argumentum ad baculum* quite differently from the previous texts. Here for the first time, we see the fallacy defined as appeal to fear, and the examples given of this alleged fallacy are very similar to what has been emphasized in the modern literature in speech communication as the fear appeal type of argument.

Blyth gave an example (p. 40) of a fear appeal argument used in a commercial ad.

Case 2.5: A soap ad reads: "Do you want to be a social outcast? If not, use B.O. Soap."

Here we have an interesting case of a question used in a commercial advertisement which appeals to a fear of being a social outcast as the basis of the ad. Blyth also

used an example in a political campaign, comparable to the type we are now so familiar with:

Case 2.6: "A vote for my opponent is a vote for war."

In this argument, allegedly used by a candidate for political office, the fear of war, which would have been a widespread fear at the time this book was published, is used as a tactic of fear appeal to attack an opponent in a political campaign. In this treatment of the *argumentum ad baculum* then, we have gotten away from the bare use of force and onto the more subtle use of fear tactics in advertising in political campaigns, and this is a much more modern approach to the *ad baculum* argument.

Another very interesting aspect of Blyth's treatment (p. 41) is that he acknowledged that *ad baculum* arguments are not fallacious in some cases. That is, he acknowledged that fear appeals may be appropriate or legitimate in some kinds of cases: "It is sometimes difficult to draw the line between an appropriate and an inappropriate appeal to fear." Blyth noted that laws, for example, to be effective, must make provision for punishment of offenders. From this observation, Blyth derived the very reasonable and interesting conclusion that the appeal to fear—in this case, appeal to fear of punishment—would not be a logical fallacy.

What then is the basis for evaluating appeals to fear so that we can determine whether a given appeal is fallacious or not? The answer, given by Blyth (1957, p. 41), is that the use of an appeal to fear is fallacious where "the threat of punishment or some dire consequence is offered as a reason for believing something to be true." This basis for making a distinction between the fallacious and nonfallacious cases may be related to, but is inherently different from, the treatment of the earlier textbooks where the basis of relevance was used. The difference cited by Blyth is that an appeal to fear, while it may be appropriate for "arousing a favorable or unfavorable attitude" (p. 41), could, nevertheless, be fallacious as used in a particular case if it is put forward where what is required is "offering evidence" to convince someone rationally that a proposition is true or false. The distinction alluded to here seems to be that some conversations are practical in nature, where one party is trying to get another party to do something. Perhaps you could call this a prudential context of reasoning, where one party is trying to influence the behavior of the other by appealing to the interests of the other party. The second type of conversational exchange, where reasoning is used, is quite different, because here, the one party is trying to use arguments which should offer reasons in order to convince the other party to believe or accept a proposition as true. In other words, the purpose of this second type of exchange is to give evidence or reasons for accepting a particular proposition as true or false. So, what Blyth seems to be suggesting then, is that the same appeal to fear, while it might be quite appropriate in the prudential type of context of conversation, might be quite inappropriate if used in the other evidential type of conversation where the purpose is to prove that a particular proposition is true or false. These rather clever remarks by Blyth foreshadow the analysis of the *ad baculum* as a type of argument with a dual nature brought out in chapter 2, below.

However, Blyth's remark was only a bare suggestion which appears plausible and interesting, but was not worked out in any detail. Even so, Blyth's treatment of the *ad baculum* is highly innovative because he did explicitly bring out the point that whether such an argument could be judged fallacious or not depends on the function

of language involved in the given case. In order to illustrate his thesis specifically, Blyth (p. 41) presented two examples which are analyzed in some detail. Blyth's remarks on these examples are worth careful consideration here.

The first example is the mugger case where a thief threatens someone by pointing a gun at a victim, and asks the victim to give him money. This type of case was diagnosed by Blyth as a purely prudential use of appeal to fear. According to his analysis, the logical function of language is not involved in the case and, therefore, it should be judged as a case of appealing to fear that is nonfallacious.

The first step in detecting a functional fallacy is to determine what function or functions of language are involved in the case under consideration. This is necessary because there is no fallacy of a given type when there is no function of that type. For example, suppose a thief should hold a gun to your back and say, "If you don't give me your money, I'll shoot you." The thief is stating information and trying to get you to do something. The informative and practical functions of language are obviously involved. Because the thief is making a threat, it may appear that the fallacy of appeal to fear is involved. Although it is true that the thief is committing a crime, he is not committing the fallacy of appeal to fear. In making the statement the thief is offering a reason for your doing something, but he is not offering evidence for believing that some other statement is true. The logical function of language is not involved, and there is no confusion of the functions of language. Hence there is no fallacy of appealing to fear.

What is innovative in Blyth's analysis of the mugger case is that he is distinguishing between the fallacious and the nonfallacious uses of the *argumentum ad baculum* on the basis of the function of the argument used in a context of discourse or language. Blyth distinguished between the informative function of language, the practical function of language and a contrasting type of context where the purpose is to give evidence which is relevant to a conclusion that some particular proposition is true or false. He called this third function the "logical function." So, according to his analysis, the appeal to fear used by the thief in the robbery case does not involve the logical function of language, but is a purely practical use of fear appeal argument. The thief here is giving information, as he put it, and trying to get you to do something by making a threat or appeal to fear that tells you that bad consequences will occur if you do not comply with his request.⁶ Blyth very astutely pointed out that it might be a mistake to leap from describing this case as a moral or legal fault, that is, committing a crime, to the conclusion that the thief is committing a fallacy of appeal to fear, or *ad baculum* fallacy. The grounds given for being cautious by Blyth here is that the thief is not engaging in some kind of discussion with you where you are arguing for a particular proposition and he is arguing against it, and both of you are trying to give evidence for the point of view that you accept. There is no indication at all that anything like this kind of conversational exchange is involved in this case. It's a purely prudential argument where the thief is trying to use force to get you to give him money. So, Blyth properly described this as a type of case where there is no *ad baculum* fallacy involved although there is very definitely a clear and explicit use of appeal to fear in the thief's threat. This analysis of the mugger case foreshadows the attempts made in the later literature on *ad baculum* (outlined in

chapter 2) to distinguish between different contexts of dialogue in which this type of argument can be used.

The second case, quoted from Blyth (p. 41), is also very fundamental to any understanding of *ad baculum* because it cites an important contrasting type of case where the *ad baculum* argument would be inherently fallacious.

Case 2.7: To take another illustration: Suppose an attorney says to a jury, "If you don't convict this murderer, one of you may be his next victim." Here again the speaker is presumably stating accurate information and trying to produce an effect. The informative and practical functions are clearly involved. But in this case the logical function also is involved, because in voting for conviction each juror would be saying "I believe this man is guilty." Thus the attorney is trying to make the jurors believe that some statement is true by arousing their fears. He is offering an argument even though he may not explicitly state the intended conclusion "Hence he is guilty."

Now in this case, according to Blyth's analysis, the logical function of language is definitely involved because the purpose of the trial is to prove, beyond reasonable doubt, that the accused person is a murderer and should be convicted of this crime. In this case, there is a truth-oriented discussion involved, and, in the type of dialogue that the attorney is supposed to be taking part in, he or she has a burden of proof to give evidence to demonstrate to the jurors beyond a reasonable doubt that the accused person is guilty of the accusation. By arousing their fears, and using an *ad baculum* argument saying that one of the jury may be the next victim of this person, the attorney does use what Blyth called the practical function of argument. But the argument he used makes no real contribution to the issue which is supposed to be discussed, namely, whether the accused is guilty or innocent of murder. So here, because of the context of dialogue in the case, the logical function of language is involved, because the purpose of the argument is supposed to be to present evidence that is relevant for the conclusion to be resolved by the discussion.

The problem posed by Blyth's analysis is—how do we know, in a given case, when the practical function is appropriate, as opposed to theoretical function, so we can judge whether the *ad baculum* argument is fallacious or not in that case? Nobody had an answer to this question in 1957, but it was a good question to pose.

4. SHIFTING FROM FORCE TO (INDIRECT) THREATS

Irving M. Copi's *Introduction to Logic* has been the most widely-used introductory logic textbook in North America for the last 40 years, since it was first published in 1953. The accounts of the *ad baculum* fallacy given by Copi are identical in the first edition of his book and the second edition published in 1961. This account of the *ad baculum* is worth paying special attention to because of the likelihood that it has been so influential in guiding other textbooks what to write about this fallacy. Copi (1961, p. 53) translated *argumentum ad baculum* as appeal to force, but his defini-

tion of the *ad baculum* fallacy is dual in that it also incorporates the concept of threat of force: "The *argumentum ad baculum* is the fallacy committed when one appeals to force or the threat of force to cause acceptance of a conclusion" (pp. 53-54). Copi equated the *ad baculum* with "the use and threat of strong-arm methods" (p. 54). But, in a subsequent sentence, Copi also introduced the idea of appeal to fear in his characterization of the *ad baculum* argument by using the word "intimidation" to describe it: "Appeal to nonrational methods of intimidation may of course be more subtle than the open use of threat of concentration camps or goon squads" (p. 54).

The first example that Copi used to illustrate the *ad baculum* fallacy (p. 54) is interesting because it is a case that represents the use of an indirect threat.

- Case 2.8:* A lobbyist is said to use the *ad baculum* argument "when he reminds a representative that he (the lobbyist) represents so many thousands of voters in the representative's constituency or so many potential contributors to campaign funds."

Copi analyzed the fallacy in this popular case by commenting that these considerations, i.e., the indirect threat, "have nothing to do with the merits of the legislation the lobbyist is attempting to influence." In fact, this case is so popular in the standard treatment it deserves a name. Let's call it *the lobbyist case*. The fallacy here is being analyzed by Copi as a failure of relevance.

What is also interesting about this case is that it is a classic example of the use of argumentation from consequences to pose an indirect threat covertly by putting forward a speech act that is overtly in the form of a reminder or prudential warning. Superficially—that is, overtly in the discussion—the lobbyist is merely reminding the politician about negative consequences that could occur if the politician went against the course of action recommended by the lobbyist. But in fact, indirectly, it is not difficult to see that what the lobbyist is really doing is conveying to the politician a covert threat, because it is clear to both of them that the lobbyist does represent thousands of voters and that, therefore, he is in a position to have quite a negative impact on the politician's chance of getting elected or of getting financial backing for his campaign. Indirectly then, it would be clear to both parties that the lobbyist's speech is really a covert threat to the politician to the effect that, if the politician does not take the course that he the lobbyist is recommending, then negative consequences for the politician's chances of getting elected could be likely. This case, as will subsequently be shown, uses argument from consequences to make an indirect threat. The threat posed is prudentially relevant to the politician's concerns. But, as Copi pointed out in his analysis, it may not be relevant to the merits of the legislation that is presumably being considered by the politician at this particular time. The fallacy is analyzed, then, as a failure of relevance. The analysis is similar to Blyth's in that it reveals a duality of use of the *ad baculum*—two different functions of the argument. Still, Copi's analysis is somewhat naive in the sense that it would undoubtedly be clear to both the politician and the lobbyist that they are engaging in a negotiation type of dialogue exchange, and neither of them would be under any illusion that the arguments the lobbyist is using are relevant to the merits of the legislation that the Congress may be considering at that time.

So, force of a kind is indirectly involved in this case, or, at any rate, what we might call the application of force in some sense. But really, this example is not so much about force as about making a threat and, in particular, an indirect threat using argument from consequences. So, on the whole, Copi's treatment of the *ad baculum* fallacy tended to shift the emphasis from appeal to force, strictly speaking, more to the use of threats in arguments—especially indirect threats. The other example used by Copi to illustrate the *ad baculum* fallacy (1961, p. 54) is interesting because the argument was put in the form of a question.

- Case 2.9:* On the international scale, the *argumentum ad baculum* means war or the threat of war. An amusing though at the same time frightening example of *ad baculum* reasoning at the international level is told in Harry Hopkins' account of the "Big Three" meeting at Yalta toward the end of World War II. Churchill is reported to have told the others that the Pope had suggested that such-and-such a course of action should be followed. And Stalin is supposed to have indicated his disagreement by asking, "And how many divisions did you say the Pope had available for combat duty?"

In this case, a kind of appeal to force is involved, but it is quite different from the usual or more straightforward type of example of *argumentum ad baculum*. In this curious case, Stalin is suggesting that the Pope doesn't really have a right to make proposals that such-and-such a course of action should be followed, because the context of the discussion was World War II, and the Red Army was one of the primary participants who were engaged in the struggle on a wide scale at this point. We're not told in this case what the issue was, or what course of action the Pope had recommended, but evidently, Stalin felt that, because the Catholic church was not one of the primary participants in the military struggle, the Pope shouldn't have the right to make this kind of proposal, or to put it forward as one that should be on a par with those of the primary participants in the Big Three meeting, who represented armies engaged in World War II.

So in a way, we can see that Stalin's remark was somewhat reasonable because he was pointing out that the Pope was on a different footing from the other participants in the Big Three meeting. Also, it is important to note that Stalin's argument or remark was put in the form of a question, indicating that he was trying to remind the other participants about something, or give some kind of suggestion about the Pope being on a different basis from the other participants in the meeting. On the other hand, presumably the reason why Copi put this example in the textbook is that it does have a threatening aspect to it. Stalin was suggesting that what the Pope was recommending is not a proposal he could back up adequately with force in a wartime context. Stalin then was suggesting to the others that we could simply disregard what the Pope is saying without examining it on its merits at all. In this respect, his use of this threatening sort of argument does have an effect of closing off the discussion, or eliminating the Pope's contribution as any kind of serious contender or argument in the discussion. So, in this sense, from a critical point of view, it is a somewhat worrisome and possibly dangerous kind of argument. Stalin's argument, in this case,

curiously, is a kind of appeal that is based on force or, in a sense, it is an appeal to force. But it's certainly not the ordinary kind of straightforward appeal to force that you usually find given in the textbooks as an example of the *ad baculum* fallacy. It's a curious case and a hard one to analyze. What one would like to know, in this case, is more about what the Pope did suggest. What specific course of action was it that he proposed at this particular point in World War II? If we knew that, perhaps we could be in a better position to critically comment on the relevance of Stalin's curious question.

At any rate, we see than that, although Copi primarily characterized the *argumentum ad baculum* as appeal to force, there is a kind of shift in his treatment of it in the direction of emphasizing the notion of a threat in the characterization of *ad baculum*, and in particular, in the use of an indirect threat in the context of an argument between two parties. Moreover, Copi's treatment also does bring in the notion of fear through his use of the term "intimidation," and through the elements of intimidation that are involved in the Stalin example.

Despite the changing of the *argumentum ad baculum* by Chase and Blyth to the concept of appeal to fear, subsequent textbooks of this period continued to define *ad baculum* as appeal to force. Huppé and Kaminsky (1957, p. 199), like Copi, defined *argumentum ad baculum* as appeal to force, but also included the notion of threatening within their characterization of the fallacy. Like Copi, they cited an example that involves the idea of an indirect speech act to insinuate a threat indirectly by issuing a warning to another party in a discussion. Huppé and Kaminsky (p. 199) wrote that the *ad baculum* or appeal to force "is resorted to more subtly when it is insinuated that a person may lose his job or be reported to the authorities because of his beliefs." In this kind of case, the example is not so much an appeal to force as more of an indirect threat by means of an insinuation. So, even though Huppé and Kaminsky continued to define the *ad baculum* fallacy in the traditional way as appeal to force, in fact, their use of this example shifted from the direct appeal to force to the more subtle type of case where an indirect threat is made through insinuation.

In contrast, the other example that Huppé and Kaminsky (pp. 199-200) gave of the *ad baculum* argument is more clearly the use of an appeal to force. The following case was the Athenian attempt to persuade the small island of Melos to join with the Athenians, as recounted in Thucydides' history.

Case 2.10: "You know," says the Athenian, "as well as we do, that, in the logic of human nature, Right only comes into question where there is a balance of power, while it is Might that determines what the strong extort and the weak concede. . . . Your strongest weapons are hopes yet unrealized, while the weapons in your hand are somewhat inadequate for holding out against the forces already arrayed against you. . . . Reflect . . . that you are taking a decision for your country . . . a country whose fate hangs upon a single decision right or wrong." [Toynbee's translation.]

This case is quite an interesting one because it is definitely an indirect appeal to force, but it is also a case of the use of an indirect threat covertly. That is, on the

surface of the argument, the Athenian speech seems partly to be a kind of discussion in general about balance of power, but yet also seems to be a kind of practical advice or deliberation dialogue that the Athenians are engaging in with the inhabitants of Melos. The last sentence in the discourse clearly indicates the deliberative nature of the argument. The Athenian speaker asks his hearers to reflect that they are taking a decision for their country and that the fate of their country hinges upon this decision. So, the Athenian is clearly putting the argument in the form of a kind of dilemma or choice argument concerning a deliberation that the inhabitants of Melos are, or should be, undertaking at this point. It is also a use of argument from consequences, because the Athenian is suggesting that if the inhabitants of Melos take the decision for the one option, that the consequences of this could be disastrous for them. Moreover, there is an implied threat in this because, of course, the Athenians outnumber the inhabitants of Melos, and the Athenian army is in a strong position to simply take them over or even to destroy them. So the respondents of the speech would be clearly aware of this fact, and it would make the speech appear to be a very strong kind of indirect threat. Now, there is nothing in the speech or no particular argument where the Athenian actually threatens to destroy the island of Melos, or makes an overt threat, but there is a strong implicit and indirect, covert threat running throughout the whole text of discourse. Obviously, the respondents are in a delicate position and would be well aware of the fact that Athenians are in a very strong, even overwhelming position, to control their fate. So, in this case, there is an indirect threat involved. But, clearly also, the example does involve an appeal to force.

Huppé and Kaminsky (p. 200) noted, in their comment on this example, that "appeals to force are rarely this obvious." They added, however, that whenever a hidden threat is made in an argument to a respondent, then the appeal to force is being used (p. 200). Here then, we see a kind of shift. It is clear that Huppé and Kaminsky are defining the concept of appeal to force in a very broad way so that, whenever there is a threat made according to their notion of appeal to force, even if it is a hidden or indirect threat, then this argument or speech act constitutes an appeal to force.

A highly comparable but somewhat briefer treatment of *argumentum ad baculum* was given by Schipper and Schuh (1959, p. 31). Schipper and Schuh also defined *argumentum ad baculum* as appeal to force, but their account, like that of Huppé and Kaminsky, was highly inclusive. They added, "The fallacy of appeal to force may often appear in a more subtle, nonphysical manner." (p. 31). They also gave an example (p. 31) of the use of an indirect, covert threat by one party to another in a discussion.

Case 2.11: A man who buys a great deal of advertising space in a newspaper tries to prevent the editor of the paper from reporting some personal fact about his family by reminding the editor of the amount of advertising he does in the editor's paper.

Again here, the speech act on the surface is merely a reminder, but it would be clear to both parties that, covertly, this speech act is also functioning as a threat. However, it does seem like a bit of a stretch in this kind of case to describe the argument as an appeal to force. It is a threat, certainly. But it is presumably not a threat of

physical violence. And even though it is not necessarily true that all appeals to force involve physical violence, one would not be much inclined to describe the speech act in this case as being an appeal to force. Really, it is more accurately described as the use of intimidation by the method of issuing an indirect threat in the guise of a warning or reminder.

Here again, there is evidence of a shift, although the fallacy is still described as appeal to force. In fact, the examples used are really more cases of intimidation by indirect threats rather than literally appeals to force. So, there is evidence of a certain degree of dissonance in the textbook treatments of the *ad baculum*. On the one hand, they maintained the traditional practice of describing the *argumentum ad baculum* as appealing to force, but the examples they gave are more subtle cases rather than overt or more direct brutal appeals to force. On the other hand, more and more elements of intimidation and indirect threats came to be present in the examples used to illustrate the fallacy. The headline or the primary heading described the *argumentum ad baculum* as being appeal to force. But in the descriptions of the argument given under that heading, typically the concept of threat was brought in, as it was in Copi, and the concept of appealing to fear was brought in, although in a lesser manner, as it was in Copi.

For example, in Kreyche (1961, p. 280), the *argumentum ad baculum* was defined in capital letters as APPEAL TO PHYSICAL FORCE, but the description of the argument given below this heading cited other elements:

By the use of threats, loud demonstrations, or violence an attempt is sometimes made to win by demand through fear some cause that cannot be won by rational persuasion.

In this description of the *argumentum ad baculum*, both the use of threat and the appeal to fear were cited as aspects of the fallacy.

5. ARE ALL AD BACULUM ARGUMENTS FALLACIOUS?

Mourant (1963) defined the *argumentum ad baculum* as appeal to force, but distinguished two subtypes of appeal to force—actual or threatened (p. 189). The first example Mourant gave (p. 189) is an actual appeal to force:

Case 2.12: "A nation may decide to settle the justice of a border claim by going to war with its neighbor rather than by resorting to negotiation and logical disputation."

In this case, it would seem that actual force is involved since, in the example, a nation decides to go to war instead of settling the dispute by negotiation. As we have seen, this is a common type of case used in the textbook treatments of *ad baculum*, but its brevity raises several questions. The main question is whether making threats of appealing to force in a negotiation is inherently fallacious. It seems generally that it is not, for threats are a regular and well-accepted aspect of the tactics of everyday negotiations. What seems to be the fallacy of the actual appeal to force cited in this case, however, is the shift from the negotiation dialogue to the decision to take direct

action by going to war. Presumably, this sort of move would be an *ad baculum* fallacy because going to war is not a relevant contribution to the negotiation type of dialogue. However, it is highly questionable in a case like 2.12 whether we can say, without careful qualifications, that an act of breaking off international negotiation and going to war by a country in a particular case should be called a logical fallacy. In many cases, it may be immoral, rash or dangerous to break off negotiations and go to war, but should we say, in such cases, that the argument is a logical fallacy, in virtue of committing the *ad baculum* fallacy? This approach seems to be too general, because it could be that, in some cases, if negotiations break down or if other circumstances hold, the prudent move might be to go to war, or at least, there might be no logical fault or failure in making a decision in international deliberations in a case like this. So the problem is that, given the brevity of the case, it is not apparent just exactly what the fallacy of the actual appeal to force consists of in such a case, as a logical fallacy—that is, as some sort of error in the reasoning.

The other example that Mourant gave is very similar to case 2.11 from Schipper and Schuh. This is the case of an editor being asked to change his editorial policy by someone who threatens to withdraw advertising from the paper (Mourant, 1963, p. 189). This case was presumably presented by Mourant as an example of the threatened as opposed to the actual *argumentum ad baculum*. In fact, interestingly, Mourant (p. 189) even stated explicitly that the *argumentum ad baculum*, in this case, is conveyed by a veiled threat: "Sometimes the appeal is in the nature of veiled threats rather than the actual use of force." It seems then that Mourant is another case of a textbook that primarily defined the *ad baculum* as appeal to force, but allowed for a dual approach by admitting threats as well as what he calls "actual uses of force."

Carney and Scheer (1964, p. 25) defined the *argumentum ad baculum* as appeal to force, but there is also prominent mention of fear in their analysis. Carney and Scheer also gave an example (p. 25) which involves international negotiations and is definitely an appeal to force.

Case 2.13: In 1961 there was a dispute between the Western powers and the Soviet Union on the question of who had certain rights in West Berlin. At the time, the Soviet Union had just announced that they had tested a nuclear bomb. The argument that Carney and Scheer put forward as their example of the *ad baculum*, in this case, is the following one, supposedly advanced by the Soviet Union: "We have the largest bomb in the world, consequently our claims about Berlin are true" (p. 25).

According to Carney and Scheer's analysis, this argument would be an instance of the *ad baculum* fallacy, or fallacy of appeal to force (p. 25). Presumably, the fallacy in this argument is not the threat itself, or the use of the threat in the context of whatever negotiations have been going on, but it is the use of the threat as an argument for the conclusion that the Soviet claims about Berlin are true. In other words, the presumption in case 2.13 seems to be that the Soviets and the Western powers were having some sort of discussion about certain propositions being true or false in the context of some disagreement about West Berlin. The problem with evaluating the

appeal to force by the Soviets in this case is that it isn't really relevant, presumably, in the context of the discussion or dispute that the two sides were having. So it's not the appeal to force in itself which is fallacious as an argument, but the use of the appeal to force in a context of some dispute that the two parties were engaged in. We're not told very much about what this dispute was about, except that it concerned certain rights in West Berlin, but the presumption is that the appeal to force was not relevant to showing that the propositions at issue in this discussion are true or false.

Interestingly, Carney and Scheer actually drew the lesson from this example that "Not all appeals to force are or involve fallacies" (p. 25). They gave the example of another familiar type of appeal to force which, as we have seen, has been cited in some other textbooks under the heading of *ad baculum*, mainly the threat by the mugger who says to his victim: "Your money or your life" (p. 25). Carney and Scheer commented that the threat, in this case, is an appeal to force, but is not a fallacy, or does not involve a fallacy (p. 25). The difference between the two cases, presumably then, is that, in the second case, the threat is just a straightforward prudential argument or negotiation of some sort where the mugger is using a threat in order to extract money from his victim. The mugger is making a demand by giving the victim a choice of handing over the money or the alternative is that the mugger will harm the victim. This move, of course, is immoral and illegal as an action, but what contrasts it with the previous case, as an argument, is that there is no comparable shift from one type of dialogue to another. The fallacy in the case of the Soviet Union and the bomb was that there was a previous critical discussion or persuasion dialogue of some sort about certain rights in West Berlin, and then the threat by the Soviet Union was interjected into that discussion in an irrelevant way. However, in the case of the mugger, the threat is really all the argument that there is. There was no prior critical discussion or persuasion dialogue between the mugger and the victim about rights in Berlin or the abortion dispute or something like that. Presumably, they were not having some sort of prior discussion of that type in which the threat was an interruption or an irrelevant kind of argument or move. Instead, the threat was just a simple, prudential or deliberative argument which should be considered in its own right or on its own merits.

The differences between the two cases brought out by Carney and Scheer are comparable to those articulated by Blyth's account. The analysis of the *ad baculum* argument using the two contrasting cases, by both the Blyth and the Carney and Scheer textbook accounts, is deeper than many of the other texts. It is very interesting that they should both have made this distinction between fallacious and nonfallacious uses of *ad baculum* arguments, and that they should have given comparably interesting pairs of examples to illustrate the difference. Although the examples are brief, still, one can extract some kind of interpretation from them that at least suggests what the difference might be between the fallacious and the nonfallacious types of *ad baculum* cases.

Following their presentation of these two examples, Carney and Scheer added a final comment that is even more deeply interesting as a remark about the *argumentum ad baculum*. They suggested (p. 25) that there exists serious doubt that the argument that has been traditionally called the *ad baculum* or fallacy of appeal to force really is a fallacy at all because, in such cases, there appears to be no real element of deception of the kind that would be characteristic of the committing of a fallacy. This remark is historically interesting and worth quoting in full, because it

suggests that the entire traditional textbook treatment of the *ad baculum* fallacy so far examined is deeply erroneous and superficial.

There is yet another observation to be made concerning the *ad baculum* fallacy. Of the nuclear bomb example we said that if it is correct that the fear of these new bombs led some to conclude that the Soviet Union's claims were true, then they fell victim to an *ad baculum* fallacy. But it seems to be highly unlikely that the fear of new bombs (or of anything else) would lead anyone to *conclude* that the Soviet Union's claims were *true*. Fear might indeed lead some to *say* that those claims were true, but hardly to *believe* (or conclude) that they were. We suppose that in such a case fear of (possible) consequences would not befog the mind, would not cause one to be duped into thinking a certain claim true, though this fear might well lead one to give lip service to the claim. If this observation is correct, then there exists serious doubt that what have traditionally been called fallacies of appeal to force, or *ad baculum* fallacies, are fallacies at all, since one is not taken in by the "argument," but at best only wishes to appear to be taken in because he is afraid.

What Carney and Scheer conveyed in this interesting remark is that it seems unlikely in the case about the nuclear bomb that the *ad baculum* threat causes the other parties in the dispute, or anyone, to conclude that the Soviet Union's claims about their rights in West Berlin are true. What they are saying in this case is that the *ad baculum* argument doesn't seem to be a fallacy in the sense that it deceptively leads the audience or the opponent in the dispute to arrive at some erroneous conclusion.⁷ So, in the best sense of the term 'fallacy,' the *ad baculum* argument in this case should not be considered fallacious, because it would not cause the respondent or audience of the argument to be duped into believing that a certain proposition claimed by the Soviet Union is true. *Ergo*, the Carney and Scheer analysis concluded, *ad baculum* arguments or appeals to force are not fallacies at all, in the sense of being deceptive tactics used in a dispute between two parties where one party makes some deceptive move that causes the other party to leap to a false conclusion. More deeply, Carney and Scheer analyzed the *ad baculum* fallacy as a kind of appeal to fear. They claimed that fear is involved in the argument, but that the fear does not lead the opponent or the audience to believe that some conclusion at issue in the dispute is true. Instead, the respondent in the dispute, if the threat is successful, only gives the appearance of being taken in or being persuaded something is true because he is afraid.

It seems then, that what Carney and Scheer were suggesting that the *ad baculum* is not a fallacy in the traditional sense of being an argument that seems valid that is not, or being an argument that is used to lead the respondent to arrive at some false or erroneous conclusion. Instead, it seems to function as a tactic that causes the opponent to abandon argument altogether. It is, in effect, a tactic that shuts down the argument because the one party opts out of it on the grounds that he is afraid or too afraid to continue with the argument. Whatever the right interpretation of Carney and Scheer's interesting remark, it was certainly an unusual commentary on the *ad baculum* fallacy. It challenged the basis of the traditional account of the fallacy found in the previous texts so far. It was not the first text to suggest that *ad baculum* arguments are not fallacious in all cases. But it went beyond this observation to suggest that *ad baculum* arguments may not be fallacious in the traditionally accepted sense of being arguments that wrongly cause a respondent to accept or believe a conclusion

that the other party is putting forward in the context of some prior disputation or debate. Instead, by their account, the respondent is in on the deception too. It is not that he is duped into thinking the claim at issue is true. Instead, he gives lip service to being taken in by this claim because he is afraid.

6. THE QUESTION OF RELEVANCE

Barker (1965, p. 192) also used the example of the mugger to argue for the conclusion that *ad baculum* arguments are not fallacious in all cases. Barker, who defined the *argumentum ad baculum* as appeal to force, saw it as a fallacy of irrelevance. But, in the mugger case, he did not see a failure of relevance: "A robber who says "Give me your money or I'll blow your brains out." is, on Barker's analysis, not committing the fallacy of appeal to force. He is not committing any fallacy at all, for he is not reasoning; he is just giving an order and stating an intention" (p. 192). Barker claimed that, in the mugger case, the mugger is not reasoning at all. However, the point remains that, even if the mugger is reasoning, his argument is not irrelevant because there was no prior discussion in which his demand for money was an interruption or a failure of relevance. However, Barker contrasted the mugger case with another case where he did see the *ad baculum* argument as irrelevant.

A second case was given by Barker (p. 192).

Case 2.14: A dictator says, "My opinions are right, because I'll imprison anyone who disagrees with me."

In this case, Barker commented (p. 192) that the dictator would be committing the *ad baculum* fallacy because "he might be treating a threat as though it were a logical reason in favor of a conclusion" (p. 192). The distinctive characteristic of case 2.14 as opposed to the previous one of the mugger is that the dictator and the person he is talking to were presumably having some prior discussion in which the dictator was maintaining that his opinions are right. Therefore, presumably, there exists a burden of proof to give some kind of evidence or reasons to the other party to accept these opinions. Since the threat is presumably not relevant in this discussion, or not appropriate as the kind of evidence that would fulfill the burden of proof, then we can call the *ad baculum* argument in this context a fallacy. Here again is the relevance type of analysis of the fallacy.

Interestingly, Barker's discussion also confirms a suggestion we made about the remarks of Carney and Scheer above. Barker (1965, p. 193) portrayed the *ad baculum* fallacy as a fallacy on the grounds that it represents an abandonment of reasoning. Used in this way, the appeal to force or the threat of force is a fallacy because it is a way of attempting to shut down the discussion or abandon the line of reasoning in a prior discussion altogether. However, Barker rightly saw that the judgment in a particular case on whether an *ad baculum* argument is fallacious depends on the prior context of dialogue. He added (p. 193), "It is often but not always wrong to abandon reasoning in favor of force." So, like Carney and Scheer, Barker saw the *ad baculum* argument as not always fallacious, but only fallacious in those cases in which it is used wrongly and in an irrelevant way, or as a way to try to shut down a dialogue and abandon the line of reasoning that was properly being engaged in by two parties

initially. These analyses, like that of Blyth, foreshadowed the approach developed later in the *ad baculum* literature that sees the context of dialogue in which the argument was used as the crucial factor.

Dutton (1966) said very little about the *ad baculum*, only defining it (p. 74) as "an argument which is fallaciously persuasive owing to an appeal to force." Moore (1967, p. 159), like several of the other texts we have noted, including Copi, defined *argumentum ad baculum* as appeal to force or to the threat of force. Moore also gave the now familiar example of the mugger who points his gun at a victim threatening, "Your money or your life" (p. 159). A second example given by Moore (p. 159) is also of some interest:

- Case 2.15:* "Nations also use *argumentum ad baculum* when they hold impressive military maneuvers near the border of a neighboring country in times of tension or while international agreements are being negotiated."

This example is interesting for two reasons. One is that there is no speech act or verbal form in which the threat is made in the discourse in the example. The nation simply holds impressive military maneuvers in a location where the neighboring country can see them. Thus, it is the action that presents a threat to the neighbors who can see it.

Is the action in this case really a threat? More precisely, can the action of the speaker be described as the making of a threat? It seems that it could be a threat if the intent of the action is to intimidate the neighbors. But case 2.15 is an unusual one because it is supposedly a case of *argumentum ad baculum*—that is, of an argument that is being put forward when, in fact, there is no verbal act or text of discourse at all, merely a physical action which is done in view of a respondent. So, the case is curious. We have an argument put forward and, ostensibly, a fallacy being committed, without there being any verbal interaction or text of discourse being put forward at all.

The second aspect of case 2.15 that is interesting is that the threat is made in the context of a dialogue between the two parties that is an international negotiation where an agreement is being discussed. It is not a case where the two parties are having a critical discussion about some issue. Hence, in this case, there is some question about whether the threat should be declared fallacious in the context of a negotiation. It seems, at least, possible to hold the opinion that the threat in this kind of case could be a normal and expected kind of tactic used in this type of international negotiation. Hence, it would be premature to call it fallacious without further justification. However, Moore's condemnation of the argument in this case was quite strong: "While such arguments are often effective, they are always logically irrelevant and may be dangerous to human and to international relations" (p. 159). Moore seemed to think that such threats are, by their nature, contrary to reason and can never function as sound reasons which contribute to relevant arguments in a dialogic exchange. This stance seems quite a strong one to take on the evaluation of the *ad baculum* argument, but it was common, as we have seen, to many of the textbook treatments.

Kilgore (1968, p. 60) defined *argumentum ad baculum* as simply appeal to force. Interestingly, Kilgore presented the view of *argumentum ad baculum* as a species of

argument from negative consequence. According to Kilgore (p. 60), *argumentum ad baculum* has the following form: "If you do not accept this conclusion, then certain unfortunate circumstances will fall to your lot." Kilgore (p. 60) gave the following example:

- Case 2.16:* "You should accept the view that our protection society can strengthen the sales of your product. Otherwise, you might find that your machinery has been damaged and that your labor troubles increase."

The problem with this kind of example is that it fails to distinguish between ethical shortcomings and a logical error of reasoning or fallacy. In case 2.16, the threat made by the gangster or protection society is immoral, and presumably illegal, and is generally shocking, and would likely appear to most of us as inappropriate as a kind of threat that we might find ourselves faced with in everyday life. However, it is a logical leap to take this ethical condemnation as premise, and then jump to the conclusion that a logical fallacy has been committed—that is, the conclusion that there is some characteristic, systematic, underlying type of logical error in the reasoning underlying the argument. Kilgore (1968, p. 60) commented that the argument in case 2.16 is fallacious because it substitutes force or the threat of force for rational evidence, thereby abandoning "rational procedures in gaining an objective." It is not clear, however, that the argument cited in case 2.16 is irrelevant, or an abandonment of rational procedures in gaining an objective in the context. For the argument in this case is one of those indirect *ad baculum* types where, ostensibly, the arguer is giving advice in the form of negative consequences to the respondent. And this kind of argument is prudentially relevant, or could be, in the context of a deliberation or advice-giving dialogue between the two parties. However this kind of case should be analyzed, it seems then that the analysis of it given by Kilgore was too simplistic.

This distinction between the two kinds of relevance was brought out in the treatment of *ad baculum* by Kahane (1969). Kahane (1969, p. 252) gave the following example:

- Case 2.17:* A lobbyist tries to convince a senator to vote for a particular measure "by reminding the senator that he (the lobbyist) speaks for a powerful industrial group."

Commenting on this variant of the lobbyist case (case 2.8), Kahane noted that, while tradition lists appeal to force as a fallacy, it might not be a fallacy in this case if the senator votes for the bill because he thinks it is in his best interests to do so. Kahane's account seemed to suggest then that the argument in case 2.17 would be a fallacy if the pressure applied by the lobbyist is powerful enough to force the senator to vote for the bill, even though he's not convinced it's a good bill. But, by contrast, if the senator votes for the bill simply out of prudential interest, on the grounds that it would be in his best interest to do so, then the argument presented to him by the lobbyist would not be fallacious. The puzzle is how can we distinguish between the arguments in the two types of situations postulated here. One possible solution is to say that it depends on the senator's beliefs or his reasons why he is voting for this bill or not. Another solution might be to say that the two types of arguments, or the

context in which they are used, is different. If the senator is voting for the bill out of purely prudential interests, then the type of argument involved is a deliberation in which the senator is engaged in practical reasoning. However, if the senator votes for the bill because he is forced to by the pressure applied by the lobbyist, even though he doesn't think the bill is a good one, then the type of dialogue that the senator was originally engaged in was presumably that of a persuasion or a critical discussion type of dialogue where the senator is trying to decide on the arguments for and against the bill. In this second context, the practical argument posed by the appeal to his interests in the form of the threat is irrelevant. So again we see that even the simplest kinds of examples presented by the textbooks are difficult to sort out, and it seems uncertain just what is the right kind of analysis needed to distinguish between the fallacious and nonfallacious uses of the *ad baculum* argument in these examples.

Another very interesting aspect of Carney and Scheer's discussion is that it linked the underlying basis of the *ad baculum* fallacy with the fear or timidity of the respondent. By their account, it seems that the fear of the respondent is essentially involved in the fallaciousness of the *ad baculum* argument. So even though they defined the fallacy as appeal to force, the notion of fear was very prominent in their analysis of the underlying basis of the fallacy.

7. SHIFTING FROM FORCE TO FEAR

Levi (1969) defined *argumentum ad baculum* as appeal to force, but also mentioned the notion of fear. According to Levi (p. 222): "The emotion operating as the non-rational cause of belief in this case is fear." (referring to the case of an appeal to force). In this account, the elements of force and fear are connected as parts of the *ad baculum* fallacy. However, other treatments see appeal to force and appeal to fear as two separate types of argument.

Michalos (1969) defined *argumentum ad baculum* as the fallacy of making an irrelevant appeal to force or violence to bring about the acceptance of a view (p. 369). Michalos gave the following example:

Case 2.18: "Either I'm right or you don't take the car tonight, therefore I'm right" (p. 369).

Michalos described this case by saying that some kind of force is going to be applied by the speaker unless a certain view is accepted by the respondent (p. 370). The analysis given by Michalos of this kind of case is that the appeal to force is irrelevant from a logical point of view.

Exactly the same analysis of the fallacy of making an irrelevant appeal to force was given by Michalos (1970, pp. 50-51) and in exactly the same words. However, in this textbook (1970, p. 58), Michalos also cited another fallacy he calls the fallacy of appealing to fear (*argumentum ad metum*). According to Michalos (1970, p. 58), it often happens that people appeal to fear without appealing to force. Michalos (p. 58) gave the following example to illustrate the distinction.

Case 2.19: An insurance salesman drops in to "inform" you of the advantages of buying a policy and, incidentally, of the

possible disadvantages of not buying one. He describes the plight of Benny Morelli on the other side of town whose house burned down. Benny kept all his money in a heavy oak chest, which, naturally, was completely destroyed. Benny's wife had always worked to make ends meet, but now his oldest son had to drop out of school to help carry the financial burden. Benny's new car (which also lacked insurance) was demolished when the burning house fell on it. Without ever appealing to *force*, the salesman is trying to drive you by *fear* to the conclusion that you need a policy. However, although the appeal to the fact that Benny's bundle burned might be persuasive, it is irrelevant to your own insurance needs.

The analysis given by Michalos of what is fallacious in case 2.19 is not too convincing because the case of Benny does seem to be relevant to the appeal to fear that the salesman is using to try to sell the insurance policy to the other person. It's just that his argument is not very persuasive because it's partly based on the assumption that Benny kept all his money in a heavy oak chest, but it is not likely that the person to whom the salesman is addressing his pitch also keeps his money in a chest, or in some other form in which it would be destroyed if his house burned down. Nevertheless, despite this detail, in principle, the appeal to fear used by the salesman does seem to be relevant as a prudential argument which could be used to try to convince the respondent to buy an insurance policy to prevent the disastrous financial consequences of his house burning down in the event he was not insured. In fact, this line of argument generally seems fairly reasonable, unless the salesman exaggerates or unless he uses false premises or so forth. In general, it is a species of argument from consequences that a salesman would commonly use, and it would seem to be simplistic to condemn it in a blanket fashion as inherently fallacious.

However, Michalos is onto something important here, in making a distinction between two quite distinct types of argument—one called appeal to force and the other called appeal to fear. These two types of arguments do, in principle, seem to be distinct even though, of course in many cases, they would be connected. Therefore, if Michalos is right, it could be that all the previous textbooks which have put appeal to fear and appeal to force together under the heading of the *argumentum ad baculum* are confusing two distinct types of argument. The question is raised then, how *ad baculum* should properly be defined. Should it more narrowly be defined as appeal to force, or should it include elements of appeal to fear, or should there be two separate fallacies with the one, as Michalos suggested, having a name indicating it is a different type of argument or fallacy from *argumentum ad baculum*?

According to Kreyche (1970, p. 33), originally, *argumentum ad baculum* meant appeal to physical force. However, Kreyche added that, in modern society, this meaning of *ad baculum* has shifted to appeal to fear. Kreyche explained this shift by saying that, in the modern era, psychological methods are more dominant than physical ones as ways of getting people to change behavior. Kreyche gives the following example (p. 33):

Case 2.20: A worker is persuaded to think the same way as his boss under the threat that he runs the risk of losing his job.

Here the threat is not so much a direct physical threat of violence as an indirect threat of some possible consequences that might happen which would be fearful to the person to whom the argument is directed.

This hypothesis that historical background may help to explain the shift in treatment of the *ad baculum* from appeal to force to appeal to fear was further elaborated by Hackett Fischer (1970, pp. 294-296). Hackett Fischer hypothesized that, in older times, the appeal to force was a much more common type of argument used in everyday persuasion. Hackett Fischer (p. 294) cited the following example of an argument from the *Book of Revelation*, which ends, he noted, "with an omnibus threat of bodily injury and spiritual harm to all would-be revisionists."

Case 2.21: "I testify unto every man that heareth the words of the prophecy of this book, If any man shall add unto these things, God shall add unto him the plagues that are written in this book: And if any man shall take away from the words of the book of this prophecy, God shall take away his part out of the book of life, and out of the holy city, and *from* the things which are written in this book.

In those days, disputes were frequently settled with a sword, and times were much more violent, or at least that is the prevailing historical impression. If so, the appeal to force would have presumably been much more commonplace, and would have been a type of argument that would be more likely to persuade, because the bad consequences threatened would have been a familiar and realistic part of everyday experiences. Nowadays however, Hackett Fischer added, crude tactics of appeal to force are not so commonly employed, and soft sell techniques are likely more commonplace and also more effective. Hackett Fischer (p. 294) made this point by elaborating on the idea that academic disputes in modern times are not characterized by crude appeals to force. In fact, were anyone to use such arguments, they would be blatantly inappropriate and probably not very convincing.

Tempers have flared to a fever heat in many a fierce interpretative exchange. But never, to my knowledge, have historians of slavery attempted to settle the profitability question at twelve paces; nor have embattled Turnerians and anti-Turnerians ever conducted a gouging contest on a prairie campus. No critic of the New Political History has been defenestrated from Pittsburgh's tower of learning; nor has a graduate student ever actually been pressed to death beneath a folio set of the *Monumenta* for standing mute on a doctoral examination.

However, Hackett Fischer's interpretation of this historical development is subject to some counterexamples. He noted some cases in the 20th century where force has been used to suppress beliefs or prevent people from openly articulating their views. The first example he gave is the decline of the German universities after 1932 due to the rise of the Nazis. In this period, it was very dangerous to speak out on anything that could be interpreted as opposition to the government of the time. Hackett Fischer

(p. 295) also cited the cases of radical students disrupting university classes, damaging buildings and injuring people in the late 1960's and early 1970's. He even cited a case of students who answered an unpopular speaker by pushing a banana in his mouth (p. 295). Such instances are reminiscent of recent cases where speakers who have presented arguments deemed unfriendly to advocacy groups in universities have been harassed and prevented from speaking and even, in some cases, threatened with violence. We are also reminded here of recent cases where anti-abortion activists have threatened physicians or others working in abortion clinics with violence, and even carried out acts of violence against persons that they perceived to be supporting policies or points of view that they reject. So, it may be then that the appeal to physical force, while not expressed in such prominent or direct form as it was in previous times, may still be with us as a form of argument that is in wide use.

One does not have to look very far to find the use of force and threats, accompanied by a climate of fear, in recent political campaigns in some countries. A report (McClelland, 1994, p. 5) described such conditions in the presidential election of August 21, 1994, in Mexico.

Case 2.22: Regardless of whether all the ballots were counted properly, however, the number of human rights abuses and murders and the level of harassment leading up to the vote cast serious doubt about whether conditions for fair elections existed. The Revolutionary Democratic Party (PRD), for example, claimed that 246 of its members had been murdered since the previous presidential election in 1988. On July 11, a PRD volunteer was arrested, interrogated, and tortured for distributing flyers and collecting donations for the PRD (*Mexico at the Crossroads*, Human Rights Watch/Americas, August 1994, p. 20). Within a five-day period in late July, less than a month before the election, four PRD members were killed in two separate suspicious hit-and-run accidents (*Washington Report on the Americas*, August 8, 1994, p. 8).

In addition to attacks on the PRD, election monitors were harassed by the government; a prominent human rights activist was threatened with death; and the headquarters of the Society of Jesus in Mexico received bomb threats, which Jesuit sources attribute to the order's critical stance toward the government (*Mexico at the Crossroads*, p. 21). According to Reporters Sans Frontières, a Paris-based press rights group, three reporters died under suspicious circumstances during the three months prior to the elections ("Salinas fails to create a respectable criminal justice system or guarantee clean vote," Council on Hemispheric Affairs, press release, August 12, p. 4).

Such abuses, however, pale in comparison to military actions immediately following the January uprising in Chiapas. There is mounting evidence that the army conducted summary executions of people suspected of being

members of the Zapatista National Liberation Army. The National Human Rights Commission received 400 reports of disappearances less than four weeks into the uprising. Many of these disappearances were the result of massive army sweeps through villages and arbitrary arrests. The army has also been accused of firing indiscriminately at civilians, threatening villagers with execution, ransacking storage houses, and killing livestock (*Current History*, March 1994, pp. 121-122).

So while it may be true that people in North America and western Europe, in recent times (say, since the end of World War II) are less familiar with crude force being used to settle academic disputes or political issues, still one does not have to search too far to find force being used instead of persuasion, even at the present time. It may be that appeal to force is still widely used, but is less visible than it once was.

On the other hand, Hackett Fisher may have a point that soft sell techniques are now more commonplace and more effective. In this age of sophisticated and powerful use of public relations, crude or obvious tactics of appeal to force may have become less common and less acceptable because there is not so much of a need to use them in order to achieve your goals of advocacy. Appeal to force seems to have become more a tool of last resort, to be used only if all else fails.

Whatever the answer is, Kreyche and Hackett Fisher posed an interesting question by suggesting that there has been a historical shift from the popularity or widespread use of *ad baculum* arguments from appeal to force—that is, direct or violent force—in earlier times to more subtle and indirect forms of intimidation in the form of appeal to fear in modern times. Just how sharp or complete this transition has been, however, is a historical question that is subject to further investigation. But the transition could help to explain why there has been a trend, appearing in the more recent textbooks, to emphasize more the appeal to fear aspect in place of the older notion of *ad baculum* as appeal to force.

8. PRUDENTIAL VERSUS IRRELEVANT THREATS

The textbook treatments of the seventies became somewhat more sophisticated in that they were more ready to concede that an *ad baculum* argument can be nonfallacious in some cases. Many of them cited cases, like the mugger case, where the *ad baculum* may be construed as a reasonable prudential argument. No doubt these authors picked up on the insightful remarks of prior textbook treatments—especially the kind cited above in Blyth, and Carney and Scheer. The problem now posed was how to judge, more generally, the difference between such reasonable cases of the *ad baculum* argument and the fallacious cases. The textbooks still didn't have an answer to this question, but an increasing number posed the beginnings of a potential answer by invoking the perception of a dualistic aspect of the nature of *ad baculum* arguments. They can be relevant in a prudential context, and are nonfallacious in that context, but then, the same threat could be irrelevant in a different context.

But then a further problem was posed. How do you know or determine, in a particular case, what the context of the argument is supposed to be? The problem is

one of finding evidence to show whether an *ad baculum* argument used in a given case fits into the context properly, and is therefore nonfallacious, or does not fit into the context properly, and is therefore fallacious. One problem is that the examples given by the textbooks were often very brief, so that the context of the argument is simply not known, or at any rate is not given by the textbook. The other problem is that the textbooks did not agree on how to differentiate between these two types of cases. Although a student, or reader of the textbook, can see an intuitive difference between the two kinds of cases, explicit and useful criteria for basing the evaluation on evidence were not given.

Byerly (1973, p. 73) defined *argumentum ad baculum* as appeal to force and then, in a subclause, defined this type of argument as the attempt "to persuade by threats or force." But Kozy (1974, p. 210) defined *ad baculum* as appeal to force. Kozy (p. 213) evaluated *ad baculum* arguments by dividing them into three categories: valid appeals to force, fallacious appeals to force, and appeals to force of questionable validity. Under the first category, Kozy (p. 213) gave the following example of a valid *ad baculum* argument:

Case 2.23: "You ought to study hard; otherwise, I'll discontinue your allowance."

This example looks very similar to case 2.18 cited above in Michalos (1969). Kozy (p. 213) commented on this example by saying the argument is not fallacious because the "ought" in the conclusion can only be taken to mean "It is your advantage to" (p. 213). Kozy commented that it is to the student's advantage to study hard and to receive an allowance for doing so. Therefore, he judged the *ad baculum* argument in this case to be not fallacious. It seems that Kozy took the *ad baculum* argument in case 2.23 as a kind of prudential argument where the proponent is trying to influence the student's behavior by specifying advantages or disadvantages of possible lines of conduct open to the student. Kozy saw nothing fallacious about this argument and judged it "valid." The puzzle with this case is exactly what is meant by the word 'valid.' It doesn't seem very plausible that the argument, in case 2.23, is deductively valid. Rather, what Kozy seems to mean is that the argument has some kind of prudential validity as a form of advice given to the student by the proponent of the argument where the two parties are deliberating about some practical courses of action. The argument here could have some sort of prudential acceptability. But whether it is right to describe the acceptability or cogency of this type of argument as validity is questionable, especially if deductive validity is meant. But, like the mugger case cited by some of the other textbooks above, case 2.23 does seem to be an example where the argument has some kind of prudential cogency or is, at any rate, not entirely irrelevant to the type of discussion or deliberation in which the two parties are engaged.

In contrast to this, Kozy (p. 213) gave the following problematic example as his case of a fallacious *ad baculum* argument:

Case 2.24: "Obeying the Ten Commandments is right; otherwise, you'll suffer eternal damnation."

In commenting on this case, Kozy (p. 213) made the point that the issue or proper conclusion of the discussion is whether the Commandments are right, that is, whether or not obeying them can be justified. But, "what is necessary to avoid damnation is not necessarily right" (p. 213). Hence, the *ad baculum* argument, in this case, is fallacious because the issue of the argument is whether the moral injunction expressed by the Commandments can be justified or not and, in this issue, making an appeal to force or to fear of negative consequences is not relevant in the context of that discussion.

On the other hand, case 2.24 is not as simple as it appears. It could be that the proponent of the Ten Commandments is claiming that these rules do have some kind of prudential value so that if you follow them, you will avoid bad consequences that are likely to ensue if you don't follow them. So it could be that the proponent of the argument is giving a kind of prudential advice to the other party by saying this is a good set of commandments or moral rules in the sense that, if you do follow them, you'll be happier in the long run and you will avoid negative consequences that might happen if you don't follow them. So, in this sense, arguing to the other party by saying that this other party will suffer negative consequences if they don't follow these commandments could be relevant to the deliberation or to the prudential considerations that are a legitimate part of the original discussion. So the example is problematic in certain ways. Still, one can see what Kozy was driving at.

Kozy did bring out this ambiguity by citing another case which he classified under the heading of an *ad baculum* argument of questionable validity:

Case 2.25: "You ought to obey the Ten Commandments: otherwise, you'll suffer eternal damnation." (p. 213).

According to the Kozy's comment (p. 213), this argument uses an appeal to force which is questionable because the phrase "you ought" is ambiguous. It could mean "It is to your advantage." or it could mean "It is morally right." Kozy hypothesized that, if the first interpretation is meant, then the argument is all right but, if the second interpretation is meant, then the argument is fallacious.

In general then, what should be said about the criterion that distinguishes between fallacious and nonfallacious uses of the *ad baculum* argument in a case like this? Kozy did not give any further comment, or attempt to answer this question in a general way. But it would seem that the distinction resides in the difference between a prudential context, in which the argument is used to give advice about advantages (or prudent of a line of conduct) to the respondent and another interpretation, according to which the argument is a debate or a critical discussion about whether some proposition is morally justified or can be defended by ethical arguments. In this latter context, the *ad baculum* argument is fallacious, whereas in the former type of prudential argument, it is not inherently fallacious and, in many cases, it seems to be a prudentially reasonable kind of argument. Whatever the answer to this question is, it must seem perplexing to students to be confronted with the subtleties of distinguishing between a fallacious and a nonfallacious *ad baculum* argument in problematic cases like this one.

In Engel (1976), a popular textbook, we come to a turning point where *argumentum ad baculum* is defined (p. 130) as the fallacy of appeal to fear: "an argument that uses the threat of harm to advance one's conclusion." This is a binary type of

definition of *ad baculum* which cites both the element of fear and also of the concept of threat. But it is distinctive, particularly, in that it reverts to the definition of *ad baculum* as appeal to fear, started by Chase. Engel (p. 130) cited the mugger case and commented that, in his opinion, the *ad baculum* argument, in this case, is an appeal to fear but is not a fallacious argument. Engel then gave the following example (p. 131) of an argument he classified as a fallacious appeal to fear. It is case 2.7, where an attorney in a criminal trial argues to the jury: "If you do not convict this murderer, you may be his next victim." Engel (p. 131) argued that the *ad baculum* appeal in this case is fallacious because what the defendant might do in the future is not relevant to the proposition whether the accused person is guilty or not of the crime of murder. Engel (p. 132) also cited the case of the argument used by the Athenians at the island of Melos as quoted from Thucydides (*History of the Peloponnesian War*, bk. 5, ch. 7)—case 2.10, above. In all these cases, Engel categorized the fallacy as a failure of relevance which appeals to emotion rather than to reason.

The legal case cited by Engel (case 2.7) is somewhat complicated by the fact that law courts have rules of relevance, and other rules of evidence that a judge would be constrained to use in adjudicating on a case like this. However, the legal rules of evidence apart, there is also the extralegal question of whether we should logically consider such an appeal to fear relevant or not. So, bringing in a legal case of this type is very interesting, but it is also potentially confusing to students who have to arrive at some kind of decision when using a textbook like this, whether the argument in question should properly be considered fallacious or not.

A highly nonstandard treatment of the *argumentum ad baculum* was given by Toulmin, Rieke, and Janik (1979, pp. 176-177). This textbook identified a particular type of warrant as characteristic of the argument of appeal to force and, moreover, claimed that this type of argument is generally reasonable and is not a fallacy. Such an approach flatly contradicts many of the textbook accounts already covered and, in general, its spirit goes strongly against the preponderance of opinion represented by the majority of those textbooks which treats the *argumentum ad baculum* as inherently or generally fallacious. Accordingly to Toulmin, Rieke, and Janik (p. 176), appeals to force are threats which imply that the respondent will be harmed somehow unless he does whatever the proponent requires. Toulmin, Rieke, and Janik (p. 176) identified the principle or warrant behind this type of argument as the notion that "Might makes right." Toulmin, Rieke, and Janik first of all considered witness intimidation, where a criminal promises us that our family will be injured if we testify about his misdeeds in a court of law (p. 176). What is fallacious about the use of the threat in this kind of situation, according to Toulmin, Rieke, and Janik, is not that we are deceived by the threat, but that we are intimidated by it. As they put it, the argument does not persuade us to accept a particular proposition as true, but it only persuades us "to act or speak in the required way against our wills and personal convictions." However, in contrast to this type of case, Toulmin, Rieke, and Janik cited examples where there are "certain perfectly sound arguments of expediency that people use when they resort to threats" (p. 176). The problem posed then, is the same one posed by the account given by Engel and many of the previous texts, namely that of distinguishing between prudential threats, which could be reasonable or at least are not outrageously fallacious, and other kinds of threats like those used by a criminal in a legal case where the threat is irrelevant to proving or disproving some proposition that is supposed to be at issue in a prior context of dialogue. Given

the brevity of the treatments of the *ad baculum* fallacy in nearly all of these textbooks, it must be very confusing to students to have to try to sort out what is involved in discovering the relevant differences between these two types of cases. One can see that there is a distinction here to be made, or that there is an intuitive difference between the two types of cases, but the general question of what criteria or requirements one should use in sorting the fallacious from the nonfallacious cases is simply not given an adequate answer.

9. STILL FLOUNDERING AFTER ALL THESE YEARS

Going into the eighties and nineties toward the millennium, the textbook treatments of the *ad baculum* fallacy are still floundering. They exhibit little or no consistency or convergence. On whether this type of argument is inherently fallacious, they still don't agree. On whether an *ad baculum* threat is even an argument at all, again they disagree. On why the fallacious cases of *argumentum ad baculum* are fallacious, again they disagree. Perhaps the worst problem with these textbook accounts is that when they try to distinguish between fallacious and nonfallacious *ad baculum* arguments, or explain what is wrong with the fallacious cases, their explanations are not very plausible or convincing. These accounts seem to raise more questions than they answer.

In Crossley and Wilson's textbook (1979, p. 39), the definition of *argumentum ad baculum* combined all three elements. *Argumentum ad baculum* is defined (p. 39) as the fallacy of "appeal to threats and intimidation (appeal to force)." The example given by Crossley and Wilson (p. 39) is comparable to case 2.8, and quite similar to it.

Case 2.26: A representative of a bargaining group tries to present the group's case to a member of congress in order to persuade him of its merits: "But she might also just appeal to force by telling the congressman that the group in question represents a lot of votes and that he had best agree to the reform or lose these votes come the next election."

Crossley and Wilson's analysis of this familiar type of case is that the representative's argument has not addressed the merits of the case and, instead, simply tries to intimidate the congressman. On this ground, the *argumentum ad baculum* is described as being generally fallacious.

Fearnside (1980, p. 394) defined *argumentum ad baculum* as "substituting a threat, either a physical harm or the loss of some other interest, for argument." Like Engel, Fearnside (p. 26) classified the "Your money or your life" *ad baculum* threat by the mugger as not even an argument at all. However, this is too easy a way of trying to get students to reject such an *ad baculum* tactic as inherently fallacious or as somehow not a genuine contender as an argument. Actually, the reasoning in such a case is an argument, but it is a species of prudential argument. The other interesting aspect of Fearnside's treatment of the *ad baculum* (p. 27) is his observation that threats can be veiled in some cases. Thus, although Fearnside defined the *argumentum ad baculum* specifically as a threat, nevertheless, he broadened this

definition by bringing the notion of an indirect or veiled threat into his treatment of the fallacy.

Damer (1980, p. 91) characterized *argumentum ad baculum* as appeal to force or threat. Damer (p. 91) saw the fallacy as a failure to present evidence for one's view: "This fallacy consists in attempting to persuade others of one's point of view by threatening them with some undesirable state of affairs instead of presenting evidence for one's view." Damer gave the following example (p. 91).

- Case 2.27:* An employer uses the following argument: "Sure you can unionize this job, but I won't be responsible if you are permanently unemployed afterward."

Damer described this indirect threat as a not-so-subtle attempt to threaten the employees. The fallacy Damer saw in the argument (p. 92) is that the employer has not defended his argument with good reasons and has instead merely tried to intimidate the employees into submission.

Engel (1980) gave an account of the *argumentum ad baculum* that is very similar to the account presented above in his previous textbook. Engel (1980, p. 157) characterized the *ad baculum* as appeal to fear, an argument "in which one uses the threat of harm to advance one's conclusion." What is interesting about the treatment in Engel's second textbook (1980) is the examples he gave. One example presented (p. 554) is an ad.

- Case 2.28:* An American Cancer Society ad conveys the message "Cigarettes can kill you. Keep smoking 'em and they may. We'll miss ya, baby." This advertisement features four pictures of teenagers who are smoking. Each picture has a caption and the gist of the message is that the teenagers are smoking cigarettes because they feel that this is fashionable.

The second ad (p. 159) is also from the American Cancer Society.

- Case 2.29:* This ad features the message in large print "Mark Waters was a chain smoker. Wonder who'll get his office?" The picture in the ad is that of an empty office. The message in smaller print makes the claim that when you stop smoking, the body begins to reverse the damage done by the cigarettes and concludes with the message "Next time you reach for a cigarette, think of Mark. Then think of your office—and your home."

Both these commercial messages are fear appeal ads that cite the dangerous consequences of smoking as the basis of the appeal, but the big question is how Engel can classify these ads under the heading of the fallacious *ad baculum* argument or appeal to fear. Engel (p. 157) judged that these examples illustrate forms of this fallacy, but one might well question whether or why the ads are fallacious. They are appeals to fear, but they don't seem to be irrelevant. The purpose of the ads is to deter people

from smoking and, therefore, in order to do this, they cite the dangerous consequences of smoking. The ads therefore are appealing to the fear of these dangerous consequences. But this appeal to fear seems to be quite a reasonable argument from a prudential point of view. It doesn't seem obvious in either case that there was some prior discussion going on in which the appeal to fear here is being used as a distraction or an irrelevant argument. So it is interesting to note, anyway, that at least one textbook just straightforwardly classifies these appeals to fear used in advertisements as an instance of the fallacious *ad baculum* argument.

Pirie (1985) characterized the *argumentum ad baculum* as the appeal to force that is fallacious because it introduces "irrelevant material into the argument" (p. 19). Wilson (1986, p. 179) also defined *argumentum ad baculum* as appeal to force, and characterized it as a fallacy on the grounds that the appeal to force constitutes an irrelevant reason for the conclusion of an argument. In apparent contrast to the two accounts presented above, Yanal (1988, p. 427) saw the *argumentum ad baculum* as "a kind of argument that attempts to show the truth of some statement by appealing to threats, bribes, intimidation, etc." Yanal saw this type of argument, which he generally describes as fallacious appeal to force, as always being a weak argument (p. 427). However, he also noted (p. 393) that there are arguments that resemble fallacious appeals to force but are not weak. What is perhaps most interesting in this account is the equation of a fallacious argument with a weak argument.

Kelley (1988, p. 115) defined *argumentum ad baculum* as simply appeal to force, but Kelley also acknowledged (p. 116) that appeal to force can involve direct or indirect coercion: "The fallacy need not involve actual physical force or violence." To illustrate the case of the use of indirect coercion, Kelley (p. 116) cited the following example:

Case 2.30: A parent threatens to withdraw support unless a child adopts their religious beliefs.

This type of attempt at coercion is described as a fallacy by Kelley (p. 116) on the grounds that intimidation has replaced logic "in an effort to persuade." Merrilee Salmon (1989, p. 56) defined the *argumentum ad baculum* as appeal to force. She described it as an argument that "substitutes a threat of force for evidence" (p. 56). However, she added, in another remark, that the *ad baculum* argument appeals to the emotion of fear. So, in this account, all three elements are mentioned: force, a threat, and appeal to fear. The account of Gensler (1989, p. 342) is similar. Gensler defined the *ad baculum* as the appeal to force but characterized it as a type of argument that "uses threats or intimidation to get a conclusion accepted." Cederblom and Paulsen (1981, p. 151) took a different approach. They defined *ad baculum* as appeal to force but, according to their account (p. 151), the factor that makes this type of argument persuasive is "motive in place of support." In other words, in their account, the appeal to force "makes it undesirable not to believe the conclusion is true" even though evidence is not given to support the conclusion. In this account of the fallacy, the psychological concept of motive plays a key role. Cederblom and Paulsen did not define what they meant by motive, but they did indicate (p. 152) that a motive is something that makes a certain belief desirable to a person. Hence, it seems that their account of the fallacy is set out in the language of the psychological notions of motive, belief, and desirability of the person.

Hurley (1991, p. 111) defined the *argumentum ad baculum* as appeal to force, but Hurley also made the claim (p. 112) that the *ad baculum* fallacy "always involves a threat by the arguer to the physical or psychological well-being of the listener or reader." No mention of fear or intimidation is given in Hurley's account (pp. 111-112) of *ad baculum*. Hurley's description of the fallacy portrayed it as a species of argument based on a conditional: "The fallacy of appeal to force occurs whenever an arguer poses a conclusion to another person and tells that person either implicitly or explicitly that some harm will come to him or her if he or she does not accept the conclusion" (p. 111-112). Hurley saw all *ad baculum* arguments as fallacious on grounds that a threat is logically irrelevant to the subject matter: "Obviously, such a threat is logically irrelevant to the subject matter of the conclusion, so any argument based on such a procedure is fallacious" (p. 112). And, indeed, the example given by Hurley (p. 112) fits this description quite well.

Case 2.31: *Child to playmate:* "Mister Rogers" is the best show on TV; and if you don't believe it, I'm going to call my big brother over here and he's going to beat you up.

In this case, one can see quite clearly that the *ad baculum* argument is irrelevant to some prior discussion the two parties are having. The child and playmate were originally discussing the question of whether "Mister Rogers" is the best show on TV or not. When the one child then poses a threat to the other of calling in his big brother, this move is clearly irrelevant in the original discussion about Mr. Rogers. However, what is open to question in Hurley's account is whether all arguments that involve a threat by the arguer to the physical or psychological well-being of the listener or reader are fallacious. Hurley seems to presume, like Engel, that any argument that involves a threat can automatically be classified as fallacious and that such a presumption can generally be made without examining individual cases on their merits. It is interesting to note that Hurley's textbook is currently one of the most popular in use in North America, possibly even the most popular in the English-speaking world and, therefore, his account of it is likely to be quite influential in undergraduate instruction practices in college and universities.

Runkle (1991, p. 322) defined the *argumentum ad baculum* as a species of coercion used in argument. Runkle (p. 323) used the following example:

Case 2.32: A parent wants to get his child to eat her spinach. When the child wants to know why, the parent tries to argue on grounds of the nutritional quality of the spinach, but, when this fails, he resorts to the following argument: "If you want some banana cream pie for dessert, you'd better eat your spinach!"

Curiously, this example does not seem so much like a threat as a reward but, perhaps Runkle sees it as fallacious because it uses a kind of coercion argument instead of sticking to the earlier argument concerning the nutritional qualities of the spinach. Some might say, however, that the parent is merely giving the child the added incentive to do the right thing, and that there is nothing inherently fallacious about this type of argument.

We noted above that Copi, in his widely-used textbook, *Introduction to Logic*, defined *argumentum ad baculum* as appeal to force. This famous textbook is now in its tenth edition (Copi and Cohen, 1998). In the ninth edition (p. 130), Copi, with his co-author, Cohen, continued to define *argumentum ad baculum* as "appeal to force to cause the acceptance of some conclusion." However, in another textbook, Copi and Burgess-Jackson (1992), under the heading of "Fallacies," the *argumentum ad baculum* or appeal to force is no longer mentioned. Instead, in Copi and Burgess-Jackson (1992, p. 131), we find the fallacy of appeal to fear. The leading example of this fallacy of appeal to fear given is case 2.8: "... the lobbyist uses the fallacy of an emotional appeal to fear when he or she reminds a representative that the lobbyist represents many thousands of voters in the representative's constituency, or many potential contributors to campaign funds." This particular example was cited in Copi (1961, p. 54) as an appeal to force or the threat of force. That is how Copi (1961, p. 53) defined the *ad baculum* fallacy. However, in Copi and Burgess-Jackson, the fallacy is now classified as an emotional appeal by defining it as specifically an appeal to the emotion of fear.

Soccio and Barry (1992, p. 136) defined the *ad baculum* fallacy as that of appeal to either fear or force, but they also used the term "threat" in their definition: "The fallacy of fear or force is an argument that uses the threat of harm as evidence for a conclusion when, in fact, such a threat is not at all evidence" (p. 136). Soccio and Barry (p. 136) gave essentially the same example as Copi and Burgess-Jackson. In this example, the lobbyist says to a politician that the best reason for supporting his proposal is that he, the lobbyist, represents so many million people. Soccio and Barry judged this move as a fallacy on the grounds that it's "logically irrelevant to the merits of the proposal, although emotionally it's most relevant to the politician's future." So, as they portrayed this type of argument, the appeal is irrelevant in one sense but, nevertheless, what masks this failure of relevance and thereby makes the fallacy an effective in the argument is that the appeal to the threat is relevant in another sense.

Kelley (1994, p. 134) defined *argumentum ad baculum* as appeal to force but, like other texts we have seen, adds that not all instances of the fallacy need involve actual physical force (p. 135). They cite the example (case 2.30) of a parent threatening to withdraw support unless a child adopts their religious beliefs (p. 135). Like Kelley, Flage (1995, p. 74) defined *argumentum ad baculum* as the fallacy of appeal to force: "The fallacy of appeal to force (*argumentum ad baculum*) occurs if you appeal to force or the threat of force to convince someone to accept a conclusion" (p. 74). Like other texts we have seen, Flage (p. 74) distinguished between "blatant threat of the use of force" and other cases where there is "a subtle reminder that not accepting a certain conclusion will have undesirable consequences" (p. 74). Flage gave the following case as his leading example of the fallacy of appeal to force.

Case 2.33: Ms. Biz, head of the XYZ Computer Corporation, tells her employee, Ms. Smith, "You must always remember that we make the best computer on the market. After all, you're *currently* an employee of XYZ Computer."

Like Hurley (1991, p. 112), Flage saw the *argumentum ad baculum* as an essentially enthymematic argument, in the sense that it contains a nonexplicitly stated premise.

According to Hurley, the *ad baculum* functions by "impeding the reader or listener from acknowledging a missing premise that, if acknowledged, would be seen to be false or at least questionable" (p. 112). In Hurley's leading example of the *ad baculum* fallacy (case 2.31), which concerned the two brothers watching "Mr. Rogers" on TV, Hurley postulated the following nonexplicit conditional premise that needs to be added to the argument: "If my brother forces you to admit that "Mr. Rogers" is the best show on TV, then "Mr. Rogers" is in fact the best show" (p. 112). The adding of this premise to the original *ad baculum* argument in the "Mr. Rogers" case would make the appeal to force relevant. But Hurley (p. 112) added that such a premise would not be plausible: "Just because someone is forced into saying that it is does not mean that such is the case" (p. 112). Hence, on Hurley's analysis, once the non-explicit premise is plugged in, the argument does have a structure that makes it seem to be structurally cogent, if not deductively valid. But the fault lies in the additional premise which is seen to be implausible or weak.

Pretty much the same kind of analysis of the *ad baculum* argument as enthymematic was given by Flage (1995, p. 75). According to Flage's analysis, the *ad baculum* argument involves a premise that is assumed without being stated, and once the missing premise is added, it becomes clear that it is either false or questionable. Hence, as in Hurley's account, the problem is no longer the validity of the argument, nor does the problem reside in the structure of the argument as such, but now the problem becomes a premise that is either false or questionable. According to Flage (1995, p. 75), "Once the premise is clearly stated, you can recognize that the inference to the proposed conclusion is flawed." In Flage's leading case (2.33) of Ms. Smith and the Computer Corporation, the suppressed premise is the following conditional: "If Ms. Smith were not an employee of XYZ Computer Corporation, then XYZ Computer would not make the best computer on the market" (p. 75). According to Flage's account and also Hurley's comparable analysis, once this missing premise is plugged in, anyone can easily see how questionable it is and, therefore, the *ad baculum* fallacy in the argument is revealed. It does seem a little dubious, however, whether Flage's analysis of this argument is the best one, even though it does seem reasonable enough to think that indirect *ad baculum* arguments of this type do have nonexplicit premises which play an important role in them.

If we look again at Flage's original case of the XYZ Computer Corporation, it seems that this case is being classified as an instance of the *ad baculum* argument because it is a covert or indirect threat that is being made by the employer. All the employer says explicitly to Ms. Biz is that she is currently an employee of the XYZ Computer Corporation. This is simply a fact, or at any rate, a proposition that is not under contention in the argument. However, by implicature or innuendo, one could draw from it an indirect threat. What Ms. Biz, the head of the Corporation, is suggesting by pointing out something that is obvious and doesn't need to be stated—namely that Ms. Smith is currently an employee of this corporation—is that it is possible that she could cease to be an employee of this corporation and that the speaker, Ms. Biz, is in a position to actually make this state of affairs the case. So analyzed, the implicit argument or implicature, can function as an indirect covert threat. However, the real missing or nonexplicit premise in this argument is not the conditional cited by Flage to the effect that, if Ms. Smith were not an employee of the corporation, then it would not make the best computer on the market. That claim is not the point and does not appear to have any functional place in the real argument

that is implicitly being put forward. What is really being implied is that the head of the corporation, that is the speaker, has the power to make it true that the other party, Ms. Smith, is no longer an employee of this corporation. What the head of the corporation is saying to her subordinate, then, is that she, the subordinate, should always act in such a way that it implies she is working for the company that makes the best computer on the market, and the head of the corporation is suggesting that this would be a prudent move to always act in this way, and if the employee were to act in a different way, then it could have negative consequences on her employment situation. So, there is an implicit conditional involved here. It is a form of argument from consequences which is being used to make a covert threat. By making the threat covert or implicit, the outrageousness or irrelevance of the threat to the conversation is concealed and the threat itself is softened and made less inappropriate.

So, while Hurley and Flage have drawn our attention to an important point here, namely that in *ad baculum* arguments that use an indirect or covert threat as the appeal to force, there are important elements of the argument that are not expressed overtly and, in fact, it is this covert aspect that is an important part of the tactic that is being used to make the *ad baculum* argument seem more appropriate and more relevant. However, the analyses given of this nonexplicit conditional proposition that fills in the missing part of the structure of the *ad baculum* argument given by Hurley and Flage is not very convincing. Indeed, some might say that their way of filling in the nonexplicit premise is a form of enthymematic ploy where an analyst or critic of an argument simply takes the bad argument or weak argument and plugs in a conditional which links one or more of the premises to the conclusion or to other premises, thereby making the argument valid—and then, of course, you can always diagnose the failure of the argument by saying that this conditional is not true or is questionable. However, this type of analysis is highly questionable, unless the conditional represents an important part of the functional structure of how the argument is used in the context of the conversation to make a point or to contribute to the effectiveness of the argument as an informal fallacy.

10. UNSOLVED MYSTERIES

The first, and most pressing problem posed by the standard treatment is how to define the *argumentum ad baculum* as a distinctive type of argument. Is it appeal to force, to a threat, or appeal to fear? Or is it some combination of the above? This question is pressing, because when these kinds of arguments are fallacious, it may be for different reasons. And anyway, before we can evaluate an argument as fallacious or not, we need to clearly identify the argument, showing its premises (explicit and non-explicit) and its conclusion. Second, in line with this first problem, we need to determine whether the appeal to force (fear, threat) is an argument. For some of the textbooks proposed the thesis that such an appeal is not even an argument at all. Third, we need to determine what reasons should properly be given for judging an *ad baculum* argument to be fallacious. And more than that, we need some set of criteria or methods for determining (and proving) whether an *ad baculum* argument in a given case is fallacious or not.

As we look over the textbook accounts of the *argumentum ad baculum*, we can see that a number of different reasons are given for seeing appeals to force, or the use

of threats or fear tactics, as fallacious. The leading reason seems to be that *ad baculum* arguments do not present good evidence that is relevant to some sort of discussion that is underway between two parties. Typical of this kind of account is that of Kelley (1994, p. 134) who wrote that if I make a threat, then this is not really a form of persuasion because "I have not given you a reason for thinking the proposition is true: I have simply scared you into thinking or at least into saying it is true." The basis for classifying the *ad baculum* argument as a fallacy suggested by this remark is that the one who issued the threat is not giving a reason of the kind that would be appropriate to persuade somebody for thinking a proposition is true. Although Kelley did not use the word 'relevance,' nevertheless, this account would be consistent with the majority of other accounts that do use the term relevance, because, what Kelley's account suggests as the basis for classifying the *ad baculum* as fallacious is that issuing a threat which scares somebody is not giving a reason in a persuasion dialogue—that is, in the context of a dialogue, where one party is trying to persuade the other to accept a proposition by rational means. Giving a threat is not relevant—it is not a contribution to that type of dialogue, in the sense that it gives a legitimate reason or evidence for accepting a proposition as true. So this failure of relevance seems to be one basic reason given by many of the textbooks. In fact, this factor would seem to be the leading reason for classifying threats and appeals to force as fallacious. Such appeals are not relevant or not good reasons—that is, do not function as evidence within a framework of discussion—because the purpose of the discussion supposedly taking place between the two parties is for one party to persuade the other party to accept some proposition as true based on evidence that the parties can accept as constituting a basis for rational persuasion. Presumably then, the analysis presupposes that issuing a threat on the part of one party would not constitute a relevant argument or good reason for accepting the proposition at issue in this context.

This type of analysis of the *ad baculum* fallacy seems sensible because it does link up with our common perception in using arguments in everyday conversation. Suppose, for example, that you and I are having a discussion on some relatively abstract topic, like the abortion issue or euthanasia or something of that sort, and we both have a point of view, and one point of view is opposed to the other, and I'm trying to convince you to accept my point of view, and you are trying to convince me by argument to accept yours. Then, in this kind of context, there are certain conventions for taking turns and for presenting certain types of arguments that are regarded as acceptable for the purpose of rational persuasion. Let's say an example of this type of argument might be the following case:

Case 2.34: We're having a philosophy seminar and discussing the abortion issue, and two parties take opposed points of view, and the rest of the class is listening, and each party is trying to give rational arguments or reasons which most of them might accept or, at least, the other party might accept as being grounds for accepting particular propositions as true. In this context, a certain amount of politeness or constructive following of collaborative rules is necessary. But suppose that one party in such an argument were to suddenly issue a threat to the other party saying, "Look here, if you don't accept my argument on

the abortion issue, Bruno, this large person that I know,
will come into the room and beat you up."

Such an *ad baculum* argument would be regarded as outrageous. Indeed, were this to actually happen in a philosophy seminar, it would certainly be regarded as cause for complaining to the Dean. It would probably even be illegal, and certainly the participants in the seminar would get very excited about it, and regard it as an unwarranted intrusion, and as being unethical and extremely rude and inappropriate. So, in common practices of argumentation, at least in this sort of setting in which we can well imagine and most of us are probably familiar with, an *ad baculum*, or the use of a threat, especially a direct threat—although an indirect threat could be more acceptable—is regarded as inappropriate. In the context of a critical discussion or persuasion dialogue, a threat would rightly be regarded as an irrelevant move. However, in the textbook accounts, we have also some other reasons for classifying the *ad baculum* argument as fallacious.

Another one proposed by some of the textbooks is that the appeal to threat or to fear is not really an argument. Some of the textbooks suggest that there is something wrong with even calling this kind of appeal an argument. This stance seems incorrect because, when you appeal to threat to try to get somebody else to follow a course of action, it is an argument of a sort—it is a prudential type of argument. So it may not be an argument of the more theoretical type used to persuade somebody, or to give evidence to accept a conclusion as true. In that sense, it wouldn't be a relevant argument, or a type of use of evidence which would occur normally or usefully in that framework of dialogue. But nevertheless, it seems somewhat implausible to reject an *ad baculum* appeal as not being an argument at all, or to portray a threat as not being an argument, however or whenever it is used in a dialogue exchange. Yet if it is an argument, we need to know what sort of argument it is. What form or structure does it have, as a type of argument?

A third basis sometimes given for classifying *ad baculum* arguments as fallacious is that such arguments are an attempt to force the other party to accept a conclusion. According to Kelley (1994, p. 134), "An appeal to force may well involve direct coercion." Kelley cited the kind of situation where a government is engaging in censorship and describes this situation (p. 134) as the compelling of agreement with an idea. But what's really wrong with coercion? The answer is that coercion can be immoral, it can be illegal, it can be rude, and so forth. There can be all kinds of reasons why we think coercion to be bad, especially in a free country where we're always arguing for the advantages of democratic government and personal freedom. But, because an argument is an appeal to force that involves coercion, that doesn't necessarily make the argument fallacious in the sense that there's some underlying flaw in the structure of the argument that should justify our describing it as containing faulty or deceptive reasoning. So, the next question that needs to be asked is: "What is fallacious about coercion?" Although coercion has traditionally been contrasted with persuasion, as a method for securing belief, acceptance, or action—and condemned as a substitute for persuasion—exactly what the basis is for judging the move from coercion to persuasion as fallacious should be, is simply not clear or obvious. Moreover, there is an antecedent question—are threats (or appeals to force) coercive? As we will see, there have been differences of opinion expressed in the

literature on whether threats are coercive, or if they are, why they are, or to what extent they are.

To sum up then, the basic problem with the standard treatment of the *ad baculum* is that it poses a number of fundamental questions about this alleged fallacy, but does not provide much that is useful in the way of answers. And the few promising answers that are given lack any underlying basis in theory (at least that was known at the time) to support them. It's not that the intent of the standard treatment is wrong or misguided. On the contrary, you do get a definite picture of earnest attempts to grapple with a serious and worthwhile phenomenon. And a few of the attempts to deal with the problem are remarkably creative and insightful—pointing to some ways of studying the problem, or approaching it. The basic problem with the textbook accounts of the *ad baculum* is that there is no real agreement on fundamentals—on how to define this type of argument, even, much less on how to analyze or evaluate it methodically as a fallacy. This problem is an outcome of the superficiality of the standard treatment—even at this date, incredibly, the textbook accounts are still (as of 1995) not based on any scholarly literature or serious research on the *ad baculum*. Although a small and growing literature on the *ad baculum* fallacy—and on threats and fear appeals generally—now exists, the textbook treatments surveyed do not take any notice of this literature. They continue separately, each with a go-it-alone approach that can only be described as idiosyncratic. Some of them do show a certain evolution and increased sophistication of treatment of the *ad baculum*, no doubt gained by reading the previous textbooks. But such a process of evolution purely within a textbook framework, in the absence of any contact with serious research efforts in the field of logic, is not a good way to proceed. It is, in fact, a very unhealthy development. But there is light at the end of the tunnel. Since 1975, a scholarly literature in argumentation theory on the problem of the *ad baculum* has begun to develop. In chapter 3, a survey of this literature is presented.

NOTES: CHAPTER 2

¹ The expression 'standard treatment' is due to Hamblin (1970), who capitalized it as the "Standard Treatment." See Hamblin's chapter 1, and Walton (1991).

² This famous passage is quoted in full in Hamblin (1970, pp. 159-160).

³ See the historical developments outlined by Hamblin (1970).

⁴ Hamblin's chapter 2 (1970) is a detailed description of Aristotle's list of fallacies.

⁵ This material will be dealt with in detail below, under the analysis of fear appeal arguments.

⁶ A form of argument called *argument from consequences*—see chapter 5 below—is the type of argument whereby a contemplated course of action is supported (or argued against) by citing its supposed good (bad) consequences.

⁷ A comparable observation is later made by Jason (1987)—see chapter 3, section 3—but Jason draws a different conclusion from it.

CHAPTER 3

AD BACULUM IN ARGUMENTATION THEORY

The literature on *ad baculum* within the field of argumentation theory and informal logic is a relatively small group of recent articles and chapters of books. Much of this literature concentrates on several of the examples cited as cases in chapter 1. Some new and interesting cases are added. Everyone pretty well agrees that the standard treatment does not deal well with these cases, and stands in need of much improvement. Although there are key areas of agreement among the conclusions and approaches favored by certain groupings of these articles, there are also great differences of emphasis, and conflicts of opinion. By posing the problems of analysis more sharply, however, this literature on the *ad baculum* takes us some way beyond the textbook formulations.

1. VAN DE VATE, WOODS-WALTON, AND KIELKOPF

The first in a series of journal articles on *argumentum ad baculum* was that of Van de Vate (1975). This article stressed the context in which appeals to force are typically used as arguments in order to inquire into what makes such an argument plausible. Van de Vate sees the appeal to force as a type of argument as being inherently dialectical in the sense that it involves an organized dialogue exchange of argumentation between two parties. According to Van de Vate's analysis (p. 43), it is characteristic of the use of appeal to force as an argument that the one party, called the arguer, wants the other party, called the respondent, to assent to a particular proposition as a conclusion. Thus the two parties in an *ad baculum* argument are participants in an argumentative exchange.

Another aspect of this exchange cited by Van de Vate (p. 43), is that, in order to obtain the respondent's assent, the arguer presents the respondent with premises that do not represent a relevant argument that logically implies the conclusion at issue but which, by threatening the respondent, are designed to seem to that respondent as if they did represent a valid argument that implied the conclusion. Van de Vate here alludes to the concept of an informal fallacy as being a counterfeit argument that is similar to a valid argument, or appears comparable enough to it so that it would plausibly deceive a respondent.

Van de Vate supposes (p. 44) that there are effective appeals to force that do successfully deceive respondents in argumentative exchanges. What puzzles him is how such appeals to force are effective in masquerading as plausible arguments when they do successfully deceive participants in dialogue exchanges. Thus Van de Vate's focus is less on the internal logical structure or sequence of reasoning in the *ad baculum* argument, an aspect that might be focused on more by a logician. Instead, his focus is on the rhetorical or dialectical context in which an appeal to force is used as an effectively persuasive kind of argument exchange between two parties who are

reasoning together. One dialectical requirement for an argument to be an *ad baculum* cited by Van de Vate (p. 45) is that the arguer recognize the respondent as a logically autonomous reasoner who is capable of reasonable argumentation. Another requirement is that there be two distinct parties involved. As Van de Vate puts it (1975, p. 45): "Regarding the appeal clearly as an appeal to force must involve at least two persons. One can't appeal to force to oneself." Hence, the arguer and the respondent must be different persons or, at least, different participants in a dialogue exchange of reasoning.

A third aspect of the dialectical situation necessary for a successful *ad baculum* recognized by Van de Vate (p. 55) is that the respondent needs to be vulnerable in the sense that he is a person who can be hurt or is open to a threat. The appeal to force, then, characteristically is a recognition of this vulnerability of the respondent by the arguer and a designing of a threat message that appeals to it. Thus, Van de Vate's analysis of the appeal to force as a type of argument that can successfully be used in common conversational exchanges shows how this type of argument depends upon dialectical factors in the given social situation in a given case. According to Van de Vate (p. 57), the success of an appeal to force depends upon a given social situation in which the two participants in a dialogue find themselves.

The next article on the *ad baculum* fallacy, Woods and Walton (1976), concentrated on the internal logical structure of appeal to force as a type of inference. Woods and Walton take a skeptical point of view on the question of whether the *argumentum ad baculum*, as conceived of in the traditional logic textbook accounts, can correctly be said to meet the requirements of being a logical fallacy. The two questions raised by Woods and Walton are, first, whether the *ad baculum* has a distinctive form as an argument and, second, once it is analyzed as a clearly defined type of argument, whether this argument is fallacious or not. After struggling with several attempts to clearly define the *argumentum ad baculum* as a distinctive type of logical reasoning, or inference from a set of premises to a conclusion, Woods and Walton fix on one particular argument, the prudential type of argument, as being the best model to represent the reasoning in the *ad baculum*. Woods and Walton conclude, however, that, when the *ad baculum* is modeled as a prudential inference, in the kind of example typically cited in the logic textbooks, the argument turns out to be prudentially reasonable. Therefore, Woods and Walton conclude, the textbook accounts have failed to answer the question of why the *ad baculum* argument is fallacious.

The first requirement studied by Woods and Walton (1976, pp. 133-135) is that a fallacy is generally supposed to be some sort of fallacious argument. Arguments are composed of statements, some of which are designated as premises and others as conclusions. So, the problem then, with respect to the *ad baculum* fallacy is to try to pin down the inference or structure of the argument involved in it that makes it a distinctive type of argument.

Woods and Walton (p. 135) cite a typical textbook example from Michalos (1970), cited above as case 2.18. In this example, the proponent in the exchange presents the following disjunctive argument: "Either I'm right or you don't take the car tonight; therefore I'm right." Woods and Walton (p. 136) analyze this argument as a disjunctive form of prudential reasoning, having the following structure. First, there is a disjunctive premise, "Either I'm right or you don't take the car tonight." Then there is a nonexplicit premise stating that, for the respondent, it is an undesirable state of affairs that he doesn't get to take the car tonight. In other words, the

state of affairs of not taking the car is something the respondent is presumed to wish to avoid. So, for the respondent then, the second disjunct is canceled out as an alternative that, for him, is undesirable or not acceptable. Hence, by a familiar type of disjunctive reasoning, the respondent is guided towards the conclusion that the respondent is right.

The form of the argument looks somewhat like the familiar disjunctive syllogism of deductive logic: "Either A or B; not A; therefore B." However, in this instance, the nature of the argument is prudential or deliberative in form. The proponent is trying to guide the respondent towards a particular choice of actions as being prudentially acceptable for him (the respondent). At any rate, Woods and Walton characterize the form of the argument in this example (p. 136) as a disjunctive type of argument which is prudentially reasonable. That is, it has a structure of argument which is correct, meaning that, if the premises are acceptable to the respondent, then the conclusion ought to be prudentially acceptable to the respondent as well.

The paradox in this analysis, noted by Woods and Walton (p. 136), is that the paradigm example of the *ad baculum* fallacy has come out of the appropriate fragment of machinery designed to exhibit its structure, as a structurally correct or non-fallacious argument. The question asked by Woods and Walton then is, "What then has happened to the fallacy?" (p. 136). After casting around for a number of explanations of this paradox, Woods and Walton find none of them acceptable. Nor are any of the standard accounts of the *ad baculum* fallacy given in the textbooks found by Woods and Walton adequate to explain why appeal to force is a fallacy.

In retrospect, it looks like the answer to the puzzle posed by Woods and Walton (1976) is to be found somehow in the dialectical structure of the appeal to force as a type of argument analyzed by Van de Vate (1975). The fallaciousness of the *ad baculum*, it seems, is not to be sought just in its internal logical structure as a type of inference but, somehow, it is to be sought in how that inference is used in a broader context of dialogue that involves an exchange, a goal-directed conversational exchange of some sort between two parties. However, since Van de Vate's article is more directed to the psychological and rhetorical situation of the two parties, and is not directed—at least directly—to the normative issue of how to evaluate *ad baculum* arguments as correct or incorrect, the two articles by Van de Vate and Woods and Walton do not seem to integrate very well, and the subsequent literature failed to take advantage of the possibility of using the analysis of one to complement that of the other.

The third article in this series, Kielkopf (1980), charges the textbook treatments with presenting a superficial analysis of the *ad baculum* fallacy of a kind that "could lead to a type of dishonesty" (p. 2). Kielkopf cites the analysis of Copi which, as we can recall from above, characterizes the *ad baculum* as the fallacy "committed when one appeals to force or the threat of force to cause acceptance of a conclusion." According to Kielkopf (p. 2), this type of analysis is superficial because it fails to "distinguish between what is relevant as a reason for acting, from what is irrelevant for thinking that a claim is true." Kielkopf's analysis is based on a distinction between descriptive and prescriptive types of arguments. According to Kielkopf's analysis of this distinction (p. 3), a normative type of conclusion of an argument, read prescriptively, directs the respondent to carry out an action, and the premises to give reasons for carrying out that action. Read descriptively, however, the argument still gives a normative conclusion which says some action should be carried out. But

the premise claims that the reason the action should be carried out is that it meets certain standards. At any rate, however we describe the distinction, Kielkopf sees an important distinction between two types of arguments used in a case of the *ad baculum*. The one type of argument seems comparable to Woods and Walton (above), defined as the use of prudential reasoning to try to get a respondent to carry out a certain action. The other descriptive use of argument has more to do with persuading the respondent to accept a particular proposition as true, based on evidence that supports the truth of that proposition. Kielkopf, then, claims that the typical textbook analyses of the *ad baculum* argument are superficial precisely because they do not distinguish between this descriptive use of argument as providing a reason for thinking a claim is true, and the prescriptive function of argument, according to which the premise provides a reason for carrying out a certain line of action as prudential or practically wise.

Kielkopf gives the following example of a typical type of *ad baculum* argument, which might be classified by a student following the traditional textbook analysis of the *ad baculum* as a fallacy. Kielkopf's analysis of how a student might be directed to analyze this example, following the typical textbook treatment of the *ad baculum* fallacy, along with the example itself, is quoted below. According to Kielkopf (p. 2), the example is taken from the Columbus, Ohio *Citizen Journal* (July 12, 1979, p. 16).

Case 3.1: It is reported that the Zimbabwe-Rhodesia Prime Minister Abel Muzorewa is to meet with President Carter to request that the U.S. lift economic sanctions against Zimbabwe-Rhodesia. The report predicts that Carter will not remove the sanctions. Despite the fact that the article is primarily a report coupled with a prediction, an observant student could recognize an enthymematic argument reported in the following sentence quoted from the article. "At the same time Afro-Arab foreign ministers meeting in Monrovia, Liberia warned the United States and Britain that lifting the sanctions would be considered a hostile act." With the aid of background information about political and economic relations between Afro-Arabs, Britain, and the U.S., a student could reconstruct the following argument from the Afro-Arab nations to the U.S. and Britain.

Conclusion: The U.S. and Britain should not lift their sanctions against Zimbabwe-Rhodesia.

Premises: 1. Lifting the sanctions would be regarded as a hostile act towards Afro-Arab nations.
2. Afro-Arab nations can produce serious economic and political problems for the U.S. and Britain in response to hostile acts.

The student may now go on to charge superficially that the report attributes an *ad baculum* fallacy to the foreign ministers.

Kielkopf's analysis is that the typical textbook treatment of the *ad baculum* fallacy, like that of Copi, are superficial in the sense that they encourage the student to leap to the immediate conclusion that an *ad baculum* fallacy has been committed once it is recognized that the proponent of the argument above has expressed a threat or appeal to force. Kielkopf claims (p. 3) that the superficiality of the analysis resides in the claim that the Afro-Arab foreign ministers have argued fallaciously simply on the grounds that they threatened the U.S. and Britain. But, according to Kielkopf, the relevance of this threat should be judged on the basis of how we read the conclusion—descriptively or prescriptively. If we read the conclusion descriptively, "telling us that as a matter of sociological fact our standards or conditions for justifiable lifting of the sanctions have not been met" (p. 3), then the *ad baculum* argument is likely judged to be fallacious. However, if we read the conclusion prescriptively, it directs us towards the prudence of not lifting the sanctions if we want to avoid certain negative consequences of that course of action. According to Kielkopf's assessment of the argument, this prescriptive interpretation of the *ad baculum* argument would make it nonfallacious because, interpreted in this way, the argument is relevant.

This second interpretation appears to correspond with the Woods-Walton analysis of the *ad baculum* as a prudential type of reasoning, and it is notable that the Woods-Walton analysis of this interpretation agrees with that of Kielkopf. Both analyses see the argument as relevant within a prudential context and as, therefore, not being a fallacious type of argument even though it is an *ad baculum* argument, i.e., an argument that involves a threat or appeal to force. In short then, Kielkopf sees the *ad baculum* argument, of the kind typically put forward in the textbooks as an example, as being ambiguous. It can be interpreted as a prescriptive (or practical) kind of argument, while it is also possible to interpret it as a descriptive argument that makes claims about the truth or falsity of a proposition.

As noted above, several of the textbooks themselves have observed this ambiguity as well, although they have perhaps not analyzed it as critically, as sharply, or in as much depth as Kielkopf has. But, once made in a scholarly article, this observation sharply challenges the traditional treatment of the *ad baculum* fallacy in the logic textbooks. Kielkopf rightly sees the traditional type of analysis as superficial. Moreover, Kielkopf is right to emphasize the danger of this type of analysis, for, in fact, it does encourage students to leap too quickly to the conclusion that all *ad baculum* arguments—identified as any argument that contains a threat or some kind of appeal to force—are fallacious. This pedagogical effect is a typical problem with teaching students informal fallacies. Once the student learns to identify a particular type of argument associated with a fallacy, then, whenever the student recognizes the characteristic of this type of argument, he or she quickly leaps to the conclusion that here is such-and-such a fallacy. In the case of the *ad baculum* argument, the student is encouraged to look for threats and, as soon as the student sees something that looks like a threat, or even sees the word 'threat' printed in a newspaper article or some other text of discourse, he or she immediately leaps to the conclusion that an *ad baculum* fallacy has been committed here. However, if the Woods-Walton analysis of the typical *ad baculum* argument as a type of prudential reasoning is correct, then a lot of *ad baculum* type arguments that express threats or impose sanctions of one sort or another can be prudentially reasonable and relevant arguments in some cases.

It seems, then, that the notion of relevance is part of the problem here. An *ad baculum* argument can be relevant in one sense but not relevant in another, and, as

Kielkopf points out, the superficiality of the standard treatment too often systematically encourages a conflation of these two kinds of relevance, resulting in premature and unwarranted criticisms of fallaciousness.

2. WOODS, RESCHER, AND WREEN

The distinction cited by Kielkopf between the two different kinds of uses or types of argument—the descriptive and the prescriptive—has also been analyzed by Rescher (1985) in his study of the "Pascal Wager." The Pascal Wager involves the choice between accepting and rejecting God, in the human situation where, strictly on the basis of the evidence, reason cannot adequately give sufficient arguments for rejecting or accepting the religious hypothesis. It seems, then, as some would think, the best conclusion is suspension of belief, and if you look at the decision from a purely theoretical point of view, that conclusion seems correct. However, Pascal pointed out that one should also look at this kind of choice from a practical or deliberative point of view. His argument can be summarized as follows:

Case 3.2: If you accept the hypothesis that God does not exist and you turn out to be wrong, then you suffer eternal hellfire and damnation—an infinitely bad outcome. However, if you accept the proposition that God does exist and live your life accordingly, then the outcome is infinitely good for you. You win an eternal life in heaven. However, if you accept the proposition that God does exist and you turn out to be wrong, then the consequences are relatively trifling. And if you reject the proposition that God exists and you turn out to be right, again the consequences are relatively trifling. On balance then, looking at the decision matrix of four options from a prudential or practical perspective, it is much more prudent to accept the hypothesis that God does exist because, if you turn out to be right, you will win eternal bliss but, if you turn out to be wrong, the consequences are relatively trifling. So if you look at the decision as a gamble, clearly, of the two choices, accepting the proposition that God does exist is by far the best bet. The potentially good consequences of this bet far outweigh the consequences of the opposite hypothesis which has potentially infinitely bad consequences. Therefore, you ought to go ahead (practically speaking) on the assumption that God exists.

The controversy about Pascal's Wager is whether the pragmatic basis that it suggests for acceptance of a hypothesis—judging an action by its likely consequences—is a legitimate type of argument at all. Traditionally in logic, the notion of evidential rationality or descriptive argument, as Kielkopf called it, has tended to be greatly emphasized and it is often presupposed that this is the only kind of argument that has any kind of evidential worth as a basis for justifying a conclusion. But Pascal's

Wager raises the question of whether prudential rationality ought to have some basis as offering reasons for inferring from a set of premises to a conclusion in some cases.

As Rescher puts it (1985, p. 64), some would say that only the evidentiary-based type of rationality is legitimate. According to this point of view, pragmatic considerations can warrant action on a presumptive acceptance basis, but such pragmatic justifications should never be "allowed to succeed in validating acceptance of a belief" (p. 64). Rescher argues against this anti-pragmatic point of view, writing that it is "surely incorrect." According to Rescher's account: "Rationality calls for aligning one's actions to one's beliefs" (p. 64). Hence, what Rescher is pointing out here is an ambiguity in the concept of the notion of a rational argument as a basis for accepting a conclusion. Such arguments can be of two kinds. They can be evidentially-based or they can be prudentially-based. Here, one could perhaps distinguish between theoretical kinds of arguments, as opposed to practical or pragmatic types of arguments. The ambiguity is worth pointing out because it potentially masks an important confusion. The reason is that there is a strong tendency in Western thinking to demote pragmatic considerations to an inferior status, or even bar them altogether as offering a basis for rational argument. Hence, when one sees the notion of argument appealed to in logic textbooks, where premises are said to give one a reason or an evidential basis for accepting a conclusion, primarily these textbooks seem to have in mind the concept of the theoretical or evidentially-based type of argument. This leads the reader (or the student) to overlook the pragmatic concept of argument and, with respect to the *ad baculum* argument, this confusion results precisely in the superficial assessment that Kielkopf complains of.

Connecting up this reaffirmation of the value of prudential argument with the *ad baculum* fallacy, Woods (1987) re-examines certain traditional examples of *ad baculum* arguments previously cited in the textbook treatments. The first one is the familiar type of example which we called the mugger (case 2.4), and which Woods calls "the heist" (p. 344), where one party points a pistol at another and says, "Your money or your life." According to the analysis proposed by Woods (p. 344), there is no fallacy at all in this case: "It is a good prudential argument." Another kind of case cited by Woods (pp. 344-345), is that of the anti-smoking commercial.¹ In this type of case, Woods comments (p. 345) that the argument could go wrong in various ways, but it is not inherently fallacious. In fact, as Woods sees it, this kind of argument has a prudential reasonableness to it, at least in principle. Woods likewise (p. 347) sees Pascal's Wager as a good prudential argument. In short, Woods sees all three of these types of arguments as, at least in principle, good prudential arguments that can present a rational basis for accepting a conclusion. Of course, such an argument could be seen as fallacious if seen as what Kielkopf calls a descriptive argument or Rescher calls an evidential type of argument. But, if seen for what they are, mainly practical arguments which lead from commitment to the premise to a commitment to the conclusion, as a prudential basis for action in a situation in which knowledge is not complete or cannot be collected in time to make a purely theoretical evidentiary basis for a decision, then such arguments can be reasonable.

Accordingly, Woods moves ahead from the earlier skeptical Woods-Walton conclusion, wondering what the basis of the *ad baculum* fallacy is, to the somewhat more positive conclusion, ten years later, that the *argumentum ad baculum* is not a fallacy (p. 349). Woods sees the *ad baculum* argument as, at least in principle, being able to meet prudential requirements as a good argument by incorporating a threat to

negative consequences that could be a reasonable basis for one party to commend a certain line of action to another. Judging from this stage of the literature then, it seems that the standard treatment of the *ad baculum* fallacy is in a seriously difficult and compromised situation. Kielkopf has pointed out that the typical analysis of *ad baculum* in the textbooks is not only confusing and based on an ambiguity, but is inherently superficial and can be misleading to students. It seems that Woods has gone even further and claims that the typical analysis of the *ad baculum* fallacy is inherently erroneous. For the typical type of *ad baculum* described in the textbook treatment as fallacious is, according to Woods' analysis, a reasonable prudential argument and therefore not fallacious at all. According to Woods then, the standard treatment of the *ad baculum* fallacy is flatly wrong.

If Woods and Rescher are right that the practical type of argument can be inherently reasonable in many cases as a basis for accepting a conclusion based on cited premises, then Woods' critique is quite a serious indictment of the standard treatment of the *ad baculum* fallacy.

Wreen (1987) offers some criticisms of the way the *ad baculum* fallacy is portrayed in the standard textbook treatments. Wreen's criticisms support Kielkopf's contention that the standard treatment of the *ad baculum* is superficial. However, Wreen's criticisms are somewhat different from those of Kielkopf. According to Wreen (1987, p. 37), the problem is posed by the history of how the informal fallacies have been dealt with in the traditional textbooks and manuals over the centuries. According to Wreen, "Informal fallacies have been bequeathed to us by a long line of venerable philosophers starting with Aristotle" (p. 37). Wreen notes that these fallacies have impressive Latin labels but, in most cases, we have very little analysis or information on what is really wrong with the so-called fallacy. What we do have in the standard treatment, according to Wreen, is "an illustrative example or two," concerning which we have a feeling that something is wrong with the argument conveyed in the example (p. 37). What such traditional treatments lack, however, according to Wreen, is that very little is given concerning the context in which the argument was used in the example and no theoretical justification is given to show why arguments of a particular type are fallacious or not.

Wreen (*Admit*, 1988) replies to Kielkopf's article on the *ad baculum* and finds much in it that is valuable. However, Wreen basically disagrees with the fundamentals of Kielkopf's analysis. Wreen (*Admit*, 1988, p. 94) writes that Kielkopf "draws a misleading, in fact a bogus distinction between reasons for thinking and reasons for acting as a criterion for assessing the fallaciousness of *ad baculum*" (*Admit*, p. 94). Wreen also thinks that the two concepts that Kielkopf employs in his analysis of the *ad baculum*-prescriptive and descriptive meaning—are "two concepts of dubious worth" (*Admit*, p. 94). In short then, Wreen basically disagrees with the framework used in Kielkopf's analysis.

To indicate more precisely the nature of the disagreement between Wreen and Kielkopf, it is best to focus on Wreen's analysis of Kielkopf's example. Kielkopf's leading example, the reader will recall, is the one about the U.S. and Britain lifting sanctions against Zimbabwe-Rhodesia. Wreen likes Kielkopf's proposal that the conclusion of the *argumentum ad baculum* in this case is a should or ought statement (Wreen, *Admit*, 1988, p. 89). However, Wreen does not like Kielkopf's way of stating the premises of this *argumentum ad baculum* and indicates that he would prefer to rephrase the two premises of the argument as follows:

If the U.S. and Britain lift the sanctions against Zimbabwe-Rhodesia, their doing so would be regarded [by various nations] as a hostile act, and so probably lead to serious economic and political problems for the U.S. and Britain.

The U.S. and Great Britain do not want such problems; (or better) such problems would be an evil the U.S. and Britain would suffer.

According to Wreen's analysis, the first premise expresses a conditional relation between an action and a state of affairs, and Wreen describes the second premise as being "valuational" in nature (p. 90). Wreen sees the whole argument as having an inductive nature (p. 90) and thinks that Kielkopf's analysis is good because Kielkopf recognizes that the argument is not a deductive type.

Wreen disagrees with Kielkopf on several specific points (p. 90). The first difference of opinion is that Wreen sees Kielkopf as suggesting that *ad baculum* arguments are inherently two-person exchanges which involve one person who offers the argument and a different person to whom it is addressed (p. 90). Wreen disagrees with this assumption, citing the following case (p. 91):

Case 3.3: A person argues to himself: "If I don't get those papers graded before I go home tonight, no after-dinner dessert."

Another case Wreen cites (p. 91) is the following example:

Case 3.4: A person threatens his dog with a rolled-up magazine in order to prevent his dog from rummaging in the garbage can.

In the first case, Wreen thinks that it's possible "to address an *ad baculum* to oneself" (p. 91). The second case illustrates, according to Wreen (p. 91), that a second person isn't needed for an *argumentum ad baculum*, because such an argument can be directed to a languageless creature. These cases raise questions about what one means by the kind of dialogue exchange that can take place between two parties in which an *argumentum ad baculum* is used. Does it have to be two distinct persons involved or can one engage in a kind of dialogue or conversational argumentative exchange with oneself in which reasoning is used. And is it possible for a speaker to engage in an exchange involving argumentation with a dog, even though the dog cannot speak? These cases raise the question of what we mean by the term 'dialogue' when we describe an *ad baculum* argument as involving a dialogue exchange between a speaker and a respondent. In particular, the second case raises the question of whether it is possible to have an *ad baculum* argument that does occur in a context of dialogue, even where no speech act or verbal locution is used in a language to send a message from the one party in the dialogue to the other. It is possible, for example, that a gesture, or some other kind of action, might express a threat that could, in turn, be interpreted as an *ad baculum* argument. So far, such questions have not been answered, and Wreen seems to be the first to have posed them.

A second point of disagreement Wreen indicates that he has with Kielkopf is that, according to Wreen (p. 91), Kielkopf suggests that, in putting forward an *ad baculum* argument, a proponent wants to move someone, or is trying to cause someone to do

something. Wreen denies that this characteristic is essential to *ad baculum* arguments. Wreen cites the kind of case where a proponent warns a respondent that, if he doesn't flee the city within the hour, some bad consequences will happen to the respondent. In such a case, according to Wreen (p. 92), the proponent might simply be making sure that the respondent is apprised of his predicament—that is, he may be simply reminding the respondent or bringing to his attention that harmful consequences may occur if he does not leave the city. Wreen sees this type of case as being an instance of an *ad baculum* argument, but he states (p. 92) that the argument might be offered "with no intention" to move the respondent at all. So, contrary to what he interprets Kielkopf as saying, Wreen does not think that an *ad baculum* argument requires some sort of intent or willingness to get a respondent to carry out some action or stop him from carrying out some action.

Another disagreement Wreen (*Admit*, 1988, p. 92) has is that Wreen doesn't like Kielkopf's basing the analysis of the *ad baculum* argument on the distinction between prescriptive and descriptive meaning. According to Wreen (p. 92), this distinction is not very clear, and Wreen thinks that Kielkopf fails to explain it or justify it as a theoretically sound notion with good credentials. As Wreen puts it (p. 92), this distinction "comes to us without its papers in order."

Finally, Wreen (p. 92) agrees with Kielkopf that there is an ambiguity in the conclusion of the *ad baculum* argument as Kielkopf reconstructs it. However, contrary to Kielkopf, Wreen doesn't think that the ambiguity lies in the distinction between prescriptive and descriptive meaning even if these notions can be clarified. Rather, Wreen thinks (p. 92) that the ambiguity concerns the word 'should.' Does the word 'should' express self-interest, morality, law or what, asks Wreen (p. 92). And until we know which of these points of view the action is being judged from, Wreen concludes, we are not in a position to evaluate the *ad baculum* argument as weak or strong. Wreen then agrees with Kielkopf that the standard treatment of the *ad baculum* argument in the textbooks has been too superficial to clarify what really lies at the bottom of the alleged fallacy. However, Wreen strongly disagrees with the conceptual tools that Kielkopf uses to analyze the *ad baculum* argument as a distinctive type of inference.

3. JASON ON SCARE TACTICS

Jason (1987), like Van de Vate (1975), is concerned with how *ad baculum* works as a fallacy—that is, how the *ad baculum* is effective in masquerading as a plausible argument that successfully deceives participants in dialogue exchanges. To study this aspect, Jason contrasts the kind of *ad baculum* case that he sees as persuasive, with other *ad baculum* cases that are used in the standard treatment, but are not persuasively fallacious.

Jason (1987) divides *ad baculum* arguments into three categories: (i) the prudential ones, (ii) the utterly unpersuasive ones, and (iii) the ones that use indirect threats and scare tactics. According to Jason, *ad baculum* arguments of type (i) are generally nonfallacious; those of type (ii) are fallacious, but are not dangerous, because they are so obvious; and so it is the ones of type (iii) that we should really be worried about.

To illustrate these three types of *ad baculum* arguments, Jason (p. 494) gives the following three examples. Case 3.6 is similar to the lobbyist case (case 2.8), and the comparable case 2.17.

Case 3.5: Give me your money or I will blow your head off.

Case 3.6: I'm sure that you'll agree that our bill deserves your support, Senator Jason. Don't forget that our organization has over one million members, all of whom vote the way we tell them to.

Case 3.7: Do you want to die a horribly painful death? There is no more painful death than Beri-Beri, where your gums rot and your bones crumble, when you can only scream and scream again in desperate pain. This disease is caused by vitamin deficiency. Protect yourself. Buy these vitamin supplements.

With respect to the *ad baculum* in case 3.5, Jason is not sure whether it is an argument or not (p. 494). But if it is an argument, it is a prudential argument that can be recast in the following form (p. 494).

- (1) If you don't give me your money, I will blow your head off.
 - (2) You don't want your head to be perforated by a bullet.
-

You ought to give me your money.

Jason sees this argument as "logically acceptable" (p. 494), provided the 'ought' in the conclusion is interpreted as "purely prudential," and not as saying that the action would be "morally correct."² Jason concludes that, in this case, whether you interpret it as an argument or not, no fallacy is committed. Therefore, he adds, "So no *argumentum ad baculum* is committed."

The difference Jason (1987, p. 44) states between the mugger case and the second case of this trio is that in the second case (case 3.6), the conclusion is not 'You ought to vote for this bill.' but is "a statement to the effect that the bill is a good one." But he adds that another interpretation of case 3.6 is also possible—it is possible to interpret the conclusion as the ought-statement of a practical syllogism, and so one way to view the lobbyist is "as merely a polite mugger" (p. 494). But the first interpretation seems to be the most interesting, and the most likely one, both to Jason, and probably to any observer. But the argument, on this interpretation, according to Jason (p. 495), is "such a howler, that nobody could be persuaded by it." This remark confirms the observations drawn by Carney and Scheer on case 2.13, to the effect that *ad baculum* arguments do not work by deceptively persuading or fooling the respondent. Carney and Scheer drew the same conclusion as Jason, namely that appeals to threat are not fallacies at all.

It is the third type of *ad baculum* argument that Jason sees as the most dangerous as a fallacy that ought to be carefully analyzed. He sees the first two cases as direct threats in the following sense: "A *direct* threat is one in which the person articulating the threat would be involved in carrying it out if it is indeed carried out" (p. 495). In case 3.7, however, the threat is indirect (p. 495), because "the listener's refusal to buy the vitamins will not cause the seller to cause him (the listener) to

have such a deficiency." Instead, the *ad baculum* argument in this type of case uses "scare tactics," which Jason defines (p. 496) as "statements or other devices (such as verbal imagery, sounds, or pictures) which make the listener feel threatened, but which don't actually constitute evidence that he (the listener) is in fact threatened to any great degree." What is especially significant to note is that Jason defines 'scare tactics' in such a way that an argument using scare tactics is fallacious because it uses devices that do not "constitute evidence." Thus the argument in case 3.7 should be contrasted, according to Jason (pp. 495-496) with a comparable argument where genuine evidence, of a statistical and medical kind, is used to show the effects of acute vitamin deficiency on health. Hence as Jason sees it, this third type of case is the one to worry about, because it is both fallacious and also persuasively deceptive in many instances.

To prove his point, Jason cites an actual case (p. 496).

Case 3.8: There is a movie (produced in England) which is intended to convince people to not smoke cigarettes. Perhaps you have seen this movie—it is remarkably powerful. It has pictures of and interviews with people dying of lung cancer, mainly cowboys, in an ironic counterpoint to those Marlboro ads which pictured handsome cowboys smoking. So, for instance, you see one poor fellow riding the range with oxygen bottles strapped inside his saddlebags and the tube up his nose.

Does the use of scare tactics in this argument make it a fallacious *ad baculum* argument? Jason (pp. 496-497) concedes that, on his principles, this *ad baculum* argument should be judged fallacious. Basically, his argument is that the thrust of the movie ignores the issue, because it fails to present the statistical facts about cigarette smoking and its relationship to lung cancer, and instead uses scare tactics.³ It is fallacious, according to Jason, because it uses scare tactics instead of "rational persuasion" (p. 497).

There is no question that those who use *ad baculum* arguments to persuade smokers to quit intend to help rather than harm the smokers of the world, but it is still an open question whether or not the rational case against smoking can be made more effectively than it has heretofore. Unless we are prepared to assert that smokers are such hopeless nicotine addicts that they are not rational agents, it seems that continued attempts at rational persuasion are to be preferred over scare tactics.

According to Jason's point of view, "to use scare tactics is to manipulate rather than persuade" (p. 498), and that is why the use of scare tactics is fallacious—the fallacy is a substitution of manipulation for evidence needed to prove a conclusion.

Jason may be too hasty in ruling out case 3.6 (the lobbyist type of case) as a serious contender. For the *ad baculum* argument in this case may be fallacious (in some sense) even if it does not deceive the respondent. But like Carney and Scheer, he does raise a provocative question here about what the word 'fallacy' means. Jason is also right to highlight scare tactics as an important kind of argument for the study

of fallacies. However, some like Wreen—see below—would not even define scare tactics arguments as *ad baculum* arguments.

4. WREEN'S CRITICISMS OF COPI

In his critique of the standard treatment of the *ad baculum*, Wreen focuses in particular on some examples given in Copi's popular textbook *Introduction to Logic*. Wreen has a few things to say about the lobbyist case, in particular. As you will recall, Copi analyzed this example (case 2.8) by saying that such considerations posed by the lobbyist "have nothing to do with the merit of the legislation the lobbyist is attempting to influence." The problem with Copi's treatment of this example, according to Wreen (1987, p. 37), is that, although the example is very brief, we know that something is wrong with the argument that the lobbyist is offering. According to Wreen however, what is wrong in this case is not logical but ethical (p. 37). But because a student reading the textbook senses that something is wrong or inappropriate about the lobbyist's argument, the presumption is laid in place by the writer of the textbook that the argument can summarily be rejected as fallacious. Wreen's analysis of this particular case shows, however, that such a rejection would be a hasty leap and would rest on a superficial interpretation of the argument of the lobbyist.

But the lobbyist knows as well as anyone else that what he's said doesn't show that the bill is a good one. He's not arguing that the bill is good because he can influence voters. No one smart enough to become a lobbyist is dumb enough to think that. What he's arguing is that if the politician doesn't support the bill, he won't use his influence to help him, the politician, get re-elected. His conclusion is not that the bill is a good one, but that the politician ought, from the point of view of self-interest, to support it. *That* argument may well be quite strong, regardless of the fact that it's an appeal to force.

Wreen probes beneath the surface of Copi's argument to reveal the prudential reasoning underlying the lobbyist argument. The lobbyist is not arguing that the bill is good because he, the lobbyist, can influence voters. Instead, the lobbyist is appealing to the politician's self-interest as a way of trying to get the politician to undertake a certain course of action, namely to vote for this bill on grounds of self-interest. As Wreen correctly notes, this prudential argument may well be quite strong and plausible, even though it is an appeal to force or *ad baculum* type of argument. What Wreen is pointing out then is that, if viewed as a prudential argument, the *ad baculum* reasoning used by the lobbyist can be viewed as relevant. It makes a point which postulates a premise from which the politician ought to conclude from the point of view of his self-interest that it would be a prudential course of action for him to support this bill if he wants to get elected or get the support he needs from voters. So, the example is much more complex than Copi's brief treatment of it suggests.

Wreen is dismissing the lobbyist case for a different reason than Jason, then. Jason saw this *ad baculum* as unpersuasive, whereas Wreen interprets it according to the second type of interpretation cited by Jason—as a prudential argument.

According to Wreen, it is typical of the standard treatment of fallacies that a brief example is treated in a superficial way so that genuine complexities in the argument are masked, making it possible to deal with a fallacy without giving any lengthy analysis, and by using very short examples without extensive context given. According to Wreen's diagnosis (1987, p. 36), the method of fallacy detection used by Copi consists in presenting only a short example and then judging "on the basis of intellectual intuition" whether the example is an instance of a fallacious argument or not. Wreen notes that Copi, for example, in his widely-used textbook, provides nothing more than this kind of brief treatment for all of the informal fallacies covered in his book (1987, p. 36). The problem pointed out by Wreen then, is that the dialectical context of the example cited is not analyzed with sufficient theoretical resources or in enough contextual detail to really get at the basis of justifying why the argument cited is fallacious or not.

According to Wreen, the problem with the typical textbook treatments of the *ad baculum* is not that the examples they give are uninteresting. The problem is that the examples given are not treated in enough detail and with adequate analytical resources to uncover the real nature of the *ad baculum* fallacy. Thus, in moving towards any new theory of the *argumentum ad baculum*, the work needs to start from a re-analysis of these classical examples. Wreen (May, 1988) begins this work by analyzing a series of examples from Copi's popular logic textbook *Introduction to Logic*. In approaching these examples, Wreen sets out from a different starting line than Copi. In Copi's treatment of the *argumentum ad baculum*, it is presumed that this type of argument is inherently fallacious. Copi defines the *argumentum ad baculum*, as Wreen notes (p. 426), as the fallacy committed when one appeals to force or the threat of force. This approach makes every *argumentum ad baculum* automatically fallacious. As Wreen puts it (p. 426), it is "trivially true that all *ad baculum*s are fallacious." Wreen takes quite a different presumption as his starting point for the analysis of these examples. According to Wreen, most *ad baculum* arguments are "fairly strong" (p. 425). Hence, although Wreen is taking the examples directly quoted from Copi, nevertheless, he is not making the same beginning assumptions as Copi does on how to classify these examples as embodying a particular type of argument.

The three main examples from Copi that Wreen uses in his analysis are quoted below directly from Wreen (May, 1988, p. 426). The second case is the example from the *Book of Revelation*, cited above by Hackett Fischer (1970, p. 294), as case 2.21.

Case 3.9: According to R. Grunberger, author of *A Social History of the Third Reich*, published in Britain, the Nazis used to send the following notice to German readers who let their subscriptions lapse: "Our paper certainly deserves the support of every German. We shall continue to forward copies of it to you, and hope that you will not want to expose yourself to unfortunate consequences in the case of cancellation."

Case 2.21: I testify unto every man that heareth the words of the prophecy of this book, If any man shall add unto these

things, God shall unto him the plagues that are written in this book: and if any man shall take away from these words of the book of this prophecy, God shall take away his part out of the book of life, and out of the holy city, and *from* the things which are written in this book.

- Case 3.10:* Gentlemen, I am sure that if you think it over you will see that my suggestion has real merit. It is only a suggestion of course, and not an order. As I mentioned at our last conference, I am planning to reorganize the whole business. I still hope, however, that it will not be necessary to curtail the operations of your department.

Wreen reconstructs each of these arguments as embodying a characteristic form of *ad baculum* inference which has two premises and a conclusion. Wreen calls the arguments in the three cases, respectively, (A), (B), and (C). The main premise of each argument, as reconstructed in Wreen's analysis, is the following:

- (A1) If I cancel my subscription to the German paper, then, the Nazis say, I will be subject to "unfortunate consequences," which would probably include at least severe bodily injury.
- (B1) If I add anything to, or delete anything from, this book, the Bible, then, it tells me, God will inflict many grievous injuries upon me, strike me dead, and deny me entrance into heaven.
- (C1) If I don't act in accordance with the boss's 'suggestion,' then, he says, he will re-organize the company, eliminating my department and job in the process.

The second premise in each of the three arguments is reconstructed by Wreen as follows:

- (A2) I don't want to suffer "unfortunate consequences" or severe bodily injury; [or, better] "unfortunate consequences," if I experienced them, would be an evil I'd suffer.
- (B2) I don't want to have grievous injuries inflicted upon me; I don't want to die; and I don't want to be denied entrance into heaven; [or, better] having these things happen to me would be an evil I'd suffer.
- (C2) I don't want to lose my job by having my department eliminated; [or, better] losing my job in that way would be an evil I'd suffer, an evil that would have evil effects on those around me as well, especially my family.

The conclusion of each of the three specimen arguments is reconstructed by Wreen as follows:

- (A3) I ought not to cancel that German newspaper.
- (B3) I ought not to add anything to or delete anything from the Bible.
- (C3) I ought to act in accordance with the boss's 'suggestion.'

So reconstructed, Wreen then proceeds (pp. 428-429) to evaluate each of these three *ad baculum* arguments as being "quite strong" (p. 429). Contrary to Copi then, Wreen does not see any of these arguments as being fallacious. According to Wreen's evaluation (p. 428), "arguments (A) and (C) are strong enough for the unfortunate arguer to put a fair amount of stock in, and perhaps act upon, his conclusion." Wreen sees the conclusion in all three of the arguments as expressing an "ought of self interest" (p. 428), meaning that strong reasons for the action are said to be "prudentially advisable" according to the evidence provided by the premises. For example, according to Wreen (p. 428), given the willingness of the Nazis to use force and their ability to carry out the threat of violence, "it would be prudent not to cancel the subscription" (p. 428). Similarly, if it is presumed that the boss has the ability to reorganize the company, eliminating my job in the process, then according to Wreen, self interest should dictate that I act in accord with his suggestion (p. 428). In the case of argument (B) (p. 429), doubts about the strength of the argument might arise from doubts about the existence or power of God. However, given that one assumes that a God does exist, is all powerful and would mete out the sort of severe punishment indicated in (B), then, according to Wreen (p. 429), these considerations would provide good prudential reasons for accepting the ought statement given in conclusion of argument (B). Hence, Wreen concludes (p. 429) that, despite the textbooks' traditional classification of all of these typical *ad baculum* arguments as fallacious, such arguments are not always or even often fallacious. In fact, Wreen sees them as quite strong arguments that are generally reasonable in leading to a conclusion expressed in the form of an ought statement.

There is one other example from Copi's *Introduction to Logic* that Wreen (May, 1988, p. 433) quotes, which is of special interest for any study of the *ad baculum*.

Case 3.11: ANYTUS: "Socrates, I think that you are too ready to speak evil of men; and, if you will take my advice, I would recommend you to be careful. Perhaps there is no city in which it is not easier to do men harm than to do them good, and this is certainly the case in Athens, as I believe you know."

According to Wreen's analysis of this interesting argument, Anytus is not necessarily threatening Socrates. However, Wreen feels that it would be reasonable to reconstruct this argument as being of the *ad baculum* type. Accordingly then, Wreen uses this particular type of example to argue that "A broader notion than threat is needed." (p. 433) to capture the notion of *argumentum ad baculum*.

For all we know, Anytus is a good friend of Socrates, and simply trying to convince him to be careful for his, Socrates', own good. He certainly needn't be threatening him, though of course he could be. As a quick reconstruction would show, however, he is arguing *ad baculum*-just as he would be if he were telling Socrates to get out of town fast because a natural disaster, a hurricane, say, were on the way.

This case is a very interesting one because, in it, Anytus, the proponent, is overtly giving Socrates some prudential advice to be careful. However, it is fairly clear from the context of the Platonic dialogue, and the text of discourse quoted by Copi, that what Anytus is covertly doing—in fact, what he is really doing—is expressing a threat to Socrates. He's not only warning Socrates that bad things are likely to happen to him if he keeps going around criticizing people in the way that he has done in the past. He is also communicating (indirectly) to Socrates that he himself (that is, Anytus), might be in a position to carry out such bad consequences. At any rate, Anytus says that, in Athens, it is easier to do men harm than to do them good. So he is telling Socrates that if he keeps going around "speaking evil" about people, given the fact that it is easier to harm someone than it is to do good for someone, it is quite likely that, sooner or later, someone will bring about harm to Socrates. However, Anytus is no doubt conscious of the fact that the words he is putting forward are in the context of a trial and, therefore, he stops well short of making any kind of overt threat, or saying anything that would commit him to having definitely made a threat. His tactic here is to leave plenty of room for plausible deniability so that, if challenged, he can say "Oh no, I was merely warning Socrates about the dangers in Athens to people who go around "speaking evil" about anybody." However, in fact, there is an eerie innuendo of threat implicit in the argument of Anytus, so that it is quite likely that Socrates and others would take this as verging on an implicit threat, or as being an argument that is transmitting a threat by innuendo. In any event, the case is definitely a very interesting one, and is characteristic of the kind of covert threats that are commonly found in examples of the *ad baculum*.

5. WREEN'S CRITICISMS OF HURLEY

The two most widely-used logic textbooks currently in use in North America, and probably in the world, are *Introduction to Logic* by Copi (current version by Copi and Cohen) and *A Concise Introduction to Logic* by Hurley. Having criticized Copi's treatment of the *ad baculum* fallacy in Wreen (May, 1988), Michael Wreen turns to a comparable critical analysis of Hurley's treatment of the fallacy in Wreen (*Bolt*, 1989). The three examples of the *argumentum ad baculum* selected from Hurley are the following cases (Wreen, *Bolt*, 1989, pp. 135-136):

- Case 3.12:* *Secretary to Boss:* I'm sure you'll want to raise my salary for the coming year. After all, you know how friendly I am with your wife, and I'm sure you wouldn't want her to find out what's been going on between you and that sexpot client of yours.

Case 3.13: It is financially advisable for you to join our protective organization. Think of the money you will lose in broken windows, overturned trucks, and damaged merchandise in the event of your not joining.

Case 3.14: Johnny, I know you'll lend me your bicycle for the afternoon. After all, I'm sure you wouldn't want your mother to find out that you played hooky today.

According to Hurley's analysis of the *ad baculum* fallacy inherent in all three of these cases, the appeal to force works by preventing the respondent, that is, the reader or listener of the argument, from acknowledging a missing premise that would be false or questionable. According to Hurley, this missing premise in the secretary case is the concealed false premise that, if I succeed in threatening you, then you will want to raise my salary. According to Hurley, this premise is false, because, even if the boss is threatened into raising the secretary's salary, it does not follow that he would do this because he wants to. Wreen (*Bolt*, 1989, p. 136) objects to this analysis, claiming that there is no such missing premise in this argument: "No secretary smart enough to try to extract a raise from his boss would ever hold the unlikely premise Hurley attributes to him/her, for no such person would ever think that there is any connection between threatening a person and changing his basic desires" (p. 136). According to Wreen, Hurley is not reconstructing the argument in an appropriate or "charitable way" (p. 136). Wreen reconstructs the argument as having two premises and a conclusion as follows:

- (D1) If you don't raise my salary, I'll tell your wife about what's been going on between you and that sextop client of yours.
- (D2) Your wife's finding out about what's been going on between you and that sextop client would be a very bad thing for you.
- (D3) Therefore, you ought, from the point of view of self-interest, to raise my salary.

According to Wreen's analysis, there is a missing premise but it's not the one cited by Hurley. Instead, it is the premise (D2) above, according to Wreen. Wreen sees his reconstruction of the text of discourse, in this case, as revealing an argument that is not fallacious (p. 137): "The premises do in fact provide strong support for the conclusion, for their truth would be good reasoning for thinking that the boss ought, from the point of view of self-interest, to give the secretary a raise" (p. 137). Wreen sees the argument as strong, although he does not see it as a conclusive argument because the boss needs to weigh the harms vs. the benefits of the two courses of action. If he were to give the secretary the requested raise, for example, it might plunge the business into bankruptcy and this might be worse for the boss than his wife finding out about the scandalous state of affairs cited by the secretary. Wreen reconstructs the other two arguments—in cases 3.13 and 3.14—in a comparable way,

seeing each of them as having two premises and a conclusion and seeing each of them as being a strong but not conclusive argument. So, in all three cases, as Wreen sees it, these texts of discourse do involve *ad baculum arguments* but the *ad baculum* argument in each case, is nonfallacious.

Comparable to his analysis of Copi's textbook then, Wreen has here provided an analysis of three leading and very typical cases cited as *ad baculum* fallacies in Hurley's textbook and given them the same treatment. In both instances, Wreen analyzes the argument in such a fashion that they can be revealed as strong arguments of some sort, though not deductively valid. So, we see that Wreen (1989) has deepened his critique of the standard treatment by indicting not only Copi, but also Hurley, for presenting basic examples of the *ad baculum* fallacy that are too superficial. Not only are these textbooks critiqued as being too superficial. If Wreen is right, both are dead wrong. The leading cases they see as being instances of *ad baculum* fallacy are, according to Wreen, strong and reasonable arguments where the premises cited do give support or justification for the conclusion. Thus, Wreen's critique should ring serious alarm bells that the standard treatment of the *ad baculum* fallacy in the most widely-used textbooks is not only superficial but is dead wrong. The field of logic, at least with regard to its treatment of the informal fallacy of *ad baculum*, is in serious trouble. If Wreen is right, the logic textbooks are teaching a method of evaluation of the *ad baculum* argument that is incorrect.

6. BRINTON'S CRITICISMS OF WREEN

Brinton (1992), using the same examples cited from Copi and Hurley by Wreen, argues—against Wreen—that these examples reveal that the *argumentum ad baculum* has an essentially dialectical structure as an argument. In other words, Brinton argues that *ad baculum* arguments do essentially involve an exchange between two parties. Moreover, Brinton argues—again against Wreen—that the *ad baculum* argument does essentially involve a threat. Thus, although Brinton disagrees with two of Wreen's key theses on the *ad baculum*, nevertheless he thinks that Wreen's analysis of these examples from Copi and Hurley is very valuable, because it provides a "useful corrective, relative to standard textbook fallacy-identifications and judgments of guilty-without-trial" (Brinton, 1992, p. 85).

Brinton (p. 86) agrees with Wreen that the *ad baculum* arguments in the examples that Wreen cites are strong arguments, as opposed to fallacious arguments. Brinton also agrees that the type of inference these arguments involve is inductive in nature, or at any rate is something other than a deductive type of inference (Brinton, 1992, p. 86). Brinton also agrees with Wreen's thesis (p. 86) that *ad baculum* arguments need not be purely linguistic or verbal in nature.

However, Brinton expresses disagreement with two important negative theses of Wreen—as noted above—(i) that the *ad baculum* argument is not essentially dialectical in nature, and (ii) that threatening is not essential to the *ad baculum* (Brinton, 1992, p. 86). Citing Wreen's case 3.4 of the person who wraps up the newspaper and threatens his dog with the newspaper, in order to stop the dog from rummaging around in the garbage, Brinton comments that this example is a "plausible *ad baculum* argument" only insofar as Wreen can persuade us that Fido and Bowser are recipients of reasons for actions" (Brinton, 1992, p. 86). Thus even though Fido and

Bowser—the dogs cited in Wreen's examples—are languageless creatures, nevertheless, according to Brinton's analysis, they make, and even evaluate inferences. Thus, according to Brinton, Wreen's case of the newspaper being used to threaten the dog is not a counter-example to the thesis that *ad baculum* arguments are dialectical in nature.

Brinton (p. 86) makes roughly the same sort of point about Wreen's case 3.3 of the solitary person who issues a threat to himself, saying that he won't eat dessert tonight unless he gets those papers graded by the afternoon. According to Brinton (p. 87), the *ad baculum* as an argument in this case, "depends upon the idea of addressing oneself, upon casting oneself into both first and second person roles." According to Brinton's analysis then, for an argument to be dialectical, it is not necessary that there be two actual and distinct persons between whom the exchange takes place. Instead, what is required is that there should be two sides in the argument, so that there can be two points of view represented, or two roles, e.g. one person as having an obligation to prove a particular proposition, and another participant cast in the role of an arguer who doubts that proposition, and is raising critical questions about it. As Brinton puts it (p. 87), the person in the particular case is really deliberating, or arguing with himself, by saying something like: "Self, no dessert for you unless you finish these papers" (p. 87). Brinton concludes that Wreen has not given us, in these examples, a sufficient reason to reject the idea that *ad baculum* is an inherently dialectical type of argument exchange between two participants in a dialogue. Brinton points out as well (p. 87) that Wreen's rejection of the *ad baculum* as dialectical is part of his research project that involves seeing *ad baculum* as a logical type of argument rather than just presuming, as the textbooks so often do, that it is an inherently fallacious type of argument. Wreen's project then is part of a larger strategy of rejecting the questionable practice of the textbooks. As Brinton puts it (p. 87), "He [Wreen] is engaged in the very laudable effort of trying to exterminate the black-magical practice of naming innocent arguments into fallaciousness." However, the idea of an argument being a dialectical exchange between two parties should not be seen as importing some kind of mysterious, subjective, or black-magical element into the logical structure of an argument. At least Brinton seems to think that Wreen is being somewhat too cautious or conservative here, and it would seem likely that Van de Vate would be inclined to strongly agree with Brinton's point of view.

However, the more traditional approach, which would presumably be shared by the majority of practitioners of logic within the field of philosophy at the present time, might side more with Wreen's conservative point of view. These practitioners of logic are inclined to think of an argument as being a set of propositions, one of which is designated as the conclusion. And the whole idea of bringing personal elements into the methods of evaluating the argument—that is, bringing in notions of the arguer's intention, or seeing the argument as a dialogue exchange between two parties—would be anathema. From this conservative point of view, logic is more narrowly concerned with arguments as a set of propositions, and with certain abstract structures that enable us to test, in a particular case, whether the reasoning from the premises to the conclusion is valid or not.

What is at issue between the points of view represented by Wreen and Brinton then, concerns the choice of methods available in the analysis of the *ad baculum* as a type of argument. The more conservative group of logicians, represented by Wreen's point of view, is very skeptical about using dialectical methods in analyzing an

argument in logic. However, the somewhat more recent viewpoint, represented by the advent of recent developments in pragmatics, would be open to analyzing *ad baculum* arguments as dialogue exchanges between two parties—exchanges that have a normative structure. The pragma-dialectical school claims that the normative structure used to evaluate the argument is to be found in the rules or the requirements of the type of dialogue that is involved in the conversational exchange between the two parties, when one uses an *ad baculum* argument against another.⁴ So here we have a particular disagreement about specific examples of *ad baculum* arguments between Wreen and Brinton. But at the basis of this disagreement, there exists a theoretical difference of points of view concerning the underlying methods that should be used to analyze these cases.

Brinton's second criticism of one of Wreen's main theses is his attack (p. 87) on Wreen's argument that threatening is not essential to the *ad baculum*. Wreen thinks, as we have seen above, that an *ad baculum* argument "needn't involve a threat, not in any way at all" (Wreen, 1989, p. 133). Brinton (p. 87) agrees with Wreen that threatening can be defined as a kind of speech act. He disagrees with Wreen's contention that all threats are speech acts. According to Brinton, making a threat does not require a speech act, in a particular case. Brinton (p. 88) disagrees with Wreen's classification of the kind of case like the Anytus case, where a warning is issued from one party to another, as an *ad baculum*. Brinton thinks that, in such a case, if the speech act presented really is a warning, and not a threat, it would be inappropriate to describe it as an *ad baculum* argument. On the other hand, one might add that if one reads into the case a covert threat, underlying the warning, or the reminder—that is, the overt speech act—then there is a threat involved (except that it is an indirect threat).

Another kind of case cited by Wreen (1989, pp. 132-133) is the so-called supermarket case. In this case, according to Wreen, if the local supermarket demands that I pay its price for a can of beans, or leave with no food, then they are using an *ad baculum* argument. However, according to Wreen's description of the case, he writes, "I am not sure the local supermarket threatens me by demanding that I pay its price or leave with no food" (p. 432). Brinton replies (1992, p. 88) by conceding that it may be true that the supermarket is not threatening me in a case like this. But, as Brinton sees it, the argument is not really an *ad baculum* argument, if there is no threat being made. According to Brinton (p. 88), that the supermarket case involves an *ad baculum* argument will seem implausible to anyone who hasn't already been so "charmed" by Wreen's analysis that he has a "bloated conception of the *ad baculum*" (p. 88).

Another kind of example cited by Wreen, and commented upon by Brinton (p. 88), are extortion cases. According to Brinton, extortion cases can be argued to be instances of *ad baculum* arguments, when ingeniously formulated. But Brinton says that there is a clever strategy in devising counterexamples of the type that Wreen uses: "The requirements of ingenious formulation are . . . a matter of making the extorting look enough like a threat so the *ad baculum* label has a chance of sticking" (p. 88). Brinton's solution to this problem (p. 89) is to rule that the supermarket case, and other comparable cases cited by Wreen, should not be thought of as genuine *ad baculum* arguments. What they do seem to be are variations on the theme of argument from consequences. In this type of argument, one party advises or warns another about certain negative consequences for the first party, that will occur if this first party goes ahead to carry out a contemplated course of action. The second party,

who is doing the warning about the negative consequences, is presumably doing this in order to suggest to the first party that he ought not to carry out the contemplated action. Therefore, as Wreen's analysis brings out, this type of analysis typically does have a logical structure comprised of the joining of a conditional warrant with a singular proposition that fits into the conditional, and then generates an ought-conclusion, where the 'ought' is of the prudential type. What Wreen's analysis of these various examples brings out then, in our view, is that there is an important inferential link between the *argumentum ad baculum* and the type of argument which we have called argument from consequences.

However, the problem is that the two types of argument do not appear to be identical. The *ad baculum* somehow involves, or incorporates, the logical structure of inference that is characteristic of the argument from consequences. But the *argumentum ad baculum* seems to be different from the argument from consequences, and seems to add other elements to it, or to somehow be a variation on that underlying theme.

So Wreen is clearly on to something here, concerning the underlying structure of *ad baculum* arguments. But Brinton concludes that Wreen has not proved that *ad baculum* arguments do not involve threats. As Brinton sees it, only those arguments amongst the various examples cited by Wreen that do involve threats, are genuine cases of *ad baculum* arguments. The others, if they do not involve threats, should not be classified as *ad baculum* arguments, even though Wreen does so classify them. So, the dispute between Wreen and Brinton about the logical structure of inference underlying the *ad baculum* argument, is also partly a question of how to identify *ad baculum* arguments—that is, how to define them, more broadly or narrowly, as characteristic types of argument.

According to Brinton (1992, p. 89), "neither a promise nor a warning doth an *ad baculum* make." Therefore, concerning the kinds of cases cited by Wreen, if you interpret these cases as putting forward a promise or a warning, or some kind of speech act other than a threat, then we should not classify them as being *ad baculum* arguments. According to Brinton then—who disagrees with Jason as well as Wreen, on this point—the concept of threat is a necessary condition of identifying a particular argument as meeting the requirements necessary to be an *ad baculum*.

7. HOOKE ON THE EVERYDAYNESS OF *AD BACULUM*

Hooke (1991) criticized the standard treatment of the *argumentum ad baculum* in the logic textbooks as a fallacy where this type of argument is treated as "irrelevant to a deductive proof" (Hooke, 1991, p. 396). As Hooke puts it, the *argumentum ad baculum* is treated in the logic textbooks as a trivial and ineffective kind of irrelevant argument which would never convince any clear-thinking person. In the late 20th century, most of us in the Western world have been distanced from the horrible effects of torture and war as experienced firsthand. Hooke theorizes that this distancing tends to lead us to minimize or trivialize the *ad baculum* argument. What we fail to realize, Hooke argues (1991, p. 396), is that pain and fear are not just remnants of some distant barbaric instincts: "Pain and fear are central to everyday thinking about the contests and conceptions of truth" (p. 396). According to Hooke then, there is an everydayness about the *ad baculum*, but academic treatments of this type of argument

in the Western world have achieved an artificial distancing of these unpleasant aspects of reality, making the *ad baculum* argument seem trivial and harmless.

Hooke's thesis about the nature of the standard treatment of *ad baculum* is reminiscent of the historical considerations cited in chapter 1, section 7. Here we noted Hackett Fischer's thesis that soft sell techniques are now more commonplace and effective than crude and brutal appeals to force. This thesis seems to justify the tendency in the textbooks to shift from appeals to force to appeals to fear, especially the more subtle and indirect types, as examples of the *ad baculum*.⁵ However it was already suggested in chapter 1 that this tendency to soften, minimize, and underplay appeals to force, and harsher appeals to fear, may be a kind of rationalization, based on an illusion, or a tendency to ignore the more unpleasant aspects of reality. For example, it was noted in case 2.22, that brutal and effective appeals to fear, threats and force are very much in evidence in elections in some countries.

Hooke is suggesting that appeals to force, fear and threats may also be under the surface, implicit in many everyday argument transactions. Criticizing the logic textbooks for failing to help us address this considerations, Hooke argues that the *argumentum ad baculum* should not be "immediately construed as an emotional or psychological appeal and hence fallacious" (p. 396). Hooke is quite right that *ad baculum* arguments are commonly used and are effective in all kinds of everyday argument exchanges in diplomatic negotiations and in wartime, and in any situation where there is a struggle between two parties which is either decided by force or where there is some real danger of the outcome being decided by force. However, in the context of a classroom philosophy discussion, the appeal to force does seem "obviously irrational" (Hooke, p. 396), and therefore, it is easy to dismiss it as being a fallacy simply because it is an irrelevant argument. Yet, in contexts other than classroom conversations, the *ad baculum* is not only very common, but also very powerful as an instrument of persuasion and negotiation. The everydayness of the *ad baculum* will be illustrated by some empirical cases to be studied below, like those of witness intimidation. And, indeed, *ad baculum* is rightly featured as an informal fallacy precisely because all of us are familiar with having been the victims of the use of this particular argument tactic in our everyday lives. Hooke is right, then, that the standard treatments of the *ad baculum* argument tend to cheat by emphasizing only one context or one aspect of it, overlooking its more common use in argumentation in everyday conversation outside the classroom. Thus Hooke's criticism of the standard treatment of the *ad baculum* fallacy in the logic textbooks should be added to those of Kielkopf and Wreen.

8. WOHLRAPP ON TRADITIONAL AND MODERN VIEWS

Wohlrap (1991) sees the current controversies on the *ad baculum* argument as falling into two leading theories. The traditional approach, on the one hand, treats *ad baculum* as a fallacy either on the grounds that it is an irrelevant type of argument or that it is not really an argument at all. The opposing view, which could perhaps be called the modern view, has it that the *ad baculum* argument is a prudential type of argument which can be reasonable in some cases and fallacious in others. And, finally, according to Wohlrap's account of the modern view (1991, p. 397), even when the *argumentum ad baculum* is not a reasonable argument, it is not necessarily

a fallacy. According to Wohlrap (p. 397), it is the modern view that "seems to dominate at the moment." Wohlrap attributes the modern view to Woods and Walton and to Wreen. He attributes the traditional view to Copi and Van de Vate. Wohlrap seems inclined to accept neither of these views, but his own point of view appears to be somewhat more congenial to the traditional view of the *ad baculum* as a fallacy. According to Wohlrap's view (1991, p. 401), a threat is not an argument and, hence, one could say "There is no *argumentum ad baculum* at all" (p. 401). According to Wohlrap (p. 401), it would be better to describe what goes by the expression *argumentum ad baculum* as the kind of move that occurs in a discussion between two parties where the stronger party "moves over to a threat if he cannot get his case done by argument" (p. 401). Wohlrap does not see this *ad baculum* move as an argument, but rather as an interruption or break in the process of an argumentative communication between two parties. So, Wohlrap favors the traditional view in that he does see the *argumentum ad baculum* as being a species of failure of relevance in a discussion between two parties. But he somewhat disagrees with the traditional view, because he does not see this failure of relevance as so much being an argument as rather being an interruptive kind of move that breaks or terminates the discussion.

Wohlrap begins his analysis (p. 397) with a distinction between a threat and advice. According to Wohlrap (p. 397), "A threat is an utterance of the form 'I will do you some harm'." The giving of advice is a different type of speech act, according to Wohlrap, which takes the form "You had better do X because of Y, where X and Y are courses of action" (p. 397). The distinction between making a threat and giving advice, according to Wohlrap (p. 397), is that "A true advisor has no self-interest" in your carrying out an action.

Also, Wohlrap distinguishes between the making of a threat and being frightened by something. It is quite possible, for example (p. 397), that I may be frightened deeply by thunder but, in this instance, no threat has been made to me, nor need there be any threat having been made by anyone. Wohlrap thinks of these locutions as being different types of speech acts, and rightly points out that in any analysis of the *ad baculum*, it is necessary to make clear distinctions between threatening, advising and frightening.

Studying how and why what was traditionally seen as the *argumentum ad baculum* functions as a fallacy, according to Wohlrap (p. 399), involves distinguishing clearly between two types of speech exchanges in which arguments can occur. One of these types of speech exchanges is that of focusing on how one feels about one's opinions, how one expresses one's personality, and how one interacts with others with respect to these feelings. Wohlrap (p. 399) calls this "the aim of keeping things going," but he theorizes that, in the earliest days of European thinking, this aim was put aside and instead people began to focus on the question of whether "an opinion is true or not" (p. 399). This question of whether an opinion is true, according to Wohlrap, is one of knowledge and "In knowledge all the controversies and quarrels have come to an end" (p. 399). So, Wohlrap sees a shift here between two types of verbal relationships that people have. The one is about whether an opinion is true or not, and this speech exchange represents a static kind of relationship which has to do with knowledge.

The "keeping things going" type of speech exchange represents for Wohlrap the pragmatic features of argumentation, and this notion of argument is dynamic, as opposed to the static conception characteristic of the other type of exchange. Accord-

ing to Wohlrap, the static type of speech exchange represents a "distantiation from the immediate flow of events and experiences and opinions." Wohlrap characterizes this static type of exchange by a putting aside of personal interests, favors, "and all other belongings out of the matter," in order to focus exclusively on a concern with information and the reasons for and against the truth or falsity of a proposition (p. 399). This type of discussion oriented towards finding the truth is characterized by what Wohlrap (p. 399) calls "theoretical distance." The type of theoretical distance characterized by this type of speech exchange is exemplified by the following example of an argument given by Wohlrap (1991, p. 399): "You should not smoke because you damage your health!" According to Wohlrap's account (p. 399), this argument has "nearly perfect theoretical distance" because there is a stable connection between a widely-accepted moral aim, namely preserving one's health, and the physical damage produced by cigarette smoke.

In contrast, the dynamic type of speech exchange, which has to do with personal relationships and exchanging favors, is characterized by the typical type of *ad baculum* argument. Wohlrap gives the following example (p. 399): "Stop smoking or I won't be your friend any longer!" According to Wohlrap, this speech act is a threat, and it is based on a special connection between a personal wish and some future event. So, this making of a threat, of the typical type associated with the *ad baculum* argument, would be characteristic, according to Wohlrap, of the personal type of dialogue exchange where the aim is keeping things going and where personal interests and favors are essentially at stake in the moves used in the discussion.

How then does Wohlrap use the distinction between these two types of dialogue exchanges to analyze the typical and traditional *ad baculum* argument as a fallacy? Clearly, he sees the fallacy as involving a shift from the one type of speech exchange to the other, and it is evident from his remarks (p. 401), that he sees the fallacy as an intrusion of a typical "keeping things going" argument, i.e., a threat, characteristic of the personal type of exchange, into the framework of the other truth-seeking type of exchange. In the discussion that has the aim of the truth-seeking type of exchange, an *ad baculum* argument which takes the form of a threat issued by one party in the discussion to the other, is seen by Wohlrap (p. 401) as an interruption or a breaking of the truth-seeking discussion. For Wohlrap then, the *ad baculum* fallacy is seen as a fallacy in virtue of its being a break into one type of process of argumentative communication by a move that would typically or normally be used in an entirely different type of conversation. As we will see in the next section, this analysis is quite similar to the dialectical analysis given in Walton (*Emotion*, 1992).

Wohlrap agrees with two of the other interpretations of the *argumentum ad baculum* in the literature as well. His point of view seems close to that of Brinton and Van de Vate, for Wohlrap sees the *ad baculum* fallacy in inherently dialectical terms. All three accounts portray the *ad baculum* as involving a context of dialogue which presupposes a relationship of power between the two parties. The one party is in a position to do something that the other party won't like. In an *ad baculum* argument, according to both Brinton and Van de Vate, the proponent exercises power and the respondent feels a loss of autonomy and personal dignity. According to both Van de Vate's and Brinton's analysis of the structure of argument in the *ad baculum* then, the dialectical factor is essential. Both stress that this type of argument is dialectical, in that, it essentially involves two parties in some sort of conversational exchange of a certain type. For Wohlrap, as well, an *ad baculum* argument, of the

type appropriately studied in logic textbooks, is characteristically a threat made in a particular type of dialogue exchange. Wohlrappe characterizes this type of dialogue exchange by the notion of theoretical distance from the practical matters of getting along in life, and by a concentration on the question of whether a particular opinion is true or not. Thus, Wohlrappe's view of the *argumentum ad baculum* as a fallacy comes closer to the traditional view of it—expressed, for example, by Copi as a failure of relevance—except that Wohlrappe sees the *argumentum ad baculum* as a fallacy in dialectical terms.

What is essentially wrong with the *ad baculum* fallacy, according to Wohlrappe's account, is that it is a coercive move in a type of dialogue exchange which should require an assumption of equal rights in performing speech acts by all parties to a truth-seeking discussion. As Wohlrappe puts it (p. 398), "In typical threat situations, one party has the power to harm the other," so that, when a threat is announced within the context of a truth-seeking discussion by one party, it prevents the other party from expressing his or her point of view. Therefore, the use of the threat move, in this context characteristic of the *ad baculum* argument, frustrates or blocks the equal rights of the weaker party in the discussion. Therefore, it represents a break or interruption in the appropriate or normal flow of discussion, and it is on this basis that it should be characterized as a fallacy or inappropriate move. For Wohlrappe, the aim of the theoretical truth-seeking type of discussion is to exclude all the personal relationships and exchanges that are characteristic of the more practical type of discussion that is common in everyday argumentative exchanges. However, the *ad baculum* frustrates this exclusion because the consideration of more practical matters—of the exchange of interests and so forth—intrudes back into this theoretical discussion and feeds the theoretical distance which is necessary for the success of the truth-seeking type of exchange. In short then, while Wohlrappe has not fully worked out all the details of his analysis of the *ad baculum* as a fallacy, it is clear that his view of it is much more congenial to the traditional treatment of the *ad baculum* as a failure of relevance, as opposed to the modern theory as he characterizes it, which sees the *ad baculum* as a form of prudential argument that is often inherently reasonable.

9. A DIALECTICAL ANALYSIS

So far then, two main types of approach to the *ad baculum* are evident in the literature. The Woods-Walton and Wreen analyses portray the *ad baculum* argument structure as a characteristic type of inference—a sequence of propositions. One of the premises is characteristically a conditional, linked by the other premise to a conclusion that is an ought-statement.

This type of analysis focuses on the reasoning used in the *ad baculum* argument—that is, on the sequence of propositions joined together as an inference, with premises and a conclusion. The other approach is the dialectical one favored by Van de Vate, Brinton, and Wohlrappe. It focuses on how the *ad baculum* argument is used in a context of dialogue. There are two parties involved in using argumentation to exchange arguments or viewpoints in a series of moves. And in this approach, the *ad baculum* is seen as pertaining essentially to this two-party exchange. This dialectical approach makes the context of dialogue the key to the analysis of the *ad baculum* fallacy.

A dialectical analysis of the *ad baculum* is given in Walton (*Emotion*, 1992). This analysis is dialectical in the sense that the evaluation of whether an *argumentum ad baculum* is fallacious or not in a given case depends on the context of dialogue in which the argument was put forward in that case. Not only that, it is also dialectical in a deeper sense in that an analysis is given that explains the effectiveness of the *ad baculum* as a fallacy by showing how it involves a shift from one type of dialogue to another.

In a critical discussion, a type of persuasion dialogue where both sides are critically examining an issue of the discussion and each side is trying to prove the thesis it favors, an appeal to threat or force would seem radically out of place. An example in point is case 2.34—if we were having a philosophy seminar discussing the abortion issue and, suddenly, I were to threaten you with bodily harm if you didn't agree with my views, this move would seem highly inappropriate in that context.

But this perceived inappropriateness raises a question about the effectiveness of such appeals to threat. If they are so transparently erroneous, how could they ever be fallacious in the sense of being an effective and deceptive tactic used to fool people in an argumentative exchange? The answer to this question given in Walton (*Emotion*, 1992) is that there are some contexts of dialogue in which *ad baculum* is a reasonable, that is, a nonfallacious type of argument. A case in point is negotiation dialogue, where threats are frequently a normal part of the tactics used in the argumentation. The explanation given, then, in Walton (*Emotion*, 1992) of how an *ad baculum* argument can function as a plausible tactic to deceive people in a critical discussion, is that it may seem to the participants that the dialogue also involves negotiation. Hence, there is a kind of shift involved from the one context of dialogue to the other, so that the *ad baculum* argument seems to have an air of plausibility and appropriateness to the extent that the participants could deceive or convince themselves that negotiation is involved in their argumentative exchange.

At any rate, this explanation of a shift is the sort of dialectical analysis of the *ad baculum* given in Walton (*Emotion*, 1992), which portrays the appeal to threat or force as a contextual error involving a shift from one type of dialogue to another during the same sequence of argumentation. The *ad baculum* argument may not be relevant in the critical discussion that is taking place between the two parties, but it may seem relevant, at least to some extent, because it would be relevant if the participants were having a negotiation type of dialogue together. And since negotiation dialogue is a common type of dialogue as a framework for everyday argumentation, and is sometimes mixed in with cases where critical discussion is involved as well, it is easy for people to deceive themselves into thinking that the *ad baculum* argument may be relevant to some extent in a given case. Thus, the transition between what really is relevant and what seems relevant can be explained by the mixture of dialogues involved, or by the transition or shift from one type of dialogue to the other, during an argument.

Copi's case of the lobbyist (case 2.8) reprinted in Walton (*Emotion*, 1992, p. 144), can be used to illustrate how this dialectical analysis of the *ad baculum* works. In this case, the lobbyist reminded a representative that he, the lobbyist, can influence so many thousands of voters in the representative's constituency or so many potential contributors to campaign funds. Here, the *ad baculum* argument is a reminder that, under the surface, functions as a kind of threat or appeal to force or sanctions by the lobbyist. According to the dialectical analysis, how we evaluate the

ad baculum argument in this case, as fallacious or not, depends on the context of dialogue in which the argument was put forward. If the context of dialogue is supposedly that of a negotiation, then it is perfectly appropriate for the lobbyist to argue that he can deliver so many votes or so many potential contributors to campaign funds. This move is his bargaining chip in the negotiation, and he is using it to try and influence the legislator to also put in a bargaining chip in the negotiation by responding with some sort of compliance. If it is clear, both to the representative and the lobbyist that the two are negotiating, and that is what they are supposed to be doing, then there is no *ad baculum* fallacy involved in the argument. For the lobbyist's putting forward a threat, or trying to get the representative to agree by reminding him of the voters and potential contributors that he, the lobbyist, can influence, is a legitimate means for the lobbyist to fulfill his goal in a negotiation dialogue—namely to get the representative to support the legislation in question.

According to the analysis in Walton (*Emotion*, 1992, p. 145), if negotiation is the type of dialogue the two parties are taking part in, then the lobbyist is simply saying, "Here's the deal," and, if the offer is a good one, that means that the representative is likely to accept it, and the two are likely to reach some agreement on the terms of negotiation. So interpreted then, the threat is relevant in the negotiation dialogue and the *ad baculum* argument is not a fallacy.

Why then would we say that the argument in this case is fallacious? Well, the thing is that we feel that, in this case, what the representative should really be doing is weighing the issue on its merits. And we feel that this weighing should be the basis for his deciding to vote one way or the other. He can listen to the arguments of the lobbyist, but he shouldn't be treating the dialogue as pure negotiation. He should be thinking of it as a persuasion dialogue or a critical discussion where he is looking at the merits and demerits on both sides of the bill being considered. If this interpretation is appropriate for the case, then the context of the dialogue is that of a critical discussion or persuasion dialogue, and of course, in this type of dialogue, we rate the relevance of the *ad baculum* move quite differently. In this context of dialogue, the *ad baculum* move by the lobbyist is irrelevant, because what the representative should be thinking of is not how he can boost up his campaign funds or increase the number of voters who will support him. He should be deciding whether or not to support the bill on the basis of its merits. That is, he should be looking at the context of dialogue in which the bill is to be evaluated as that of a persuasion dialogue, where there are strong and weak arguments on both sides, and he should be balancing both sides, questioning the critical weaknesses of both sides and deciding, on balance, which side has the stronger case. What the legislator should be deciding is whether or not the bill is a good one for the whole country, or whether or not the bill makes sense as a whole, and not simply deciding it on a basis of the negotiation to see whether it complies with the demands of some particular lobbyist.

What makes the *ad baculum* arguments in this case fallacious, as Wreen (1987, p. 37) put it very well, is how the lobbyist takes the argument, as opposed to how he ought to take it: "The lobbyist's conclusion is not that the bill is a good one, but that the politician ought, from the point of view of self interest to support it." So, from the point of view of self-interested bargaining or negotiation, the *ad baculum* argument that the lobbyist puts forward is relevant but, from the original point of view of the critical discussion or persuasion dialogue, which is supposed to decide

whether the bill is a good one or not, the *ad baculum* argument put forward by the lobbyist is not relevant, or only very weakly relevant at best.

But what makes the *ad baculum* argument so persuasive or effective as a deceptive tactic in this kind of case, is that it is an irrelevant argument with reference to the type of dialogue the participants are supposed to be engaged in but it seems to be relevant, because negotiation is one part of political discourse. The answer to the question of how the irrelevance is concealed is that political discourse is not a pure type of dialogue, but a mixture of several different types of dialogue. Political discourse involves some elements of persuasion dialogue but also, inevitably, it involves elements of negotiation as well. Therefore, there can be a shift from the one type of dialogue to the other in political discourse without the shift being obvious to the participants. And indeed, in many cases of political discourse, the two types of dialogue—the persuasion and the negotiation dialogue—are mixed together.

The best we can do in evaluating an argument in a case like this is to ask what type of dialogue the participants were originally supposed to be engaged in, and then base our analysis on this assumption. So, in this case, if we base our analysis on the assumption that the participants were originally supposed to be engaged in a persuasion dialogue or critical discussion, then we can judge the *ad baculum* argument from that perspective as a contribution to that type of dialogue. In this case, then, we can say that the *ad baculum* argument is fallacious, on the conditional analysis that the participants—the lobbyist and the representative—were supposed to be having a critical discussion of the legislation in question. In this framework of dialogue, the *ad baculum* argument used by the lobbyist is not relevant or is only very weakly relevant. Therefore, we can analyze the case as one involving the use of an *ad baculum* fallacy. However, if, in the very same case, it were clear at the outset that the context of the dialogue is that of a negotiation—that is, if it were made clear that that is the kind of conversation that the lobbyist and the representative were supposed to be engaged in, then we could say that the *ad baculum* argument is relevant or used relevantly in that context, in the sense that it makes an appropriate and constructive contribution to that type of dialogue. When the conversational context is interpreted in this second way, the lobbyist and the representative are simply trying to strike a deal, and the *ad baculum* argument used by the lobbyist to cite his control of campaign funds and voters is a normal and accepted tactic to be used in that context. In that context the *ad baculum* argument is nonfallacious.

10. NEED FOR A DUAL APPROACH

The developments outlined in this chapter indicate the need for a dual approach to the analysis of the *ad baculum*. At the core of the *ad baculum* is a prudential type of reasoning. The structure of inference involved in this type of reasoning needs to be defined and analyzed, so that the *ad baculum* argument can be identified as a form of argument or inference with certain types of premises and a certain type of conclusion. A beginning of this project has already been made by the Woods-Walton and Wreen research.

But a second aspect is also in need of further exploration, if progress is to be made in understanding how and why the *ad baculum* argument is fallacious in some cases (and nonfallacious in others). This second aspect is the dialectical framework of the

ad baculum. Kielkopf's analysis pointed the way toward the necessity of recognizing this second aspect by his analysis of the duality (between what he called the descriptive and the prescriptive aspects) of the *argumentum ad baculum*.

The basic problem is to come to know how an argument that can be prudentially reasonable (in some sense) in some cases, can shift to becoming irrelevant, in other cases. Two aspects are therefore necessary to understanding how the *ad baculum* functions as a fallacy. As a prudential inference, the basic *ad baculum* argument must be analyzed, so that we can give a systematic account of the conditions of its reasonableness of using a prescriptive context of action. But second, we need to understand how such an argument is, in other cases, wrenched out of context, or used somehow irrelevantly as a fallacy (a kind of interruption, in Wohlrap's terminology) in a different context of dialogue.

But before we can go on to get this kind of dual analysis that would serve as a methodological basis for evaluating cases of the *ad baculum* argument as fallacious or nonfallacious, certain concepts have to be clarified, and defined more precisely. Basically, it seems there are two types of *ad baculum* arguments, the type where a threat is made, and the other type, where scare tactics are used (as in Jason's cases), but no threat is made by the one party to the other. Can a clear distinction be made (and the nature of it precisely defined) between these two types of arguments? And what about the fear appeal type of case, emphasized as so important by Jason? What kind of argument is this? And is it really an *ad baculum* argument at all? There is considerable conflict, both within the standard treatment and in the literature on *ad baculum*, on this question. Regardless of how we classify them, fear appeal arguments are important in their own right, as shown in chapter 1. But before going on to analyze fear appeal arguments, it needs to be shown how they are related to *ad baculum* arguments of the kind that make a threat. To do this, it is necessary to analyze the concept of making a threat.

NOTES: CHAPTER 3

¹ See case 3.8, below, for example.

² Jason sees this kind of case as an instance of practical reasoning (or the so-called practical inference)—a type of inference that will be analyzed in later chapters.

³ Compare Michalos' case 2.19 of the insurance salesman who uses an appeal to fear to sell his policy.

⁴ See van Eemeren and Grootendorst (1984), for example.

⁵ See chapter 2, section 7.

CHAPTER 4

THE SPEECH ACT OF MAKING A THREAT

The concept of one party making a threat to another party is central to the project of analyzing the *ad baculum*. It is necessary to clearly define this concept in order to be able to sort out the various complications and different approaches in characterizing what the *ad baculum* really is (as outlined in the two previous chapters). But even once we have arrived at an abstract definition of what a threat is, as we will see, we also need guidelines that will help us to determine, in a particular case, whether a threat has really been made (uttered) or not.

This problem turns out to be far from trivial. To appreciate the difficulty, the scope, and the practical ramifications of the problem, we begin with some areas of concern with the making of threats in the law. To solve the kinds of problems posed here, and in previous cases, a pragmatic analysis is put forward in this chapter. According to this analysis, making a threat is defined as a kind of communicative action by a speaker in a dialogue (speech exchange) that licenses the hearer (in context) to draw a conclusion by inference.

1. LEGAL CONCERN WITH THREATS

Conceptual analysis of the act of making a threat is a concern not only for logic, but also for criminal law. In Canada, for example, threats can come under the heading of "criminal harassment" in the *Criminal Code* (Greenspan, 1994, p. CC441). But it can also come, more explicitly, under "assault," where *uttering threats* is defined as an offense where a person "knowingly utters, conveys, or causes any person to receive a threat" to (a) cause death or serious bodily harm to any person, (b) burn, damage or destroy property, or (c) kill or poison an animal belonging to that person (Greenspan, 1994, p. CC442). So the act of making a threat, at least under these three categories, is explicitly illegal. Hence the problem of defining and analyzing the act of making a threat is a legal concern. The *ad baculum* argument it seems, is not only a logical fallacy in some cases—it is also against the law.

Another area of legal implications of the *ad baculum* argument concerns the Hobbs Act passed by the U.S. Congress in 1946, which makes extortion through the wrongful use of force or fear illegal. According to Andrews and Hirose (1991, p. 495), "The Hobbs Act prohibits the use of a person's fearful mental state to acquire wrongfully that person's property." Andrews and Hirose add (pp. 495-496) that the Hobbs Act does not require proof of "actual verbal or physical threats, but instead need only prove that the victim's fearful mental state was a result of the defendant's intent to produce or exploit the victim's fear" (pp. 495-496).

According to Cohen, Layton and Rhinehart (1992, p. 346), the prosecutor must prove that the victim's mental state was a result of the defendant's intent to produce

or exploit the victim's fear (p. 346). Ultimately, then, the test, according to Cohen, Layton and Rhinehart (1992, p. 347), is whether the victim reasonably believed that the defendant had the power to harm the victim and would exploit that power to the victim's detriment (p. 347). So, it seems that actual proof of a verbal or physical threat is not required for the Hobbs Act and that this Act includes appeals to fear as well as appeals to threats as counting in cases of extortion.

Another area of concern is witness intimidation. According to Graham (1985, p. 4), witness intimidation "refers to threats made or actions taken by defendants or others acting on their behalf or independently to dissuade or prevent victims or eyewitnesses of crimes from reporting those crimes, assisting in the investigation, or giving testimony at a hearing or trial" (p. 4). Graham cites recent studies that have confirmed that witness intimidation is a pervasive problem. According to a 1973 study of the Institute for Law and Social Research, 23% of the 1,547 cases studied were not prosecuted because of what was classified as witness cooperation. Of these cases, 28% of all witnesses interviewed indicated that fear of reprisal by the defendant was the reason for their lack of cooperation (Graham, 1985, p. 4). Another study in New York by the New York Victims' Services Agency and the Vera Institute of Justice discovered that 39% of witnesses interviewed in Brooklyn Criminal Court were afraid of revenge by defendants, and that 26% of witnesses interviewed had actually been threatened at some time during the criminal process (Graham, 1985, p. 4). According to Graham (p. 5), the context in which witness intimidation is most extensive is that of organized crime. Graham cites many cases where a witness had become involved in a fatal accident or was murdered. According to a report cited by Graham (p. 5), scores of cases were lost because witnesses turned up in rivers in concrete boots or were crushed in their automobiles in hydraulic machines in syndicate-owned junkyards. Graham also notes (p. 5) that many cases of eyewitness intimidation occur in a context of domestic violence.

According to Baker (1992, p. 27), criminals in many cities in the U.S. have recently been sending out the brutal message that, "If you talk, you're dead." in a kind of revival of the gangster tactics of the 30's. Baker *et al.* (1992, p. 27) cite the following case as an example:

Case 4.1: In December 1990, Sanantone Moss, 25, allegedly held a knife to the throat of 11-year-old Diandra Jones and raped her. Then last November, Diandra became a crime statistic again—for the last time. While Moss awaited trial on sexual-assault charges, his mother, sister and aunt allegedly went to the Jones apartment in a Chicago project. Now they are awaiting trial themselves, on charges of choking and stabbing Diandra and her mother to death that night. Why would these women go on a deadly rampage? "To silence the little girl so she couldn't testify," says police Capt. Fredrick Miller.

In order to deal with the current onslaught of witness intimidation, especially in cases of small-time drug dealers, street thugs and informants, police have instituted witness protection programs. However, according to Baker *et al.* (1992, p. 27), these programs are very expensive, and many cities do not have enough funding to deal

effectively with the problem. It seems that, currently, witness intimidation is a very effective use of fear appeal argument by criminals to interfere with the process of a trial.

An example from Walton (*Emotion*, 1992, p. 179) illustrates how powerful the *ad baculum* argument can be in interfering with the deliberations of a jury.

Case 4.2: The trial of the terrorist group Direct Action was delayed in the French courts because of jury intimidation. The defendant threatened the jury with the "rigors of proletarian justice," on the first day of his trial, by asking, "I would like to know how long security measures will continue to be applied to the jurors?" Direct Action claimed responsibility for many recent terrorist attacks in France, and police suspected that the recent murder of a French auto executive was intended to frighten this jury. Evidently, the intimidation tactics were successful, for the trial had to be indefinitely delayed because so many jurors failed to appear in court.

In this case, the *ad baculum* argument is not only a legal problem, but it can be argued to be a logical fallacy as well. A fallacy, as defined in Walton (*Prag. Theory*, 1995), is an argument used to block or interfere with a dialogue, or to shift from one type of dialogue to another. In this case, the jury were supposed to be deliberating on the question of whether the defendant was guilty of the crime he was charged with. The threat effectively blocked, or certainly interfered with this process.

Another interesting aspect of this case is that the threat was conveyed in an apparently innocent question about how long the security measures would be in place. However, the jurors, and all of us, know that this overt question conceals a covert threat.

Threats are often used by judges in courts. According to Harris (1984) magistrates frequently threaten defendants with fines, prison sentences, and being brought back to court. Harris shows (p. 251) that such threats commonly take the form of a conditional directive, like "If you fail to pay regularly the one pound a week off this fine, you'll be visited by the police and taken to prison for sixty days." Harris (p. 253) sees the conditional relation expressed by such an 'if . . . then' locution in a threat as being pragmatic in nature, rather than being a causal conditional of the type that is standard in deductive logic. Harris (p. 268) sees a threat as a "pragmatic and symbolic act," as it is used by magistrates in court—it is pragmatic in that it has the purpose of bringing about an action, and symbolic in that it expresses the power of the court system and the social structure.

One general difficulty with threats is that, although it may be possible to define the concept of threat generally, it is another thing to determine in a particular case whether a threat has been made or not. This difficulty stems from the pragmatic and situational nature of threatening. To cite some kinds of well-known examples, it may be possible for criminals to threaten a person by roughing that person up or by roughing up someone in their family or by, for example, leaving some severed parts of animals on the person's doorstep. All of these actions would be intended by the proponents as threats and may be taken definitely by the respondents as constituting

threats as well. Yet, it could be that no verbal act, that is, no speech act of making a threat has been performed. Still, in such cases, it would seem proper to say that a threat has been made. It would seem proper to say, in such a case, that it is not just a threatening situation or a threatening action, but that the parties in question have actually made a threat. Given the existence of such cases, it may be better to say that, although making a threat is in many cases a speech act, it does not necessarily have to be carried out in the form of a speech act. Generally then, it may be better to define the concept of making a threat as a type of communicative action. Defined in this way, different types of threats could be distinguished under the general concept of making a threat. It could be said that threatening is normally a communicative act that is carried out by certain utterances having a characteristic type of structure as a sequence of logical reasoning of the form "If you don't comply by doing such and such, then I will bring about such and such consequences that are perceived as being harmful or bad by you." But, it could be added that, in addition to this verbal or speech act form of making a threat, in other cases, certain physical actions which might be perceived symbolically by the parties involved, could also constitute the making of a threat.

Before going on to examine the precise structures needed to give us a definition of the communicative act of making a threat that would be useful for defining the *ad baculum* argument, let us examine another area of law where determining whether something is a threat has turned out to be a problem.

2. THREATS AND STALKING

This problem of identifying a threat is a central one for analysis of the whole concept of making a threat, because threats are typically communicated in an indirect or covert way in order to achieve a plausible deniability. Hence, normally, threats have a masked or veiled aspect. Hence, it follows that, in particular cases, there is a genuine problem of identifying a real threat in a given case. This practical problem of pinning down and identifying indirect threats has also become a practical legal problem, as many jurisdictions have now enacted stalking laws that make essential reference to the notion of someone making a threat to another person.

Following high-profile cases in which attackers harassed and then killed their victims, many of the states in the U.S. have now passed stalking legislation that makes reference to the notion of threat. According to Kolarik (1992, p. 35), California was the first state to pass a stalking law in 1991. The California statute defines a stalker as a person who "willfully, maliciously and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear of death or great bodily injury" (Kolarik, 1992, p. 35). Illinois passed an even tougher stalking law in 1992. According to this law, stalking "occurs when a person makes a threat with the intent to place another in reasonable fear of death, bodily harm, sexual assault, confinement, or restraint" (Kolarik, 1992, p. 35).

Florida also enacted a stalking law in 1992 that made repeated following of another person a first-degree misdemeanor punishable by up to a year in jail and a \$1000 fine (Resnick (1992, p. 27). The Florida statute included a clause which defined so-called aggravated stalking as harassment that includes threats of death or

injury (Resnick, 1992, p. 27). The California law also makes reference to a threat. According to the California law (Resnick, 1992, p. 27), aggravated stalking requires a "credible threat" of death or "great bodily injury" (Resnick, p. 27). A practical problem with such legislation is to define the notion of a credible threat. According to Bradburn (1992, p. 284), the state of Nebraska defines a credible threat as "a threat made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety" (p. 284). According to Bradburn (p. 284), in one case, the *modus operandi* of the stalking suspect was to tape a pack of chewing gum onto envelopes that were addressed to his victim (p. 284). In this case, police officers said that the behavior did not constitute a credible threat (p. 284). Another problem case cited was one where the perpetrator shot the husband of the woman who was the object of his attentions. Accordingly, a California law has widened the notion of credible threat to include the person's immediate family as well as the person him or herself (Bradburn, 1992, p. 284).

According to Ingrassia *et al.* (1993, p. 28), the most difficult problem in stalking law is that of distinguishing between a credible threat and a casual remark, because the majority of cases involve people who were once married or dating. According to a Northwestern University law professor, the idea behind stalking laws is to prevent threats, but the problem is that a threat "cannot possibly be captured by a rule" (Ingrassia *et al.*, 1993, p. 28). According to one law professor, Ronald Allen, the difficulty is that deciding in a particular case whether something is a threat means comparing two people's points of view. Allen cites the following typical case:

Case 4.3: A husband says, "Remember New Jersey?" His wife thinks he means "Remember the time I beat you in New Jersey?", but later, when questioned, the husband says he only meant to refer to the great time they had when they were in New Jersey.

So, as Allen comments, with every story, there are two sides (Ingrassia, 1993, p. 28). The problem is that, in a particular legal case of this kind, how do you decide whether a threat is really made or not? The one side will claim that what was said was meant to be a threat while the other will deny it—but in fact, there may be very little or no physical evidence, or visible or traceable evidence, that can be used to confirm or refute the claim or the counterclaim. It's a kind of verifiability problem, as it might be called in philosophy, that's involved. Did the husband really mean to threaten his wife or not when he said "Remember New Jersey"? It depends on what this expression means in the context of the situation that previously occurred as it is understood by the two parties in question. So the issue is very situational and pragmatic, in that it depends on what happened between the two people, on how they understood and interpreted what happened, and perhaps also on how they might have discussed the incident in previous conversations. But, none of this evidence would normally be available to third parties to examine or interpret. It would be a private matter between the two parties. Hence, there is a big problem with accessibility of evidence concerning the question of whether a given speech act really was an instance of making a threat or not in a particular case.

In order to deal with stalking cases where threats are involved, the Los Angeles Police Department created a Threat Management Unit in 1989 (Perez, 1993, p. 272).

In order to carry out its task in dealing with the problem of stalkers and trying to stop them from harming people, the Unit performs what are called "interventions." Interventions involve contacting people whose behavior is becoming potentially dangerous and letting the potential stalker know that the Unit knows about his behavior (Perez, 1993, p. 272). According to Lane (1992, p. 27), the most common cases treated by the Threat Management Unit of the Los Angeles Police Department involve individuals who develop a love obsession focused on a television or movie star. According to Lane (p. 27), these individuals are, for the most part, mentally disordered people who are acting out compulsive behavior. According to Lane (1992, p. 31), the California law against stalking, which was enacted January 1, 1991, was accompanied by a second law at the same time which made an individual guilty of stalking when he "makes a credible threat to cause serious bodily injury to another and, within 14 days enters the person's residence, property or workplace in order to execute the threat." So we can see by the California law that the notion of credible threat is essential in defining what constitutes stalking as a crime.

According to O'Reilly (1993, p. 831), the legislature's stated purpose in framing the Illinois stalking law was to focus on verbal threats, but the statute also failed to specify precisely which methods of transmitting a threat it covers. O'Reilly (1993, p. 831) then cites a problem: "This could allow a prosecutor to argue that the statute covers threatening behavior, such as leaving a dead animal on the victim's doorstep." According to O'Reilly, this expansive interpretation of the concept of a threat, which would include such nonverbal behavior under the heading of a threat, would be contrary to the stated purpose of the Illinois ruling on stalking.

This same difficulty of identifying what constitutes a threat in a particular case, is cited by Cordes (1993, p. 13). According to Cordes, the main problem police have faced in arresting stalkers is that, in many cases, "suspects don't overtly threaten victims even though their behavior is very terrorizing" (p. 13). Cordes cites the examples of phone calls and unsolicited gifts which may be very disturbing to the recipient, but are not illegal because they don't constitute credible threats.

What then, in general, does constitute a threat? And what constitutes a credible threat? Legal definitions are not precise enough to be of much help for our purposes. The Criminal Code of Canada (Greenspan, 1994, p. CC443) for example uses the dictionary definition of threat as "a denunciation to a person of ill to befall him; esp. a declaration of hostile determination or of loss, pain, punishment, or damage to be inflicted in retribution for or conditionally upon some course; a menace." This definition contains the right elements, but is not a precise enough account, as it stands, to be of much use. To make it more precise, we need to turn to the pragmatic study of communicative actions.

Harris (1984, p. 250) offers the following general definition: "a threat requests the hearer to fulfill some condition which the speaker regards as desirable or be subjected to some kind of punishment which the hearer regards as undesirable and which is to be enacted or brought about by the speaker or the speaker as representative." This general definition is a fairly good starting point, but as Harris (p. 254) recognizes, threats can be of various degrees of explicitness. Therefore, the problem of recognizing when an utterance constitutes a threat in a particular case is often a function of the previous dialogue and the particulars of the situation, as known to the participants. Threats are contextual and situational, in other words, so to get a useful definition of 'threat,' pragmatic features of a case need to be taken into account.

3. SPEECH ACTS

Pragmatics may be characterized as the branch of linguistics that has to do with how language is used in a speech exchange between a speaker and hearer in a communicative situation. According to Austin (1961) and Searle (1970), certain conventional types of utterances are called *speech acts*, meaning that when a speaker makes such an utterance to a hearer with serious intent, in a communicative situation, she (the speaker) is performing a certain type of socially recognized act. Utterances that perform an act—as opposed to being descriptions that are true or false—were called *performatives* by Austin (Recanati, 1987, p. 68).

Searle (1970) portrays the use of language pragmatically as a form of verbal action between two parties, and distinguishes between different kinds of speech acts. The *utterance act* is the act of bringing forth speech sounds when a sentence is uttered. The *propositional act* refers to the proposition brought forward in the utterance. The so-called *illocutionary act* is a kind of speech act which gives the utterance a conventionalized communicative force when it is uttered. For example, promising is an illocutionary act because the very act of uttering an expression of the form "I promise, such and such . . ." itself constitutes the making of a promise if this act is communicated in the appropriate situation with a listener present.¹ Finally, a *perlocutionary act* is the bringing about of certain effects by uttering the sentence. Examples of perlocutionary acts are frightening and amusing.

Searle (1970) confined his treatment of speech acts mainly to illocutionary acts, but there is a huge literature on the subject of speech acts and many different interpretations of exactly what Searle meant by the notion of an illocutionary act have been put forward. However, quite a helpful general characterization of what an illocutionary act amounts to in the context of studying argumentation is given by the following account of van Eemeren and Grootendorst (1984, p. 22): "According to [Searle] the speaker performing an illocutionary act is trying to achieve the effect that the listener understands which illocutionary act the speaker is performing, by making him recognize his intention to achieve that effect by using verbal means which (in accordance with the rules governing the use of these means) *are by convention used to achieve that effect*." So, however the concept of an illocutionary act is to be precisely defined, this helpful capitulation of it conveys the basic gist of the idea.² When a speaker is performing an illocutionary act, she is trying to achieve some effect of a kind which the listener understands and she is using some verbal means recognized by convention to be of a certain type in order to achieve this effect. The speech act of promising, for example, fulfills this requirement because, if a speaker says to a listener, "I promise to do such and such," and the speaker is not joking, and the situation is an appropriate one for this type of illocutionary act, then the listener recognizes that this is a standard (conventional) way that a promise is made. Consequently, in the appropriate situation, the listener will recognize that the intent of the speaker is to communicate a promise and the listener will normally take the speaker's utterance to have given him a promise that she will carry out the action in question.

Searle (1970) has identified the characteristics of the speech act of warning. These characteristics are summarized by Kreckel (1981, p. 46) as follows, below:

(I)	=	hearer has reason to believe
(II)	=	event will occur
(III)	=	not in hearer's interest
(IV)	=	not obvious to both speaker and hearer
(V)	=	speaker believes
(VI)	=	speaker's undertaking

Kreckel's reconstruction of Searle's speech act analysis of the illocutionary act of warning, which has three parts, is displayed in Table 4.1, below (Kreckel, 1981, p. 45):

Table 4.1. Illocutionary Act of "Warning"

Conditions	Rules
1. preparatory condition	1. Hearer has reasons to believe (I) event will occur (II) and is not in hearer's interest (III). 2. It is not obvious to both speaker and hearer (IV) that event will occur (II).
2. sincerity condition	Speaker believes (V) event (II) is not in hearer's best interest (III).
3. essential condition	Counts as an undertaking (VI) to the effect that event (II) is not in hearer's best interest (III).

This table shows clearly the structure of how all the various elements of the speech act of warning are combined in Searle's analysis of its structure as an illocutionary act. If we look at this speech act analysis of the concept of warning, it is not too difficult to see how the speech act of threatening can be analyzed by adding some additional conditions. The most important of these conditions is the statement to the effect that the speaker is indicating a willingness to bring about the event that is not in the hearer's best interest if the hearer does not comply with the demand being made by the speaker. But how does this additional condition fit in with Searle's requirements for the speech act of warning? The question here concerns element VI, the speaker's undertaking. What does Searle mean when he requires that the speech act count as an undertaking to the effect that the event in question is not in the hearer's best interest?

Kreckel (1981, p. 46) discusses several of Searle's comments where Searle compares the essential speech act conditions or warning to those for advising and requesting. According to Searle (p. 67), the speech act of warning has a clause (3, in Table 4.1) which says "counts as an undertaking to the effect that event is not in hearer's best interest." Also, in Searle (p. 66) is a clause given to define the speech act of

request: "counts as an attempt to get the hearer to do action." Kreckel (p. 46) questions, then, whether undertaking is qualitatively different from attempt, and she concludes that Searle is not very clear on this question. Clause 3 itself is not altogether clear or convincing. If I warn you, saying "That bull is about to charge," am I making an attempt (or undertaking) to get you to take action? And what does it mean to say that what I am doing "counts as an undertaking to the effect" that some event (getting hurt by the bull) is not in your best interest? Whether warning meets the conventionalized formula test for an illocutionary act is also not too clear. I could warn you in all kinds of ways other than by using the formula, "I warn you that" For example, I might simply say, "Duck!" or "Look out for potholes!"

Passing over these questions and uncertainties about Searle's analysis of warning as an illocutionary act, let us go ahead presuming that we have at least a rough idea of how the notion of an illocutionary act is defined, and how Searle defines warning as an illocutionary act.

4. IS THREATENING AN ILLOCUTIONARY ACT?

As noted above, Searle (1970, pp. 66-67) definitely treats a warning as a type of illocutionary speech act in his classification of various types of illocutionary acts. The big question, then, for the study of the *ad baculum* is whether threatening should also be treated as an illocutionary type of speech act. According to Nicoloff (1989, p. 501), verbal threats are often considered to be illocutionary speech acts: "Threats are thought to be similar to orders or congratulations in that in their case, too, the saying is seen as constituting the doing, not as bringing it about as a consequence, as in the case of perlocutions" (p. 501). According to Nicoloff (p. 502), however, there does not seem to be any conventional expression that corresponds to or counts as the making of a threat, and Nicoloff sees this absence as the biggest stumbling block for the conventionalistic interpretation of the class of illocutionary speech acts. According to Nicoloff, the concept of a threat is a "brute or natural" one as opposed to a conventional one. Consequently, Nicoloff argues that threats should not be treated as illocutionary acts.

The concept of making a threat does seem a borderline one for speech act theory. In some ways, it does seem like an illocutionary act but, since there is no evident candidate for a specific formula which would count as being the conventional way of expressing a threat, this absence of a formula would seem to count for putting threats under the perlocutionary rather than the illocutionary category. Moreover, as we saw in case 2.14, and in the legal cases in sections 1 and 2 above, a threat can be conveyed simply by an action, or by a show of force, so that no verbal formula, or even any verbal utterance may be needed. We might make a distinction between explicit threats—where a particular type of verbal message is articulated—and implicit threats, where either no verbal message is present, or where the message is expressed in vague or ambiguous language.

The distinction between an explicit threat and an implicit threat has been given recognition in the social science literature. Milburn and Watman (1981, pp. 11-12) summarize this distinction. According to their account (p. 11), "An explicit threat is a message communicated verbally or in writing in the following form: if you do A (do not do A; do not stop doing A), I will do B."³ According to Milburn and Watman

(1981, p. 11), explicit threats have several advantages over other types of threats. One advantage is that the threatener can exercise a high degree of control over the timing and terms of the threat. Another advantage cited (p. 11) is that explicit threats permit a clarity of expression which can be emphasized by the tone of a verbal threat. However, Milburn and Watman (p. 11) add that explicit threats also have a definite disadvantage in that the target of the threat is "more apt to respond angrily or stubbornly" (p. 11). An implicit or tacit threat is defined by Milburn and Watman (1981, p. 12) as a threat "conveyed by some action without an added verbal or written explication." The examples they cite (p. 12) are the deployment of an armed force, the making of a fist, or a police car sitting at the side of the road.

The leading characteristic of an implicit threat is ambiguity arising from two elements. First, the threatener does not explicitly communicate the outcome intended by the threat (p. 12). Second, "at times, even the identity of the target is unclear" (p. 12). Milburn and Watman add that, according to the literature, there are indications that implicit threats are quite powerful. The first advantage is that implicit threats seem to be less personal, and so, the respondent is less likely to react stubbornly than in the case of an explicit threat. The second advantage of an implicit threat is that its credibility is high "since the threatener has indicated he is not averse to action" (p. 12). The third advantage is that, because implicit threats are ambiguous, the respondent is free to fantasize somewhat by interpreting the threat in relation to his worst fears. So we see that the distinction between explicit and implicit threats has been recognized and even defined and explained in the social science literature on threats.

Harris (1984, p. 259) shows that there can be degrees of explicitness in threats. For example, a magistrate might say, "You can go to prison for nonpayment of fines." This nonexplicit threat could be intensified by adding to the basic elements in it, in several ways. Harris (1984, p. 260) considers four of these ways.

- (i) condition + you'll be taken to prison for *sixty days*
- (ii) condition + *the police can pick you up* and take you to prison for *thirty-seven days*
- (iii) if you fail to pay *regularly the one pound a week off this fine* + consequents
- (iv) that sentence of *forty-two days* imprisonment will be suspended—whilstever you keep up the payment of *nine pounds until all the arrears are wiped off*

Harris observed that threats used by magistrates in court are frequently repeated. So a threat could be nonexplicit in one occurrence, and then made more explicit in its second occurrence. It seems then that the explicit versus implicit distinction is a complex notion as applied to threats. A threat can be more or less explicit or implicit in certain respects.

Nicoloff (1989) sees threatening as essentially related to the effect of frightening the addressee and, consequently, he sees threatening as an perlocutionary rather than an illocutionary speech act. Nicoloff disagrees with the common categorization of the act of threatening in the speech act literature as being a species of warning or as being very close to warning. According to Nicoloff (1989, p. 501), the contrast between threatening and warning is very sharp. First, warning is cooperative (p. 507), whereas threats are uncooperative. Warning is an act of collaboration where the

speaker alerts the addressee to be on guard against the potential danger. Threats, in contrast, are acts of aggression, according to Nicoloff (p. 501). Nicoloff (p. 508) puts threats in the category of perlocutionary acts because perlocutionary acts are reactions to, or aftereffects of, the utterance made in a speech act. And since feeling threatened can very naturally be described as such an effect, Nicoloff sees the speech act of threatening as being naturally included under the perlocutionary category. Also, Nicoloff notes (p. 509) that what characterizes perlocutionary as distinct from illocutionary acts is that the former can be performed by other than verbal means (p. 509). On this count, too then, he argues, threats naturally fit into the perlocutionary category. Nicoloff (p. 510) compares human agents who threaten a respondent to human agents who voluntarily frighten or bore a respondent. Such an agent is trying to "trigger off a reaction" (Nicoloff, 1989, p. 510). So, threats then, fit naturally into the category of perlocutions, according to the way Nicoloff defines threats.

On the other side, there are some aspects of making a threat that suggest they fit more naturally into the category of illocutions. If a proponent wants to threaten a respondent, it is important that he must get the respondent to recognize that he, the proponent, is in fact making a threat. So, there is a certain conventional aspect that is important to the notion of making a threat. The respondent must recognize that a certain practice is being carried out of making a threat to him. In fact, it is very important for survival that a person be able to clearly and definitely recognize when a threat is being made. So, it stands to reason that there should be certain conventional formulas or practices or standard ways that one party can communicate this to the other so that the second party will definitely recognize it as such. It's also important to the proponent that the respondent recognize the threat for what it is, for if the respondent doesn't recognize the threat as a distinctive type of speech act that's being made, then the threat will be useless; it will not be effective for the purpose for which the respondent needs it.

On the other hand, threats are unlike the sorts of speech acts that have been traditionally featured as illocutionary acts, like promises. The utterance, "I promise to do such-and-such." is recognized as the standard formula used to convey a promise. So promising is clearly an illocutionary speech act. When I utter an expression of this form, the action of uttering constitutes a promise, and would be clearly recognized by a hearer as being a promise. The act of threatening is different, however. There seems to be no formula or verbal pattern standardly used to convey a threat, unless it is a conditional of the form, 'If you (the hearer) don't carry out this action, then some bad event will occur.' But this verbal pattern is that of a warning (as well as a threat).

5. THREATS AND PROMISES

There is some controversy in the literature on whether the act of threatening is a species of promising. Grant (1949, p. 362) thinks that threats are species of promises, and goes so far as to claim, ". . . a threat may be defined as an unwelcome promise." Ardal (1968) agrees with the thesis that a threat is a type of promise. According to his account, the only difference between a threat and a promise is that a threat "is unwelcome to the threatened person" (p. 231), whereas "what normally makes an ordinary promise a promise is that the promiser believes that what he

promises would be welcome to the promisee" (p. 232). Thus both Grant and Ardal see the act of making a threat as being a subtype of the act of making a promise.

Peetz (1977) exhibits strong disagreement with this classification, however, claiming that promises and threats are inherently different types of acts. The most important difference, according to Peetz (p. 581) "is that, whereas promises involve some obligation, threats do not involve any obligation at all." Another key difference, according to Peetz (1977, p. 580), is that the speech act of promising has illocutionary force, whereas the act of threatening does not.

To promise is to perform the illocutionary act of promising; one can make this act quite explicit by using the illocutionary force bearing locution 'I promise.' There is, however, no illocutionary force bearing locution 'I threaten' and this is because there is no specific illocutionary act of threatening. Threats constitute a sub-class of statements of intention. When one threatens someone, one states one's intention to do something which would normally be considered to harm or to be unpleasant for the person threatened. What makes an utterance a threat is not the illocutionary force of the utterance (which is given by 'I will' or 'I intend' or even, 'I state that I intend') but the content of the act. Threats are made with the intention of putting those threatened into a state of fear and alarm, and are often made in order to get someone to do something which he might otherwise not have done (for example, 'If you don't give me your money, I'll shoot you'). Even when the person threatened is not put into a state of alarm, the utterance still constitutes a threat.

According to this account, what is most characteristic of the act of making a threat to someone is stating an intention to do something harmful or unpleasant to them. This act is different from promising, because the utterance 'I promise' has the illocutionary force of itself constituting a promise (when said in the right circumstances), whereas there is no comparable standard locution for making a threat.

In reply, Ardal (1979) appears to partly agree with Peetz that threats are not subspecies of promises. He writes (p. 586), "Since threats need not be linguistic or symbolic acts, one can after all threaten someone with an axe, threats cannot be defined as special kinds of promises." However, Ardal (1979) still appears to be not in general agreement with the thesis of Peetz that the act of making a threat can be defined as a stating of one's intention to do something that would normally be considered harmful to the threatened party. Ardal (1968, p. 231) had previously made the point that in the case of some threats we threaten people "for their own good," as in familiar cases in the upbringing of children.

We may often feel that threats are justifiable because they help us to attain a valuable end. Perhaps the most typical case of this is to be found in the criminal law. Here we talk of threatening punishment because punishment consists in what is generally thought to be undesirable, or what is not welcome to people. Here, as in education, threats are thought justifiable although you may give a different justification in each case. In education you may emphasize the benefit to the punished, whereas in the case of the punishment of criminals you may lay more stress upon either the benefit of society or desert.

The point made here seems to be a good one. We do often make threats for a good (or not intended to be a harmful) purpose—for example, when we announce harsh punishment for drunk driving.

Hence the impression one takes from this literature is that there is very little agreement on how to define the act of making a threat but that, on balance, there do seem to be important differences between the act of making a threat and the act of making a promise.

In general, the speech act of promising does seem to be inherently different from the speech act of making a threat, for the reasons cited by Peetz above. The main reason is that making a threat is not an illocutionary act—when I utter a sentence of the form, 'I promise to do such-and-such,' the utterance is itself the making of a promise (in the right circumstances). However, the speech act of making a threat is not a performative utterance in this sense, because we do not make threats by saying, 'I threaten to do such-and-such.' Instead, the typical way of making a threat is to utter a conditional statement of the form, 'If you do (or fail to do) such-and-such, then I will do (or fail to do) such-and-such (something that we both take to be unwelcome to you).

The speech act of making a threat is not an illocutionary act, at least in the same way that the speech act of making a promise is taken to be. It is more like what Vendler (1972, pp. 207-209) calls a *shadow performative*, a group of verbs that "look like performatives," but "do not have performative occurrence at all." An example given by Vendler is the verb 'insinuate,' as in the sentence, "I insinuate that she was in his bedroom" (p. 207). The reason why the use of this sentence as a performative utterance makes no sense, or cannot be said, according to Vendler (pp. 207-208) is that the speaker of the sentence would be undercutting his own word: "If, for instance, I were to say *I insinuate . . .*, then I could not possibly be insinuating, for by saying this I would reveal my intentions, which is incompatible with the nature of an insinuation." The verb 'insinuate' then is not a performative verb in the way that 'promise' is.

The speech act of making a threat is not such an extreme performative failure as the case of making an insinuation, but it appears to fail for comparable reasons. Threats, especially overt threats, always verge on impoliteness, and so they characteristically are put in an indirect way that leaves some room open for plausible deniability. Although we would know what is meant if someone were to say, "I hereby threaten you with such-and-such a sanction," it is not a type of locution that is in customary use. And it would be an infelicitous or clumsy way of making a threat, in many typical instances, because threats are typically expressed by a conditional, often leaving room open for plausible deniability.

6. A DEFINITION OF THE SPEECH ACT OF THREAT

A *threat* (or more accurately, the act of making a threat) is defined (Walton, *Emotion*, 1992, p. 163) as a speech act that meets three essential conditions, relating to an event that is perceived as bad by the hearer.

(*Def. Threat*): 1. *Preparatory Conditions*: The hearer has reasons to believe that the speaker can bring about the event in question; without the

- intervention of the speaker, it is presumed by both the speaker and the hearer that the event will not occur.
2. *Sincerity Condition*: Both the speaker and the hearer presume that the occurrence of the event will not be in the hearer's interests, that the hearer would want to avoid its occurrence if possible, and that the hearer would take steps to do so if necessary.
 3. *Essential Condition*: The speaker is making a commitment to see to it that the event will occur unless the hearer carries out the particular action designated by the speaker.

According to the sincerity condition, as stated above, the event in question has to be perceived as bad or undesirable, from the hearer's point of view. This requirement is taken to be equivalent to Searle's condition in his account of the speech act of warning (*Table 4.1*) that the event is not "in the hearer's best interest." According to (*Def. Threat*) then, as compared to Searle's definition of warning, what is the difference between making a threat and giving a warning, as speech acts? The answer to this question is to be sought in the essential condition of (*Def. Threat*). In making a threat, what is essential is that the speaker is indicating a willingness or undertaking to bring about the event in question if the hearer fails to comply.

A comparable definition of the speech act of threat is given by Fraser (1975, p. 173). According to Fraser, "an illocutionary threat is successfully performed" when three conditions are met (p. 173):

- (C1) The speaker intends to convey a proposition *p*, which specifies a future action;
- (C2) The speaker intends that *p* be taken as presenting an action which
 - a. is going to occur (perhaps conditionally)
 - b. has consequences disadvantageous to the hearer
 - c. the speaker recognizes responsibility for carrying it out
- (C3) The hearer recognizes the intentions stated in C1 and C2.

Fraser (p. 174) also postulates three "associated conditions":

- (A1) The speaker believes that the effect of the action specified is disadvantageous to the hearer.
- (A2) The speaker believes that he is capable of bringing about the action specified.
- (A3) The speaker intends to bring about the action threatened.

Fraser clearly sees a threat as being a species of warning, and he sums up his account (p. 173) as follows: "A threat is a warning when the speaker takes on the responsibility for bringing about the disadvantageous action." Thus the definition of the speech act of threat given by Fraser is quite close to (*Def. Threat*). The main difference is that Fraser's definition is expressed in terms of the speaker's intentions. This difference will subsequently turn out to be quite significant—see chapter 5, section 9.

An important linguistic distinction to be made here is that something like a thunderstorm can be said to be "a threat" or "threatening," even if there is no speech act of

making a threat. So when we talk about a "threat" in the narrower speech act sense of the word, we refer to a verbal transaction between two participants in a dialogue.

An important point about the empirical research terminology is that the term 'threat' is defined differently from the meaning given to it cited above. Witte (1994, p. 114), for example, defines 'threat' as "a danger or harm that exists in the environment whether individuals know it or not." The warning, "Lung cancer causes death." is a "threat" in this sense, but is not necessarily a "threat" in the sense defined in Walton (*Emotion*, 1992).

Hence it is vitally important to distinguish here between an argument that is threatening and an argument that expresses a threat (in the sense defined, carefully, above). Something that is *threatening* is something that poses a danger or harm to safety or self-preservation. But an argument can be threatening, in this sense, without expressing a threat to the respondent (in the speech act sense defined above). Chicken Little, in the fable, warned "The sky is falling!". This was found to be very threatening (alarming) by the other barnyard animals. But Chicken Little was (presumably) not making a threat to the other animals in the sense of issuing a threat to beat them up if they didn't give him chicken feed, or something of the sort.

As simple as this grammatical point about 'threat' and 'threatening' appears to be, it is the source of much confusion in the subject of *ad baculum* arguments.

Most threats are conditional in nature. As the cases in chapters 1 and 2 indicated, an *ad baculum* argument that is based on a threat generally involves a conditional of the type, 'If you (the hearer) don't do such-and-such then I (the speaker) will do such-and-such.' Harris (1984, p. 250) is also of the opinion that unconditional threats are uncommon, but she does give a hypothetical example of one (p. 250).

Case 4.4: Presumably if I run into your brand new car and you jump out and verbally threaten to punch me in the nose, your threat is unconditional.

Harris adds however (p. 250) that unconditional threats are "fairly infrequent" and "much less frequent than say, categorical promises." Despite the fact that they are uncommon though, unconditional threats pose a problem for (*Def. Threat*), because the essential condition—in virtue of the occurrence of the word 'unless'—is conditional in nature.

Conditional threats are so common, in fact, that we might want to rule that the unconditional threat, although it would certainly be called a threat in ordinary usage, is not really the making of a threat in the logical sense appropriate for *ad baculum*. But we shall reject this approach.

It will make the analysis more general if we acknowledge that (*Def. Threat*), as stated above, applies only to conditional threats. Even though conditional threats are the type one is normally concerned with in *ad baculum* arguments, it is possible to modify the essential condition to apply to cases of unconditional threats, as follows.

Essential Condition (for unconditional threats): The speaker is making a commitment to see to it that the event will occur.

By this clause then, the kind of example described in case 4.4 would count as the making of a threat (an unconditional threat).

There are a number of other types of borderline cases where it is debatable whether a speech act in a given situation constitutes a threat or not. One disputed type of case is the kind where one party refuses to render aid to another unless the second party brings about some event.

There appears to be a difference between Wreen and myself on what constitutes a threat in this type of case. In Wreen (*May*, 1988, p. 432), the following case is said to be an example of an *ad baculum* argument.

Case 4.5: If you and I are taking a stroll, and you inadvertently wander onto a patch of quicksand, I might stand by as you scream for help, musing aloud about the vicissitudes of fortune and how much I've always wanted that diamond ring you're wearing, a diamond ring bequeathed you and not me, I remind you, merely because of your good fortune. I think you'd understand me. I'm arguing.

If you don't give me your diamond ring, I won't help you get out and you'll die.

Your dying is a great evil you would suffer.

Therefore, you ought (from the point of view of self-interest) to throw me your diamond ring.

Wreen describes this case (Wreen, *May*, 1988, p. 432) as one where "neither force nor violence is involved." Is the proponent in this argument—the one who says "If you don't give me your diamond ring, I won't help you get out and you'll die."—making a threat to the other party? What is claimed in Walton (*Emotion*, 1992, p. 151) is that, if we view the proponent's argument in this case as a "strictly prudential argument in a negotiation," then it does not really seem like an *ad baculum* argument. However, it is added in Walton (*Emotion*, 1992, p. 151) that this interpretation, given the context, could be naive because threats are often indirect speech acts. On a deeper interpretation of this case, it is claimed in Walton (*Emotion*, 1992, p. 151), that what the proponent says should count as the making of a threat. The reason is that the proponent is expressing a willingness or undertaking to see to it that a certain event does not occur, unless the respondent acts. Hence it can be said that the proponent is making a covert threat to the respondent by saying that the respondent will get no help unless he throws the proponent the ring.

Wreen (1995, p. 322) disagrees with this interpretation.

What the ring argument really is is a refusal to render aid unless something is given in return. Refusals to render aid unless something is given in return are as common as buying (or not buying) a blanket at the local department store, or receiving (or not receiving) medical treatment at the local hospital. As our intuitive judgment is that neither department stores nor hospitals threaten us, I take it that I don't threaten you when I tell you that I won't help you unless you hand over the ring. Morally despicable I certainly am; but threaten you I do not—no more than someone who refuses hospital admittance to someone desperately in need of aid, or denies food to a starving person, or (a case obviously close to home here) watches another person drown rather than save him, or call for help.

According to Wreen's interpretation of this case, when the proponent says, "If you don't give me your diamond ring, I won't help you get out and you'll die." he is not making a threat to the respondent. Instead, Wreen sees this case as one of a refusal to render aid, comparable to the case of not receiving medical treatment at the local hospital. In this type of case, according to Wreen (1995, p. 323), the hospital is not threatening the person to whom it declines to render aid.

In retrospect, I think now that this case is a borderline case. It would be interesting to test empirically, with a set of native speakers or respondents to see how many think that the proponent in the case is making a threat, as opposed to how many do not think that he is making a threat. However, what is interesting from a philosophical point of view, is not so much the empirical question, but the fact that this example seems to be an interesting borderline case which challenges us to clarify the meaning of the concept of making a threat.⁴

Wreen (1995, p. 323) doesn't see the ring case as being an instance of one party making a threat to another, according to the definition of the speech act of making a threat given in Walton (*Emotion*, 1992, p. 163). According to this definition (*Def. Threat*), three requirements are necessary for the act of making a threat. First of all, there has to be some bad outcome for the respondent and, the respondent has to believe that the proponent can bring about this event, and that furthermore, without the intervention of the speaker, the event will not occur. Second, both the proponent and the respondent presume that the occurrence of the event is aversive to the hearer, or is something that is not in the hearer's interest, and which he would want to avoid, if possible. Third, the proponent is making a commitment (undertaking) to see to it that the event will occur unless the respondent carries out the particular action designated for compliance by the proponent. According to Wreen (1995, p. 322), the first requirement is not met in the ring case because, in this case, the proponent doesn't bring about the death of the respondent if she doesn't save him. Presumably, the reason for Wreen's making this claim is that, in the ring case, the respondent will sink into the quicksand if the proponent doesn't do anything at all, so that if anything can be said to have brought about the respondent's death, it is what the proponent failed to do. In other words, this is a classical case of an omission versus an action. Yet it can be said in some cases that omissions do bring about outcomes (Walton, 1980). In this case, it might be fair to say that the proponent's not doing anything did in fact bring about the respondent's death, provided the proponent could have easily pulled the respondent out of the quicksand at no cost, effort or danger to herself. The question here is whether threats can be brought about by citing negative actions, or where negative actions are concerned, as well as in cases where positive actions are concerned. In this case then, the classical issue of omissions versus actions is raised and whether an omission can bring about some outcome positively, so to speak, even though an omission is a negative type of action.

According to Wreen (1995, p. 323), the second condition of the Walton analysis is not met in the ring case either. In other words, Wreen is claiming that it's not the case in the ring example that the proponent is making a commitment to see to it that the respondent's death will occur unless the respondent tosses the ring to the proponent. Here again, Wreen sees the case (pp. 322-323) as being one of refusing to render aid. So, as Wreen sees it (p. 323), the proponent commits herself to nothing beyond a refusal to give aid. In other words, according to Wreen, the proponent is not committing herself to seeing to it that the respondent's death will occur unless the ring is

handed over. Wreen adds that the fact that the proponent has offered the argument to the respondent of the kind she did doesn't commit her to trying to push the respondent's head under if he appears to be in the process of successfully climbing out of the quicksand. In retrospect, on this condition, I think I find myself in agreement with Wreen that the proponent here is not really making a positive commitment to see that the respondent's dying will occur unless the respondent tosses the ring to the proponent. All the proponent is doing, in this case, is making a commitment to inaction or to an omission, that is, to not doing anything unless the respondent carries out the designated action, that is, throws the ring to the proponent. So, it's unclear to me now whether this third condition, the so-called essential condition, in Walton (*Emotion*, 1992, p. 163), of making a threat needs to be modified in order to pay more attention to problems posed by negative actions where threats are involved or whether, in fact, Wreen is right that, in the ring case, it would be better to describe the proponent's actions and speech acts in the given case, as not constituting the making of a threat to the respondent.

These analytical questions, then, call for further clarification because it seems likely that there would be a lot of borderline cases, particularly in negotiations where parties are making offers and counteroffers to each other, where it would be debatable whether we should call the offer or counteroffer a threat in a given case. These analytical and philosophical questions, then, about the meaning of making a threat as a speech act suggest that further clarification of the definition of the speech act of making a threat given in Walton (*Emotion*, 1992) is needed.

What is needed is to modify the three conditions of (*Def. Threat*) to take omissions into account, as well as positive actions. For example, in the essential condition, the kind of case needs to be covered where the speaker makes a commitment (undertaking) not to bring about some event, where this omission will bring about the event that is not in the hearer's interest. To accommodate these more complicated cases of negative actions, comparable revisions are needed in the other two conditions. A good discussion of the manipulation of positive and negative elements in threats can be found in Harris (1984, pp. 256-257).

7. THREATS AND UNDERTAKINGS

Hamblin (1987, p. 34) suggests that threats may be a species of imperatives (or para-imperatives) he calls *undertakings*, locutions that express a readiness or willingness to carry out particular actions. To say that you have made an undertaking to carry out an action could be described by saying that you have put it on your action agenda of things to do. One of the best examples Hamblin gives (p. 36) is that of the shipwrecked sailor who writes in his notebook (which he never expects anyone else to read):

1. Find chickens, or goats, for company.
2. Make needles, to sew sails, for boat.
3. Construct boat.

Hamblin describes these three locutions as para-imperatives (p. 36) because they "look forward to actions to be performed." According to his account, undertakings are

not (full-fledged) imperatives, but the sort of locutions one might use when agreeing to an imperative. For example, to the imperative, "Lend me five dollars, would you!", a respondent might say, "Yes, okay," meaning, 'Yes, I will lend you five dollars' (Hamblin, 1987, p. 34). This expression of agreement with an imperative would be an undertaking.

We might note that an undertaking is not the same thing as an intention. It is more focused on singling out a specific action that is available, and it expresses more of a short-term readiness to go ahead with this action than an intention might.

Hamblin does not appear to claim that threats are species of undertakings, but he does suggest (pp. 34-45) that is where they generally fit in, within his classification of the various species of imperatives and para-imperatives. Hamblin (p. 33) sees undertakings as fitting into a family of locutions along with promises, vows, pledges, and covenants. But he doesn't claim that undertakings are species of promises, or that threats are species of promises.

The example of a threat that Hamblin gives (p. 34) illustrates, as he points out, (1) the (typical) conditional form of a threat, and (2) "that its object is to get the addressee to act in a certain way."

Case 4.6: If you continue to park across my driveway I'll pour glue
 in your carburetor.

In this case, it is evident that the threatener is saying more than just that he intends to pour glue in the offender's carburetor. He is saying that he *will* do so if the offender doesn't move his vehicle. Hence the locution used to express a threat in this case does seem quite similar to what Hamblin calls an undertaking.

Another type of two-person locution that seems as though it could be an undertaking, or to involve undertaking, is that of making an offer. It seems plausible that to make an offer is to make an undertaking to another party to carry out an action, conditional upon the other party's making an undertaking to carry out some other action. It is this kind of offer that is typical of the normal moves made in a negotiation type of dialogue.

But when does an offer become a threat? There seems to be a division of opinions evident in the philosophical literature on this question, as reported by Lyons (1975). Some would argue "whenever a seeming offer really involves a threat, it is because the package offered falls short of what might be expected (either morally or customarily)" (Lyons, 1975, p. 426). Others have questioned this formula by pointing out that it does not require that the second party (to whom the offer is made) needs the benefit from the other party. For how could the second party feel threatened by the loss of something he does not need? Lyons considers numerous complications inherent in this issue, including the problem of whether threats are coercive in a way that offers are not.

There do seem to be plenty of interesting borderline cases to be considered on this issue. Let us just briefly suggest here that one way of marking the distinction between an offer and a threat is that in the case where one party makes a threat to another party, the undertaking expressed by the first party concerns an action that would (presumably) be unwelcome (perceived as bad) to the second party (and would be known, or reasonably thought to be unwelcome to the second party by both

parties). This proposal is only a suggestion, however, at least for the present, and clearly needs further clarification with respect to what is meant by 'unwelcome.'

On the basis of Hamblin's remarks about threats, we conclude that the act of making a threat is a kind of practical inference, used to try to get the addressee to take a specified course of action. As Hamblin noted, in connection with case 4.6, a threat typically involves a conditional that expresses an undertaking. In case 4.6, the speaker is saying that he will (meaning he undertakes to) pour glue in the hearer's carburetor if the hearer does not move his vehicle.

Hence the type of inference typically used to make a threat is a species of imperative inference. In the typical conditional kind of case of the making of a threat, a threat is a communicative action where a practical inference based on an undertaking is put forward by one party, and another party is expected to draw a practical conclusion on how to act.

8. CREDIBILITY OF A THREAT

A *credible threat* is one where the hearer (respondent) thinks that the speaker (proponent) has the ability to bring about the bad event, and is willing (has expressed a willingness or undertaking) to bring it about.

According to a survey of the social science literature given in Seidenberg and Snadowsky (1976), the concept of credibility is the key to understanding how threats work to change behavior. According to Seidenberg and Snadowsky (p. 350), in order for a threat to be credible, two requirements must be met. First, the respondent must see the proponent as having "the probable capacity to punish him." Second, the respondent must see the proponent as having "the probable intent of punishing him for noncompliance and withholding punishment for compliance." According to the account given by Seidenberg and Snadowsky (1976, p. 350), 100% credibility is not required for a threat to be successful, and a threat can be successful even where it is less than 100% credible if the potential for penalty is quite large. Another critical requirement for the credibility of a threat is what Seidenberg and Snadowsky (p. 351) call surveillance. Surveillance means that the proponent has the capability of monitoring what the respondent is doing on a continuing basis and is an element in the respondent's belief that he will be punished if he fails to comply with the demand made by the proponent. Some empirical results cited by Seidenberg and Snadowsky (1976, p. 352) on the effectiveness of threats are, first, threats are more effective if the negative outcome threatened is greater and, second, threats tend to be more effective the more often the threatener has enforced his threats in the past. More recent research has qualified these findings to hold that they apply "only when the magnitude of the punishment threatened is discriminably greater than the loss that will be incurred if the target complies" (p. 352). Other empirical findings concern the psychological costs of a threat to the respondent. One factor here is legitimacy. The more legitimate a threat, the less likely it is to give offense (French and Raven, 1959). What is meant by giving offense is that the respondent may find some aspect of a threat distasteful. For example, he may resent the implication that his status is lower than that of the proponent. Another factor in giving offense is the feeling that may be communicated to the respondent that his freedom is being restricted in some way by the threat without compensation (Seidenberg and Snadowsky, p. 354).

It is particularly interesting to look carefully at the way the concept of credibility is defined by Milburn and Watman (1981, p. 17). According to their definition, credibility "refers to the perception by the target the threatener intends to carry out the sanction if the terms of the threat are not met." The credibility of the threatener (or proponent of the threat) depends upon his past willingness to carry out threats and his reputation for truthfulness. Other factors are relevant here as well. For example, it has been shown that if the threatener has a reputation for erratic behavior or being "a maniac," this perception would increase the credibility of a threat. However, if the threatener's credibility is already high in a given case, then a perception of this maniacal behavior would diminish that credibility. These findings are attributed by Milburn and Watman (p. 17) to Schelling (1960). These findings are very interesting because they indicate that when a respondent evaluates a threat made by a proponent, the response is conditioned not just by the abstract structure of the threat itself, but by the credibility of the proponent who makes the threat as an individual who is willing and able to carry out the aversive consequences cited by him in the threat. According to the summary of the literature given by Milburn and Watman (1981, p. 18), the calculation by a respondent is a function of both factors and the respondent makes a final determination by combining these two factors. Milburn and Watman even suggest (p. 18) that the relationship between these two areas of credibility "seems to be multiplicative." Milburn and Watman (pp. 18-19) note that there are several ways that a respondent can attempt to test out the credibility of a threat. One way is for him to attempt to assess the proponent's intentions and judge whether they are serious or not. Another way for the respondent to test credibility is to carry out actions in order to see how the proponent will react. Milburn and Watman (p. 19) compare this to the case of a child who tests a parent by saying to himself, "If I go this far, how will he react?" So, in other words, the respondent can try to proceed a little further to collect evidence on the credibility of the threat if there is sufficient time to allow this kind of analysis before the action needs to be carried out.

Various countermeasures to the making of a threat have been cited in the social science literature. A list of these countermeasures is given by Seidenberg and Snadowsky (1976, pp. 354-355). One countermeasure is the making of a counterthreat. Another strategy is avoiding receipt of the threat by claiming, for example, that one does not understand the threat or how it will work as a disincentive. Another countermeasure cited (p. 355) is calling on other people to persuade the threatener to withdraw the threat. Another countermeasure (p. 355) is developing counterthreat capacity, for example, seeking some information about the proponent that can be used to embarrass him if he tries to make comparable threats again. Yet another countermeasure (p. 355) is to develop relations with other people who can be used as resources for future protection from the threatener. Another countermeasure is withdrawing from association with the threatener (p. 355). Yet another countermeasure cited by Seidenberg and Snadowsky (p. 355) is for the respondent to lose interest in the values upon which the penalty is based. For example, if the threat is based upon loss of status in a political party, the respondent could decide that this loss of status is not worth having. These countermeasures are interesting with respect to the making of a threat as a species of practical reasoning because they represent different avenues the threatened party has, as a way of reacting to the threat, or finding avenues of escape from the penalty posed by the threat.

Another factor studied in the empirical literature is the effect of so-called conflict spirals (Deutsch, 1973) in which the respondent uses a counterthreat or some sort of retaliatory measures that provokes further threats from the proponent. Such a spiral represents a repetitive process that can go on and on, in a sequence of threats or threat-like exchanges. According to Seidenberg and Snadowsky (pp. 355-356), the intensification of a conflict spiral tends to lead to anger and hostility which, in turn, produces a deterioration in the communication between the two parties. Other outcomes of this conflict spiral that may occur include a "devil" image of the adversary, deterioration of the quality of reasoning, and a setting in of rigidity in the bargaining positions of both parties (p. 356). Seidenberg and Snadowsky even note that studies have shown (p. 356) that the dynamics that are the outcomes of such conflict spirals have been the basis of riots and even wars. They add, however (p. 356), that conflict spirals are not an inevitable outcome of the use of threats, but depend to the extent on which the target resents the threat and, in turn, on the extent to which the respondent resents the retaliation initiated by the other side.

Apparently, a good deal of research has been carried out by social scientists on these conflict spirals, and it indicates that the use of threats is inherently dangerous and often ill-advised precisely because they do so often lead to these conflict spirals. Various suggestions are made by the researchers on how to try to prevent such conflict spirals from arising out of threats or, if they do arise, to try to reduce them to benign or benevolent effects.

In general, the credibility of the act of making a threat relates significantly to the essential condition of (*Def. Threat*). How credible the threat is depends largely on how the hearer perceives the speaker's undertaking to bring about the bad event. If the speaker is conveying an undertaking to carry out the event that expresses her willingness to make strong efforts, then the hearer will be inclined to judge the threat as credible. This perception depends on how the hearer sees the speaker as a person, and as someone who has carried out such threats in the past. So these factors of personal perception are important in judging credibility.

9. INDIRECT SPEECH ACTS AND IMPLICATURES

In the lobbyist case (2.8), no overt threat was made by the speaker. All he did was "remind" the representative that he (the lobbyist) represents a lot of voters and potential campaign contributors. As noted in the discussion of this case, what the lobbyist is doing is conveying to the politician a covert threat. On the surface (overtly), the speech act is a reminder. But below the surface (covertly) it is a threat.

The classic example of the use of a covert threat as an *ad baculum* argument is case 3.9, where the Nazis informed their newspaper subscribers, "We shall continue to forward copies of it to you, and hope that you will not want to expose yourself to unfortunate consequences in the case of cancellation." This piece of information and "hope" was really a threat, and a credible one, given the power of the Nazis at the time, and their willingness to carry out violent actions. The threat in this case could be called a covert threat, because it is disguised, and an indirect threat, because it is expressed as a "hope" instead of being expressed directly as a threat. Or perhaps we could say that the covert *ad baculum* argument was based on an indirect threat. The concept of an indirect threat is based on the dual function of the utterance, "[we] hope

that you will not want to expose yourself to unfortunate consequences," which functions both as a "hope" and a threat.

It is worthwhile taking care to distinguish between the distinction between direct and indirect threats and the distinction between explicit and implicit threats (cited by Milburn and Watman (1981, pp. 11-12), as outlined in section 4, above). In case 3.9, it is hard to say whether the Nazi threat constitutes an explicit or implicit threat, but because it does contain a message verbally communicating a conditional in the form of an argument from consequences, it could be an explicit threat in this sense. Non-explicit threats are less specific and less verbal.

In Walton (*Emotion*, 1992, p. 170) a covert *ad baculum* argument of this type is said to function through the device of an indirect speech act. In an *indirect speech act*, a single utterance communicates more than one speech act—on the surface, it communicates one speech act, while under the surface, it communicates another speech act. For example, the utterance, "Can you pass the salt?" communicates a question—a request for information—on the surface. However, it is most likely, in context, as this expression is commonly used, that the speaker is not asking a question about the hearer's abilities. Under the surface, the speech act communicated by this utterance is a request to pass the salt.

In Walton (1992, *Emotion*, p. 170) it is shown how the covert (indirect) *ad baculum* argument frequently takes the surface form of a warning. This form of warning typically takes the form of a prudential inference, directed by a speaker to a hearer, in the following structure. This inference clearly has the form of argument from negative consequences.

(*Inf. Con.*):

You were considering not doing *A*.

But if you don't do *A*, some consequence *B*, which will be very bad for you, will, or is likely to occur.

Therefore, you ought to reconsider and (other things being equal) you ought (prudentially) to do *A*.

At the (surface) level, this type of argument, when normally used in a conversation, would function as a warning. But at a second, deeper level, in another case, the same form of argument could be used to communicate a threat. The classic example (which is very similar to case 3.9) is the following case.

Case 4.7: A known gangster says to the owner of a small business: "You should pay us protection money, because this is a very dangerous neighborhood. The last guy who didn't pay had his store looted and destroyed, right after he failed to pay." In this type of case the indirect speech act gives the proponent a route for plausible deniability, e.g., "I never made a threat—it was only a warning!"

What is happening in a case like this example of the *ad baculum* argument is that the same utterance has a dual function—on the surface it is a warning, but beneath the

surface it is clearly a threat. And it is the fact that the utterance would normally (in the right circumstances) be rightly taken to be a threat, that makes it an *ad baculum* argument.

But there is another factor present in this case as well that is important. The utterance in question is not just a single sentence. It is, in fact, an argument—a sequence of statements where some are premises and one functions as a conclusion. The inference, as noted above, has the form of argument from negative consequences. How is it that the same argument is ambiguous with respect to the type of speech act it performs? How is a harmless warning transformed into a vicious threat? How is the argument from consequences thereby transformed into an *ad baculum* argument? The answer is to be sought in the notion of Gricean implicature.

According to Grice (1975), there are certain maxims or rules of polite conversation that influence what presumptions a hearer will make in drawing an unexpressed conclusion from what the speaker says. Grice (1975, p. 71) cites the example of the philosophy professor who is asked by a student to write a letter of recommendation for him for entry to graduate school, and the professor writes that this student is a good speller and always comes to class on time. The reader of the letter will draw the unexpressed conclusion that this student would not be a good candidate for entry to graduate school. Why? The reason is that the professor has volunteered no information at all on the most important qualities, like originality, research ability, or motivation to work hard, that are the relevant qualities that are normally taken into consideration as a basis for making this type of decision. Since the professor has violated the maxim that this sort of information is normally furnished in a speech exchange of this type, the reader draws a presumptive conclusion based on an inference that is covertly (but not overtly) expressed by the letter writer. The reader draws the (covert) conclusion that this particular student would not (in the professor's opinion) be a good candidate for graduate school.

Why would the professor simply not come right out and state this proposition explicitly? He probably chooses this covert way of getting his message across so that he can achieve plausible deniability so that later, if challenged, he can deny that he meant to say anything negative about the student. For example, he may wish to avoid being vulnerable to a lawsuit, or to other forms of reaction by the student.

In the same way, in case 3.9 for example, what is not overtly stated by the writer may be taken, in line with the normal conventions regarding this type of speech exchange, as a basis by the reader for drawing a certain presumptive conclusion. What "unfortunate consequences" would occur normally as a result of canceling one's subscription to a newspaper? None, presumably, except that one would no longer receive the newspaper. Hence the reader infers, quite rightly that the Nazis who wrote the letter are (covertly) indicating their readiness to bring about just such bad consequences, should the subscription be canceled.

The fact that normally such consequences would not occur, without the intervention of someone who might undertake to bring them about, is definitely an implicature to the reader to read the surface warning as a covert threat. By implicature, the reader should add in the essential premise for the speech act of making a threat as a presumption that is part of the argument.

An actual case that illustrates the plausible deniability aspect of indirect threats is given by Gingiss (1986, p. 155).

Case 4.8:

In a recent trial in which I was an expert witness, a businessman was trying to back out of a proposed transaction which for some reason did not seem right to him. The person who wanted to keep the businessman in the deal suggested first, that he would have to talk to his partner and secondly, that this same partner used to work with Jimmy Hoffa. The person also stated that he had been in contact with a lot of people whom the businessman had done business with previously. In this particular case, the defendant claimed that he had gone back into the deal because he felt that he had been threatened. The prosecution alleged that no threat had been made or intended.

Gingiss (p. 157) comments that although the threatener did deny any intention to make a threat, the implication of a threat is implied by the "common belief that the teamsters often condoned violence during the lifetime of Jimmy Hoffa." This implication would definitely indicate to the businessman that it would be to his disadvantage to back out of the deal, because harm might come to him if he did.

Gingiss (1986, p. 157) attributes to Labov and Fanshel (1977) the thesis that it is the presence of one or more of the defining conditions of making a threat that leads a respondent to take an indirect (covert) threat as a threat.

Our conclusion is that although making a threat is not an illocutionary type of speech act, a hearer can judge when a threat is being expressed, even covertly, by taking into account the conversational rules or maxims appropriate for the type of speech exchange in which an *ad baculum* argument is put forward. Knowledge of the dialectical context of the argument enables the hearer to make an implicature, and thereby to draw by means of a presumptive inference, whether a threat is expressed.

10. A PRAGMATIC ANALYSIS

According to the pragmatic analysis put forward in this chapter, making a threat is a kind of speech act defined by (*Def. Threat*), but it is not an illocutionary act, at least according to the way that illocutionary acts are defined in the literature on speech acts. You recognize a threat, not in virtue of its form as some kind of standardized utterance, signaled by a conventional formula or string of key words. Instead, a threat needs to be recognized by two features: (i) as having a certain structure as an inference (*Inf. Con.*), which could make it either a warning or a threat, and (ii) by the presence of pragmatic features of the discourse indicating an undertaking by the speaker to bring about the event in question. The second feature by itself (along with the preparatory and sincerity conditions) is sufficient to identify an unconditional threat. But the first condition is characteristic of conditional threats.

However, conditional threats are by far the most common types of threats, and the most important types for use in *ad baculum* arguments, where covert threats so often take the surface form of a conditional warning, reminder, or question. The kind of locution that best represents the conventionalized form of utterance making these threats is the conditional statement of the form, "If you, the respondent don't do such-and-such, then such-and-such other event, which will be very bad from your point of

view, will happen to you." In this characteristic type of case, the threat functions on the surface in its conventionalized form as a warning. But what distinguishes the warning from the threat is the indication given by the speaker of his willingness to actually bring about that bad event. By inference, therefore, the respondent is being directed by the proponent to draw the conclusion that he, the respondent, ought to comply by carrying out the designated action that would prevent the bad outcome from happening. So a conditional threat can sometimes be made in an explicit form detailing this precise imperative type of inference. But, of course, more often than not, the threat is made in a covert or implicit form where only the conditional part is stated and, hence, what appears on the surface is a warning. Yet, features of the situation, or accompanying verbal utterances or actions of the proponent, may indicate clearly to the respondent that he is to take the utterance in question as definitely being a threat.

This notion of the making of a threat as being based on an inference which is licensed by a conditional is comparable to the analysis given by Wreen of the *ad baculum* argument. One might add here, however, that it is not always a conditional which is the warrant used to set up the inference characteristic of the speech act of making a threat. In some cases, the warrant can be a compound proposition of disjunctive form. That is, the proponent issues to the respondent an utterance of the form, "Either you do such-and-such or this other thing, such-and-such, which is a very bad thing from your point of view, will happen to you." The inference in this species of threat is that of a disjunctive syllogism form as opposed to the *modus ponens* form of the conditional type of threat. The disjunctive syllogism has the form: either *A* or *B*; not *A*; therefore *B*. With the disjunctive type of threat, the proponent gives the respondent two options and makes the claim that one or the other of these outcomes will occur and that he, the proponent, will see to it that either the one or the other will occur. The situation is set up in such a way then that either the respondent must comply by carrying out the one alternative or the proponent will see to it that the bad thing happens by carrying out the other alternative. So, in both instances, whether the inference is of a *modus ponens* form or of a disjunctive syllogism form, the structure of the inference is a well-recognized valid form of argument. It is also a very common form of reasoning in deliberation and is recognized in commonplace argumentation as being binding on a reasoner.

But there are arguments on both sides on the issue of whether making a threat should be classified as a perlocutionary or illocutionary speech act. If making a threat is seen as an illocutionary speech act, the conventional form the utterance of making a threat takes is that of a logical inference signaled by either a conditional or disjunctive warrant. If this approach is justified, then there could be grounds for classifying making a threat as an illocutionary type of speech act. However, the determination of this issue also depends very significantly on how the concept of making a threat is defined. If threats include fear appeals, or if the notion of frightening is included within the definition of the concept of making a threat, then there are grounds for seeing threatening more as a perlocutionary type of speech act. However, if one were to distinguish between making a threat and appealing to fear as two separate types of actions which may overlap in many cases, but which are essentially different as concepts, then there would be much less of a case for putting threats in the perlocutionary category. And by the same token, defining making a threat without including

the fear appeal element within the definition, would result in a stronger case for classifying the speech act of making a threat as illocutionary in nature.

However, deciding whether the speech act of making a threat should be classified as illocutionary or perlocutionary is, for our purposes, not strictly necessary. Our primary goal is to define the *ad baculum* argument, so that we can recognize one when we encounter it, and identify its parts—its premises and conclusion. But, if the *ad baculum* argument is defined as appeal to a threat, or as essentially involving the making of a threat, then we are very definitely and directly confronted with a central problem of defining what it is to make a threat as a distinctive type of speech act. Since many threats are, in fact, conveyed in natural language communications indirectly or covertly in the form of utterances that appear on the surface to be instances of other kinds of speech acts, like the speech act of warning, it is very important for us to be able to distinguish very clearly between the speech act of threatening and these other speech acts, especially the speech act of warning. Moreover, it has seemed to us that threatening is frequently very closely connected to warning as a type of speech act, and that making a threat can be defined by extending the speech act requirements onto Searle's definition of warning. So regardless of whether the speech act of making a threat is illocutionary or perlocutionary (or partly both), our analysis of it gives us quite a useful basis for defining it and identifying it. However, Nicoloff's analysis would go sharply against the direction of this line of approach by seeing fear appeals as being included within the speech act of making a threat. As a consequence of Nicoloff's analysis, a sharp wedge is driven between the speech acts of warning and making a threat.

On our analysis however, warning and making a threat are very closely connected, and we could even say that the speech act of making a threat is built onto that of a warning by adding additional factors. On this analysis, what is most important is not just the verbal formula used to convey the threat, but also (and very importantly) the pragmatic features of the situation and context of dialogue in which that speech act is put forward as a communicative action. In many of the most common cases, the hearer needs to draw a conclusion by implicature that a given utterance is a threat, given the rules or maxims of conversation appropriate for the type of dialogue the two parties are supposed to be taking part in.

Next, some further clarification is needed of the notion of an implicit threat—defined by Milburn and Watman in section 4 above—as a threat that is not communicated verbally or in writing in the conditional form. On their account, the leading characteristic of an implicit threat is ambiguity. By way of contrast, our definition of a covert (indirect) threat is a speech act that is a warning, on the surface, but is a threat, under the surface, because the essential condition is tacitly but not overtly expressed. This too is a kind of ambiguity, but a special pragmatic type of ambiguity that relates to indirect speech acts.

An implicit threat is one that is vague or ambiguous—the target may be unclear, or the consequences (bad event) not specifically stated. But this distinction is a little confusing, when compared to the covert/overt distinction, because covert threats also tend to be less explicit, and more vague and ambiguous. Should this terminology be clarified?

A better way to express the distinction that Milburn and Watman seem to be driving at would be to distinguish between explicit and nonexplicit (instead of implicit) threats. Then 'nonexplicit' would refer to the absence of specific information

given about who is threatened, what the consequences are, or the precise statement of the conditional connecting the action and the event in question. By contrast then, covertness refers to the absence of the surface expression of the essential condition. So a covert threat is one that has the surface form of a warning (or it could be some other type of speech act). The conditional is clearly stated, but what is lacking is an express or overt statement of the essential condition by the speaker. So covertness is not a type of nonexplicitness. Instead it is a matter of surface versus depth speech acts in a conversational context.

Next we come to the much disputed question—see chapters 2 and 3—whether the act of making a threat is an argument or not. The answer is that in some cases threats are not arguments, but in most cases they are. An unconditional threat—the example noted was case 4.4—is not an argument. It can occur during an argument, but it is not an argument. It does not have premises and a conclusion, but simply an unconditional statement by one party to another, in the form, "I am going to do something bad (not in your interest) to you." On the other hand, as noted, most acts of making a threat are conditional in nature. A conditional threat is characterized by the putting forward of an inference of the form (*Inf. Con.*) by the speaker, so that the hearer is expected to draw a conclusion from the premises asserted by the speaker. Hence every case of a conditional threat is an argument, with premises and a conclusion. According to our analysis, in the (also very common) cases of covert threats, the hearer is supposed to draw the conclusion by implicature.

Most threats are conditional, as the cases of *ad baculum* arguments in chapters 1 and 2 abundantly illustrate. Most *ad baculum* arguments that involve threats—in fact the overwhelming majority of the common interesting cases—are based on conditional threats. Hence it is tempting to declare that all threats are arguments. However, it is possible for an (unconditional) threat not to be an argument. The best we can say is that typically, and for the most part, threats are arguments.

Finally, a small modification to (*Def. Threat*) should be made. In the essential condition, the term 'making a commitment' was used in Walton (*Emotion*, 1992). However, on the basis of the consideration of Hamblin's remarks on threatening in section 7 above, of this chapter, we would like to change this term to 'undertaking.' The new clause for the essential condition should read: The speaker is undertaking to see to it that the event will occur unless the hearer carries out the particular action designated by the speaker.

NOTES: CHAPTER 4

¹ Many different definitions of the notion of an illocutionary act are given in the large literature on the subject of speech acts. A clear survey of these accounts and related notions of speech act theory can be found in (Recanati, 1987).

² *Ibid.*

³ This way of defining the concept of an implicit threat is a little confusing, as will become apparent below when the notion of a covert (indirect) threat is introduced (section 9). These notions are clarified somewhat at the end of section 10.

⁴ Empirical research on indirect speech acts has been carried out—see Shapiro and Murray (1993).

CHAPTER 5

THE NEW THEORY OF THE UNDERLYING STRUCTURE OF FEAR AND THREAT APPEAL ARGUMENTS

At this point, the difference between fear appeal arguments and threat appeal arguments has become clearer. Chapter 4, by defining the speech act of making a threat, gives the basis for making a fundamental distinction between fear appeal arguments of the kind studied in chapter 1, and threat appeal arguments, of the kind associated with the traditional *ad baculum* fallacy. Clearly fear appeal and threat appeal arguments are closely related, and share the same basic structure. But just as clearly now, we can see there is a fundamental difference between the two types of argumentation. In the fear appeal type of argument, of the kind so widely used by advertisers, the advertiser is not making a threat to actually carry out the bad outcome warned of. In contrast, the threat appeal argument is defined by the existence of the making of such a threat by the speaker.

This much is clear, but many problems and potential confusions remain, as indicated by the welter of conflicting approaches and unsolved problems concerning *ad baculum* arguments surveyed in chapters 2 and 3. In chapter 5, a new theory of the logical structure underlying both fear and threat appeal arguments is presented. Once the new theory has been presented, in its essentials, these unsolved conflicts and problems can be taken up. And part of the testing of the new theory will be to see how successful it is when applied to trying to solve all these problems and conflicts.

Finer questions of terminology, definition and classification will be reserved for chapter 6. As indicated by chapters 2 and 3, many of the problems are terminological, relating, for example, to how the expression *argumentum ad baculum* should precisely be defined. Should this term only refer to threat appeal arguments, for example, or should it be used in a wider sense that encompasses fear appeal arguments of the kind where no threat is made by the speaker? The best approach is to first state the new theory of the logical structure underlying these kinds of arguments, and then use it to deal with all the terminological problems and conflicts about how best to define the *ad baculum* as a type of argument.

1. OUTLINE OF THE NEW THEORY

The new theory of fear and threat appeal arguments put forward in this chapter has two components. The first component is the inferential structure of these arguments. The second component is the dialogue structure in which the inference is used for some purpose. Both fear appeal and threat appeal arguments are shown to have a common structure. Both are based on what will be called danger appeal arguments.¹

According to the theory, such arguments are based on what is called a practical inference. So we begin with practical inference.

A practical inference is carried out by something called an agent. An agent is an entity that has the capability for carrying out actions, of being aware of its environment, and of responding to perceived changes in its environment by carrying out new actions over time, as it gets information on the consequences of its old actions. An agent also carries out practical inferences. A practical inference has two premises and a conclusion. One premise states something, some state of affairs, that the agent wants to achieve, or thinks is in its interests. The other premise links up the realization of this state of affairs to some other state of affairs. This linking up can take various forms, but often it takes the form of a conditional. The conclusion is an imperative that directs the agent to acting to bring about a certain state of affairs. An example is the following inference:

Case 5.1: I want to make a lot of money. If I graduate from law school, I will make a lot of money. Therefore, I should graduate from law school.

The first premise states something I want, or that I think is my goal or interest. The second premise is a conditional that links the making of money with some other action. The conclusion is that I should carry out this action. The agent in this case is expressed by the first-person pronoun 'I.' When an argument of this kind is presented, you can question the first premise. Is making a lot of money something that you really want, or should want, as a goal? And you can question the second premise. In today's situation, is it really true that if you graduate from law school, you will make a lot of money? But if both premises are accepted by an agent, then surely the agent is also rationally bound to accept the conclusion as following from the premises. Of course, such an argument is not deductively valid, in the sense that acceptance of the premises removes all possibility of rationally doubting the conclusion. One could still ask, for example, whether there might be a better way of making a lot of money than graduating from law school, which, after all, may be difficult to achieve, a lot of work, and costly. But the argument does provide support of some sort for the conclusion, assuming the premises are supported by evidence. It provides a kind of practical support, by providing the agent who accepts the premises with a good (but not conclusive) reason for going ahead with the action recommended in the conclusion. The argument supports the conclusion as expressing a practical imperative for the agent saying "From what I can tell, graduating from law school would be a prudent action for me to carry out, in light of what I want." The practical inference is a guide to prudent action for the practical agent, who acts in accord with her goals and her situation.

The new theory of fear and threat appeal arguments is that their basic underlying structure is that of the practical inference. The idea is that both types of argumentation express a negative goal, or danger to the agent—something that the agent does not want to happen, or that is definitely not in her interests. That is the first premise. The other premise links the goal to actions or states of affairs that are outcomes of actions. It says that if the agent carries out some recommended action, then the bad thing (the danger, or thing that is not in the agent's interests) will not occur. The conclusion is that the agent should carry out this recommended course of action.

That is the inferential part of the new theory. But there is a dialogue (dialectical) component as well. The fear and threat appeal arguments both involve multi-agent reasoning.² In both types of argument, there is a speaker (proponent) who is making the fear appeal or threat appeal argument, and there is a hearer (respondent, audience) to whom the argument is specifically directed. The two parties could be engaged in different types of dialogue, but in many cases of the kind dealt with in previous chapters, it seems like the two parties are engaged in some kind of deliberation on what to do, on what course of action to take in the face of some danger. It seems like the one party is offering some kind of practical advice to the other party on what he should do. To adequately understand how fear appeal and threat appeal arguments work, according to the new theory, both arguments need to be seen as instances of multi-agent reasoning. It is not just a single agent that is involved. The structure is of such a kind that there has to be a sender and a receiver of the argument. In any real case, these two agents could actually be the same person. For example, a person deliberating by himself on what to do could play both roles. He could think of the argument, and then think of the objections to it that should be considered.

So that's really the theory, in a nutshell. This theory explains the structure of the cognitive component in fear appeal arguments. By tying the process together as a structure of logical reasoning, the new theory shows how an agent goes through various steps of logical reasoning to come to a conclusion when confronted with a fear appeal or threat appeal argument. It shows how, when a good fear appeal argument is presented to an agent, the argument puts the respondent in a position where he has to draw the conclusion that a specific action is the way for him to go, in order to avoid a danger, once the danger has been presented to him. It's very simple, and it all becomes very clear, once you see that the one agent, the hearer of the argument in such a case, is engaging in a process of practical reasoning, by linking together a chain of practical inferences. The other agent, the speaker, is trying to persuade the hearer to avoid the danger by carrying out the recommended action. Because the speaker's argument can be put in the form of a practical inference, we can see it as a logical argument, with a certain characteristic structure. By putting the argument in the form of a practical inference, the speaker tightens a kind of logical net around the hearer. This is the process we called dichotomization in describing fear appeal arguments in chapter 1. The question then posed is how the hearer can wriggle out of this net by challenging the premises, or finding some weakness in the linkage whereby the premises force the conclusion drawn in the argument. The hearer needs to respond to this logical argument by examining, or critically questioning its strong or weak points as a practical inference. The speaker and hearer can be seen as engaging in a kind of logical dialogue with each other. This theory represents a logical model of how the two parties are reasoning with each other in an orderly and structured way that represents a kind of practical rationality. The logical model can help us to understand the cognitive component of fear appeal and threat appeal arguments.

But like all theories, even though the basic idea is very simple, the devil is in the details. We need to know a lot more about the basic components of the new theory, and how they all fit together into an organized structure. We need to know what the variables and constants are in a practical inference, so it can be seen how the logical structure of practical reasoning can be formalized. Other questions of a more practical nature also need to be answered. The whole thing needs to be expressed in a systematic theory that shows the logical forms of inference involved in all the various kinds

of argumentation woven together in fear and threat appeal arguments. Once all this has been accomplished, the structure of how an agent reasons, or should reason, practically speaking, when confronted with a fear or threat appeal argument, will be made clear. What will also be revealed is how an agent should reason who wants to put forward a fear appeal or threat appeal argument. Third, what will be shown is how each agent should react to the moves made by the other party in the dialogue. Once all this has been accomplished, empirical research can get a much better systematic idea of what variables need to be taken into account in testing fear appeal and threat appeal arguments experimentally. For, as shown in chapter 1, the central problem lies in the cognitive component.

2. ARGUMENT FROM CONSEQUENCES

A key component in a practical inference is the conditional premise that links one state of affairs to another. In case 5.1, the conditional premise, 'If I graduate from law school, I will make a lot of money.' asserts that certain consequences will follow from an action I am considering. This type of conditional represents the basis of a special type of argumentation that is important in its own right, called argument from consequences.

Argument from consequences (*argumentum ad consequentiam*) may be broadly characterized as the type of argumentation concluding that a proposition should be accepted (rejected) because the consequences of accepting it are good (bad). According to Walton (*Emotion*, 1992, p. 166), argument from consequences is a common and very legitimate type of argumentation, for example, in advice-giving dialogue. For example, a financial expert who has been consulted by a layperson may give advice of the following sort: "Don't put your money in those bonds, because if you do, you will experience heavy financial losses." This type of instance could be called argument from negative consequences, because the negative consequences cited by the proponent are used by the proponent to dissuade the respondent from taking some course of action the respondent was considering.

Aristotle, in the *Rhetoric* (1399 a 14), recognized argument from consequences as a distinctive form of argument that can be used as a warrant for drawing reasonable inferences.

Case 5.2: Again, since in most human affairs the same thing is accompanied by some bad or good result, another topic consists in employing the consequence to exhort or dissuade, accuse or defend, praise or blame. For instance, education is attended by the evil of being envied, and by the good of being wise; therefore we should not be educated, for we should avoid being envied; nay rather, we *should* be educated, for we should be wise (trans. J. H. Freese, Loeb Classical Library Edition, p. 311).

In Aristotle's example, both positive and negative consequences of the contemplated course of action are cited. But the value of the positive consequences is greater than

the disvalue of the negative consequences. This balance of considerations is taken as leading to the conclusion that we should be educated.

According to Windes and Hastings (1965, p. 91), much commonplace political debating about proposals and policies is based on argument from consequences. Typically, on a disputed issue, each side cites the positive consequences of its own proposed policy as reasons for accepting it, and the negative consequences of the opposed policy, as reasons for rejecting it. Perelman and Olbrechts-Tyteca (1969) also recognize argumentation from consequences as a legitimate type of argument. They define a pragmatic argument (p. 266) as one that "permits the evaluation of an act in terms of its favorable or unfavorable consequences."

However, according to some logic textbooks, *argumentum ad consequentiam* is a fallacy. For example, Rescher (1964, p. 82) cites the following case:

Case 5.3: The United States had justice on its side in waging the Mexican war of 1848. To question this is unpatriotic, and would give comfort to our enemies by promoting the cause of defeatism.

One can certainly see the fallacy involved in this type of case. Presumably, the participants in the dialogue are supposed to be having a critical discussion on the issue of who "had justice on their side" in the U.S. Mexican war of 1848. But one party shifts to a quite different type of discussion when he cites the negative consequences of the point of view advocated by the other side as a reason for rejecting this point of view. This move towards the consequences tends to shut down the original discussion. Rescher (p. 82) also sees the move towards consequences as having no real place in the original discussion.

In an *argumentum ad consequentiam* ("appeal to consequences") the premisses deal only with the consequences that are likely to ensue from accepting the conclusion, and not with its truth. Logically speaking, it is entirely irrelevant that certain undesirable consequences might derive from the rejection of a thesis, or certain benefits accrue from its acceptance.

Rescher sees the fallacy as one of irrelevance. The problem is that somehow, in case 5.3, there has been a shift from a discussion that has the aim of proving the truth or falsehood of a proposition to a practical consideration of the consequences of accepting or rejecting that proposition.

What does "irrelevance" really mean here, however? It seems that argument from consequences can be a perfectly legitimate argument in many cases of practical or prudential discussions about what to do. But in a case like the one above (5.3), this perfectly reasonable argument has gotten twisted around, and is put to a different use. When it is interjected into a more theoretical, truth-oriented, moral and historical discussion, it is used to block the discussion, by twisting it in a different direction. One can see from Rescher's treatment that argument from consequences is a separate type of argument (and fallacy) in its own right, but also connected to the *argumentum ad baculum*.

The connection between argument from consequences and the *ad baculum* fallacy has been occasionally recognized by logic textbooks. For example, Cederblom and

Paulsen (1982, p. 102) state that *ad baculum* is a fallacy because it is a particular instance of the more general fallacy they call "appeal to consequences." To illustrate this claim, they offer the following example of the *ad baculum* fallacy (p. 102):

Case 5.4: If you opposed gun control you'd have a lot better chance of being elected. Why don't you reconsider your position on that issue?

What needs to be said about case 5.4 is that it certainly represents an instance of argument from consequences. But is it an *ad baculum* argument? Not necessarily, one should judge. For the answer depends on whether the argument is being used as a threat, and there is insufficient evidence to say that it is. As stated, in the absence of further information, the argument should be classified, like case 5.4, as an instance of argument from consequences.

It is precisely this same duality of context of use that poses the key problem with the argument in case 5.4. This example was cited as an instance of the *ad baculum* fallacy by Cederblom and Paulsen. But in fact, by our criteria, it is not an *ad baculum* argument at all—it is an instance of argument from consequences. But as such, is it a reasonable argument, or is it a fallacious argument from consequences? The answer is that it depends on how you interpret (or fill in) the context of dialogue (not given by Cederblom and Paulsen) over and above the words cited.

If the context is one of advice-giving in deliberation, where the party strategist is advising the candidate on how to campaign, there is no fallacy. The strategist is simply asking "Why don't you reconsider your position on that issue?" The candidate can then reconsider, and may give reasons for changing his position or not.

The situation is quite different however if the context of dialogue is supposed to be the following. The two participants in the dialogue are having a critical discussion on the issue of gun control. The speaker in case 5.4 is against gun control, and the hearer (respondent) is for it. In this critical discussion, both participants are supposed to be giving their reasons for or against gun control as a good policy for the country.

In this context, the speaker's use of argument from consequences—by saying the hearer will not have a good chance of being elected if he keeps to his position for gun control—is irrelevant. It shifts the dialogue from a critical discussion of whether gun control is a good policy (generally) to the practical issue of the speaker's getting elected. It is this shift (on one interpretation of the context in case 5.4) that makes the argument irrelevant, and therefore potentially fallacious.

3. PRACTICAL REASONING

Argument from consequences can be used in different ways in different contexts of dialogue. Whether an argument from consequences is fallacious or not in a given case depends on the context of dialogue in which it was used. But argument from consequences also has an underlying structure as an inference, or sequence of reasoning, that can be used even in cases where (evidently) there is no dialogue exchange of arguments between two parties.

- Case 5.5:* I see an old shell from a past war in an open field near an area where children sometimes play. The shell could possibly still be explosive. I say to myself, "If that shell explodes when picked up by somebody, the outcome would be catastrophic."

In this case, let's say, there is no argument between two parties. I am by myself, and the line of reasoning in case 5.5 just represents my line of thinking when I see the shell. I conclude that the shell should be safely removed by experts, as soon as possible, and that, in the meantime, the children should be warned not to go near it.

The kind of reasoning used in case 5.5 is of a type that could be called prudential in nature. It leads to a prudential ought-conclusion. In case 5.5 the reasoning is based on a premise of bad or dangerous consequences. Reasoning from consequences is one aspect of practical reasoning. It was exactly this kind of prudential inference that was cited as important in the analysis of *ad baculum* put forward by Woods and Walton (1976).

Wreen (*May*, 1988, pp. 436-438) expressed a number of disagreements with the position of the Woods and Walton paper on the *ad baculum* fallacy. Wreen (p. 436) thinks that, contrary to what Woods and Walton say, the *ad baculum* doesn't need to be a prudential argument. Wreen (*May*, 1988, p. 435) thinks that, in some cases, *ad baculum* arguments can have a conclusion that expresses an ethical as opposed to a narrowly prudential ought statement. Wreen (p. 436) thinks this difference of opinion is a minor point, however, since the Woods and Walton analysis can also be applied to the non-prudential forms of the *ad baculum* argument.

Another point of disagreement is that Wreen thinks there is no need "to introduce nor any advantage in introducing premises or conclusions that are not statements" (p. 436). What he objects to here, apparently, is the use Woods and Walton make of imperative statements in their analysis, and also ought statements to the effect that some state of affairs should be brought about or not. These differences of approach between the Woods and Walton paper and the Wreen paper (*May*, 1988) seem to have to do with the analysis of the structure of the *ad baculum* argument as involving a kind of practical reasoning of some sort. The disagreement seems to be a rather technical one of precisely how this practical inference should be analyzed, i.e., whether it should be analyzed exclusively in terms of statements that are true or false, or whether it should contain some practical notions of actions and state of affairs being brought about by agents and so forth. Wreen seems to dislike the idea of incorporating concepts of action and of states of affairs being brought about, whereas Woods and Walton are more inclined to accept this sort of apparatus in their analysis.

What Wreen does say positively about the structure of the *ad baculum* argument (Wreen, *May*, 1988, p. 438) is that such an argument needs to be reconstructed as having two premises and a conclusion. The one premise, according to Wreen, is a conditional premise which is "descriptive of two non-valuational states of affairs" (p. 438). The other premise is described by Wreen as "categorical and valuational" (p. 438) and "concerned with one of the states of affairs detailed in the other premise" (p. 438). The conclusion is described by Wreen as an ought statement whose subject is a person. This conclusion statement, according to Wreen (p. 438), has a content that concerns the state of affairs not described in the second premise. So, what type of argument is this? Here, Wreen's hypotheses are negative. According to him, it is not

a deductive argument and he doesn't seem to identify it as a particular type of inductive argument. But, nevertheless, he thinks that such *ad baculum* arguments can generally be described as "strong." According to the new theory, this type of argument is a practical inference. This type of inference has already been introduced in section 1, but now more characteristics of its structure as a kind of reasoning need to be introduced.

The structure of the practical inference needs to be seen to have six distinct components. First, there is an agent, an entity that has goals. Second, the agent has the capability to carry out actions that can contribute to the realization of these goals. Third, the agent has a set of external circumstances that affect it, and that its actions affect. Fourth, the agent is aware of these circumstances (to some degree), and is aware of changes in them, as changes occur over time. Fifth, when the agent acts on these circumstances, it is aware (to some extent, at least) of the consequences of these actions—this characteristic is called "feedback." Sixth, the agent's actions and the events in its circumstances are connected, so that by bringing about one thing, the agent may thereby also bring about something else. In other words, actions are seen as having consequences.

Practical reasoning has a distinct form as a type of reasoned inference as analyzed in Anscombe (1957), Diggs (1960), von Wright (1963; 1972), Clarke (1987), Audi (1989), and Walton (*Pract. Reas.*, 1990).³ In its simplest form, a practical inference is based on two premises. The first premise states that an agent a has a goal of bringing about a state of affairs, A in mind, and the second premise states that bringing about some state of affairs B is thought to be a means (necessary or sufficient) whereby if A is brought about, then so is B .

- (PI) Bringing about A is a goal for a .
 a thinks that bringing about B is a means to bring about A .
 Therefore, a 's bringing about B is a practically reasonable course of action.

The first premise states that the agent has a specific state of affairs that it has designated as a goal-state. This goal is stated as a proposition describing a state of affairs. The second premise is, as already noted, closely connected to argument from consequences. This premise links the state of affairs specified in the goal to some other state of affairs. The one state of affairs is said to be a necessary, or in some cases, a sufficient condition of the realization of the other state of affairs. When the expression 'means' is used, as in (PI), the necessary condition type of practical inference is indicated. But when the second premise is equitable with the use of argumentation from consequences, the sufficient condition type of practical inference is indicated.

Practical reasoning is a chaining together of a sequence of practical subinferences, according to the analysis of Walton (*Pract. Reas.*, 1990). Some of the inferences in the chain are necessary condition practical inferences, of the kind represented by (PI). Others are sufficient condition practical inferences. When a chain of such inferences is linked together to represent the practical reasoning used in a given case, the chain has a direction that moves towards some ultimate goal of the agent. Such a chain of reasoning can be used for different purposes in different cases. One of the most common uses is in deliberation and planning.

A simple example, of the kind studied by Diggs (1960), will illustrate how practical reasoning is commonly used in everyday advice-giving deliberative communication exchanges.

- Case 5.6:* A passerby in the corridor of Centennial Hall says to Professor G., "Excuse me, could you tell me how to get to Graham Hall." Professor G. replies: "Yes. Go down to the end of the corridor that way, then turn right, go past the Dean's Office, turn left at the end of the hallway and go past the *Media* section."

In case 5.6, the passerby makes it clear from his question that her goal is to get to Graham Hall. This is a very specific goal. Professor G. then proposes a course of action that, he says, will bring about the realization of goal *G* for the passerby. The deliberative exchange in case 5.6 is initiated by a "how" question that asks for advice on a means of carrying out a goal. It could also be described as an information-seeking communicative exchange where one party (Professor G.) is presumed by the other party to be in a position to know about information sought by this party.⁴ In other cases, a goal may be abstract. For example, a physician's goal in treatment may be to contribute to the health of her patient. But because "health" is a highly abstract concept, it may be nontrivial to see, in a concrete situation, what it amounts to, or what (arguably) is likely to contribute to it.

Practical reasoning is defined in Walton (*Pract. Reas.*, 1990) as a goal-driven, knowledge-based, action-guiding type of reasoning where an agent (who has some knowledge of a given situation) must take a course of action or inaction based on its goals (the agent could be a machine, as well as a human agent). As noted in section 1 of this chapter, not all cases of practical reasoning are (at least explicitly) dialectical in nature. Such an agent can act alone, without necessarily engaging in a dialogue exchange with another agent. However, even when an agent acts alone, you can see him (her, it) as engaging in a dialogue with himself (herself, itself) on the issue of whether taking a specific action would be prudent or not.⁵ There are generally two opposed points of view (for or against the course of action in question). And this opposition of weighing the pros and cons of an action does constitute an implicit dialogue, or dialectical opposition of viewpoints.

4. CRITICAL QUESTIONS ABOUT CONSEQUENCES

According to the survey of the structure of argument characteristic of practical reasoning given in Walton (*Plaus. Arg.*, 1992), practical reasoning is a pragmatic species of argument, that can be evaluated as a dialogue exchange between a proponent *P* and a respondent *R*. Each party to the dialogue has a set of commitments of the type defined by Hamblin (1970; 1971). The aim of the proponent in the dialogue is to use the premises of a practical inference of the form (*PI*) to reasonably see to it that the conclusion becomes a commitment of the respondent.

In such a dialogue framework, the respondent is initially not committed to the conclusion, i.e., he is disposed to question, or even to reject it. For each use of a practical

argument of the form (*PI*) by *P* there exists a matching set of five critical questions for *R* to use (Walton, 'Actions,' 1997, p. 165):

- (*CQ*) 1. Are there alternative means of realizing *A*, other than by bringing about *B*?
 2. Is *B* the most acceptable (the best) alternative way of bringing about *A*?
 3. Is it possible for *a* to bring about *B*?
 4. Does *a* have goals other than *A*, which have the potential to conflict with *a*'s realizing *A*?
 5. Are there negative side effects of *a*'s bringing about *B* that ought to be considered?

In the dialogue exchange, if the two premises of an argument of the form (*PI*) are satisfied, in a given case, by the evidence put forward by *P*, then a burden of proof, or weight of presumption is placed against *R* to respond. If *R* poses any one of the five critical questions in (*CQ*) then the weight of presumption shifts back to *P* to answer the question.

Generally, in the kinds of cases of fear and threat appeal arguments considered here, the second critical question is not in doubt. So the relevant concerns relate to the three other premises. In case 5.6 above, for example, question 1. may come to be raised if there is more than one route to Graham Hall that would be a potential candidate for *A*. Suppose, for example, that one route is shorter, but more complicated than the other. Which then is the "best" route? If the passerby uses the longer route, he may be less likely to get lost, and giving directions may be easier. What is "best" here means what is conducive to the fulfillment of the goal in an efficient manner.

Question 4. may be important because *R* may have other goals that are also significant. Question 5. is likely to be significant as well in *ad baculum* arguments, because carrying out *A* may be difficult or painful for *R*. It may be that carrying out *A* has other consequences for *R* that, as *R* sees it, are even more painful or significant than those cited in case 5.6. These painful consequences can be the basis of a threat or a fear appeal argument.

It is a thesis now put forward here that argument from consequences is a species of practical reasoning. How argument from consequences fits into the structure of practical reasoning is by reason of question 5. in (*CQ*). If a course of action is being considered, a reasonable argument against it that should carry presumptive weight in a deliberation is the citing of its negative consequences. It seems then, that argument from consequences is a common and often appropriate and reasonable type of argument, especially as used in practical deliberations on how to pursue a course of action. Argumentation from consequences is frequently used in two-party deliberation, where one party is giving another party advice on how to proceed in a situation that calls for choice of actions, as noted above. Here it takes the following two forms, as directed to a respondent by a proponent.

- (*AC-*) If you (the respondent) carry out action *A*,
 then negative consequences will follow;
 therefore, you should not carry out *A*.
- (*AC+*) If you (the respondent) carry out action *A*,
 then positive consequences will follow;
 therefore, you should carry out *A*.

The same forms (*AC-*) and (*AC+*) can apply where the action is an omission, or a failure to carry out some designated action A. Here 'positive' and 'negative' mean, respectively 'good (bad) for the respondent, and perceived to be good (bad) by the respondent.' The forms of argument (*AC-*) and (*AC+*) are reasonable to the extent that they are used in a context of deliberation where practical reasoning is appropriate.

Now the structure of prudential inference underlying the appeal to threat type of *ad baculum* argument studied in chapter 3 has been revealed. In fact, the form of prudential inference identified as (*Inf. Con.*) in chapter 4, section 10, can now be seen to be equivalent to the form (*AC-*). It will also be shown below how appeal to fear is built on the underlying structure of argument from consequences. Both appeal to threat and appeal to fear, as types of arguments, piggyback on this underlying form of argument called argument from negative consequences. The fear appeal variant tries to cite, fix on, or stress the aspect of the negative consequences that would relate to or incite some fear that the respondent is particularly susceptible to. The threat appeal variant not only cites negative consequences but adds the dimension that the proponent himself will bring about these consequences.

It is argument from consequences, as the underlying structure upon which both appeal to fear and appeal to threat are built, that explains the real relationship between the two. Once this underlying structure is revealed as the common root, it is clear why the two overlap so much, and seem to be so closely affiliated. It is not that the one is a subtype of the other then—as it may seem at first—rather their relationship is that both are variants on an underlying type of argument which is more fundamental and simpler. If this approach is right, it all points in the direction of both fear and threat appeals as being reasonable prudential arguments in some cases. If this is so, the next question is what the exact forms of these arguments are, as kinds of practical reasoning.

5. CONDITIONAL FORM OF THREAT APPEAL ARGUMENT

Practical reasoning involves an agent in a given set of present but changeable circumstances, trying to select a prudent course of action among a set of possible alternative courses of action. This sort of reasoning involves an attempt to decide what will be the most prudent choice as far as the future is concerned. But the future is never certain. Hence practical reasoning involves presumptions in the form of hypothetical guesses. What needs to be deliberated upon are statements of the form, 'If I did such-and-such, then some other outcome (which might be good or bad, from my point of view) might (or will) occur.' The kind of reasoning involved is called *conditional reasoning*, or reasoning from a hypothesis or supposition to the consequences of what would happen if that hypothesis statement were true.

We are already familiar with the kind of inference form called *modus tollens* in deductive logic: if *A* then *B*; not *B*; therefore not *A*. The pattern of this inference is to eliminate the consequent (the part of the conditional that is supposed to follow from the hypothesis or antecedent), and thereby to eliminate the antecedent as well. Reasoning from negative consequences is a species of *modus tollens* reasoning that is commonly used in deliberation, and is a form of practical reasoning.

(*Reas. Neg. Con.*): If I (an agent) bring about (don't bring about) *A*, then *B* will occur.

B is a bad outcome (from the point of view of my goals).

Therefore, I should not (practically speaking) bring about *A*.

Reasoning from negative consequences is the kind of prudential reasoning an agent engages in when deliberating in a solitary way (not interacting in argumentation in a dialogue with another agent) to decide on how to take prudent action in a given, particular situation, based on his (her or its) goals and knowledge of the situation.

But reasoning from consequences becomes argument from consequences when this type of reasoning is used in a context of dialogue where two parties are reasoning together in an argument. When used in this dialectical way, argument from consequences has a form that is equivalent to the type of inference called (*Inf. Con.*) in chapter 4.

(*Arg. Neg. Con.*): If you (the respondent) bring about *A*, then *B* will occur.

B is a very bad outcome, from your (the respondent's) point of view (or interests).

Therefore, you (the respondent) should not bring about *A*.

The conclusion of (*Arg. Neg. Con.*) is a practical ought (should) statement that can be analyzed as a conditional: you (the respondent) ought to bring about (not bring about) *A* if you do not want *B* to occur. The presumption is that since *B* is a bad outcome for the respondent, he (presumably) does not want *B* to occur. If we were to describe the type of speech act that the use of the argument form (*Arg. Neg. Con.*) is associated with, it would be the speech act of warning. The problem then is: how do we get from (*Arg. Neg. Con.*) to the *ad baculum* argument—that is, the type of argument associated with the making of a threat?

The answer to this question lies in what was called the *essential condition* of making a threat (*Def. Threat*) in chapter 4—the respondent is indicating a willingness (or undertaking—described as a "commitment" in Walton (*Emotion*, 1992, p. 163)—to bring about the undesirable event *B*. In making a threat, the proponent is not only telling the respondent that the bad state of affairs *B* is likely to happen, or will happen, unless he brings about *A*. She is telling him that she will make it happen, unless he brings about *A*. So now we have a secondary type of argument (indicated as (*Cond. Bac. Threat*) below), that corresponds to the speech act of making a threat.

- (*Cond. Bac. Threat*):
1. I (the proponent) undertake to see to it that *B* will occur if you (the respondent) bring about *A*.
 2. *B* is a very bad outcome, from your (the respondent's) point of view (or interests).

Therefore, you (the respondent) should not bring about *A*.

The second premise and the conclusion of (*Cond. Bac. Threat*) are the same as those of (*Arg. Neg. Con.*). The difference lies in the first premise. In (*Cond. Bac. Threat*) an additional, personal element is present in premise 1., where the proponent is declaring that she will bring about the event *B*, unless the respondent takes the right (indicated) action with respect to *A*.

What then is different or distinctive about (*Cond. Bac. Threat*) that sets it apart from (*Arg. Neg. Con.*)? The difference is that when a proponent puts forward an argument of the form (*Cond. Bac. Threat*), she is indicating an undertaking to bring about *B*. This undertaking implies that should the respondent take steps to prevent the coming about of *B*, she (the proponent) is indicating a readiness to block these steps to interfere with the occurrence of *B*. In the argument form (*Arg. Neg. Con.*), this additional inference is not present. In (*Arg. Neg. Con.*) whether *B* comes about is up to nature—or at least there is no stipulation that any persistent agent stands ready to see to it personally that *B* will occur. But it is exactly this inference in (*Cond. Bac. Threat*) that makes the threat so worrisome to the respondent.

Neither (*Arg. Neg. Con.*) nor (*Cond. Bac. Threat*) are fallacious arguments. In fact, both are generally reasonable forms of argument, when used in an appropriate context of dialogue. (*Arg. Neg. Con.*) is a very familiar kind of practical reasoning frequently used in deliberation and planning, and in the kind of dialogue exchange where one party is giving advice to another. (*Cond. Bac. Threat*) is also a reasonable form of argument in many cases—for example it can be used reasonably in a negotiation dialogue, where two parties are engaged in bargaining. However, both these reasonable forms of argument can be used fallaciously in some cases. But before taking up the question of how these two types of arguments can be used fallaciously, let us turn to another form of argument characteristic of many fear and threat appeals.

6. DISJUNCTIVE FORM OF THREAT APPEAL ARGUMENT

Practical reasoning involves a choice to be made between alternatives to a given course of action. In deliberation, practical reasoning is typically confronted with a number of alternative courses of action, and the problem is to eliminate all these alternatives (ideally) except one. The last remaining one is then selected as the prudent course of action. The kind of reasoning involved in such a selection is called *disjunctive reasoning*, or reasoning to choose among a given set of alternatives.

Of course we are already familiar with the disjunctive syllogism as a form of inference in deductive logic: either *A* or *B*; not *A*; therefore *B*. The pattern of this inference is to eliminate one disjunct and then select the other as the conclusion. Disjunctive reasoning is not restricted to two alternatives, however. As a general pattern of inference that has two characteristic premises, disjunctive reasoning has the following form:

$$\begin{array}{ll}
 (\textit{Disj. Reas.}) & \text{Either } A_0 \text{ or } A_1 \text{ or } A_2 \text{ or } \dots \text{ or } A_{n-1} \text{ or } A_n \\
 & \neg (\text{either } A_0 \text{ or } A_1 \text{ or } A_2 \text{ or } \dots \text{ or } A_{n-1}) \\
 & \text{Therefore } A_n
 \end{array}$$

There are two ways of interpreting the variables $A_0, A_1, \dots, A_{n-1}, A_n$ that occur in (*Disj. Reas.*). They can represent propositions that are true or false. This interpre-

tation is appropriate if the context is that of a critical discussion, where the aim is to resolve a conflict of opinions, by showing one proposition is true and another proposition is false. However, where disjunctive reasoning is used to choose between a number of alternative courses of action in a deliberation, the variables represent states of affairs open to a practical reasoner as things he or she can bring about. We could also describe them as propositions, in this use, but they have to be restricted to contingent propositions that can be "made true" or "made false" by the actions of a practical reasoner.

Argument from consequences is the most widely used form of inference used to convey a warning in advice-giving or deliberation dialogue. But in some cases, a species of disjunctive reasoning is used for this purpose. To indicate its comparability in use to argument from consequences, this form of inference could be called *argument from alternative*, or (*Arg. Alt.*), in the form below.

(*Arg. Alt.*) Either you (the respondent) must bring about *A* or *B* will occur.
B is bad or undesirable, from your point of view.
 Therefore, you should (ought to, practically speaking) bring about *A*.

This form of argument is a species of practical reasoning that is typically used by one party to give advice to another party on practical matters, and typically the speech act it is used to convey is that of a warning.

The underlying form of (*Arg. Alt.*), the structure of reasoning on which it is based, is that of (*Disj. Reas.*). (*Arg. Alt.*) is a simple case of (*Disj. Reas.*), because it involves only two alternatives, *A* and *B*. It is said to be based on (*Disj. Reas.*) because it adds the element of badness or undesirability (from the point of the view of the respondent's goals or interests) as the basis for excluding alternative *B*.

The typical *ad baculum* argument, or at least the kind based on a threat, can be seen to be based on, and to be a special case of the form (*Arg. Alt.*), called (*Dis. Bac. Threat*).

(*Dis. Bac. Threat*) 1. Either you (the respondent) must bring about *A* or I (the proponent) undertake to see to it that *B* will occur.
 2. *B* is bad or undesirable, from your point of view.
 Therefore, you should (ought to, practically speaking) bring about *A*.

The form of argument (*Dis. Bac. Threat*) looks like it could be used to convey the speech act of warning, except that premise 1. makes it clear that the act is that of a threat being made.

The disjunctive form of the *ad baculum* argument (*Dis. Bac. Threat*) has a different structure as a type of argument, from the conditional form (*Cond. Bac. Threat*). But both forms function in a similar way, by forcing the respondent into a dichotomization, in the sense of chapter 1. The respondent is presented with a choice—either accept *A* or the bad thing *B* will happen to you. Or to put the argument equivalently, in a conditional as opposed to a disjunctive form—if you do not accept *A*

then the bad thing *B* will happen to you.⁶ Both forms use the same general dichotomization mechanism.

7. FORM OF THE FEAR APPEAL ARGUMENT

It is the thesis of this book that fear appeal arguments have two primary components that make up the logical structure of the argument. First, there is the practical reasoning base. This part of the argument says to the respondent two things: (1) that there exists some danger, something that could or will harm the respondent, by causing injury, pain or even loss of life, and (2) that if the respondent fails to comply by carrying out the designated action, then this danger will impact on him personally. The practical reasoning base is often seen as the "rational" or "logical" underpinning of the fear appeal argument. Second, there is the psychological overlay, which targets the specific emotions and feelings of the respondent. This part is often seen as the psychological aspect of the fear appeal, as opposed to the logical part of it. It has to do with the style and emotional aspect of how the appeal or ad is presented to the target audience. It has to do with focusing in on what are presumed to be the personal emotions of the respondent, or audience to whom the ad is supposedly directed. Fear is seen in psychological, or even biological terms, as a "drive" or emotion. It may be hard to articulate or quantify it in logical terms but it is the force that drives the argument along, and makes it effective to effect a change of behavior in a target audience.

In a fear appeal argument, these two components are inextricably combined. An emotional shock or simple appeal to fear may have a psychological impact, but its impact in changing behavior may be random, and hard to predict. But once the emotional shock is channeled within the logical framework of a practical reasoning base, the argument leads the respondent to a particular conclusion. By offering one particular avenue of lessening the fear, and blocking off other possible avenues of response, the fear appeal argument leads the respondent in a particular direction. A particular course of action is indicated as a way out of the danger, a way to cope with the fear.

A word of caution about this analysis needs to be added. It is misleading to contrast the "rational" practical reasoning component with the "emotional" psychological component. The fallacy here lies in the general assumption, too often accepted uncritically, that all appeals to emotion are somehow irrational or illogical. It has been argued in Walton (*The Place of Emotion*, 1992) that appeals to emotion have a legitimate place in argumentation.

The fear appeal type of argument, as characterized below, is a species of argument from negative consequences. In addition to the two premises for (*Arg. Neg. Con.*), the fear appeal has a third premise, that refers to the respondent's fear.

- (*Fear App.*)
1. If you (the respondent) bring about *A*, then *B* will occur.
 2. *B* is a very bad outcome, from your (the respondent's) point of view (or interests).
 3. *B* is such a bad outcome that it is likely to evoke fear in you (the respondent).

Therefore, you (the respondent) should not bring about *A*.

The big problem with defining the fear appeal argument as a form of argument relates to premise 3. What needs to be decided is whether this premise should make essential reference to the fear of the respondent, or whether the bad outcome should be described in purely objective (non psychological) terms. Described in the latter way, the outcome could be described as one that is so bad or aversive for the respondent that he will be moved to take steps to avoid it. The problem with the former way of defining the third premise is that it would make essential reference to the respondent's fear, as an emotion, thereby making (*Fear App.*) a psychological form of argument. This way of defining the form of the argument is a form of psychologism in logic. But is it a harmful form of psychologism? The answer to this question is given in the next section. For the present, let us simply note that premise 3. has obviously been defined in this psychologistic way in (*Fear App.*) above.

To illustrate the problem in a concrete way, let's take the case of the fear appeal argument used in the Manitoba Public Insurance commercial used to send a message against drinking and driving (case 1.10). This commercial showed a car crash in which the passenger, a young woman, died, because her boyfriend had insisted on taking the wheel after he had been drinking. The boy is shown screaming, after he finds out that the passenger is dead, and the commercial also shows the news of the girl's death being conveyed to her parents.

This particular commercial would certainly evoke fear in parents. But the commercial is evidently designed to evoke fear in the younger male driver, who is probably the most likely category of offender for drunk driving convictions. And it is likely to get a strong reaction from anyone who could see themselves being in the position of the young man portrayed in the commercial, who has caused such grief, and put himself in such a position of blame. In this case, the outcome portrayed is an extremely bad one that most of us would be strongly impelled to want to avoid it. But more than that, the portrayal of the boy's agony and helplessness, as well as his awful sense of blame, once the event has occurred, is highly evocative of a situation that is highly fearful for most of us. The feeling a viewer has, when watching the commercial is that the boy is doomed to bear the guilt for a horrible crime that was committed carelessly, and could easily be avoided.

So in this case, there are two elements to be observed. Not only is the outcome particularly horrible—the needless death of a young person, and the grief of those dear to her—but it is the helpless and pathetic situation of the perpetrator as well that is powerfully evocative. To be placed in this situation would presumably be a highly fearful possibility—at least one can judge this emotion from one's own reaction to the case.

Judging from its use in this and comparable cases, it is clear that the appeal to the fear of the target audience is an essential part of what defines (*Fear App.*) as a type of argument. It is this appeal to fear, or something presumed to be very fearful to the respondent that, in clause 3., defines this type of argument, and constitutes its main thrust, along with the feature of dichotomization studied in chapter 1. The key mechanism is that the situation cited is supposed to be so fearful that it overcomes the inertia of the respondent in taking an action that requires a certain effort or cost on his part. It appears then we are required to live with some degree or form of psychologism, if (*Fear App.*) is to be accepted as a form of argument that can be identified in given cases, and evaluated as strong or weak in a particular case.

8. PSYCHOLOGISM AND LOGIC

The problem with defining the appeal to fear generally as an argument that can be judged by standards of logic is that it seems to be an inherently psychological kind of argument. So how can we evaluate it by logical standards without falling into the kind of psychologism warned about by Hamblin, and that would be of concern to logicians? Until we have solved this problem, it would seem better not to leap too quickly into proposing a system of nomenclature and classification for fear and threat appeal arguments.

The problem is that if we define the appeal to fear type of argument in such a way that it is fallacious or not in given case, depending on whether fear is present or not in that case, we seem to have made the criterion of whether the argument is logically correct or not an essentially psychological question. The criterion is apparently whether the proponent intends to make the respondent feel fear, or whether the respondent does in fact feel fear. But these are psychological questions that we may not be able to answer in many cases where we are presented with a case in a text of discourse and asked to judge whether the argument in it is fallacious.

It is important to see why Wreen (*Force*, 1988) doesn't want to define the *argumentum ad baculum* in such a way that it is tied to the making of a speech act of threat by the proponent of the *ad baculum* argument. Wreen writes: "the motivations of arguers, what they are trying to cause or bring about, like the speech acts of threatening and warning, is in and of itself, logically irrelevant" (p. 435). Wreen thinks it important not to define the *argumentum ad baculum* as a distinctive type of argument tied to the intentions or motivations of the arguers in a particular case. According to Wreen, whether something is an *ad baculum* argument or not in a given case should not be tied to the intention of the arguer but, instead, should be decided by the structure of the argument in itself, in the particular case at issue. Wreen is worried about the psychologism inherent in the concept of making a threat. So no doubt he would share with many traditionalists in logic a strong apprehension about defining the logical form of an argument by utilizing the concept of fear. Psychologism is clearly a practical problem inherent in the fear appeal type of argument, because fear is an emotional and psychological concept that varies with different individuals who may be taking part in an argument. The problem then is—how can we evaluate an instance of (*Fear App.*) as correct or not, in a given case, unless we go into the psychological and empirical question of whether the respondent or audience really fears the designated bad outcome (to the extent they can be influenced by it to act in the designated way)?

Perhaps there is a way to approach the problem of evaluation of cases without running afoul of this problem, however. It could be that we can recognize that the psychological concept of fear is involved in defining the appeal to fear as a distinctive type of argument generally, without requiring the psychological finding of fear in one of the parties as a necessary part of the evaluation of this type of argument as fallacious or not, in a given case. We can do this by realizing that appeal to fear also has a logical component that helps to define it as a type of reasoning. And we can judge the relevance of a fear appeal argument by evaluating the argument with respect to how it was used in a given case within a normative framework of dialogue.

So even though (*Fear App.*) includes essential reference to the emotion of fear in premise 3. of its form of argument this account does not necessarily commit us to a

destructive form of psychologism. For in order for a particular argument to qualify as an instance of (*Fear App.*), it is not necessary that the respondent should actually exhibit the emotion of fear. What is required, is that *B* be such a bad outcome, from the respondent's point of view, that it would be likely to evoke fear in that respondent or audience (as far as we can tell, from what is known of the effects of the argument on the respondent).

Also, it should be noted that premise 3. of the argument form (*Fear App.*) has a logical, as well as a psychological aspect. How the type of argument (*Fear App.*) works is to portray such an extremely bad outcome for the respondent that this perceived badness will be a strong enough factor to overcome the inertia against carrying out (or avoiding) the designated action that represents the conclusion of the argument. In the case considered above, for example, the action of taking the wheel after having a couple of drinks is easy to do, but, in most instances, it would also be relatively easy to avoid doing it. Balanced against this consideration is the awful outcome portrayed in the commercial—being responsible for someone's death. The strategy of the argument used in the commercial then is to portray this outcome as so bad that this negativity will be strong enough to overcome the inertia against taking the trouble to let someone else drive, use a designated driver, take a cab, or use whatever alternative is available.

This aspect of premise 3. is said to be logical in the sense that it relates to practical reasoning, and the weighing of goals and possible outcomes, in making decisions on a course of action. Thus the normative question for evaluation of a case is how a proponent has used an argument that functions by balancing the respondent's resistance to one course of action by presenting to him an even larger aversion (an object of fear to the respondent) that would materialize if he failed to commit to this action. This choice represents a logical core of argument where the respondent is confronted with a disjunction between two possible outcomes in a sequence of possible actions open to him. The reasoning involves means and ends in a deliberation between alternative actions.

So conceived then, appeal to fear arguments are not purely psychological in nature, but also have a rational component that involves the balancing of alternatives in means-end deliberation. And the psychological component that they do have is not destructive, in the sense that it makes the identification or evaluation of arguments of the (*Fear App.*) type a purely subjective judgment. Such arguments do have a structure of practical reasoning, and can be evaluated as weak or strong insofar as they answer or fail to answer appropriate critical questions.

They also have another normative aspect, in that the question of judging the argument as fallacious or not in a given case is a question of judging the relevance of how the argument was used as a contribution to some type of reasoned dialogue that the participants are supposed to be engaged in (as judged from the text and context of discourse in the given case). This matter of context will be taken up in chapter 7.

It seems then that although the appeal to fear is partly a psychological argument in that part of its *modus operandi* is an appeal to emotion, this type of argument also has certain aspects that can be treated by logic. It uses a type of reasoning—argument from consequences—and it is generally used in a framework of dialogue where its relevance is an important factor in evaluating it. So there are grounds for treating appeal to fear as a type of argument that should be covered in textbooks on logic and argument evaluation.

9. ARGUER'S INTENTIONS IN FEAR APPEALS AND THREAT APPEALS

In this section, a subtle distinction between fear appeal arguments and threat appeal arguments is revealed. The drawing of this distinction makes clear precisely how fear appeal arguments are inherently psychologicistic in a way that threat appeal arguments are not. It will be shown how and why a fear appeal argument is (necessarily) an intentional attempt by the speaker to frighten the hearer, whereas a threat appeal argument is not.

There is a certain subtlety about the act of making a threat that is vital to understanding its structure as a speech act. This subtlety may seem a little paradoxical, because it involves the thesis that the act of making a threat by a speaker is, in one respect, an intentional act, while in another respect it is not an intentional act. As noted in the analysis of the speech act of making a threat presented in chapter 4, the act of making a threat requires a crucial clause to the effect that the speaker is committing herself to bringing about the harmful outcome cited. Such a commitment implies that the speaker intends to bring about that outcome. But in another respect, a threat is not necessarily an intentional action. A speaker can make what amounts to a threat even though she did not intend what she said to be taken as a threat.

It is a "curious fact" about threats noted by Donaghy (1987, p. 11) that an utterance "may be accurately characterized as a threat even though it was not intended as a threat." Donaghy (1987, p. 11) presents the following dialogue between a speaker (*S*) and a hearer (*H*), to illustrate this fact.

Case 5.7: *S:* If you can't pay us something, we will have to
 repossess the car.
H (later): They are threatening to repossess the car if we
 don't come up with some money.

In describing this case, Donaghy (p. 11) comments: "*S* may have intended his remark as a point of information and nothing more; that is, he was not trying to frighten or coerce *H* into making his car payments. Nonetheless, there is nothing misleading or inaccurate about *H*'s characterization of *S*'s utterance as a threat." Donaghy's argument seems highly persuasive, so let's take it as a premise that his "curious fact" is true of threats. But what follows from the assumption that Donaghy's "curious fact" is true.

First, let's give the "curious fact" a label (*CF*) to emphasize it, and to indicate its importance as a thesis:

(*CF*) *An utterance may be accurately characterized as a threat even though it was not intended as a threat.*

What follows from the assumption that (*CF*) is true? What important lessons does (*CF*) have with respect to the analysis of *ad baculum* arguments?

One lesson is the implication drawn by Donaghy himself. Donaghy asks what the conditions are under which a speech act would count as intending to make a threat. His answer (p. 11) is that such a speech act would have to include the following requirement, paraphrased here as condition (*R3*).

- (R3) The speaker's utterance counts as an attempt to frighten the hearer, to overpower the hearer, or to coerce the hearer into performing some action.

Donaghy concludes that (R3) should not be required as a clause defining the speech act of making a threat. He adds (p. 11) that this is "fortunate," because it is "difficult to imagine how a natural language processing system could test condition (R3)." But condition (R3), something like it, may have other uses. It may be characteristic of the fear appeal type of argument.

Donaghy's analysis points to the right way to classify threat appeal and fear appeal arguments, by indicating that the threat appeal is not simply a subspecies of fear appeal argument that has an additional clause in which the speaker makes a threat to the hearer. The fear appeal has an additional element. That element is one of the speaker's using a calculated tactic of appealing to the fear of the hearer. In the new dialectical theory, this element does not necessarily require that the speaker's act of appealing to the hearer's fear be intentional. It does imply, however, that the appeal to the hearer's fear (or what is presumed to be the specific fear of the target audience) is an integral part of the argument. But this requirement is not present in threat appeal arguments. A threat appeal does not have to be a message that attempts to frighten the respondent, or to try to make him respond in the recommended way by exploiting his specific fears. Some threats may be like this, but as Donaghy's analysis makes clear, they do not all have to be. A fear appeal, on the other hand, has as its central defining characteristic the specific use of appeal to the respondent's fear. It is a calculated tactic of trying to make the argument work by directly targeting the fear of the audience to whom the argument is directed. Thus the fear appeal has an essentially psychological component that the threat appeal argument may have in some cases, but does not necessarily have.

The conclusion implied by these observations and analyses is that the threat appeal argument and the fear appeal argument are inherently different. Neither is a subspecies of the other. The confusing thing, of course, is that the two types of argument frequently overlap, in common usage, and are combined into a single thread of argumentation. But in principle, the logical structure of the one represents a different kind of argument from that of the other. The threat appeal argument has a required component that the fear appeal does not necessarily have—the making of a threat by the speaker to the hearer. The fear appeal has a required component that the threat appeal does not necessarily have—the use by the speaker of the tactic of trying to frighten the hearer by appealing to his specific fears. As Donaghy indicates, threats are not necessarily attempts to frighten the hearer. And as pointed out in the analysis of chapter 4, fear appeals are not necessarily threats made by the speaker to the hearer. The conclusion is that threat appeals and fear appeals should be seen as inherently different as types of argumentation.

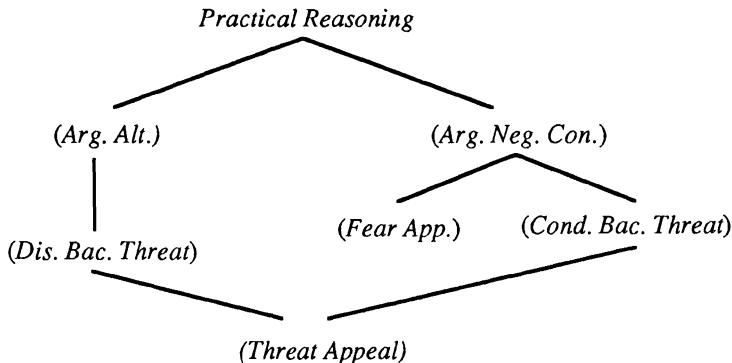
10. THREATS WITHOUT FEAR, AND FEAR APPEALS WITHOUT THREATS

What distinguishes the fear appeal argument from the threat appeal type of argument is the essential clause in the definition of the fear appeal type of argument that requires the speech act of making a threat. The fear appeal argument works not

(necessarily) by the making of a threat. Instead, it psychologically targets something as supposedly very fearful to a particular audience. Hence the fear appeal argument's distinguishing characteristic is that it appeals to the fear of the respondent (or audience) as its central *modus operandi*. Hence the fear appeal argument is essentially psychologistic in a way that the making of a threat type of *ad baculum* argument is not. But what is called the fear appeal argument in the empirical literature is not just any appeal to fear, but one that has a certain kind of structure. Apart from its psychologistic component as an appeal to the emotion of fear, the fear appeal argument also has an underlying logical structure that is quite similar to the inferential structure of the making of a threat appeal argument. Because the underlying practical reasoning structure of the two arguments is so comparable, it is very easy to think that you cannot have one type of argument without the other.

Now the forms of argument underlying the structure of fear and threat appeals have been precisely determined, the answer to the question of how the two forms of argument are structurally related can be answered. Figure 5.1 displays the argument forms and their relationships.

Figure 5.1. Relationships of Root Argument Forms



Despite this analysis provided by the new theory, it will remain tempting to classify all threat appeal arguments as being species of fear appeal arguments. For after all, you might think, the whole purpose of making a threat as an argument is to try to intimidate the respondent, making him fear that you might carry out the threat.

Notable here is the position advocated by Nicoloff (1989) that causing a reaction of fear is an essential part of the notion of making a threat. According to the definition proposed in Nicoloff (1989, p. 503), threatening a respondent verbally by a proponent can be analyzed as the proponent's saying something to the respondent in order to get the respondent to think that the proponent is going to cause harm to the respondent with the purpose of frightening the respondent, and thereby getting the respondent to do as the proponent wishes. According to Nicoloff (p.503), the utterance "He threatened me, but did not mean to frighten me." does not make sense. But, as shown, in section 9, on the new theory of fear and threat appeal arguments, it can be shown to make perfect sense, in some cases.

However it does seem that in certain kinds of cases, it is possible for one party in a dialogue to put forward a threat to the other party, without this move being properly describable as an appeal to fear. Many threats are of a milder variety, where sanctions are issued without any presumption that the carrying out of the sanction would be fearful to the party to whom it was issued. For example, in a union negotiation, management may threaten to cut a holiday unless the union settles for reducing their wage settlement slightly. This action could properly be described as a threat even though the adjustments at stake in the dispute are relatively trivial, and perceived as such by both sides. In such a case, it would seem to be inappropriate to describe the management threat as an appeal to fear. And it would seem an exaggeration to claim that the management move was not really a threat unless they were trying or meaning to frighten the union, or its members, by making it. While it is true that the union certainly wouldn't like this outcome of losing a holiday, and would try to avoid it if possible, it would be an exaggeration to say that they had to fear it, or that putting such a threat forward as a bargaining chip was an appeal to fear by the management side.

This kind of appeal to threat is often, in such cases, a kind of bargaining chip that is not really a fear appeal argument. It is not necessarily the case that the union has a "fear" of the reduction of losing a holiday. Rather, the reduction is simply something that is not in the interests of the workers represented by the union. It's something the workers would prefer to avoid, if possible. But it may be an exaggeration to say that the union or the workers "fear" this outcome, in the sense that management's argument should be described as a "fear appeal" argument. Instead, management's argument should be described as more prudential or pragmatic in nature. They are appealing to the interests of the workers, not to their fear, about some outcome that is fearful for them. Consideration of such cases shows that not all threat appeal arguments are fear appeal arguments. Many threat appeal arguments are prudential in nature, and are not explicitly addressed to trying to exploit the respondent's emotion of fear. Of course, it remains possible to define 'threat' in a different way than it has been defined in the new theory.

Milburn and Watman (1981, p. 8) distinguish between two different ways of defining the concept of threat in the literature in social psychology. The first type of definition is called the *external* definition. According to the external definition, "A threat is the communication of one's intention to take an action harmful to the other party, if that party first takes an action one holds in disfavor, or does not take an action one favors" (Milburn and Watman, 1981, p. 8). According to the *internal* definition of threat, a threat is portrayed as "the cognitive and emotional response of a target when he perceives he probably will be harmed in some way" (Milburn and Watman, 1981, p. 8). The internal definition of threat, according to Milburn and Watman (pp. 8-9), focuses on the anxiety or emotion felt by the recipient of the threat. But this emotional response is produced from the respondent's assessment of the intentions and capabilities of the proponent (p. 9). The internal definition of threat tends to make the concept of a threat more comparable to what the new theory defines as an appeal to fear, where fear is an emotional response of one party to the intentions, capabilities, or tactics of the other party. The external concept of threat is called external because it portrays threats more as "external entities with a certain objective logical structure existing independently of the threatener and the target" (p. 8). So it is interesting to see how various schools of thought in the social science

literature can disagree on how the concept of threat should be defined. But it has already been shown, in previous chapters, how the words 'threat' and 'threatening' have been used in ambiguous and misleading ways in the social science literature on fear appeal arguments.

What needs to be recalled here is the distinction, made in chapter 4, between 'threat' or 'threatening situation' generally, and the speech act of making a threat. An appeal to fear would be "threatening" or "a threat" broadly speaking, but that is not the same thing as one party making a threat (in the speech act sense) to another. So what Milburn and Watman associate with an internal threat would be describable in our terms as a fear appeal.

Of course, much also depends on how one defines 'fear' here, in using the expression 'appeal to fear.' If by this latter expression one means any threat to bring about consequences that are perceived as negative or undesirable by the intended respondent, then every threat can plausibly be defined as an appeal to fear. But this is an inflated use of the term 'fear.' An outcome should not be described as fearful only because you want to avoid it. To say an outcome is fearful implies more than this. It implies a heightened emotional response or aversion to this particular outcome, suggesting you are particularly nervous about it. If this connotation is proper for the meaning of the term 'fear,' it follows that not all threats are appeals to fear. Of course, one could stipulate otherwise, but to do so would go against the commonly accepted lexical meanings of these terms.

These abstract questions on the meanings of 'appeal to threat' and 'appeal to fear' as key terms are of central importance when it comes to defining the *ad baculum* as a distinctive type of argument, and classifying its subtypes.

NOTES: CHAPTER 5

¹ However, danger appeal arguments will not be introduced until chapter 6. In chapter 5, the "danger" will be portrayed as a bad or harmful outcome for an arguer, something that is against his interests.

² Wooldridge and Jennings (1995).

³ Historically the notion of practical reasoning traces back to Aristotle's concept of practical wisdom, or *phronesis*—see especially the *Nicomachean Ethics*.

⁴ On the goals and characteristics of these types of dialogue (conversation, talk exchange), see Walton (*New Dialectic*, 1998).

⁵ One can easily imagine an extension of case 5.5 where the person overcomes his reluctance to intervene by reminding himself of the importance of the safety of the children.

⁶ It might be worth pointing out that from the point of view of the propositional calculus,

'If not A, then B'

is logically equivalent to

'Either not not A or B'

and therefore also logically equivalent to

'Either A or B'

As a result, from that point of view, the disjunctive and conditional type of threat appeal are actually notational variants on the same argument.

CHAPTER 6

QUESTIONS OF CLASSIFICATION

Now that structure of reasoning underlying fear and threat appeal arguments has been clarified, it is possible to get some coherent grasp of the nature of this general type of argumentation. Both fear appeals and threat appeals have a common structure, and the relationship between them has now been made clear. It is evident that there is a large family of related argument types in this general kind of scare tactics argumentation.

The problem that remains—as so well indicated by the survey of the literature and textbooks in chapters 1, 2, and 3—is terminological and classificatory. What is needed is a clear system of nomenclature for this whole family of related argument types. It needs to be a system that is based on the underlying structure of the forms of inference used in each specially distinctive type of argument. The conflicting and confusing existing terminological conventions need to be sorted out, and re-thought. Fear appeal arguments are commonly described in psychology and speech communication as based on 'threatening.' But in reality, the types of arguments typically cited as "fear appeal" are not arguments in which a threat is made. In logic, the Latin phrase *argumentum ad baculum* is taken to cover not only arguments that use threats, but fear appeal arguments and uses of force that are not really arguments at all. How then should the *ad baculum* be defined? After raising each of the key classificatory questions to be resolved, chapter 6 proposes a new system of classification for this whole family of arguments.

1. CAN YOU HAVE *AD BACULUM* ARGUMENTS WITHOUT THREATS?

One issue of defining the *ad baculum* as a type of argument, posed by the textbook treatments and by the scholarly literature, is whether you can have an *ad baculum* argument in a case where no threat is made by the proponent to the respondent. Putting fear appeal arguments aside for the moment, the question, more precisely, is the following: suppose you have an argument where one party in a discussion is citing negative consequences of another party's proposed action to that other party by means of a conditional of the form: 'If you do (or don't do) that, such-and-such bad (for you) consequences will occur.' In the kind of case postulated, the one party may be advising, warning, or reminding the other party, but she is not making a threat to the other party. The question is: is the argument in this kind of case an *ad baculum* argument or not?

Wohlrapp (1991), judging from his comments, seems to support the 'no' answer to this question. What Wohlrapp seems to object to in what he calls the modern view of the *ad baculum* argument—represented primarily by Woods and Wreen—is that it

confuses the speech act of making a threat with other different kinds of speech acts, and particularly that of giving advice. For example, on the discussion of Pascal's Wager by Woods, Wohlrap (1991) comments that he (Wohlrap) does not see the Pascal's Wager argument as expressing a threat (p. 400). According to Wohlrap (p. 400), Woods takes the Pascal's Wager argument as a prudential argument and criticizes it using a comparable argument about a totalitarian party. But, according to Wohlrap (p. 400), Pascal's argument makes no threat to the nonbeliever, whereas in Woods' example of the totalitarian argument, the party recruiters do use a threat saying that they will spoil the respondent's life if he doesn't join the party. According to Wohlrap, the Pascal's Wager argument is "clearly not a threat" (p. 400), and therefore, Wohlrap dismisses it as being not really a genuine instance of the *argumentum ad baculum*.

Similarly with the cases cited by Wreen, Wohlrap (p. 401) sees these arguments as prudential arguments and not as involving the making of threats or as being simply threats. For example, in Wreen's case where a person says to himself that he will get no dessert that night if he fails to grade these papers during the afternoon, Wohlrap (p. 401) writes that this case, as an instance of the *argumentum ad baculum*, is misleading: "What Wreen really does in a situation of that kind is to commit a decision under a negative condition." Hence, Wohlrap sees it as inappropriate to describe this type of case as a person making a threat against himself.

Wohlrap writes that it should be clear that describing the example in that way is "metaphorical speech" (p. 401). Wohlrap doesn't explicitly state this thesis anywhere, as far as I can tell, but it seems fair, without committing a straw man fallacy, to say that it is a nonexplicit premise in his argument. This proposition is the assumption that the *ad baculum* argument essentially requires the making of a threat by one party against another in a dialogue exchange. Wohlrap does take some care in distinguishing between a threat and a fear appeal argument (p. 397) and, although he never excludes fear appeal arguments from the category of being *ad baculum* arguments, still, it seems implicit in his argumentation that he understands *ad baculum* arguments as being properly fulfilled only by arguments where a threat is made by one party against another. Wohlrap (p. 397) does concede that, in some cases, advice can come very near to a threat. He makes it clear by citing a case (p. 397) that a clever hold-up man, for example, may put forward what is in effect a threat by offering the victim some prudential advice of the form "Look, wouldn't it be nicer for you and your wife if you'd stay alive!" So, Wohlrap is very sensitive to the fine shadings in common practices of argumentation between the speech act of making a threat and giving advice. Even so, it does seem reasonable to interpret his argument as being based on the presumption that a real or genuine *ad baculum* argument is characterized by the speech act of making a threat. Hence, it would seem that he is rejecting the modern view of the *ad baculum* argument as being sometimes based on prudential arguments which do not express threats. In his view, these are not really *ad baculum* arguments at all.

It is also a crucial part of the analysis given in Walton (*Emotions*, 1992) that the speech act of making a threat be a very important, if not essential, requirement for an argument to be a proper *ad baculum* argument. However, Wreen sees this quite differently. He sees an *ad baculum* argument as requiring only a certain propositional structure of inference involving a conditional premise and another premise that function together to generate a third statement that is a conclusion. For example, in

the disciple case (case 6.1 below—Wreen, *Admit*, 1988, pp. 91–92), Wreen sees this a propositional structure requirement of the *ad baculum* to be met. Thus, for Wreen, it is quite possible to have a genuine *ad baculum* argument that does not involve the making of a threat by one party or does not involve any of the other dialectical properties required by the analysis given by Walton (*Emotion*, 1992).

Case 6.1: If one of the Twelve Disciples had said to Jesus, "Jesus, if you don't flee the city within the hour, you'll be arrested, tried, and probably crucified," he needn't want Jesus to leave town. He might simply be making sure that Jesus is apprised of his predicament, and/or making sure that Jesus is the man (deity?) he thinks he is. The argument might be offered, in other words, with no intention to move Jesus, and perhaps even in the hope that its conclusion, that Jesus ought to leave town, won't be acted upon. In fact, to get really perverse about the matter, it might be offered with no definite hope or intention in mind at all, but simply to see what Jesus will do; or more far-fetched still, offered in a distract, thoughtless manner, with Jesus' disciple talking out loud to himself as he runs over considerations in his own mind (Wreen, *Admit*, 1988, pp. 91–92).

Wreen describes the disciple's argument in this case (p. 91) as definitely being an *ad baculum* argument. But, as Wreen describes the case, he doesn't see the disciple as making a threat to Jesus. As he puts it, the argument might be offered without any intention at all. It might simply be put forward as a statement of information, even offered in a thoughtless manner where the disciple, for example, might be talking out loud to himself as he thinks over the considerations posed by the situation. Wreen's interpretation of this case is highly significant because, if it is correct, what we have is a case of an *ad baculum* argument where the speaker is not making a threat to the hearer.

There are some grounds for saying this case contains an *ad baculum* argument because, presumably, Jesus was engaged in some kind of dialogue or speech act of preaching to people and whether or not what the disciple said is regarded as a threat or not, even if it is only a reminder of some possibly dangerous consequences of staying in town, still, this speech act could and presumably would function as a potential obstacle to the dialogue that Jesus was engaged in. On these grounds then, it does seem possible to portray it as a kind of *ad baculum* argument. So that is the argument for one side. But, on the other side, if we see the disciple as simply talking to himself or making some sort of reminder to Jesus, or even warning him about possible bad consequences that might occur if he stays in town, then the argument in another sense does not seem like an *ad baculum* argument because the disciple is not trying to stop the dialogue that Jesus is engaged in by threatening him. All he's doing is informing Jesus of some outcome that he thinks is possible or likely. It is questionable whether giving this kind of information is even an argument, perhaps. But, if it is an argument, there seems to be a point of view from which we can say that it's not an *ad baculum* argument because the disciple is not trying to threaten

Jesus or to use the appeal to negative consequences in a way that is an irrelevant blocking of the kind of speech or dialogue that Jesus is engaged in. So, this is an interesting borderline case. Is it an *ad baculum* argument or not? This question concerns the definition or identification of the *argumentum ad baculum* as a distinctive type of argument. There seems to be room for both points of view in classifying it as an *ad baculum* argument or not. This uncertainty raises interesting questions about the borderlines of the *ad baculum* as a distinctive type of argument that ought to be treated in logic textbooks and critical thinking manuals.

Wreen's point of view is that an argument can be an *ad baculum* if it has the conditional structure of one party saying to another 'If you do such-and-such negative consequences will follow,' even if the first party is not making a threat to the other. Precisely this point of view is expressed in a textbook, Cederblom and Paulsen (1982), who used case 5.4 (repeated below) as an example of an *ad baculum* fallacy.

Case 5.4: If you opposed gun control you'd have a lot better chance of being elected. Why don't you reconsider your position on that issue?

As noted in chapter 5, case 5.4 certainly contains an argument from consequences. But should it really be classified as an *argumentum ad baculum*? The argument in this case could perhaps represent some kind of fallacy (or argument that could be fallacious in some uses). But is it an *ad baculum* fallacy? The answer should depend on whether the argument in case 5.4 is being used by its proponent to make a threat to the respondent in the dialogue. If so, it is an *ad baculum* argument. But, from all the contextual information given in this case (none, other than what is quoted above), the proponent is not making a threat to stop the respondent from getting elected (or any other kind of threat). What we should say then about case 5.4, is that it is a sort of argument that can be described as "appeal to consequences," but it is not an *ad baculum* argument.

On the question of whether an *ad baculum* necessarily involves the making of a threat, the viewpoint expressed by Walton (*Emotion*, 1992) is that not all *ad baculum* arguments involve the making of threats, provided some *ad baculum* arguments can be described as appeals to fear that do not explicitly involve the making of a threat. Wreen, however, takes a different point of view. Even apart from the question of fear appeal arguments, which Wreen sees as not being genuine *ad baculum* arguments at all, Wreen thinks that there do exist *ad baculum* arguments which do not contain threats, and that the disciple case is precisely a case in point. According to Wreen's interpretation, the disciple in case 6.1 is not making a threat to Jesus, nor is he making an appeal to fear. Nevertheless, Wreen feels very definitely that the argument in this case put forward by the disciple is an instance of an *ad baculum*. Here, it seems there is a sharp difference of opinion because, in Walton (*Emotion*, 1992, p. 186), it is claimed that in the disciple case, whether the disciple is warning Jesus or simply talking out loud without intending to convey any message to Jesus at all, the argument should not be described as *ad baculum*. In fact, in Walton (*Emotion*, 1992, p. 86), it is suggested that the disciple's speech act in this case may not even be an argument. So, whether it is an argument or not, in Walton (*Emotion*, 1992, p. 186), it is concluded that it is not an *ad baculum*, in any event, because the disciple is not making a threat to Jesus. Hence, the disciple case, according to Walton

(*Emotion*, 1992, p. 186), does not count as an *ad baculum* argument by the criteria for this type of argument given in the analysis of the book.

According to the account given in Walton (*Emotion*, 1992), an *ad baculum* argument requires a dialectical framework. That is, an *ad baculum* argument is viewed as an exchange between a proponent and a respondent in a context of dialogue. Also, it is required by the analysis of Walton (*Emotion*, 1992) that an *ad baculum* requires the proponent express a commitment to action—see chapter 4, above—and that the respondent recognize this undertaking for what it is. However, Wreen denies that any of this is necessary for an argument to be an *ad baculum*, and would cite the disciple case as precisely an example to demonstrate this lesson. In the disciple case, according to Wreen, the argument very definitely is an *ad baculum*, even though the speaker is not trying to express a particular intention to the respondent or to get the respondent to recognize or understand this intention. According to Wreen's description of the case, the speaker in the case is simply talking out loud and is not really engaged in any kind of dialectical exchange at all. For Wohlrap, on the other hand, the framework of the dialectical exchange is essential to defining an argument as an *ad baculum*. By his criteria, simply talking out loud by the speaker in the disciple case would not be enough to make the argument properly count as an *ad baculum*.

The analysis of *ad baculum* in this book will side with Wohlrap against Wreen. In Wreen's type of case, where the one party is "talking out loud" to himself, using a conditional of the form, 'If you do (or don't do) that, such-and-such bad consequences will occur,' but making no threat, the case is classified as one of argument from consequences. If no threat or appeal to force is made, the case will not be classified as an *argumentum ad baculum*. But before any firm statements can be ventured on how the Latin expression *argumentum ad baculum* should be defined in logic, some other terminological issues need to be addressed.

2. SHOULD USE OF FORCE WITHOUT A THREAT OR FEAR APPEAL QUALIFY AS AN *AD BACULUM*?

What the early textbook accounts of the *ad baculum* seemed to be worried about was not so much the appeal to force as the actual use of force to stop a discussion.¹ For example, if one were to overcome one's opponent in a dialogue physically, and bind his mouth with a gag, so that he could take no further part in the discussion, this would be the use of force. Or in a kind of case where two parties are arguing about an issue, and one draws a gun and kills the other party, this would be a use of force. Such a use of force, in some cases, might not involve a preliminary threat.

However the appeal to force is something else again. The idea of appeal to force involves making some sort of presentation to a partner in a dialogue exchange in order to influence that partner's future participation in the exchange. The "appeal," in other words, is some sort of presentation to the other party, made to influence the other party's future conduct. The usual way would be a verbal appeal, a speech act of some sort. But such an appeal could be any display of a physical sort which the other party could see, and then draw the appropriate conclusion from. This too, could qualify as an "appeal." Thus the important distinction between an appeal to force and a use of force. Another question is whether an appeal to force is the same thing as a threat. It would appear that it is, provided we think of an "appeal" as above, as a kind

of message communicated by one party to another in a dialogue exchange, where the message is put forward in order to influence the future contributions of the second party to the exchange. Of course, one could "appeal to force" for no particular reason, or for some reason other than trying to influence the future conduct of some other party in an exchange that involves argument, or reasoning with that other party. For example, one could flex one's muscles, or display one's fleet of tanks, and this display could be (loosely) called an appeal to force, even though there was no intent to influence any specific other party to any specific future course of action. But this would not be an "appeal" to force, in the sense described above, as a display of force. One could hope to impress any observers by a display of force, without aiming to influence the conduct of specific observers towards any specific future course of action.

Much depends then on how one defines or understands the word 'appeal.' This is a word that has been used very commonly in the logic textbooks in their treatment of informal fallacies. But the term has rarely or never been defined, and certainly not in any way that has gained general acceptance. Can an appeal just be any sort of general display, or does this word imply the sending of a message to a target respondent or audience, in order to influence what they accept, what inference they will draw, or how they might behave in the future? This question appears to be not only unsettled, but also undiscussed, as far as the logic curriculum has been concerned.

But the basic question is: if an *ad baculum* argument requires the making of a threat by the arguer, should a direct use of force (all by itself, with no threat being made prior to the act) be classified under the heading of *ad baculum*? Making such an inclusion, as so many of the logic textbooks do, presents several problems. One is that such a use of force is not even an argument. It is an act. Admittedly, it is an act carried out during the course of an argument—an act that stops the other party from taking any further part in the argument. And since it prevents one party from properly taking part in an argument, it could (perhaps rightly) be described as a fallacy. But problems remain. An act is not an argument. And an act of the use of force to stop your opponent from arguing does not necessarily require the making of a threat. Uses of force are on the fringes of the *ad baculum*.² It is up to us whether to include them, or cover them under some other heading.

Whatever is done, what is important to warn students about is that while the central concern in logic with *ad baculum* arguments is the use of threat appeal arguments, one must be careful to distinguish between these and direct uses of force where no threat has been made. Since the latter may also interfere with the proper continuing of an argument, they are also a problem, even though they are not subtle, and are not arguments. What could be done is admit direct appeals to force under the heading of the *argumentum ad baculum* as an argumentation tactic, even though, strictly speaking, we realize this kind of tactic is not necessarily an argument. Then we can get on to the main topics of concern, which are threat appeal and fear appeal arguments.

3. SHOULD APPEAL TO FEAR BE INCLUDED IN THE *AD BACULUM* CATEGORY?

At first, it may seem like the most plausible hypothesis is that appeal to force and appeal to threat are subtypes of the appeal to fear, and that the generic type of *ad baculum* argument is that of the appeal to fear. However, after the reflections outlined

above, it began to seem that this was not the best system of classification after all. It began to seem that the generic type of *ad baculum* argument is the use of a threat in argument, even if we include, as well, the use of force. The problem then is what to do with appeal to fear. Is this a separate type of *ad baculum* argument, or is it another type of argument altogether, that should be seen as different from the *ad baculum*? Or is it a different type of argument, but one that overlaps with the *ad baculum* in some cases? There don't seem to be any easy answers to these questions, for, as we have seen, the textbooks are all over the place on the issue. They seem to concentrate on arguments that use threats as the paradigm, but they also frequently use the notions of fear and intimidation in characterizing the *ad baculum*.

As shown in chapter 2, what has developed in the textbook accounts, as they have evolved over the years, is that use of force was originally meant as the *ad baculum* fallacy, but then appeal to threat, and then appeal to fear gradually began to be added in as part of the description of the fallacy. Then finally at one point in the history of this development, the lead title of the fallacy was switched to appeal to fear. This switch first occurred with Chase (1956), followed up one year later by Blyth. The new account of the *ad baculum* as appeal to fear came to prominence in Engel's treatment in his popular textbook, *With Good Reason* (1976). At this point, the textbook treatments became divided, the majority sticking with appeal to force, or threat of force, as the fallacy, and a minority going for the increasingly popular conception of the fallacy as appeal to fear.

It seems that what we should properly say, however (on the basis of chapter 5) is that appeal to threat on the one hand, and appeal to fear, on the other hand, are two distinct types of argument. Consequently, if this is true, they should be treated as two different fallacies. That is, on the analysis outlined above, it seems best to conclude that neither of these two types of argument is best seen as a subtype of the other.

Yet it appears that the two types of argument do, in practice, frequently overlap. In fact, arguments described as being of the *ad baculum* type, based on threats, do generally appeal to fear—especially the more dramatic types featured by the textbook, like the gangster cases. This overlap is common even though the connection is not an essential one. For in the milder uses of indirect threats, where, for example, a financial sanction is threatened, there need not be an appeal to fear. Instead the appeal can be better described as to the wish or interest of the respondent to avoid something that would be a cost to him, and that he would prefer to avoid if possible. The converse is also generally true—that appeals to fear frequently (but not always) involve the making of a threat by one party. Hence it is not hard to appreciate why the textbooks have tended to run these two types of arguments together somewhat.

So the practical question now is what to do here. Should we require an *ad baculum* argument to involve the making of a threat, and treat the appeal to fear as a separate kind of argument, devising another name for it? Or should we define *ad baculum* as appeal to fear, and think of another name for appeal to threat in argument?

Or, a third option is available. Shall we call these two types of argument *ad baculum*, and distinguish between the appeal to threat subtype and the appeal to fear subtype? According to this third approach, the expression *argumentum ad baculum* would become a generic term which would then require some appropriate English translation. For example, it could be called *appeal to threat or fear*. What would need to be emphasized if this term were adopted is that the 'or' should not be thought

of as exclusive. A more accurate term would be *appeal to threat and/or fear*. There is a genuine, and somewhat difficult choice to be made here, for logic. How then should the chaotic ways of defining the *ad baculum* outlined in chapter 1 be organized into a coherent system of subtypes?

While appeal to threat is the central type of argument associated with the *ad baculum*, appeal to fear naturally comes in for consideration under the same heading because the two types of argument overlap so closely. Therefore, in dealing with the *ad baculum* arguments in a textbook analysis, the two should properly be dealt with together. For in the practice of teaching, students will naturally tend to confuse the two, and tend to identify the one type of argument with the other. If you try to deal exclusively with appeal to threat arguments for example, students will naturally bring forward appeal to fear arguments (where no threat is involved), and try to treat them under the heading of the first category. Hence what is essential in dealing with the pedagogy of *ad baculum* is that the students be taught to systematically distinguish between threat appeal arguments and fear appeal arguments. What is needed then is a balanced treatment of this part of logic. Both appeal to threat and appeal to fear should be treated together, and the student should be taught to differentiate between the two types of argument. At the same time, the student should be made aware of the close root connection between the two, and should know that both are species of argument from consequences.

As part of this balanced treatment, students should also be taught to distinguish between the use of force, which is not itself an argument, but a tactic used to stop argument or prevent the other party from deciding what to conclude purely on the basis of the evidence that is relevant to the dialogue. The type of treatment we recommend could be called "inclusive" in that it includes both appeal to threat and appeal to force as types of argument considered, and it also includes some mention of use of force.

4. HOW CAN A BALANCED APPROACH BE ACHIEVED?

Both appeal to fear and appeal to threat need to be included in a balanced approach to the study of this family of arguments. But the question remains—what should be done with the Latin phrase *argumentum ad baculum*? Should it cover fear appeal as well as threat appeal, or only the latter? The first approach to the analysis of the *ad baculum* could be called *binary* in the sense that it primarily emphasizes the making of a threat type of argument and the fear appeal argument as the primary subtypes of *ad baculum* that have clearly definable structures as types of argument, and are most important in teaching students how to recognize, analyze, and evaluate *ad baculum* arguments. The use of force type of *ad baculum* is definitely worth including, but is seen as being of secondary importance for logic.

The chief difficulty in the binary approach is that by adopting it, we are putting two types of argument (and fallacy) together that do share a common underlying logical structure, but also have important differences in how they function as arguments. Use of threat is best analyzed structurally by defining the concept of making a threat as a distinctive type of speech act, and then giving the conditions under which this speech can be used correctly or fallaciously in different types of dialogue exchanges. But appeal to fear, in the way it functions, seems to be something quite different as

an argument. It seems to be an inherently psychological kind of argument. For fear is presumably an emotion possessed by the respondent, and the appeal to fear is a move made by the proponent to appeal to this emotion to get his argument accepted (or to get the conclusion of it accepted). Appeal to fear is more of an appeal to emotion type of argument, as opposed to appeal to threat, which often involves fear, but is more directed to the respondent's self-interest.

Both types of argument are species of argument from consequences. But it is worth emphasizing here that, on our analysis, argument from consequences is not itself an *ad baculum* argument. Even so, what is most important in evaluating both leading types of scare tactics, the making a threat type and the fear appeal type, is that the underlying structure of the argument is that of practical reasoning—and in particular, argument from negative consequences. Consequently, there are good reasons for taking a balanced approach of treating appeal to threat and appeal to fear as types of arguments to be taken up in logic textbooks, and treating them together, but distinguishing between the two as separate and distinct types of arguments, while recognizing their overlap in practice.

Another factor is the practical consideration of what ought to be the central concern of the textbooks in treating of the *ad baculum* in the first place. This is a practical question because the issue is one of what we ought primarily to be warning logic students about as a common type of error or sophistical tactic that they are likely to encounter and be deceived by in everyday practices in arguments. Judging from the textbook accounts, it is the appeal to threat that seems to be the primary focus of concern. However, there is also the growing minority trend to emphasize appeals to fear. Which should be stressed as more important under the heading of *ad baculum* arguments? The answer is that both types of arguments are definitely of importance in the treatment of fallacies. However, it has seemed that under the heading of *ad baculum*, which after all means "to the club," the use of appeal to a threat should be what is indicated. Even so, fear appeals are quite common in everyday argumentation, can be powerfully effective in many instances, can also be used wrongly or deceptively as fallacious arguments, and are well worth being aware of as identifiable arguments.

On balance then, the wisest course (departing from the textbook tradition outlined in chapter 2) is to follow the terminology of Michalos, and call the appeal to a threat type of argument the *ad baculum*, using a different expression—Michalos uses *argumentum ad metum*—for the fear appeal argument. If this course is adopted, however, it will need to be recognized that there will be considerable overlap between the two types of argument. In particular, many, if not most *ad baculum* arguments, will also be *ad metum* arguments.³

Nevertheless tradition has established treating fear appeal arguments, as well as threat arguments, under the general heading of *ad baculum*. There may be no real harm in following this tradition, as long as it is clear exactly what the logical structures of these arguments are, as analyzed in chapter 5. Moreover, as observed many times, fear appeal arguments can be described as posing a threat, or a threatening situation or possibility, even though there is no speech act of making a threat. Thus many have followed the path of treating fear appeal arguments under the general umbrella heading of *ad baculum*. Here *ad baculum* (to the stick or club) is not just meant in the literal sense of appeal to force, or the use of force, as originally meant by the early textbook treatments. Instead, this expression is now taken to have the

broader meaning it developed during the evolution of the middle and later textbook treatments chronicled in chapter 2. So taken, *ad baculum* covers both threats and fear appeal arguments that refer to a threatening situation or possibility even where no threat is made by a proponent to a respondent. This classification is consistent with that of Milburn and Watman's distinction between the external definition of threat, as the making of a threat, and the internal definition of a threat, which targets the emotion of the recipient (see section 1, above). Their external definition of a threat corresponds to our definition of the fear appeal argument, a type of argument that presents a situation that is threatening to the respondent, meaning it is highly fearful to him—so much so that he will be moved to avoid it. But as has been so often emphasized in this book (and rightly so), even if an agent is presented with a "threatening" or dangerous situation, it does not follow that another agent is making a threat to her. A balanced approach, it is now proposed, can be achieved by making a compromise. Fear appeal arguments ought to be treated as being closely related to threat appeal arguments, but the expression *argumentum ad baculum* ought to be restricted only to threat appeal arguments, and not used to cover fear appeal arguments as well.

5. SHOULD THERE BE A NEW CATEGORY OF DANGER APPEAL ARGUMENTS?

Should there be a recognition of the important distinction made by the parallel response model of Leventhal (1971) between fear control and danger control—see chapter 1, section 6? Leventhal's model proposed that a subject can respond to a fear appeal in two different ways—one is to take action to remove or deal with the bad outcome (danger) presented to the subject. The other is to try to reduce the unpleasant experience of fear. But even more fundamentally, the parallel response model suggests that there could be two different types of arguments that are possible. There could be appeal to danger arguments as well as appeal to fear arguments. In terms of the new theory of chapter 5, appeal to danger would be a species of argument from negative consequences in which the bad consequences cited are a "danger" to the agent—like serious bodily harm or loss of life.

A central difficulty in studying fear appeals, or any kind of reasoning where there is a reaction to danger or fear, is the following dilemma: should the reasoning be defined and understood as a reaction to fear, or as a reaction to danger? 'Fear' is an emotional reaction of the subject (agent) to a perceived situation, whereas 'danger' refers to a property of the objective situation confronted by the agent. Fear may be irrational—it may be a reaction even if there is no real danger in a situation. Danger is external to the agent. It either exists in a situation or does not, no matter how the agent sees the situation, or reacts emotionally to it. This same dilemma confronts attempts to define virtues like courage in ethics. Is courage an overcoming of fear, or is it a kind of response to danger? It seems possible to define it either way.

This problem was made quite evident already in Aristotle's *Rhetoric* (1382a19 - 1382a33). Aristotle recognized that appeal to fear is a fundamental type of argumentation used in rhetorical persuasion. In the *Rhetoric* (1382a21), he wrote, "Fear may be defined as a pain or disturbance due to a mental picture of some destructive or painful evil in the future." Aristotle added that he only refers to evils that amount to great pains or losses (1382a24), and that appear fairly imminent (1382a25). Fear, he went

on to say, is "caused by whatever has great power for destroying us" (1382a28). From this definition of 'fear' Aristotle concluded that fear and danger are closely connected, or even close to being the same. He wrote (1382a30 - 1382a32) that fear arises from an indication that something terrible is close at hand, and that the approach of what is terrible is just what we mean by 'danger' (1382a32). The problem posed by Aristotle's remark is to make a clear distinction between fear and danger. Within the structure of practical reasoning, a distinction between fear and danger can be made as follows. Fear is something that is within the agent. Danger is something that is within the circumstances (external situation) of the agent. But the agent can be aware of danger. That is, the agent can be aware that a particular situation, as presented to it, is dangerous to it. The agent can be aware that an external situation represents possible harm, or destructive consequences, for the agent itself. Such a judgment may be justified by what is really happening in the external situation, or it may not. If not, there is no real danger. But nonetheless, there may be a perception of danger (apparent danger), and this perception may even be justified by the evidence available to the agent.

Danger is, at least partly, a function of the reality independent of the agent. A perception of danger can be justified or not, depending on evidence arising from the factual situation external to the agent. Fear, on the other hand, is internal to the agent. Fear also may be justified or not, according to the danger in the situation. But the fact is that fear exists (or not) within the agent, and has to be coped with as a potential obstacle to action, whether it is justified or not.

The danger appeal type of argument is easy to define, within the framework of practical reasoning presented in chapter 5. It is a species of practical inference, using argument from negative consequences, in which an agent is presented with bad consequences that are a "danger" to her, meaning that they involve serious harm or even loss of life. Danger is linked to safety, and both concepts are linked to special considerations of burden of proof in argumentation.

The danger appeal type of argument is objective in nature in a way that contrasts with the subjective nature of the fear appeal type of argument.⁴ The fear appeal argument is an appeal to the emotions of the individual respondent or audience. For example, a fear appeal argument that is successful when directed to senior citizens may be unsuccessful if directed to an audience of adolescents. The danger appeal argument, in contrast, is directed to some objective circumstances of the respondent that are supposedly dangerous to him or her. The claim that something is dangerous, or is likely to cause serious harm to an individual, is an objective claim that can be supported or refuted by physical evidence of a verifiable kind. The conclusion drawn is that the danger appeal argument ought to be recognized as a species of argument in its own right. It should be seen as a specially designated subspecies of argument from negative consequences.

6. CAN NONARGUMENTS BE CLASSIFIED AS AD BACULUM?

The use of the expression *argumentum ad baculum* in the fallacies sections of the traditional logic textbooks implies that an *ad baculum* always has to be an argument. But this way of proceeding poses a problem. For some of the argumentation tactics classified in the new approach as *ad baculum* are not, strictly speaking, arguments.

They are tactics used in argumentation, but that does not necessarily make them arguments, in the logical sense, meaning that they have premises and conclusions, for example.

This problem is apparent in differences in approach in analyzing the *ad baculum* in the fallacy literature. The difference between Wohlrap's analysis and the analysis given in Walton (*Emotion*, 1992) is that Wohlrap does not see the traditional *ad baculum* as being an argument, but as rather the issuing of a threat that intrudes into a framework of dialogue exchange between two parties. In contrast, the analysis in Walton (*Emotion*, 1992) generally presumes that the *ad baculum* is an argument of some sort which utilizes a threat as part of the argument. There are reasons that can be given to support both these approaches. But both can't be right. A decision needs to be made if consistent terminology on the *ad baculum* is to be possible.

Certain types of moves that can take place in an argument have been classified under the heading of *ad baculum*, even though they are not, strictly speaking arguments. One is the straightforward use of force in an argument, without the making of a threat or a fear appeal (or any other type of argument the use of force is part of). For example, we refer to the kind of case where two parties are having an argument, and one silences the other by hitting him with a club. This move is not an argument, even though it is a kind of action or move that takes place in an argument, and that affects the argument, i.e., by stopping it from going any further.

The other nonargument move that would be classified as an *ad baculum* by the traditional treatment would be the unconditional type of threat cited in case 4.4. If this kind of move is an *ad baculum*, on the grounds that it is a sort of threat which can occur in an argument, it is a nonargument type. It does not have the conditional (or any other type of) reasoning structure that makes it an argument. But then there is the secondary question of whether a threat is an argument.

The first step towards resolving the question of whether a threat is an argument is recognition that it is possible to have the existence of a threat, posed, for example, by a threatening situation, without any person making a threat, as a speech act. But the making of a threat, if taken as a type of speech act utilizing a disjunctive or conditional inference of the kind we have defined, definitely is a type of argument, on our analysis of the types of argument involved. When one party to a dialogue puts forward a speech act of making a threat to another party, as defined in chapter 4, this act is an argument, in virtue of it being used as an instance of practical reasoning. When a proponent makes a threat based on argument from consequences to a respondent in a dialogue, he (the proponent) is putting forward a conditional of the form 'If you the respondent do, or don't do this thing, then I will see to it that this other bad thing will happen to you.' This conditional is meant to function as part of an argument where the proponent is trying to get the respondent to accept the conclusion that he ought to do the thing in question. The argument is built on an argument from negative consequences, but the use of the threat to piggyback on this argument constitutes a different, complex type of argument. It is, in fact, an *ad baculum* argument of the most common and most important type. So a threat then *per se* is not an argument, at least necessarily. But the making of a threat in a context of dialogue which is a framework of argument, is an argument. It is a prudential argument. It is a move that has the aim of getting the respondent to accept a course of action as prudentially justified for him, as something he ought to do. And, of course, it is just

this speech act of making a threat that is so typical of the type of argument thought of as the *ad baculum* by the logic textbooks.

Despite the apparent anomaly of terminology, the new system of classification proposed here advocates treating two types of nonargument moves as coming under the category of the *ad baculum*. The basic reason is that our interest in the *ad baculum* is heavily oriented to its use as a fallacy, an argumentation tactic of a kind that can be used to deceive a speech partner with whom one is arguing.⁵ In two instances then, the new system classifies kinds of argumentation tactics as coming under the heading of the *argumentum ad baculum*, even though the use of these tactics does not necessarily qualify as being an argument. These two tactics are the use of force (without an argument) and the use of a simple threat (without any recommended course of action being proposed by the speaker to the hearer).

7. HOW CAN A THREAT BE IDENTIFIED IN A CASE?

The problem of distinguishing whether an argument in a given case should be classified as a threat or a warning has been addressed in chapter 5. The conclusion was that while, in principle, there is a difference between the speech act of threat and that of warning, the practical problem remains that it can be extremely difficult, in some cases, to decide whether the given case should be taken as a threat or a warning. This practical problem cannot just be admitted, and then dismissed too easily, however, for our goal in this book is not just the evaluation of *ad baculum* arguments, once they have been identified. Part of the problem with *ad baculum* arguments that needs to be addressed is how to identify them. But can techniques of informal logic be used for this purpose?

It turns out that they can be, because many of the forms of reasoning identified in chapter 5 are used and presented in many cases only in a so-called enthymematic way, in which one or more premises, or the conclusion is not explicitly expressed.⁶ The problem in such cases is to use the textual and contextual evidence to support hypotheses on how to fill in the missing parts of the reasoning used in the case. But how can this problem be solved? The answer is that each case needs to be judged on its own evidential basis, but the underlying structure of fear and threat appeal arguments presented in chapter 5 provides the model of what to look for in a case.

Donaghy (1987) designed a computer program called *PASA* (Practical Arguments and Speech Acts) which accepts practical arguments as input and identifies their principal speech acts. Practical arguments (Donaghy, 1987, p. 2) are "arguments whose conclusions specify an action to be performed by an agent and whose premises provide justification for that action." The program takes a given practical argument, as found in a natural language text of discourse, and uses "heuristics" or rules of thumb that enable a critic to reconstruct the practical argument from the discourse by identifying nonexplicit premises. Once the nonexplicit premise is identified, then the critic, or user of the program, can determine what kind of speech act was made in the text. For example, the program enables you to determine whether a given case is a threat or a warning. Such speech acts are defined after the manner of Searle, as outlined in chapter 4. One use of such a program cited by Donaghy (1987, p. 2) is in dialogue and story understanding systems.

The four kinds of speech acts dealt with by Donaghy are advice, warnings, promises and threats. The crucial difference between a speech act of warning and that of advice is taken to be (p. 10) that with a warning, the speaker is presumed to believe that the event in question is not in the hearer's best interests (is a harm to the hearer). The crucial difference between a warning and a threat (p. 11) is that the event warned about (the harm to the hearer) is being said to be a future act of the speaker. Thus basically, Donaghy's criterion for distinguishing between threat and warning is the same as (or at any rate, comparable to) the criterion advocated in my own speech act analysis presented in chapter 4.

Donaghy's analysis works by breaking down every practical argument into three parts—a conditional, saying that if one event occurs, then so will another, a second premise, saying that the outcome of the event is good or bad for the hearer's interests, and a program output, that identifies the type of speech act. Usually one premise is expressed explicitly in a given case, while the other premise is only implicated by the context. Only when the nonexplicit premise is reconstructed, from the text of a case, can a conclusion be drawn on what type of speech act was expressed in the case.

Obviously, from a point of view of our concerns in this book, such a software program is extremely valuable. It gives us a method of determining in a given case, whether an argument should be taken to be a threat or a warning, from the evidence furnished by the text and context of discourse of the given case. Donaghy treats some cases which show the promise of his method. But would such a method be useful in tackling the really problematic cases of indirect threats that were the focus of concern in the previous chapters of this book?

Donaghy's method can be applied quite nicely to the speech act analyses of the different types of arguments presented in chapter 4, but the most difficult cases cited there are not easy to handle using any method. The reason is that the tactic of argumentation used in these cases exploits the very uncertainty at issue. The outstanding usefulness of Donaghy's method though is that the method can be applied even to the very problematic kinds of cases that are of such outstanding concern in dealing with *ad baculum* arguments. These are the cases of indirect threats, or those where the given text looks like it might express a threat, and not just a warning, and where it is hard to tell whether the given case should be judged to be a threat, or only a warning. These are often cases in which the threat is disguised as a tactic of plausible deniability. These are meant to be tough cases, but Donaghy's general method is the best way of weighing the evidence in a given case, because it centers on the underlying speech act structure of the argumentation. Donaghy's method is to assemble the evidence given by the text of discourse and then look for the parts of the practical argumentation that were not explicitly stated. In terms of the speech act definitions of threat and warning presented in chapter 4, what one has to do is to look at the text and try to judge whether the key clause expressing the proponent's commitment to bringing about the bad outcome warned about is nonexplicitly expressed as a premise in the practical argument. If it is, the argument is a threat. Otherwise, it is only a warning. The criterion is clear, but what sort of actual evidence in a given case can be collected, to use the criterion as applied to the particular case, with the element of disguise we know is so often a given part of such a case?

The key to any determination of this sort is that it needs to be seen as dialectical in nature. One has to weigh the evidence furnished by the context. So one should not expect, as we so often do in logic, that the answer will be a decisive output of some

algorithm in which we can calculate, and not have to rely on assumptions about the context of use of an argument. What one needs to do is to weigh up the evidence on whether a specific premise is part of the argument, based on the context of dialogue of the case. The kind of evidence you need to look for in the text is situational in nature, rather than being presented as an explicit set of premises. One has to look at the proponent's role in the dialogue. For example, suppose the speaker is a known gangster who makes his living in the protection racket, and he warns you about the "danger" that your store might be burnt down. What does the evidence in the case indicate as prudent assumption about the nature of his speech act? The heavier weight of presumption is on the side of acting in such a way as to act prudently to avoid possible harm. You would be well advised to take his speech act, for practical purposes, as a threat. But of course, as shown in chapter 4, the evidence of the speaker's commitment to actually being instrumental in bringing about the destruction of your store is highly contextual and nonexplicit, and purposefully so. The indirect threat is the hardest kind of threat to pin down, because it is meant to be plausibly deniable. What evidence there is has to be sought in what we know about the speaker's role and past history, and in how the message was actually presented in context. The clues are there, but they are often found in the context of dialogue, and not exclusively in the explicit premises of the practical argument given in the text. These implicit clues are a reasonable basis for a prudent guide to action, indicating, for example, that one should recognize the message as making a threat, and act accordingly to guard against the danger. But of course, it would be another thing to prove in court that the speaker had actually made a threat to you on that occasion. The burden of proof would be different in that context.

Any computer program for identifying speech acts in given cases would have as its toughest test the problematic kinds of *ad baculum* cases of indirect threats. Still, in principle, the approach using heuristics to work with the natural language text of discourse in the given case is the best solution. The technique is to use the information supplied by drawing implicatures drawn from the text and context of dialogue in the given case, and to use that evidence to identify nonexplicit premises. In some cases, whether the premise should be attributed to the speaker is going to be highly controversial. These are just the kinds of cases that we have found to be so centrally problematic for the study of *ad baculum* arguments. So what can one do, in such a case? The best solution is to treat the case as controversial, and to explicitly recognize that the evidence needs to be assembled and weighed up on both sides of the case. For example, there may be contextual evidence a threat has been made, but the speaker may deny she made a threat to the hearer on that occasion. Here we have evidence on both sides. What needs to be done is to recognize that the case is open to dispute, and to identify and weigh up the evidence on both sides. This sort of analysis can be highly revealing and useful, for the purpose of analyzing and evaluating *ad baculum* arguments, even if a clear and definite outcome for one side or the other cannot be calculated. Different assumptions on how to proceed may be a function of the context of use of the given argument. For practical purposes of prudent self-interest, for example, it may be wise to work with the assumption that a threat was made, even if such a claim cannot be proved beyond reasonable doubt.

8. CAN FEAR OR THREATS SUFFUSE THE ATMOSPHERE IN A CASE?

There are cases where no threat (direct or indirect) has been made, no use of force has been carried out, and no fear appeal argument (in the sense defined in chapter 5) has been put forward. Even so, fear may suffuse the atmosphere and poison the prospects of any fair or reasonable argument from taking place. How are we to categorize cases of this sort? Such arguments appeal to fear—at least, one side uses fear to prevent the other side from getting anywhere in the argument—but can such a tactic be called a fear appeal argument?

There are many arguments that are connected with fear, that exploit fear, or that rest on a climate of fear for their persuasiveness, without being fear appeal arguments in a narrower sense. In fact, in some notorious cases, fear can pervade the whole atmosphere of an argument so that it is part of the structure of the dialogue context in which the argument is put forward. A climate of fear is part of the type of tribunal popularly called a witch hunt, based on fear of stigmatized individuals portrayed as relevant and dangerous. Everyone who could be accused is terrified, because they know that perfectly innocent people can be convicted by the tribunal that has been set up, and that the consequences of being convicted are highly fearful.

The McCarthy hearings were pervaded by this atmosphere of fear. According to an executive order of 1947, an employee could be removed as a "loyalty risk" on grounds of advocacy of revolution, or by membership or association with the communist party (Matusow, 1970, p. 4). Senator Joseph McCarthy, in the early 1950's conducted a number of hearings where accused parties were found guilty of being communists or communist sympathizers, on very little or no evidence, in many cases. The atmosphere of fear surrounding these hearings is well conveyed in a story told by Rovere (1959, pp. 16-17).

Case 6.2: In 1953, the very thought of Joe McCarthy could shiver the White House timbers and send panic through the whole executive branch. I remember once, in about the middle of that year, calling upon one of the President's assistants, a man who seemed to me then, as he does today, to be well above the average in courage and candor. I had gone in search of enlightenment on a number of things, most of them as unrelated to McCarthy as it was possible for anything to be in those days. We had a friendly enough talk and toward the end of it I brought up Topic A—and of course offered the customary assurances that I would not make use of anything he said in such a way as to embarrass him or make his life more difficult than it already was. At the mention of McCarthy, his whole manner and expression changed; though he did not move from his chair or put his palms together, he assumed, figuratively, and on his face quite literally, a supplicating mien. I have no record of the exact words he used, but I have a painfully vivid memory of them. "Don't ask me," he said. "For God's sake, please don't ask me to

discuss this. Not now. I'll help you as much as I possibly can, I'll talk about anything else you want. Anything. Just don't press me on this. Don't even ask me why I don't want to talk about it. Maybe someday we can talk it all over, but not now. Accept my word that my reasons are good." I have not before nor since seen a grown man in a responsible position behave in such a fashion. I had the feeling that if I had made an issue of it, I might have persuaded him to see what he could do—in exchange for my promise not again to say "McCarthy" in his presence—to get me an ambassadorship or even to declassify the recipe for the hydrogen bomb. The mere mention of the Senator from Wisconsin, the mere possibility of being compelled to discuss him, had reduced this sturdy man to jelly.

As Rovere notes, even the mention of the name "McCarthy" had such a powerful effect that the use of a fear appeal argument in this atmosphere would have a tremendously powerful persuasive effect. But Rovere was not using a fear appeal argument here. He was simply reporting how a climate of fear pervaded the whole atmosphere of the McCarthy hearings.

Trevor-Roper (1967, p. 128), describing the witch craze of the sixteenth and seventeenth centuries in Europe, compares the climate of fear that was pervasive with the comparable situation of the McCarthy tribunals. According to Trevor-Roper, in both situations, social fear was given intellectual form as heretical ideology, and then suspect individuals were persecuted in this atmosphere of fear. Trevor-Roper characterizes the tribunal as a process of "political exploitation of a social fear." In the case of the witchcraft trials, religion was the driving force, and the suspects were said to be "in league with the devil." Acts of sorcery (witchcraft) were said to be accomplished by means of a pact with the devil, and accusations were proved on the basis of signs like someone's being "old and smelly" or showing signs of fear.

In a witch hunt atmosphere, a climate of fear pervades all the argumentation that takes place in that context. Many different types of arguments could be involved, and they would all owe some part of their persuasiveness to the fear aspect. However, such arguments would not necessarily be fear appeal arguments (as a distinctive type) in a narrower sense. It follows then that an argument that is helped along considerably by fear is not necessarily a fear appeal argument in this narrower sense.

There is also another interesting type of case in which no fear appeal or threat appeal argument is used, but where fear and a threat suffuses the atmosphere in a way that affects argumentation. In this kind of case, a political or social advocacy group may have a reputation for taking action against anyone whom they perceive as an opponent. Nevertheless if questioned, such a group will insist that they are engaged in fair-minded and open advocacy, and that they are using reasoning arguments to support their claims. Nonetheless, in such a case, intimidation may be a big factor, and one might say that such a group is using scare tactics. But in the narrower, logical sense of this expression defined in this book, the case is not classified as being one of the use of scare tactics, because there may be no threat appeal or fear appeal argument put forward by the group to defend their views, or to get specific action. And there may be no actual use of force in the given case, even though the

group may be known to use force, and to carry out punitive actions against their opponents.

In the following case, an anti-poverty group, the Ontario Coalition Against Poverty (OCAP), waved placards and shouted slogans outside the homes of persons whom they judged to be political opponents. When homeowners objected to drop-in centers that attracted crack addicts and prostitutes to their neighborhood, OCAP members marched on designated homes carrying posters saying, "Yuppie Residents Back Off." Two residents who had spoken out against a new drop-in center in a newspaper the week before had their homes picketed. According to Philp (1997, p. A1), John Clarke, the chief organizer of OCAP, had gained a reputation for staging outlandish pranks that drew television coverage.

Case 6.3: OCAP has stormed welfare offices. It has invaded abandoned apartment buildings eventually slated for demolition, demanding they be used to house the homeless. The group staged a mass panhandle in the Eaton Centre after Metropolitan Toronto Police Chief David Boothby promised to clamp down on street begging. A few weeks ago, OCAP adherents marched uninvited in a parade during a neighbourhood festival, to jeers from the crowd.

Last weekend, OCAP held a barbecue outside a motel serving as a shelter for homeless Gypsies recently arrived from the Czech Republic.

"In terms of our tactics, we've always seen the notion of consultation as an approach to changing things as less effective, and decreasingly effective," Mr. Clarke said in a recent interview.

"Our tactics flow from the concept that if the poor are going to have power, that power is going to have to be a question of collective action. We have the capacity to create a crisis for the other side through mobilization."

Anyone who resisted OCAP pressures to support their positions, or in any way came out as opposing its views, had to fear that OCAP would take action of an unpleasant and disruptive kind against them personally. Some defended such tactics, by arguing that "desperate times call for desperate measures," while others find them "too strident to be credible" (Philp, 1997, p. A8).

In dealing with an opponent, OCAP may make no threat to that opponent prior to taking action. And the group may not even take action. But still, an intimidation is present in such a case, because of the group's reputation and known *modus operandi*. There may be no fear appeal argument put forward by the group—in the sense of fear appeal argument analyzed in chapter 5—but yet the atmosphere for reasoned argumentation may be poisoned in advance by the quite reasonable and justified fear of reprisals.

In both cases 6.2 and 6.3, what needs to be said is that scare tactics, in some broad sense, are being used, and fear is being exploited, but the form of the argument is not one of scare tactics in the technical sense of that expression being put forward in this book. There may be no fear appeal, threat appeal, or use of force of the kind

represented as an argument, or argument tactic, in the list of argument tactics defined so far as scare tactics. Should we then broaden the system of classification to include this new kind of tactic of intimidation? The answer is that we should not, because this tactic, although it does exploit fear, may use force or action against an opponent, and can involve threatening of a sort, does not have an underlying form of argument and practical reasoning structure of a kind that fits in with the other kinds of scare tactics recognized so far. Others may analyze cases 6.2 and 6.3 differently, or want to take a more inclusive approach. The matter is open to discussion. But the conclusion drawn here is that an argument may exploit fear, threats, or force, without fitting into the new classification system proposed.

9. WHY IS A CLASSIFICATION SYSTEM IMPORTANT?

Some might say at this point that our system of classification is high-handed and arbitrary. Why bother with trying to precisely define expressions like 'fear appeal' and *ad baculum* anyway? The reason is that until we have a clearly defined structure of reasoning underlying the *ad baculum* and fear appeal types of argumentation, no further useful advance in attempting to evaluate such arguments is possible. Before such arguments can be evaluated, they have to be identified first. Their premises and conclusions must be specified, or at least we must have some way of identifying the different types of tactics used, and separating the one type of argument from the other. Nor can the empirical study of how such arguments work to persuade an audience be effectively carried out until the underlying cognitive structure of the arguments has been identified and analyzed.

Chapter 7 takes up the problem of how to evaluate fear appeal and threat appeal arguments. But before going to the question of evaluation—of judging whether cases of the *ad baculum* are fallacious or not—it is necessary first to establish guidelines for the identification and analysis of *ad baculum* arguments. We need to be able to tell, in a given case, whether something is an *ad baculum* argument or not (and also whether it can be an *ad baculum* even if it is not an argument). This task is the identification problem. And we need to be able to analyze *ad baculum* arguments to determine what are their premises and conclusions (or parts, if they are nonarguments). This task is the analysis problem. A classification system is necessary, if the identification and analysis problems are to be solved well enough to proceed to the evaluation problem.

Some aspects of the classification system are less central and less crucial to the new theory than others. The central pillar of the system is the distinction between fear appeal arguments and threat appeal arguments. In actual cases, these two appeals are frequently combined in the same case. But the key thesis of the new theory is that, in principle, the two types of arguments have a different form, even though both are based on the structure of practical reasoning as their underlying inferential framework.

In the new theory, according to the classification system it is possible to have an appeal to fear that does not involve the making of a threat, or an appeal to force. For example, one might dramatically portray a situation that one knows will incite fear in a target respondent, because one has reason to think that this particular respondent has a fear about this particular type of situation. This type of tactic is commonly

used in arguments, as illustrated by the many cases in chapter 1. Yet in such a case, one may convey no message or implication that one intends to bring about the cited fearful situation, or will make it happen to the respondent if he fails to comply with something the proponent wants him to do. So in such a case, we would have an appeal to fear without there being an appeal to force, or threat being made. The existence of such cases has now pretty well been established, by chapter 5 especially. Conversely, it is possible to have threat appeal arguments that are not fear appeal arguments. No calculated tactic of appealing to the fear of the target audience may be part of the argument. As Donaghy's curious fact revealed in chapter 5, a threat can be made even though the speaker has made no attempt to frighten, or appeal to the fear of the hearer.

The terms 'threatening' and 'threat' are now widely used in the social science literature as synonyms for what we have defined respectively as 'dangerous' and 'danger.' Should this established usage be abandoned? Yes, according to the new theory, it should be, if the cognitive structure of fear appeal and threat appeal arguments is to be analyzed properly.

Much depends ultimately, of course, on how the concept of making a threat is defined. Nicoloff (1989) characterizes a threat as a species of menace or menacing action which, in turn, he connects with the purpose of frightening somebody. Of course, frightening is an effect which would be identified with a perlocutionary as opposed to an illocutionary type of speech act. Therefore, it is perhaps not too surprising that Nicoloff (who sees threatening as a kind of frightening), argues for excluding threats from the illocutionary category of speech acts. Nicoloff defines the concept of making a threat to someone as follows: "Threatening someone verbally can be analyzed as a speaker saying something to an addressee in order to get the addressee to think that the speaker is going to cause harm to the addressee, with the purpose of (a) frightening the addressee and (b) thereby getting the addressee to do as the speaker wishes." The most remarkable aspect of this definition of threatening someone is that it includes aspect (a) of frightening the addressee. In other words, according to Nicoloff's definition, the concept of threatening someone, or making a threat, includes the notion of making a fear appeal. Nicoloff (1989, p. 503) sees the notion of frightening as essential to the definition of threatening: "Threatening is essentially an attempt at causing a reaction of fear . . ." Nicoloff thinks this connection between threatening and frightening is so essential that an utterance of the following form is said by him not to make sense: "The speaker threatened the addressee but did not try or mean to frighten the addressee" (p. 503). On this approach, no sharp division is made between fear appeal arguments and the type of *ad baculum* argument that depends on the making of a threat.

The way of defining the concept of making a threat in the new theory is quite different from that of Nicoloff, however, in that it involves no essential reference to causing a reaction of fear, or of intending to appeal to fear. Of course, *ad baculum* arguments based on the making of a threat quite often, and perhaps even generally, do appeal to the respondent's fear. But is that an essential characteristic of them? According to the new theory, as stressed just above, it is not. Quite often it was evident in our case studies that the *ad baculum* argument was based on the making of a threat that can work by appealing as a prudential argument to the self-interest of the respondent, whether the respondent actually exhibits a reaction of fear or not. What matters

is not whether the respondent feels fear, or acts from fear, but whether he recognizes the threat and how he should react to it.

10. SUMMARY OF THE CLASSIFICATION SYSTEM

In the new system of classification, the basic category is that of danger appeal arguments. A danger appeal argument is a species of argument from negative consequences. The danger appeal argument has the following form.

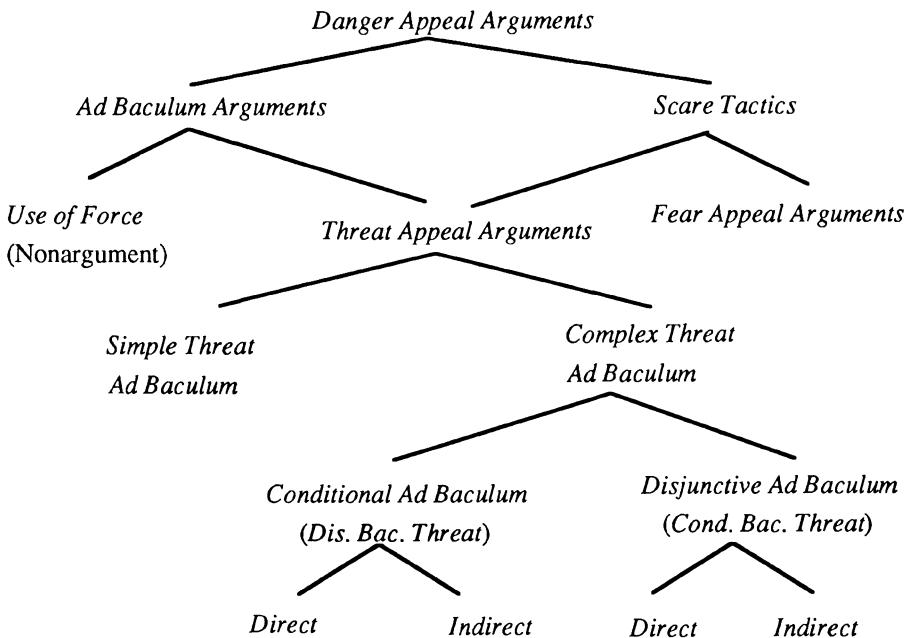
(*Dang. App.*): If you (the respondent) bring about *A* then *B* will occur.
 B is a danger to you.
 Therefore (on balance) you should not bring about *A*.

A danger is something that is not only harmful to the respondent, but is especially harmful. A danger typically involves loss of life, or a kind of damage that would incapacitate the respondent, or result in the irretrievable loss of his vital interests. Reasoning in the face of danger calls for a special way of thinking that errs on the side of safety by making presumptions in such a way as to try to avoid harm. It is a defeasible argument that warns the respondent to be cautious. The qualification "on balance" in the conclusion is important. Sometimes it is necessary to do dangerous deeds. But unless there is a good reason to so act, danger is something to be avoided. Hence the danger appeal argument is more than just an ordinary kind of argument from consequences. It has a special force and urgency that mobilizes attention, indicating a need for careful, prudent deliberations and caution.

In the new system, the danger appeal type of argument is not classified as an *argumentum ad baculum*. But it is the logical basis of all *ad baculum* arguments, and fear appeal arguments as well. *Ad baculum* arguments are classified as one of the main subspecies of danger appeal arguments. Included under *ad baculum* arguments are both threat appeal arguments and the use of force. The latter is included even though it is not itself generally an argument. It is included because it can occur in argumentation, and affect the success of the argument, or its continuance in a dialogue. The other main subspecies of danger appeal argument is called the category of scare tactics. The whole classification system is summarized in figure 6.1.

Under the generic heading of scare tactics, the threat appeal as well as the fear appeal type of argument is subsumed. One might ask why threat appeal is included since, as emphasized in chapter 5, not all threat appeal arguments are defined as necessarily being an attempt to frighten the respondent. Some are, and some aren't. Hence the term 'scare tactic' as used in the new system, does not necessarily imply an attempt to frighten, or an intent to arouse fear in the respondent. But a threat appeal argument does imply the use of negative argumentation from consequences, warning the respondent of a potential or likely harm, and does imply a commitment to actually bringing about that harm if the respondent does not take the recommended course of action. On this basis, the threat appeal argument is classified as a type of so-called scare tactic. But it is not a "scare tactic" in a sense implying the intent to arouse the respondent's fear, although it may do that.

Figure 6.1. Classification System of Argument Types



Finally, in the new classification system, the various subtypes of threat appeal arguments are subsumed, making all these arguments subspecies of *ad baculum* arguments. These are simple threat *ad baculum* arguments, complex threat *ad baculum* arguments, conditional *ad baculum* arguments, and disjunctive *ad baculum* arguments. Both of the latter types can be direct or indirect, depending on whether a direct or indirect threat is involved. So every *ad baculum* involves the use of a threat, except for the simple use of force tactic, where direct action is taken by the proponent to prevent the respondent from taking any further part in the argument. All other cases of *ad baculum* have a threat as a component used in the argument tactic. Thus the new system represents a narrowing of the traditional meaning of *argumentum ad baculum*.

The question is now posed—how should the *ad baculum* fallacy, or in our terms the whole topic of scare tactics, be dealt with in the logic textbooks? The answer to this question requires that the phenomenon of *ad baculum* as a fallacy be dealt with. For in the logic textbooks, the *ad baculum*, and scare tactics generally, are treated under the heading of fallacies. The next question then is—how should danger appeal arguments and scare tactics generally be evaluated as arguments? This question is the subject-matter of chapter 7.

NOTES: CHAPTER 6

¹ See chapter 1, section 2.

² The trend in the textbooks, outlined in chapter 2, is away from uses of force as being the paradigm cases of the *ad baculum* fallacy. But use of force remains a factor that needs to be discussed under the *ad baculum* fallacy.

³ The proliferation of Latin terms is not necessarily a good thing, but the expression *ad baculum* is so well entrenched, it has become a part of common usage in logic.

⁴ The form of the danger appeal argument is presented in section 10 of chapter 6.

⁵ The fallacy problem is taken up in chapter 7.

⁶ For a presentation of the history and logic of the enthymeme, see Walton (*Arg. Structure*, 1996, chap. 7).

CHAPTER 7

EVALUATION OF CASES

The presumption in chapter 1 that fear appeal arguments are useful and socially commendable ways of changing behavior clashes dramatically with the general line of presumption of the logic textbooks that *ad baculum* is a fallacy. The problem of evaluating such arguments has been deepened by the subsequent exposure of their underlying cognitive structure as instances of practical reasoning. The task of evaluating fear and threat appeal arguments has turned out to be harder than the textbook treatments generally presume. Many of the cases studied above turn out to be reasonable arguments, once the form of the argument is identified, and its practical reasoning structure is properly analyzed. Also, it will be the contention of chapter 7 that to properly evaluate a fear or threat appeal argument, the context of dialogue in which the argument was used must be taken into account. What this means is that the same fear appeal or threat appeal argument could be fallacious as used in one context of dialogue, but reasonable (nonfallacious) as used in a different context of dialogue. A dialogue, to use the current term (Walton, 1998) is a conventional type of conversation that two speech partners contribute to, according to maxims (rules) of politeness (Grice, 1975).

The method of evaluation of *ad baculum* arguments proposed below is inherently dialectical, meaning that in order to evaluate a case, you need to look not just at the premises and conclusions of the argument, but also at how that reasoning is used as part of a goal-directed conversational exchange. This contextual factor makes the job of evaluating particular cases of fear and threat appeal arguments more difficult and more subtle than the traditional account of the *ad baculum* fallacy generally assumed. There was some recognition of the contextual aspect of evaluation in the textbook treatments, however. Blyth (1957, p. 41), as quoted in chapter 2, section 3, was quite right to say that the first step in the evaluation of an *ad baculum* argument should be to determine the "function of language" (what we are calling the type of dialogue) involved in the case under consideration.

1. THE SLEAZE FACTOR

One of the problems cited by Brinton (1992) as characteristic of the typical textbook treatments is what he calls the "sleaze factor" (p. 90). The problem with the use of the stock examples in the textbook treatments is that these examples typically "evoke feelings of disapprobation in the reader which are then attached to the mode of argument" (p. 90). As we have noticed before, the problem here is that the students, or readers of the textbook treatment, are encouraged to see something ethically wrong, or "sleazy" about the way the argument is used, and then jump to the conclusion that there must be something logically wrong with it.¹ But there is a difference

between an argument's being morally offensive, or otherwise "sleazy" in some way, and its being logically fallacious, in the sense of involving an argument that is weak, or structurally faulty by standards of logic, on the grounds that it involves bad reasoning.

Both Wreen and Brinton agree that this aspect of the standard treatment is a problem. And Brinton (p. 90) even suggests a way of improving the textbook treatments by adding another type of example which would force them to be more sophisticated.

It would be an improvement if textbooks gave us some stock examples which don't go wrong in either way. If I say to my students "Look here, attendance has become a real problem in this class; I may have to start giving a few pop quizzes," that is clearly an *ad baculum*, one which is likely to be neither logically nor morally problematic.

This particular example does appear to involve a threat, and it would seem to be appropriate, even by Brinton's fairly high standards, to describe it as an *ad baculum* argument. But the argument is not morally offensive. It does not have the kind of sleaze factor appeal that is so objectionable in the textbook examples so often treated. The argument does involve the use of a threat, but it is not so likely that most readers of logic textbooks would be so easily led into leaping to the conclusion that it is logically fallacious.

Surely someone in the class would put up their hand and say that it appears to them that the argument could be fairly reasonable as a way of getting better attendance in the class—which is, after all, a reasonable request. This example reveals the real problem of evaluating the *argumentum ad baculum* in a much more sharply focused way. Is the *ad baculum* argument in this case reasonable or not? If it is reasonable (or nonfallacious), as it appears to be, then the question is posed sharply—what is the essential difference between this case, and the other familiar kinds of cases cited in the textbooks, where the authors (and their students) have been willing to say that an *ad baculum* fallacy has been committed? The beginning of the answer to this question is the realization that the perceived legitimacy (or illegitimacy) of a threat is not necessarily the same thing as the correctness (or incorrectness) of the *ad baculum* argument in which the threat was made.

An extremely interesting aspect of the social science literature on threats, from a point of view of the analysis of *ad baculum* argument, is the recognition of the concept of the legitimacy of the threat. Apparently, people distinguish between legitimate and illegitimate threats and, according to Milburn and Watman (1981, p. 25), the effectiveness of a threat may very much depend on its perceived legitimacy. Legitimacy seems to be a function of not only the particular situation but also the rules of the participants. For example, if one person is superior to another in some kind of social structure or relationship, then a threat from the superior to the subordinate would be regarded as more legitimate than one in a comparable situation where the threat was made between equals (Milburn and Watman, 1981, p. 25).

According to a study (Deutsch, 1973), cited by Milburn and Watman (1981, p. 25), "a mother who threatens to harm anyone who disturbs the sleep of her critically-ill child is more likely to be respected and obeyed than a woman who threatens anyone who makes noise in the vicinity of her house." In this kind of case, the threat would be very likely to be perceived as legitimate because of the legitimacy of the need from which the threat has arisen.

Researchers found (Milburn and Watman, 1981, p. 26) that threats legitimated by social norms or personal needs were weighted as having more legitimacy than other types of threats. According to Milburn and Watman (1981, p. 44), a threat is perceived as legitimate "when the actor utilizes the correct norm, in the proper situation, to construct a threat whose demand and sanction conform to the rights and obligation of the actor's status" (p. 44). This aspect of perceived legitimacy of threats is very interesting in relation to the study of the *ad baculum* as a fallacy, for, if we generally tend to evaluate threats as legitimate or not, then this evaluation may affect how we judge whether a particular use of appeal to threat in an argument should be discounted as fallacious or not. The two kinds of evaluations appear to be different. One appears to be a social notion of whether the threat is an appropriate move made within a context of rights and obligations in a network of social norms. The second kind of evaluation has to do with judging an argument as being logically correct or not insofar as it fulfills the requirements of a structure for correct reasoning. These two types of evaluations may be quite different in nature, but, on the other hand, it may be easy for us to confuse the two, especially in a superficial analysis of *ad baculum* arguments and, as we have already noted, this factor concerning the confusing of different norms already seems to be present in the textbook treatments of the *ad baculum* fallacy. It seems that students are encouraged, on a superficial level, to reject *ad baculum* arguments on the grounds that they are socially inappropriate or somehow perceived as being unfair or ethically subject to condemnation, and to make the leap from that to declaring that the argument commits a logical fallacy. So, when evaluating *ad baculum* arguments, we need to very carefully distinguish between a number of different kinds of evaluation. Are we evaluating the argument for the credibility of the threat, or for the effectiveness of the threat, or for the legitimacy of the threat, or are we evaluating the use of a threat in an argument and trying to arrive at some judgment on whether the argument is correct or not? These questions should be clearly distinguished even though, in fact, in many important respects, they may be related to each other.

Legitimacy of threat, according to Milburn and Watman (1981, p. 49), has to do with how the occupant of a particular status position who has a role in a given network of social norms uses a threat in accord with the norms for the position and situation. Thus, legitimacy has to do with the social context in which the threat is made, and the relationship of the respondent and the proponent in some system of contractual and social norms. The question of the correctness or incorrectness of the *ad baculum* argument is different, because it pertains to the propositions that make up the argument, the relationship of the premises in which the threat is expressed to the conclusion that is directed to the respondent, and the type of dialogue exchange in which the argument is put forward by the proponent to the respondent. If the *ad baculum* argument is used in the context of a critical discussion, for example, then whether or not the *ad baculum* argument is fallacious or not will depend on the normative requirements that an argument should meet in a critical discussion. These normative requirements of dialogue, however, could be quite different from the social situation in which the real participants are situated and the social network of norms and contractual obligations that are binding upon them as participants in this situation. In fact, it seems that we must be careful not to make a transference, or carry-over effect, from the legitimacy of a threat in the context of a social situation to the correctness of an *ad baculum* argument as a reasonable or nonfallacious type of

inference. Whether a threat is perceived as legitimate or not is an empirical, situational, and cultural question. However, whether an *ad baculum* argument is correct or not—that is, whether it commits a fallacy or not in a given case—is a normative question concerning the fallaciousness or nonfallaciousness of the argument in relation to some set of normative requirements for the correctness of arguments.

Many of the cases from the textbooks cited in chapter 2 can be classified as sleaze factor cases, in the sense that the threat looks illegitimate, and that is the basis for getting students (or readers of the textbook) to dismiss the *ad baculum* argument as a fallacy. In these cases, however, the *ad baculum* can be construed as a reasonable (nonfallacious) argument in what is presumed to be the given context, or else not enough context is given to say whether it is really fallacious or not.

Case 2.2 is a sleaze factor case. We think the speaker's threat is arrogant and is questionable on grounds of morality—or at least, many would see it this way. Some would say that in international negotiation over disputed territories, use of threats by citing the size of one's armed forces is a normal part of the negotiation tactics. Others would say that the question should be one of rights, and that using threats, or settling the issue by force, is immoral. Whatever the answer in this kind of case, the *ad baculum* argument is not a logical fallacy (as far as we know from the information given in the case). It is a case where the threat is perceived as some sort of breach of ethical propriety, and then the unwarranted leap is made to the conclusion that the *ad baculum* is a fallacy. However, if the context of dialogue is really that of an international negotiation (which it is, for all we know) then no *ad baculum* fallacy is committed.²

Much the same kind of evaluation is appropriate in the mugger case. When the mugger says, "Your money or your life," he is putting forward a disjunctive argument from negative consequences that can be analyzed as a speech act of making a threat. But looked at as part of a sequence of practical reasoning—as Woods (1987) pointed out—this argument is prudentially reasonable. In the context of a negotiation dialogue, this threat is not fallacious, even though it is highly immoral, illegal, dangerous, and so forth. There is lots that can be said about it that is negative. But going strictly by the sleaze factor, we should not leap to the conclusion that the mugger's argument is a fallacious *ad baculum*. It would be unwise to respond to the mugger's threat by accusing him of having committed a fallacy. A more prudent response would be to weigh the credibility of the threat, and if your personal safety is an important goal, to act accordingly.

2. TYPES OF DIALOGUE

As shown in previous chapters, the first step in analyzing any fear or threat appeal is to identify the premises and the conclusion of the argument, as an instance of practical reasoning. But the next step, that of evaluating the argument, requires asking what purpose the argument is supposedly being used for in a given case. For example, in the case of the use of a threat by a proponent, we need to ask—what type of dialogue was this threat part of? Was it part of an attempt to persuade the hearer to accept some proposition as true? Or was it part of a negotiation in which the speaker was trying to get the hearer to move ahead in the bargaining session towards striking some deal that both can live with? These contextual questions could be quite significant in judging whether the threat should be criticized as inappropriate or not.

In the account given in Walton (*Prag. Theory*, 1995, chapter 4), and more fully in Walton (*New Dialectic*, 1998) there are six main types of dialogue (conversational contexts) in which argumentation occurs. Each type of dialogue is defined as a goal-directed type of conversational exchange between two parties, so that it provides normative standards to determine whether an argument used in one of these contexts is used correctly (to contribute to the goal) or not.

1. *Persuasion Dialogue*. The goal of this type of dialogue is for the two parties to test out the comparative strength of the leading arguments on both sides of a contentious issue. Each party gets the premises of his or her arguments from the commitments of the other party. A main subtype of persuasion dialogue is the critical discussion (van Eemeren and Grootendorst, 1984), where the goal is to resolve a conflict of opinions by rational means. Some types of persuasion dialogue can be successful however, where the participants achieve insight into their commitments, even if their conflict of opinions is not resolved.³
2. *Inquiry*. The goal of the inquiry is to prove that a particular proposition is true (or false), or to prove that there is insufficient evidence to prove either that it is true or false. The method of the inquiry is to collect all the relevant evidence, so that the ultimate conclusion of the inquiry can be drawn from premises that are definitely established. Whereas retraction is common and normal in a persuasion dialogue (but subject to some constraints), the leading characteristic striven for in the argumentation in an inquiry is cumulativeness. An inquiry is *cumulative*, meaning that once a proposition is verified as true at any particular point (evidential situation), it remains true at every succeeding point. Cumulativeness is equivalent to the absence of retraction at every point.
3. *Negotiation Dialogue*. The goal of negotiation dialogue is to "make a deal"—that is, to reach an agreement to trade off some goods or services (more generally, interests) that both parties can "live with." The goal is not to totally defeat the other party, by taking all the goods or services away from the other party, but to get the interests that are most important to you, even if you give up other interests that are less of a priority for you, but are important to the other party. It is important to recognize that, unlike persuasion dialogue and the inquiry, the goal of negotiation dialogue is not to discover the truth of a matter, or prove that a proposition is true or false. The goal is to advance your interests.
4. *Information-seeking Dialogue*. The goal of this type of dialogue is transfer of information from one party to another. One party (the questioner) has reason to think that the other party has some information. The questioner's goal is to extract this information from the other party, called the answerer or respondent. The role of the respondent is to give the relevant information to the questioner.
5. *Deliberation*. The arguments in a deliberation type of dialogue articulate the reasons for and against a particular line of action that is being contemplated. It is typified by a town hall meeting to decide on a proposal that affects the community. However, deliberation can also be a solitary process where an individual examines the pros and cons of a particular line of action. Deliberation is the most common kind of conversational context in which practical reasoning is used.

6. *Eristic Dialogue.* This type of dialogue is an adversarial verbal struggle—*eris* is the Greek term for 'strife'—where the goal of each party is to personally attack and defeat, even to humiliate the other party. The paradigm of eristic dialogue is the quarrel, where both sides vent feelings and deeply buried grudges and resentments by hitting out verbally at each other. The quarrel is traditionally thought of as a very negative kind of verbal exchange. However, it can have cathartic value, especially if each side recognizes the grievance of the other party as important to that party, and if the two successfully "make up" at the end. The quarrel was associated with sophistry and fallacies by leading ancient philosophers (Plato and Aristotle),⁴ but pretty well disappeared as a serious concern for logic after antiquity (with isolated exceptions, like Schopenhauer, who took eristic dialogue seriously).

When applying these normative models of dialogue to the task of evaluating an argument in a given case, several complications need to be kept in mind. One is that an evaluation may need to be conditional, because not enough information may be given to tell what type of dialogue the argument is supposed to be part of. Another complication is that there can be a dialectical shift from one type of dialogue to another, during the sequence of reasoning used in an argument. Another complication is that there are cases where the type of dialogue is mixed, so that more than one type of dialogue is present.

One mixed type of dialogue occurs in argumentation in political debate, for example, in an election campaign—it can involve persuasion dialogue, negotiation dialogue, deliberation, and eristic dialogue, all in the same case. Another mixed type of dialogue is sales dialogue in commercial speech—for example in an exchange between a car salesman and his potential buyer, and in a commercial ad for a product on television or in a magazine ad.

3. RELEVANCE OF THREATS AND FEAR APPEALS

Dialectical relevance of an argument is defined in Walton (*New Dialectic*, 1998) in a pragmatic way. An argument (or other speech act) is *dialecticallly relevant* if and only if it is an appropriate move, or part of a connected sequence of appropriate moves, used at some stage of a dialogue by a participant to contribute to the goal of the dialogue. This dialectical account of relevance means that the same argument could be relevant in one context of dialogue (like a negotiation) but irrelevant in another context of dialogue (like a critical discussion). Threats and fear appeals frequently fall precisely into this category. They can be relevant if the context of dialogue is that of practical deliberation (or negotiation), but if the context is supposed to be, say, a critical discussion of whether a particular proposition is true or false, the same threat or fear appeal could be irrelevant.

The reason that the logic textbook standard treatments of chapter 2 tend to presume that *ad baculum* arguments can be dismissed as irrelevant is that they assume—as one might well be entitled to expect in a logic or philosophy textbook—that the most important, or the only significant type of dialogue is the truth-oriented inquiry of the critical discussion type. Of course, from such a standpoint, threats and

fear appeals are highly inappropriate. They are out of place, even outrageously so, and can therefore easily and routinely be dismissed as irrelevant.

But once we take as our target of analysis the threat and fear appeal arguments that occur in everyday cases of natural language argumentation, the picture is different from this more abstractly logical viewpoint, and quite a bit more complicated. Allen, Burrell, Mabry, and Mineo (1991) agree with Milburn and Watman (1981) that threats and negotiation are commonplace in everyday social activities. Allen, Burrell, Mabry, and Mineo argue that such attempts at manipulation and coercion should be seen as a proper part of argumentation, even though they have very often been excluded from the argumentative process in the literature on argumentation. Allen, Burrell, Mabry, and Mineo talk about a myth of noncoercive argumentation (p. 551). The assumption is that, in public discourse, each person is free to decide the outcome of an argument based on his or her self-interest from available information. Allen, Burrell, Mabry, and Mineo see this assumption as a myth, however, because (p. 552) many arguments in the public sector are determined on the basis of expert testimony and, according to their analysis of this type of argument, expert testimony "carries with it coercive force" (p. 552). Similarly, in voting decisions, the framework of the argument is conditioned by coercive force because the typical electoral practice effectively limits the population to choose between sides that may or may not be representative (p. 552).

Allen, Burrell, Mabry, and Mineo (p. 553) also cite the case of argumentation in divorce dispute mediation. According to their description, in this type of argumentation, spouses are maneuvering for child custody and the goal of each arguer is to persuade the mediator that he or she is the better parent to "correct the current living situation of the child" (p. 553). Allen, Burrell, Mabry, and Mineo call the use of argument in this kind of case "argument as correction" which has the goal of purifying knowledge (p. 554). According to their account, argument as correction is designed to "coerce conformity" (p. 554). Hence, as they see argumentation in divorce dispute mediation (p. 554), the goal is to coerce the mediator, and also ultimately, the court, into granting custody to the more credible parent (p. 554). Their point in citing this kind of case, then, is that fear appeals and threats do function as arguments in everyday conversational argumentative exchanges. Therefore they argue (p. 557), we ought to treat such moves in argumentation as part of the normal flow of conversational exchanges in arguments, and to reconsider the traditional practice of routinely dismissing the *ad baculum* as a fallacy.

Much of the argumentation in our daily lives is in practical deliberation or self-interested bargaining that is properly evaluated on a balance of considerations basis. In such contexts, threats and fear appeal arguments can be relevant. Instead of waving them aside as fallacious, we often need to confront them, and evaluate them in a pragmatic way. The literature on threats and bargaining in the social sciences (outside the fallacies tradition of logic) reflects this pragmatic viewpoint.

What is especially interesting in the social science literature is the analysis of how the respondent reacts in the face of a threat in order to arrive at a conclusion of whether or not the threat is serious, in the sense that the proponent is likely to carry it out. According to Milburn and Watman (1981, p. 17), this calculation involves a judgment on the part of a respondent, weighing the cost of compliance, "the demand, the cost of the sanction to the target, the cost of the sanction to the threatener, the value of compliance to the threatener, and the number of alternative courses open to

the threatener" (p. 17). If the sanction is much greater than the demand, then the threat loses credibility. But, if the sanction would cost the threatener more than it would the target to receive, then the threat loses credibility (p. 17). As explained in chapter 1, the main concern of this empirical research in the social sciences has been on the effectiveness of threats and fear appeals. But we have also tried to show that threat and fear appeal arguments can be evaluated normatively in a framework of practical reasoning.

Threats and fear appeal arguments then, are familiar in deliberations and negotiations in everyday social and practical life. In such familiar contexts, they can often function as relevant arguments that we do deal with, and that we need to deal with in a practically rational manner.

Here then is the explanation of why threats and fear appeals that would be outrageously inappropriate and markedly irrelevant in a serious critical discussion may appear to be relevant. The problem is that mixed contexts of dialogue, especially in political and sales discourse, contain both types of dialogue. Also, it may be unclear or unknown, or subject to interpretation and argument, in particular cases, what the type of dialogue is supposed to be. Because of this mixture, or absence of information on the type of dialogue the participants are supposed to be engaged in, an *ad baculum* argument can seem relevant.

There is a tendency, for example, in some of the textbook treatment of cases to run negotiation and critical discussion together. In case 2.12, Mourant cited a case of the use of force, where a nation decided to go to war to settle a border dispute, instead of "resorting to negotiation and logical disputation." But which is it? If the dialogue is supposed to be a negotiation the use (or threat) of force should be evaluated differently than if the two nations were having a critical discussion of some sort.

In case 2.13, Carney and Scheer cite the *ad baculum* supposedly advanced by the Soviet Union in the dialogue on who "had certain rights" in West Berlin: "We have the largest bomb in the world, consequently our claims about Berlin are true." To put the dialogue as one where the issue is whether or not certain "claims" about Berlin are true suggests a critical discussion, making the *ad baculum* fallacious. But it also seems quite plausible from the description of other aspects of the case given (and not given) that the original dialogue was a negotiation.

4. THREATS IN NEGOTIATION

Threats and fear appeals are highly manipulative tactics whenever they are used, and because the personal safety of the respondent is threatened by such arguments, we tend to have a highly negative attitude towards them. Consider the following case of a fear appeal argument used in a negotiation (Howard and Cerio, 1994, p. 7). This case is a curious one, because it involves a threat to use a fear appeal argument.

Case 7.1: Visitors to Los Angeles next week will see a new addition to the cityscape: 21 billboards scarily depicting a woman being carjacked, and reading, WARNING: THIS CAN BE YOU WITHOUT THE POLICE DEPARTMENT. The signs are the latest volley in a war between the L.A. police union and Mayor Richard Riordan over stalled contract talks. Facing

a \$290 million deficit this year, L.A. is hard pressed to meet the cops' demands for a substantive raise. But unless there's a settlement soon, the police threaten to distribute a video advising tourists to avoid L.A. "for their own safety's sake."

This ad would be very frightening to the citizens of Los Angeles, and to visitors. Because the police are in charge of public safety, and because their negotiations for more money could threaten public safety, this particular ad seems to be in very bad taste, and also ethically dubious. But is it an *ad baculum* fallacy? We should not be propelled by the sleaze factor into leaping to the conclusion that it is. For the context of use of this ad is that of a negotiation. The threat to distribute the ad to tourists is a bargaining chip in the negotiation. As such, the *ad baculum* argument should be judged in that context.

Threatening is often studied in the social science literature in conjunction with bargaining or negotiation. The process of bargaining is described by Seidenberg and Snadowsky (1976, p. 360) as an interaction between two parties where each party states its proposals and the arguments favoring them. In bargaining, there can be more than two parties, but the simplest case is that where there are two sides. According to the account given in Seidenberg and Snadowsky, the two parties have different preferences and goals and the process of bargaining is aimed towards their reaching a mutually satisfactory solution to their differences.

In Walton (*New Dialectic*, 1998, ch. 4), an analysis of negotiation as a normative framework of dialogue in which arguments can be evaluated is given. Above, in section 2, is a brief outline of the main features of negotiation as a normative framework of dialogue. The initial situation which prompts negotiation dialogue is a conflict of interest between the two parties concerned where there is a given set of goods or services—something both parties want, and it is not possible for each party to have all he or she wants of these goods or services. This situation is a conflict of interest. In negotiation dialogue, the parties try to resolve the conflict of interest by making offers and trying to get the other party to make concessions in response to these offers. So, the dialogue consists in a back-and-forth exchange of offers and concessions. The goal for both parties in a negotiation dialogue is to get as much of the goods and services as they can. Of course, if there is a genuine conflict between the two parties, neither side can get all he or she wants. Therefore, what each side needs to do is to try to get as much as possible of the things that are of the highest priority to him, and to trade off as concessions those goods or services that are perceived as being of a lesser priority. Hence, the method is one of compromise. An arguer tries to find tradeoffs that will be accessible to the other party and yet will leave enough that the arguer will be able to fulfill at least what he thinks is the most important concerning his own goals or interests.

According to the account given in Walton (*New Dialectic*, 1998), the goal of a negotiation dialogue should be to make a good deal that is favorable to one's own interests but is nevertheless satisfactory or at least tolerably satisfactory to the other party. Thus, the goal is not to totally defeat the other party and take all the goods or services yourself, leaving the other party feeling exploited. The factor in a negotiation that allows both sides room to maneuver is that each side will have a set of priorities or values, and this set of priorities will differ from one side to the other, so

the one side will think that certain of the commodities are more important to him while the other side might think these same commodities are less important to her, but that other things to her are more important. Thus, the general idea is that each side tries to get what is most important to them, and trade off the items that are less important from their point of view, but may be perceived as more important from the point of view of the other side. So, in a successful negotiation, it is not necessary for you to get everything you want. In general, there has to be an expectation that there will be compromise—that is, in order to get some things you value highly, you will also have to trade off or lose some things that you also value.

Four different distinct types of negotiation dialogue have been described by Walton and McKersie (1965). In the first type called *distributive bargaining*, the goal of one party is in basic conflict with the goal of the other (p. 4), meaning that, the one party's gain is equivalent to the other party's loss. Distributive bargaining, then, is a sharply adversarial type of dialogue where the basic interests of the two parties are sharply defined. In the second type of negotiation, called *integrative bargaining*, the issue is a problem where the interests of both parties can be integrated to some extent (p. 5). In other words, in integrative bargaining, there are more possibilities for collaborative argument and sharing of resources. The third type of negotiation dialogue is called *attitudinal structuring*. Here, the conflict of interest is not purely in terms of economic values or physical goods to which a cost can be assigned, but concerns personal relationships and attitudes like friendliness, trust, or respect. So, this type of dialogue has to do with personalities, motivations and relationships, often in some sort of political or organizational structure. The fourth type of dialogue is called *intra-organizational bargaining* (p. 5), where the goal is to bring the expectations of one side into alignment with those of the other. The example cited here by Walton and McKersie (p. 6) is that of a case of a labor negotiation where the union may have to get together before they get to the stage of confronting management in order to reach some agreement on their objectives in the negotiations to come. So, this fourth type of negotiation is also more collaborative and involves agreement rather than being a purely adversarial process.

The speech act of making a threat is seen in the social science literature as a normal part of negotiation dialogue. Indeed, Walton and McKersie (1965, p. 82) see the basic concept of commitment in negotiation dialogue as defined primarily in terms of the making of threats. As they put it (p. 82), commitment in negotiation dialogue "can be either primarily demands or threats but always involves some element of both." Behind the strategy of the use of arguments in negotiation dialogue, Walton and McKersie distinguish several kinds of moves they call *commitment tactics*. Some of the tactics they cite are techniques for making a threat appear credible to an opponent in a negotiation. One tactic they cite (p. 103) to make a threat more credible, is to convey the idea that the negotiator has a taste for a fight and is willing to fulfill a threat. Another tactic cited (p. 109) is to be seen to be making overt preparations to fulfill an expressed threat. The citing of such tactics of the use of threats by Walton and McKersie make it quite clear just how threats are tied into the very important notion of commitment in negotiation dialogue and how arguments that express threats are an integral part of negotiation as a type of dialogue.

According to Gulliver (1979), an important aspect of negotiation as type of dialogue is the setting of the original agenda which is supposed to formulate the

original disagreement. It is most helpful if the negotiation dialogue sticks to this original agenda or conflict of interest and articulates it more clearly as the dialogue proceeds. However, a problem cited by Gulliver (1979, pp. 126-127) is that antagonism, once aroused during the process of bargaining, can spread into other matters, and emotions may run so high that all kinds of irrelevant considerations are thrown in. Constant arguing about these irrelevant considerations can have the effect of blocking the possibilities of arguing in a more constructive manner about the issue of the original agenda. Thus, the ultimate effect of irrelevance may be to defeat the goal of the negotiation, which is to reach agreement on the original conflict of interest. It seems, then, that relevance is very important in a negotiation type of dialogue, and that some arguments should be clearly subject to condemnation on the grounds that they are irrelevant in the framework of the negotiation. But *ad baculum* arguments, or the making of threats as arguments, can generally be relevant in negotiation dialogues, because negotiations have to do with making offers and counteroffers, and part of this process is to not only offer rewards but also to make threats—that is, to cite negative consequences that one can and even will bring about, if the other party doesn't comply to one's arguments.

Donohue (*Model*, 1981) distinguishes a number of rules used in negotiation interactions. Constitutive rules (p. 108) govern how we are to interpret the sequences of utterances in a negotiation dialogue. Regulative rules (p. 108) govern "the prescriptive nature of the communication event." Regulative rules, according to Donohue (p. 108), may also be called conversational prescriptions, and these rules specify "when and how we may perform actions." Among the rules cited by Donohue (*Model*) is one that concerns the making of threats: "Threatening an opponent or his position obligates the opponent to respond or acknowledge the threat or risk antagonizing the user of the threat" (p. 111). The fact that this rule concerning threatening is included within Donohue's list of rules for negotiation dialogue indicates that the act of making a threat is regarded by him as a legitimate and normal part of a negotiation dialogue. According to Donohue (*Tactics*, 1981, p. 279), promises and threats are among the core concepts of bargaining theory. Thinking of speech acts of making a threat as a normal part of negotiation dialogue seems reasonable because, normally, the argumentation characteristic of the argumentation stage of a negotiation dialogue consists of opposing penalties or rewards for the other side's performing or not performing certain actions. Hence, threats, or proposing sanctions for actions or failures to act by the other side, would be a normal part of a negotiation conversation. Donohue (*Tactics*, 1981, p. 279) adds, however, that threats are high risk tactics, since they are often viewed by the threatened party as a "final stand" or ultimatum.

So it is possible for a threat to block the progress of a negotiation dialogue—for example, by being outrageous, e.g., threatening the other party with death or injury—and therefore for the *ad baculum* argument to be fallacious internally in the negotiation dialogue. Threats are risky in negotiation dialogue, and they can sometimes be too risky and extreme.

But generally, in the kinds of cases of *ad baculum* arguments considered by the logic textbooks, the judgment that an *ad baculum* argument is fallacious is based on the presumption that the threat has been used inappropriately in the context of a persuasion dialogue. Without this presumption, if the context were thought to be

simply that of a negotiation dialogue, most of these *ad baculum* arguments would not be fallacious.

5. FALLACIOUS CASES

The typical type of case where the *ad baculum* really is fallacious is the kind where the context of dialogue was originally supposed to be a persuasion dialogue, but then during the course of the argument, an illicit shift to a different type of dialogue (typically a negotiation dialogue) is interjected by the *ad baculum* move. The *ad baculum* is not fallacious in such a case in the sense that it deceives the respondent into thinking that the argument from consequences is a relevant contribution to the persuasion dialogue.⁵ For the respondent is generally quite aware that he is being threatened, and that it may be in his interest (prudentially) to comply with the threat. The *ad baculum* is only deceptive in that threats and fear appeals are normal in negotiation dialogue, and therefore a threat or fear appeal that would be outrageously inappropriate in a critical discussion is given a semblance of dialectical appropriateness (relevance) in a case where the context could involve negotiation.

Case 2.1 is a fairly typical example of the sort of *ad baculum* featured by the textbooks. A utility company tries to silence adverse criticism from a community by asking the question, "Now, you wouldn't want that [withdrawal of our business] to happen to your fair city would you?" Here the threat is expressed covertly by being put overtly in the form of a question. If seen as a move in the ongoing negotiations between the utility company and the community, however, such a threat would not necessarily be a fallacious argument. But what makes us want to classify the *ad baculum* argument in this case as a fallacy is that the argumentation involves a shift from a dialogue where criticism of some policy or action of the utility company is being discussed—presumably a persuasion dialogue of some sort was ongoing—to a negotiation type of dialogue where a threat is made as a bargaining tactic. The deal is that if the community ceases its adverse criticism, the company will not withdraw its business from the community.

But grounds for calling the *ad baculum* argument in this case a fallacy go beyond the shift. The move made is more than an offer. It is a threat, and the threat has the effect of shutting down the persuasion dialogue. That is, instead of answering the criticism in a way that would advance the critical discussion of the criticism, the company interrupts this discussion by making a threat. This move is not relevant or appropriate as part of the critical discussion. Instead, in fact, it poses an obstacle to the continuation of the critical discussion. For if the community representative tries to continue this discussion, his interests will be in jeopardy—the consequences could be extremely bad.

What needs to be said here is that the persuasion dialogue, and especially the critical discussion, is a type of intellectual exchange where being open-minded is an extremely important characteristic. What distinguishes a critical discussion from a quarrel or eristic type of dialogue, where the goal is to win victory at all costs, is that in the persuasion dialogue, a participant must be open to giving up his argument if the other side can refute it or show that there is good evidence against it. That is, the participants, in putting forward their arguments and in reacting to the arguments of the other side, must be open-minded and, in particular, they must be open to defeat in

a case where strong evidence against their argument has been presented by the other side. The problem with the *ad baculum* argument, where a participant attempts to use force to compel the acceptance of his view by the other side, is that it conflicts with this requirement of openness that is necessary in a critical discussion.⁶ So here, at any rate, is the basis of a reason why the element of coercion in an *ad baculum* argument or appeal to force could be described as fallacious in the logical sense of involving an argument wrongly or inappropriately used to block the introduction of the kind of evidence that would contribute to a constructive critical discussion. Brow-beating people, intimidating them, or even using force, is a way of shutting down or blocking the discussion and it is precisely this kind of blocking move that's inappropriate in a persuasion dialogue, and is rightly perceived as not only irrelevant, but even beyond that, it is rightly perceived as dangerous in the sense that it has a tendency to stop the discussion entirely from proceeding any further. We could say that the *ad baculum* argument, in this sense, functions as a kind of conversation stopper. So, it could be a kind of tactic used as a last resort by a party who sees himself as losing the argument, and as not being in a position to provide any kind of good evidence to rationally persuade the other party, who seems to have the stronger ground and who seems likely to win the argument. So, in this kind of desperate situation then, one tactic that might show some chance of being effective is the *ad baculum* argument of issuing a threat or tactic of intimidation that would shut down the argument entirely and prevent the other party from winning on reasonable grounds. It could function here as a kind of tactic of desperation or a last resort argument.

Another case that has previously been discussed from Copi (1986, p. 128), case 3.10, can also be used to illustrate how the dialectical analysis works. This was the case where the speaker presenting a plan for reorganization of a business at a meeting with some of the employees makes a speech in which he threatens the employees by saying that he is planning to reorganize the business, but he hopes that it will "not be necessary to curtail the operations of your department." The speaker says that he hopes that this curtailment of the employees' department will not be necessary, but what he really means is that he is threatening the employees. What he really means is that, if they don't agree to his plan of reorganization, then their department will be shut down. But, if they do agree, then their department may not be shut down. It is a kind of blackmail or implicit threat that is being made. The idea is that the employees had better go along with the plan or they might find themselves out of a job.

Presumably, in this case, if the speaker were accused by the employees of threatening them in his speech, he would use the plausible deniability move of saying something like, "Oh, no. I was just giving you information about the likely occurrences that will take place in the reorganization and my hopes for the continuation of your own department. I was not making any threat and I would like to say now that what I said was not intended to be a threat." However, even despite this denial, it would still be clear to all of the participants at the meeting, and, especially to the employees involved, that the speaker had made a threat, and that he would be aware that the employees would take it this way, because it would be clear to all the participants that the speaker has the power to curtail the operations of their department because, presumably, he is the one who is in charge of the plan to reorganize the whole business. So, it would be presumed that he has power or, at least, some influence in deciding which departments would be curtailed or cut. So, in fact, in context we can see that the speech in this case does involve quite a menacing and a powerful

threat. The threat sounds ominous and sinister, but its very vagueness and indirectness makes it somehow even more threatening.

As shown in the analysis of Walton (*Emotion*, 1992, p. 173), the speaker's argumentation in this case involves an illicit shift, for what the speaker is supposed to be doing is engaging in a form of deliberation or persuasion dialogue about the reorganization of the business and discussing with the employees what the best plan of action would be. And also, presumably, the speaker is supposed to be looking at the evidence on both sides of the issue and deliberating on what course of action might be better for the business than some other possible courses of action. But then, suddenly, at one point in the speech, there is an illicit shift. Instead of giving good reasons that would support his plan in the context of the deliberations being discussed, the speaker suddenly makes a threat to the employees. The tactic being used in making this threat is to coercively close off possible opposition by the employees, or even any further intelligent discussion of the options that might be brought up by the employees. The tactic, then, is one that has the effect of stifling the original critical discussion or deliberation that the speaker and his audience were supposed to be engaged in.

We can see the ominous nature of the threat by asking what might happen to someone who stood up and freely engaged in critically evaluative arguments concerning the plan. In particular, what would happen if such a person espoused a point of view that would be against the speaker's plan? What would happen (Walton, *Emotion*, 1992, p. 173) is: "Anyone who stands up to oppose the plan will single himself out for possible retribution." Here, then, is the basis for calling the *ad baculum*, in this case, a fallacy. The goals of the original critical discussion or deliberation are blocked off by the speaker's *ad baculum* argument (p. 173). Here the basis of the fallacy, according to the dialectical analysis, is a shift from one type of dialogue to another. In the context of the original deliberation or critical discussion that the speaker is presumably supposed to be taking part in, the *ad baculum* move posed by his threat is irrelevant. However, the *ad baculum* move is made covertly under the surface of the dialogue, so to speak. The overt form in which the speaker masks the argument is that of a hope or optimistic prediction which would be a normal and appropriate part of his plan to reorganize the business. The speaker is saying that he hopes it will not be necessary to curtail the operations of this particular department. While, if you look at it on the surface, that expression of hope does fit into his speech about his plan for business reorganization. For he's deliberating on the various pros and cons of the options open, and considering how these possibilities might affect the operation of the various departments, and such considerations would be a normal part of his plan and his deliberative speech. However, we can see under the surface, there is a shift to a very different type of move. The distinction that the analysis of this case importantly turns on is that between a direct and an indirect threat, where an indirect threat is a speech act on the surface of some other form, but covertly (or under the surface), reveals how it functions as a threat. Once again, this threat might be appropriate in a different type of dialogue like a negotiation. But, in the context of the original issue which the speaker is supposed to be addressing, it is out of place and inappropriate. However, its failure of appropriacy is masked by its indirect nature in the way it is used in the discourse. Here we have the two levels of discourse, one type of dialogue that represents the discourse on the surface, and some other second-level type of speech act that is being put forward covertly.

According to this dialectical analysis, the *ad baculum* fallacy needs to be judged on a basis of how the argument in question (or the *ad baculum*) was used in a context of dialogue. The fallacious cases involve a dialectical shift which makes the *ad baculum* argument (or move) seem relevant when it is really not relevant in the type of dialogue the participants were originally supposed to be engaged in. Judging fallaciousness normatively then means looking backwards from a given context of dialogue in a case to a prior type of dialogue the argument was supposed to be part of.

6. CRITICAL QUESTIONS AND EVALUATION

The argument forms for *ad baculum* arguments defined in chapter 6—(*Fear App.*), (*Dang. App.*), (*Dis. Bac. Threat*), and (*Cond. Bac. Threat*)—are all species of argument from consequences. And that means that all of these forms of argument are based on practical reasoning. Each of them can be evaluated as strong or weak insofar as their premises are supported by the evidence in a given case (or are not), and insofar as the inference from the premises to the conclusion is warranted (whether it be a conditional or disjunctive inference). Generally all these arguments, as used in everyday reasoning, are presumptive in nature, as practical reasoning generally is, according to the analysis given in Walton (*Pract. Reas.*, 1990). What this means, as already indicated in chapter 6, section 5, is that arguments of the form (*Fear App.*), (*Dis. Bac. Threat*), and (*Cond. Bac. Threat*) are subject to appropriate critical questions. To the extent that they answer these critical questions, such arguments are strong, or have presumptive weight in a dialogue exchange. To the extent that they are open to appropriate critical questions, but do not provide adequate answers to them, such arguments are weak, or open to critical questioning.

On this analysis, it is simplistic to try to evaluate fear and threat appeal arguments as fallacious or reasonable (leaving no room for other alternatives). It is better to recognize that some of these arguments are prudentially strong while others are prudentially weak. It is a mistake to assume that such arguments are generally fallacious, or that if the argument is weak, it must be fallacious. These lessons about evaluating fear and threat appeal arguments can be illustrated by considering the fear appeal arguments illustrated in chapter 1.

When a fear appeal argument is used to try to get a respondent to adopt a recommended course of action, it is our hypothesis that the structure of the argument can best be analyzed as a case of practical reasoning used in advice-giving dialogue (a species of two-party deliberation dialogue). The fear appeal is based on the premise that the respondent may be presumed to have the goal of self-preservation. The second premise is that the respondent understands, or can be brought to understand, that certain actions on his part will contribute to that goal, or will be contrary to its realization. The reasoning is time-indexed or temporal in nature. The conclusion the respondent is supposed to draw is that he ought (practically speaking, conditional on his commitment to goals) to adopt the recommended course of action. But what options does the respondent who is deliberating rationally have? How can he escape the conclusion of the inference? These options are represented by the four critical questions (*CQ*), from chapter 5, section 4.

Consider a smoking case like case 1.7, where an ad warns the audience that smoking causes lung cancer, and stresses how bad lung cancer is. The respondent doesn't want to get lung cancer, since this is a very painful outcome that will shorten his life. Hence getting lung cancer in the future is *D*, a dangerous outcome, that conflicts with the basic goal of self-preservation. Moreover *D* is generally perceived as a very bad, painful outcome. But how to avoid *D*? In this case, the recommended action (omission) is to stop smoking. Is there any way to resist this dichotomy of being "between a rock and a hard place"? How can the respondent get out of the dichotomization posed by the argument?

We then come to a searching for a way out among the critical questions. Are there means of avoiding *D* other than quitting smoking? It seems there is not much room for a loophole here, because smoking is thought by scientific experts to be an action that will make it much more likely for you to get lung cancer than would be likely if you abstain from smoking. Smoking is not sufficient to produce lung cancer in every case. But it is a significant enough causal outcome to evoke fear. And there seems to be no known prophylactic or protection against this outcome, if one smokes. At least, these are popular presumptions, presumed to be based on scientific findings. Second, is it possible to quit smoking? The answer is 'yes,' it is possible, but it is difficult. This brings us to question four.

Quitting smoking is difficult because it is an addiction, and withdrawal is painful. Moreover, there are other consequences that may be perceived as unpleasant. For example, it is known that people who quit smoking tend to gain weight. Thus there are negative side effects of *A*, and worst of all, these consequences are immediate rather than long-term (in the distant future). Thus to carry out *A* requires some strength or resolution of firm commitment. This is the problem of weakness of will (*akrasia*). But critical question three is also a factor. Smoking is one of those small pleasures or rewards that helps us get through the day, when we need to feel some reward for effort. In this way smoking does fulfill a need or goal-reward or pleasure on a short-term basis.

At this stage of the reasoning, conflicts of goals can occur. The respondent needs to decide which goal is more important. And if there is a conflict of goals, the respondent may need to consider whether there is some other way of bringing about the secondary goal that would remove the source of conflict with the primary goal. For example, some source of short-term pleasure other than smoking (and that does not have the same deadly consequences) might be found.

In the AIDS case,⁷ a factor is that sexual pleasure (having sexual intercourse with schoolmates) was evidently a very strong short-term source of pleasure (and perhaps also social satisfaction) among adolescents. Also, the students interviewed came from a small town, where purchase of condoms at the drug store meant that one was likely to be identified by relatives or friends of the family. Thus the argument from fear appeal has to contend with escape routes through both critical questions three and four.

But the biggest obstacle to the effective use of the argument from fear appeal in this case is that the adolescents think of themselves (personally) as "immortal," i.e., they resist the idea that AIDS is really a danger to them, personally. This amounts to a questioning of the second premise of the practical inference, as noted above. In this case, it means doubt or denial of the proposition that AIDS is a danger that will cause my death.

The other thing to be careful about with the use of fear appeal arguments is that if the respondents get any sense that the probability of the threatening outcome is being exaggerated, they will use that as an avenue to escape from the pressure of the argument. The use of the overblown fear appeals, like the film "Reefer Madness," used originally to try to scare teenagers away from drugs, is the classic case. Thus in presenting a fear appeal argument, it is very important to appear to be "factual," and to avoid the impression that the dangerous outcome is being "hyped" or exaggerated.

Thus fear appeal and threat appeal arguments can be evaluated empirically to see whether they in fact do succeed in moving a target respondent group to take the indicated course of action. But such arguments do work, at least partly, because of their practical reasoning basis. That is, they work because the respondent is capable of practical reasoning, and is persuaded by the argument that (a) there is a real dichotomy, and (b) if he wants to avoid the dangerous outcome, he must do the other thing (recommended by the argument). As instances of practical reasoning, fear appeal arguments can be evaluated normatively, in addition to judging them empirically, by applying the form of argument to the given case, and judging whether the appropriate critical questions for the argument have been answered.

It tends to be presumed that viewers of ads are not very rational, and that they are more influenced by emotional appeals than by logical reasoning. But this contrast between emotion and reasoning is misleading. In fact, fear appeal and threat appeal arguments would never work unless the respondents were really quite rational prudentially in calculating and perceiving how their actions will bring about or thwart goals that are important to them. The arguments used in the ads do presuppose a kind of rationality on the part of respondents.

7. MANIPULATION AND DECEPTION

Several of the kinds of arguments used by the textbooks, and by our own case studies, raise general questions that are difficult to resolve, and require further research. One of the most interesting issues is the adoption of commercial ads as a technique by government agencies, advocacy groups, and bureaucracies. This type of argumentation is an adaptation of commercial speech, and the kinds of public relations manipulations we are so familiar with in television and magazine commercials, to the shaping of public opinions and actions. It is hard to know exactly how to categorize the normative framework of dialogue for these arguments.

In the case of the government ads used to try to decrease smoking and drunk driving, one is inclined to think the fear appeal arguments in these cases (1.5 and 1.10) are not fallacious. For the ad has the form of a commercial message, of the kind we are so familiar with on television—in commercials used to pitch products like cars and deodorant, for example—and the viewer sees the message as a kind of advocacy speech, designed to get action by promoting the product. Looking at the ad from this standpoint it would be unrealistic to expect the argument used in it to meet the normative standards appropriate for a critical discussion or an inquiry.

However, in some cases, deception could be involved. The very sort of case at issue here would be case 1.15, cited by Jason (1987) as an instance of the *ad baculum* fallacy. According to Jason (p. 498), the scare tactics used by the Department of Transportation bureaucrats in this case—showing horrible traffic accidents and other

frightening scenes—are fallacious because the "evidence is lacking" for the policy of the 55 MPH speed limit which the bureaucrats want to keep in place. Indeed, according to Jason, some other facts are true in this case. One is that the bureaucrats wanted to keep the speed limit at 55 MPH because that would save gas, and thereby help the energy crisis that was present at that time. The most notable fact cited by Jason in case 1.15, as he describes it, is that the "statistical evidence for the claim that the lower speed limit does indeed save lives is absolutely insufficient." In other words, in case 1.15, as described by Jason, the bureaucrats knew that the argument that they were putting before the public was not supported by the statistical evidence. The suggestion, indeed, is that since the bureaucrats presumably knew what the relevant statistical evidence was, they were deceiving the public by making it seem (in the commercials) that the reduced speed limit did indeed save lives and prevent injuries in traffic accidents.

The deception involved in case 1.15, as Jason describes it, does suggest that it could be appropriate to call the *ad baculum* argument in this case a fallacy. But the sleaze factor also needs to be taken into account. The bureaucrats were, in effect lying in this case, or at any rate, they were knowingly engaged in deception, by misleading the public. But lying is not necessarily committing a scare tactics fallacy. Moreover, the format chosen by the government bureaucrats to broadcast their fear appeal argument is that of a commercial ad. Viewers are familiar with these commercial ads (very familiar), and they do not expect them to present, or even be based on sufficient evidence of a type and level that would be appropriate for a critical discussion or an inquiry.

One of the main things to be aware of in evaluating fear appeal arguments is that they have a psychological/rhetorical component that is lacking in a mere danger appeal argument. For example, I recently (July, 1998) saw a government sponsored ad on TV that warned teenagers against careless driving. The ad opened with a scene of a teenager driving a van. Then, with a horrific crash, the van ran into a solid object and the driver was shown crushed and bleeding in the driver's seat. The ad went on to advocate that teens should not drive carelessly. The initial visual impact of the crash was portrayed in an arresting way by the ad. The commentary after the ad even went on to mention that teens who watched the ad were surveyed, and a majority said they had accepted its message.

This ad is a fear appeal argument, and not just a danger appeal argument, precisely because of its visual impact—a fear appeal especially targeted to teenage drivers. It is precisely because of this psychological, emotional and visual impact that the ad is so impressive.

What should we say in evaluating the argumentation used in this kind of ad? First, if the ad is rhetorically effective in getting teenage drivers to use more caution, then the ad is psychologically effective. There is not really a good argument for saying such an ad is fallacious. On the other hand, the ad is manipulative. Precisely because it utilizes good rhetorical and public relations skills, it has a dramatic impact on the viewer that is used to get the viewer to change her/his attitudes and behavior. Because the ad is used effectively for a good purpose, condemning it as a "fallacious" fear appeal would be the wrong approach. On the other hand, evaluating a fear appeal ad of this kind critically may not be a bad attitude to recommend in some cases. Such ads, precisely because they are so powerfully persuasive, can equally well be used for purposes that might not be so commendable. And because of the emotional impact,

critical questions, about how well supported the premises used in the argumentation in the ad are, may be overlooked. So while one should by no means adopt a policy of rejecting fear appeal arguments, simply because they are emotional in nature, one should also be aware that such ads are arguments. As arguments, they should also be open to critical scrutiny, and one should be aware that they are based on premises and inferences that may be supported by good evidence, or may not be.

8. SALES AND ADVERTISING CASES

From the beginning, doubts have been expressed in this book whether fear appeal arguments used in sales techniques really are fallacious. In case 2.19, for example, where a salesman appeals to fear to try to sell an insurance policy, it was commented that the line of argument seemed fairly reasonable, unless the salesman exaggerated, lied, or committed specific logical or ethical breaches in his argument. And the fear appeal arguments studied in chapter 1, in the anti-smoking, spouse abuse, and drunk driving ads, don't seem to be fallacious, as long as it is clear that their purpose is to try to get action by appealing to motives that will succeed in overcoming the inertia of the target audience.

If the sales pitch is deceptive, and purports to be a critical discussion on whether or not tobacco really causes lung cancer, or something of that sort, the argument in the ad could be considered fallacious. But if the purpose of the ad is clearly advocacy, why should the proponent not use a fear appeal argument if that is what it takes to get teenagers to stop smoking, or to stop driving a car after drinking? There seems to be nothing inherently illogical about the use of a fear appeal argument in such a case, and it does not seem out of line with currently accepted practices.

However, the problem here is that sales argumentation seems simple and unproblematic to us initially, because we are so familiar with it, but from a normative point of view, it involves an extremely complex context of dialogue. Sales argumentation involves persuasion dialogue, because the seller is generally trying to persuade the buyer that the product is good, or will perform its supposed function. But sales argumentation is highly partisan (eristic in nature) and also involves negotiation. It may also involve deliberation. Moreover, the seller and the buyer may be engaging in two different types of dialogue at the same time. The seller may be trying to sell his product, whereas the buyer may be trying to get the best product, or trying to find out which is the best product.

It is interesting to see that different interpretations of even what appear to be very simple cases of sales argumentation arise in the scholarly literature on the *ad baculum*. A case in point is an example first cited in Walton (*Emotion*, 1992, p. 164).

Case 7.2: **Salesman:** I'm selling this window cleaner. And I'm not a guy who likes to fool around. Either you buy it, or I'll punch your lights out!

Dagwood: (walking back into his living room after buying two bottles of window cleaner): He has a very persuasive sales approach.

According to the analysis given in Walton (*Emotion*, 1992, p. 164), the argument in this case has several elements of the *ad baculum* fallacy. First, the salesman makes a direct threat to Dagwood. Another factor is contextual and can be extrapolated from the framework of the conversation. Presumably, the salesman is supposed to be engaged in a persuasion or sales dialogue where he uses arguments to try to convince Dagwood to buy this window cleaner. Presumably, the salesman's job or role in the argument, on at least one reconstruction, should be to convince Dagwood to buy the window cleaner by presenting arguments that show him that it would be a good or useful product to carry out some job that Dagwood needs to do. This would seem to be basically a persuasion type of dialogue where the salesman is supposed to be presenting reasons to Dagwood or looking at reasons for and against the course of action of buying the window cleaner. And of course, the salesman's job is normally to stress the positive reasons to go ahead and buy this particular product.

Now, apart from this context of dialogue, namely, the persuasion dialogue between Dagwood and the salesman, there is another type of dialogue which is involved as well. The threat presented by the salesman may be a good prudential reason for Dagwood's buying the window cleaner in the sense that it is an argument from negative consequences. The salesman is essentially saying, "If you don't buy this window cleaner, I'll do something that would be bad or aversive for you, namely, attack you physically, and you don't want that. Therefore, it would be a good prudential reason, if you wish to avoid these harmful consequences, that you should buy the window cleaner." There are really two levels of argument, here, or two different uses of argument, depending on how we interpret the context of dialogue. Interpreted one way, it is supposed to be a persuasion dialogue between Dagwood and the salesman. In this context, according to the analysis in Walton (*Emotion*, 1992, p. 164), the threat is not relevant, in the sense that it provides a good reason for buying the window cleaner. However, in the context of the second type of prudential or deliberation dialogue between Dagwood and the salesman, where the salesman is presumably giving some kind of prudential advice to Dagwood about how to conduct his life, the threat is prudentially relevant.

So then, according to the analysis given in Walton (*Emotion*, 1992, p. 165), this case should be evaluated as an instance of the *ad baculum* fallacy. It contains the making of a threat by the salesman which is not relevant in the type of dialogue exchange the salesman and Dagwood are supposed to be engaged in. But the threat would be relevant in a kind of prudential type of dialogue exchange which Dagwood and the salesman could also be engaging in.

This particular case is a straightforward one in that the threat is overt, as opposed to covert. Walton (*Emotion*, 1992) suggests that there's nothing subtle about the *ad baculum* argument in this case in the sense that it would not be a seriously deceptive case that would fool an average or even unsophisticated readership. In fact, the argument in this particular case is put forward in the context of a cartoon. It is meant to be a joke. Nevertheless, it does illustrate, in a simplified way, the basic elements of the *argumentum ad baculum*, and also shows how this type of argument can be used fallaciously as an irrelevant move in a kind of dialogue that two participants are supposed to be engaged in.

However, evidently, there is room for disagreement on the interpretation and evaluation of the *ad baculum* argument in the Dagwood case. Wreen (1995) disagrees that the *ad baculum* argument used by the salesman in the Dagwood case is fallacious.

Wreen's analysis (1995, p. 320) follows his standard pattern of breaking the *ad baculum* argument down into two premises and a characteristic conclusion.

If you don't buy a bottle of window cleaner, I'll lay into you in no uncertain terms. My laying into you in no uncertain terms is a substantial disvalue you would suffer. So you ought, from the point of view of self-interest, to buy a bottle of window cleaner.

So interpreted, Wreen (1995, p. 320) sees the *ad baculum* argument as a strong one, and nonfallacious. Wreen adds (p. 320) that the argument could be stronger. For example, if the salesman were a very large and powerful man who could clearly do damage to Dagwood, then the *ad baculum* argument would be even stronger. As Wreen sees it (p. 320), the argument, as presented without this additional information, could be weak because the second premise could be false. But even here, Wreen thinks (p. 320) that no fallacy is committed. As Wreen puts it, the fault in what the salesman says is ethical and not logical: "Morally speaking, the salesman ought not to offer such an argument; but if he does, his fault is no fallacy but the moral transgression of bullying or petty extortion" (p. 320). According to Wreen (1995, p. 319), the analysis of the fallacy given in *Emotion* makes the fault ethical, not logical. According to Wreen's account of the dialectical analysis, the salesman's fallacy consists in threatening in a context in which threatening is inappropriate: "The heart of Walton's analysis of the fallacy is thus this: the salesman isn't doing what he should be doing, and is doing what he shouldn't be doing. What he should be doing is engaging in persuasive dialogue and convincing Dagwood that he ought to buy the window cleaner because it is a good or useful product. What he is doing is changing the dialogue type: initiating a negotiation dialogue and offering, within that type of dialogue, what may be a good reason but which is irrelevant within the dialogue type that he should be engaged in." Wreen sees the fault outlined here as purely ethical. He compares the difference (p. 319) to that between somebody who punches another person in the context of a boxing match in the ring and someone who simply punches another person. In the one case, a norm of appropriate behavior has been violated but, in the context of a boxing match in the ring, the norm of appropriate behavior hasn't been violated because that is what you are supposed to be doing in a boxing match. Wreen concludes, however, that the difference between the two cases is straightforwardly moral or ethical, and therefore, the difference in the Dagwood case, between the two types of conventions of dialogue, is not a good basis for evaluating the *ad baculum* argument in that case as fallacious. According to Wreen (p. 320), one shouldn't threaten people in order to get them to buy things, and this is an ethical norm of good conduct. But, such a threat has nothing to do with argument evaluation and is not good grounds for judging an argument to be strong, weak or fallacious, according to Wreen.

Curiously enough, then, although the Dagwood case would seem to me to be a very simple and almost transparent, straightforward instance of the *ad baculum* fallacy, and that is how it was analyzed in Walton (*Emotion*, 1992), Wreen sees the very same case as being an instance of the nonfallacious *ad baculum* argument. According to Wreen's analysis of the case (p. 320), the issue is whether Dagwood ought, from the point of view of self-interest, to buy the bottle of window cleaner that the salesman is selling, and Wreen sees the salesman's *ad baculum* argument as

persuasive in that context. In other words, Wreen sees it as a strong argument because clearly, on the basis of this argument, Dagwood ought to buy the window cleaner if he wants to avoid being bodily attacked by the salesman. What this difference of opinion reveals, I think, is that it's a lot tougher to analyze sales dialogue *ad baculum* arguments than the textbook treatment presumes, and judge on the basis of good evidence in particular cases whether such arguments are fallacious or not. For using the same fairly simple case which, evidently, is a kind of paradigm of a straightforward *ad baculum* argument, two theorists, namely Wreen and myself, come to exactly the opposite conclusion, both on how to interpret the argument and how to judge it as fallacious or not. The analysis in *Emotion* evaluates the argument as fallacious. The analysis in Wreen evaluates the argument not only as nonfallacious, but even as a strong and very reasonable kind of argument. Small wonder then that, typically, students have trouble finding sound criteria to agree on assessments of the very short examples of *ad baculum* arguments given in the standard treatment of the textbooks.

The dialectical analysis of the *ad baculum* suggests that *ad baculum* arguments are more complex than they appear on the surface, and frequently involve contextual elements that are not explicitly stated in the text of discourse. For this reason then, one typically, in evaluating an *ad baculum* argument, has to take a close look at how the argument in a given text of discourse is being used for some conversational purpose. It may be expected then that there can be different interpretations of what context should be set in place as the appropriate one for an argument in a given case, and therefore, one might expect some disagreement on even what appear to be fairly simple instances of the *ad baculum* argument.

The fear appeal argument most likely to be judged fallacious among the use of *ad baculum* arguments in sales techniques was the one in case 1.2. In this case, the ad for a security device showed a gray-haired woman falling and pressing the "panic button" worn around her neck. The main weakness in the argument in this case was exposed by asking critical questions about whether this type of expensive electronic device is really necessary, when other cheaper means are available that may be just as effective (critical question 1. in the (CQ) set in chapter 5, section 4). So perhaps it would be most accurate to evaluate the fear appeal argument in case 1.2 as simply being critically weak or unpersuasive, as opposed to being fallacious.

But the fear aspect in case 1.2 is hyped. The tactic is one of selling the "panic button" by graphically displaying a situation that is highly fearful to the target audience of buyers of the device. Presumably, the fear appeal is being used as a tactic of distraction to take attention away from, or covering over the practical weaknesses of the argument for buying this device. So there are grounds for inputting a fallacy of irrelevance or distraction. But it is hard to pin down this charge of fallacious argument in this type of case, precisely because the context is that of advertising and sales discourse.

9. POLITICAL DISCOURSE

We assume in western democratic countries that political dialogue is based on critical discussion of issues, or at least some kind of intelligent deliberation on the part of voters. However, it would be naive to assume that every argument that takes place in a context of political dialogue should be evaluated (exclusively) from the standpoint

of a critical discussion. For inevitably, political argumentation involves elements of negotiation and bargaining for benefits, as well as a "bear pit" or adversarial element of partisanship and advocacy (eristic dialogue). From a normative point of view, political discourse is complex, and arguments in this type of context need to be evaluated with a careful regard for this complex aspect.

To be sure, the use of force, threats, and fear appeals can be destructive to the democratic process. Case 2.22, recounting killings, bomb threats, arbitrary arrests and torture as campaign tactics in the Mexican presidential election of 1984, reminds us that *ad baculum* arguments are indeed a potent obstacle to free democratic political deliberations and open critical discussions of political issues.

However threats and fear appeal arguments of a less drastic kind are a normal and accepted part of the political landscape, and it would be naive to condemn threat and fear appeal argumentation in a wholesale way in all political argumentation. Thus one has to be extremely careful in evaluating cases in political discourse not to succumb to the pull of the sleaze factor, or to condemn all *ad baculum* arguments on the grounds that they are irrelevant in a critical discussion or informed deliberation of political issues.

In case 2.8, Copi's case of the lobbyist, the *ad baculum* fallacy was analyzed by Copi on the grounds that the indirect threat had "nothing to do with the merits of the legislation the lobbyist is attempting to influence." As noted in our discussion of case 2.8, however, Copi's analysis is somewhat naive, because it would undoubtedly be clear to both the politician and the lobbyist that they are engaging in a negotiation dialogue type of exchange. But this comment raises the question—what type of dialogue were the two supposedly engaging in?

The problem with case 2.8 as a textbook example of the *ad baculum* fallacy is that not enough context of the case is filled in so that the reader (student) is given an answer to this question. Is the lobbyist just doing his job of advocacy and negotiation, or were the two really discussing the merits of the bill in a conversation where the lobbyist was really having a critical discussion of the merits of the bill, as any voter might do?

In judging the use of the fear appeal argument in the Horton case (1.11), one must keep in mind that the context of the argument is that of political discourse, and there is properly a partisan or adversarial element in political discourse. Therefore, for the Republicans to attack the Democrats by using a fear appeal argument of this kind should not be regarded as inherently fallacious. On the other hand, as the commentators noted in chapter 4 above, the use of the fear appeal argument in this case had such a tremendous impact in the media that it tended to outweigh other issues which should possibly have come in for more serious consideration by the voters. Hence, a critic would say that the use of the fear appeal argument by the Republicans borders on constituting a fallacy of irrelevance, because it tended to make the political dialogue in the 1988 election campaign somewhat trivial and superficial. However, what the Horton case did reveal is that quite a broad sector of the public were very seriously concerned about crime and, evidently, had a feeling of apprehension on the subject of crime (which a politician can evidently appeal to with some success). Whether this fear of crime is rational or not has been subject to intense debate. Some argue that, statistically, there is no more crime than there ever has been, while others argue that crime has become an increasingly serious problem. Whatever the truth of the matter, crime—particularly violent crime—has certainly been featured by the media

very prominently in recent years, and this has contributed to widespread fear and apprehension among the majority of people. Hence, politicians have found, following the Bush-Dukakis campaign of 1988, that when they do use appeal to fear—particularly appeal to fear of crime—that it is a very powerful political argument.

Where the *ad baculum* argument could perhaps be seen or criticized as a fallacy, in this case, is in line with its use to shift the dialogue away from other issues and onto a single emotional issue. The Republican tactic was to shift the discussion away from other issues, and onto this particular issue of crime, where Dukakis was perceived as being vulnerable. As we noted above, many of the commentators observed that concentrating on the Horton case tended to have the effect of turning voters away from Dukakis's real record on crime, which wasn't that bad. However, by focusing so much consideration on one single case, this use of argument from a single example diverted considerable attention and discussion away from other considerations.

10. SUMMARY OF THE EVALUATION PROCESS

Any scare tactics argument should generally be evaluated in three steps. First, the type of argument needs to be identified. What is the type of argument, if it is a scare tactics argument? Or is it a danger appeal argument? A danger appeal argument is not classified as either an *ad baculum* argument or a fear appeal argument. The danger appeal argument has the following form.

(*Dang. App.*): If you (the respondent) bring about *A* then *B* will occur.
B is a danger to you.
 Therefore (on balance) you should not bring about *A*.

The next step is to ask whether the argument is a fear appeal argument or the kind of threat appeal argument that rests on the making of a threat. If it is an *ad baculum* nonargument, like the use of force in an argument setting, then that type of case also needs to be identified. The fear appeal argument has the following form.

(*Fear App.*) 1. If you (the respondent) bring about *A*, then *B* will occur.
 2. *B* is a very bad outcome, from your (the respondent's) point of view (or interests).
 3. *B* is such a bad outcome that it is likely to evoke fear in you (the respondent).
 Therefore, you (the respondent) should not bring about *A*.

The making of a threat is identified by the following speech act definition.

(*Def. Threat*): 1. *Preparatory Conditions*: The hearer has reasons to believe that the speaker can bring about the event in question; without the intervention of the speaker, it is presumed by both the speaker and the hearer that the event will not occur.
 2. *Sincerity Condition*: Both the speaker and the hearer presume that the occurrence of the event will not be in the hearer's inter-

ests, that the hearer would want to avoid its occurrence if possible, and that the hearer would take steps to do so if necessary.

3. *Essential Condition:* The speaker is making a commitment to see to it that the event will occur unless the hearer carries out the particular action designated by the speaker.

The next step in the analysis of the argument is to determine how the threat is used. The premises and conclusion of the argument, as well as the form of the argument, need to be identified. The form of the argument might be analyzed as that of (*Cond. Bac. Threat*) or (*Dis. Bac. Threat*).

- (*Cond. Bac. Threat*):
1. I (the proponent) undertake to see to it that *B* will occur if you (the respondent) bring about *A*.
 2. *B* is a very bad outcome, from your (the respondent's) point of view (or interests).
- Therefore, you (the respondent) should not bring about *A*.

- (*Dis. Bac. Threat*)
1. Either you (the respondent) must bring about *A* or I (the proponent) undertake to see to it that *B* will occur.
 2. *B* is bad or undesirable, from your point of view.
- Therefore, you should (ought to, practically speaking) bring about *A*.

If necessary, the nonexplicitly stated parts of the argument can be filled in. The analysis at this stage may have to identify the components of the reasoning used in the argument. If it is a scare tactics argument, the structure of the argument can be expressed as a sequence of practical reasoning. Below is reprinted the form of the practical inference (*PI*) and the set of critical questions appropriate for responding to it.

- (*PI*) Bringing about *A* is a goal for *a*.
a thinks that bringing about *B* is a means to bring about *A*.
Therefore, *a*'s bringing about *B* is a practically reasonable course of action.

- (*CQ*)
1. Are there alternative means of realizing *A*, other than by bringing about *B*?
 2. Is *B* the most acceptable (the best) alternative way of bringing about *A*?
 3. Is it possible for *a* to bring about *B*?
 4. Does *a* have goals other than *A*, which have the potential to conflict with *a*'s realizing *A*?
 5. Are there negative side effects of *a*'s bringing about *B* that ought to be considered?

Any scare tactics argument, whether it is a threat appeal argument or a fear appeal argument, will be based on one of the underlying forms of inference called argument from negative consequences.

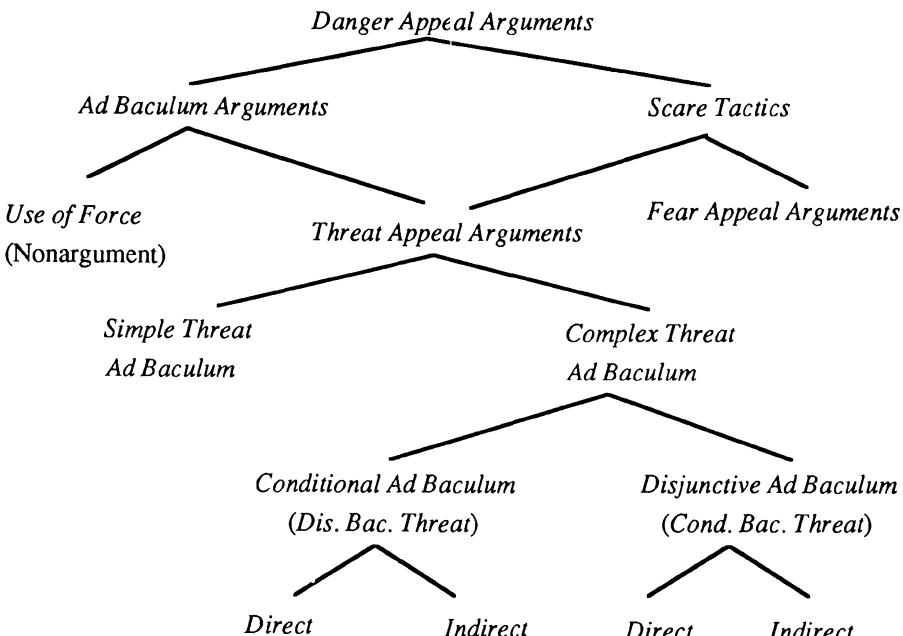
(*Arg. Neg. Con.*): If you (the respondent) bring about *A*, then *B* will occur.
B is a very bad outcome, from your (the respondent's) point of view (or interests).
 Therefore, you (the respondent) should not bring about *A*.

But one has to be careful to realize that not all arguments from negative consequences are scare tactics arguments. Another warning to be aware of is that according to Donaghy's curious fact (*CF*), a speech act can be a threat even if the participant in dialogue who put it forward did not intend to make a threat to the other party.

(*CF*) *An utterance may be accurately characterized as a threat even though it was not intended as a threat.*

Having gone through all these steps, the analysis will have identified the type of argument that was used in the given case, and all the various components of the reasoning underlying the argument. All the various aspects that need to be identified and analyzed in any given case are summarized in figure 6.1 (reprinted here from chapter 6).

Figure 6.1. Classification System of Argument Types



Finally, the argument needs to be evaluated, in order to pinpoint its questionable assumptions, and judge whether it is strong, weak or fallacious.

To make the allegation that the given argument is fallacious is to claim more than just that the argument is weak, or insufficiently supported, in the given case. What needs to be shown is that the argument (or *ad baculum* move, in those cases where it is not an argument) is such a severe systematic error or tactic of deception that it disrupts the dialogue the participants are supposed to be engaged in, blocking the goal of the dialogue. This allegation is a serious form of criticism, implying that the argument or move is seriously wrong, twisting the dialogue away from its original purpose.

Hence the evaluation of a scare tactics argument as fallacious or nonfallacious is a dialectical task. It involves not just knowing the premises and conclusion of the argument in the given case, and its form as a type of reasoning, but also requires an assessment of how that argument is being used, and should properly be used in a context of dialogue. To carry out this task, the context of dialogue of the argument, as used in the given, particular case, has to be reconstructed or surmised, from the information given. This part is the dialectical aspect of the process of evaluation. It is this part that is not familiar to traditional logicians, and it is this part that requires the development of new methods for judging the context of use of an argument in a given case. This part involves discourse analysis, because it is necessary to use the contextual clues given in a particular case to determine what type of dialogue the participants in the argument are supposed to be engaged in.

As the textbook cases in chapter 2 show abundantly, in many cases, not enough information on the particulars of the case is given for a critic to be able to judge, on the textual and contextual evidence, whether the argument in the given case is supposed to be part of a critical discussion, a negotiation, or some other identifiable type of dialogue. In such cases, the best the critic can do is to give a conditional evaluation, of the following form: If this argument was supposed to be part of a dialogue of type x , then it is fallacious (nonfallacious), from the standpoint of the normative standards of dialogue of type x . Conditional evaluations are often very useful and enlightening, even if we must remember that they are hypothetical in nature, as applied to a particular case. A conditional evaluation can be applied to some cases with a certain degree of plausibility, because there is generally a certain amount of evidence (but not conclusive evidence) that the argument in the particular case was supposed to be a part of a certain type of dialogue. Such a conditional and plausible evaluation should be regarded as defeasible and tentative, however, subject to correction, should new information about the particulars of the case come to be known. Also, in some cases, there will be not enough information about the case given to enable a reasonable critic to judge whether the argument in the case is fallacious or not. In these cases, the best evaluation is to suspend judgment, even though a purely hypothetical conditional evaluation can be given, subject to (yet unknown) information about further particulars of the case.

NOTES: CHAPTER 7

¹ See the comments on the mugger case (2.4) in chapter 2.

² See section 4 below on threats in negotiation.

³ This benefit is called maietic insight in Walton and Krabbe (1995).

⁴ See Robinson (1953)and Evans (1977).

⁵ In this respect, the aspect of deceptiveness for the *ad baculum* fallacy is different from that of other fallacies.

⁶ Rule 1 of the critical discussion given by van Eemeren and Grootendorst (1987, p. 284) is that participants "must not prevent each other from advancing or casting doubt on standpoints."

⁷ See chapter 1, section 7.

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