REASONABLENESS IN SITUATED DISCOURSE: FALLACIES AS DERAILMENTS OF STRATEGIC MANOEUVRING[1]

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Abstract: In the pragma-dialectical approach fallacies are defined as violations of rules for critical discussion which manifest themselves in derailments of strategic manoeuvring. These may easily escape attention because they can be very similar to sound instances of strategic manoeuvring. Strategic manoeuvring only derails into fallaciousness if it goes against the norms for having a reasonable exchange embodied in the rules for critical discussion. This means in practice that the argumentative moves that were made are not in agreement with the relevant criteria for complying with a particular norm. These criteria vary to some extent according to the argumentative context and, in so far as this is the case, they are determined by the soundness conditions the argumentative moves have to fulfill to remain within the bounds of dialectical reasonableness in the activity type concerned. Fallacy judgments are in the end contextual judgments that depend on the specific circumstances of situated argumentative acting. The criteria for determining whether or not a certain norm for critical discussion has been violated may depend on the institutional conventions of the argumentative activity type concerned. This does not mean that there are no clear criteria for determining whether the strategic manoeuvring has gone astray, but only that the specific shape these criteria take may vary from the one argumentative activity to the other.

1. Introduction

The subject I am dealing with in this paper – fallacies in argumentative exchanges – is a crucial topic in the study of argumentation. In my opinion, the way in which the fallacies are treated can even be seen as the "acid test" for any normative theory of argumentation.

Let us first turn to some real-life examples of fallacies, so that it becomes clear what the subject of this paper involves.

The first example – noticed by Douglas Walton – is a paradigm case of the fallacious personal attack known as the *argumentum ad hominem*, here appearing in its *abusive* variant. The example is taken from an exchange that took place in the Canadian House of Commons in 1970. Prime Minister Trudeau had been asked to consider using a Jet-star government plane to send an information-gathering team to Biafra and he responded negatively by saying:

> "It would have to refuel in the middle of the Atlantic Ocean . . ."

Whereupon the Member of Parliament Mr. Hees – known for his drinking habits – retaliated by raising a point of order:

> "On a point of order, Mr. Speaker, I bought the plane for the government and I know it can make the flight with the proper stops on the way . . ."

Mr. Trudeau then finished this exchange off by making the following remark:

> "I do not think it would have to stop if the hon. Member went along and breathed into the tank."

By insinuating that the honorable Member Mr. Hees is habitually drunk, the Prime Minister introduces here a textbook example of a direct personal attack, which was in this

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case killing. The example nicely illustrates how humor can be brought to bear not only to enliven the discussion and make it more relaxed, but also to get away with fallacies.

The next example comes from an interview with the Dutch politician Femke Halsema, who is the leader of the Green Left Party. Like in other European countries, it became an issue in The Netherlands last year whether or not citizens of Turkish descent are prepared to recognize that in Turkey an Armenian genocide took place at the beginning of the twentieth century. When asked in a radio interview whether any of the Turkish members of her Green Left Party would have any problems with this recognition, Ms. Halsema replied:

> "We don't have that kind of members because that would be bad for the party, wouldn't it?"

The fallacy in the reasoning here is that Ms. Halsema just assumes that something is the case, that is: that her party does not have members who deny the Armenian genocide, because she *wants* it to be the case – a variant of the fallacy that is called *argumentum ad consequentiam*.

For my last example I turn to the "Nigeria Spam Letters", analyzed by Manfred Kienpointner (2006). As you will probably know, these Spam Letters were e-mail messages that were sent to a great many people in recent years to ask them for their assistance in transferring enormous amounts of money to the sender. Referring to the number of the section of the Nigerian law that forbids these fraudulent practices, they are now simply called "419 letters." In one of these 419 letters, a barrister who calls himself Michael Chris presents himself as the legal adviser to an American couple called Mr. and Mrs. Brown. Mr. Chris informs the addressee that the Browns had lived in Nigeria for 30 years before, in 2002, they died in a plane crash – the kind of tragic story that is usually told in 419 letters. The Browns, says Mr. Chris, had no children and were good Christians. In his last will, Mr. Brown had asked Mr. Chris to sell all his property and give it to a ministry "for the work of God." Mr. Chris confesses that first he had wanted to embezzle the money (13,800.000 USD), but later he had "an encounter with Christ," and, "as a born again Christian," started to read the Bible. He now wants to fulfill Mr. Brown's last will. Looking for a good Christian, Mr. Chris took refuge to the Internet and experienced what could be called a miracle: "after my fervent prayer over it, […] you were nominated to me through divine revelation from God."

Nigeria Spam Letters like this one appeal first of all to greed and have had a considerable impact on people who wanted to have a share in the money and therefore, as requested, sent money of their own to set the African capital free. It will be clear that it is not just an intellectual challenge but also an important social task to unmask the kind of fallacies upon which the success of these letters is based – in this case, for instance, a profane appeal to God that amounts to an abuse of authority known as the *argumentum ad verecundiam*. Although in Ms. Halsema's and Mr. Trudeau's case it may not be possible to calculate so precisely how many dollars their fallacies cost, viewed in the light of the need for guarding the quality of public discourse and our democratic proceedings, their significance may be even be greater.

2. Hamblin's revolution in the study of fallacies

From Antiquity onwards, the fallacies have been an important object of study. Aristotle examined them extensively, both in his dialectical and in his rhetorical studies. In the *Topics*, Aristotle's treatise on dialectic, he placed the fallacies in the context of a debate between the attacker and the defender of a thesis in which the attacker attacks the thesis and the defender

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defends it. The attacker can win the debate first of all by refuting the defender's thesis. Aristotle discusses correct moves the attacker can make to refute the defender's thesis as well as incorrect moves that he considers fallacious. Among the fallacious moves is, for instance, *petitio principii* – the circular way of reasoning used in "begging the question," and in Aristotle's analysis a fallacious move because it assumes the truth of the thesis, which is precisely what is the issue of the dispute. In general, in Aristotle's dialectical perspective, fallacies are false moves employed in the attacker's efforts to refute the defender's thesis. In *Sophistical Refutations,* Aristotle deals with the false ways of refuting a thesis that he ascribed to the popular debate experts known as the Sophists – hence the epithet "sophism." In his *Rhetoric*, Aristotle discusses from a rhetorical perspective some fallacious refutations that are only apparent refutations.

The fallacies have remained a popular subject of study and in the course of time a number of "new" fallacies were discovered. Although in the nineteenth century the dialectical perspective was, largely due to the huge influence of bishop Whateley, replaced by a much broader logical perspective, the newly discovered fallacies were just added to the Aristotelian list. The Latin names that were given to many of them may suggest that they stem from the classical tradition, but this is not the case. The name *argumentum ad hominem*, for instance, comes from the seventeenth century philosopher John Locke.

In 1970, the Australian philosopher Charles Hamblin caused a revolution in the study of fallacies through the publication of his book *Fallacies*. After having studied the leading logical textbooks, Hamblin was struck by the similarities between the treatments of the fallacies in the various textbooks. Each of the textbooks presented more or less the same list of fallacies and the fallacies were always explained in more or less the same way. Very often even the same examples were used. Hamblin suspected that the one author was just copying the other, without any further reflection.

Hamblin observed that the "Standard Treatment" he had detected in the textbooks started from a Logical Standard Definition in which the fallacies were described as *arguments that seem valid but are in fact not valid*. Strangely, however, the treatment of the fallacies that was actually given was highly inconsistent with this definition. A great many of the fallacies that were treated in the logical textbooks were in fact no arguments, such as the *argumentum ad hominem*, or arguments that were certainly not invalid, such as "circular reasoning," and there were also cases in which the fallacy that was described was not productive for an entirely different reason than invalidity, such as the *argumentum ad verecundiam*.

It will be no surprise that these observations caused a lot of turmoil, although open-minded argumentation theorists saw immediately that Hamblin was right. Gradually they came to share all his objections to the Logical Standard Definition of the fallacies. Nowadays, most argumentation theorists no longer consider "logical validity" the sole criterion for fallaciousness. They also tend to agree that including a word like "seems" in the definition of fallacies, as happens in the Standard Definition, brings in an undesirable amount of psychologistic subjectivity. A certain argument may seem OK to us, but why would it seem OK to you if you know that it is invalid or otherwise false?

In spite of their pertinence, Hamblin's devastating criticisms were not always effective in practice. Let us first mention two extremely unproductive reactions. First, there were the leading logical textbooks: They were in most cases reprinted without any attempt being made to deal seriously with Hamblin's objections. Perhaps the authors thought that their textbooks were selling well as it was – and what did their students know about Hamblin? The opposite extreme reaction to Hamblin consists of abandoning the treatment of the fallacies altogether (e.g., Lambert and Ulrich 1980).

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Besides these two extreme reactions one could have imagined that, as a third option, an easy way-out had been chosen by maintaining the Logical Standard Definition of the fallacies as it is and leaving all fallacies out of one's treatment that this definition does not cover, such as the *argumentum ad hominem*. Argumentation theorists, however, do not seem prepared, just for the sake of theoretical purity, to throw the baby out with the bathwater and leave the problems of the fallacies unresolved.

3. Woods and Walton's formal analysis and Walton's later analysis

Fortunately, Hamblin's book *Fallacies* was also a source of inspiration to those argumentation scholars who wanted to develop a constructive alternative to the way in which the fallacies were approached in the logical Standard Treatment (see Hansen and Pinto 1995). In North America, the most continuous and extensive post-Hamblin contribution to the study of the fallacies was made by the Canadian logicians and fallacy theorists John Woods and Douglas Walton. In a series of co-authored articles and books, they substantiated their remedy for the Standard Treatment by calling on more sophisticated logics (see Woods and Walton 1989). Their first starting point is that fallacies can generally be analyzed with the help of logical systems, so that successful analyses of a great many fallacies will have features that qualify those analyses as formal in the sense that they introduce concepts that are described by employing the technical vocabulary or the formal structures of a system of logic or some other formal theory. This preoccupation with formality is a limitation of the Woods-Walton approach that was not maintained in the studies of the fallacies that were later on independently undertaken by Walton (1987, 1992, 1995, 1998, 1999).

A second typical feature of the Woods-Walton approach is that it is *pluralistic* because in their view each fallacy must be treated in its own way. In my opinion, a major disadvantage of this starting point is that it makes the approach *ad hoc*. It is *ad hoc*, because the more or less arbitrary list of fallacies that is handed down by history and recorded in the literature is, without much further ado, taken as the point of departure – a point of departure that Walton has always maintained, in spite of the fact that the list is not systematic, let alone theoretically motivated. Since this approach is combined with giving a different theoretical treatment of each individual fallacy, the Woods-Walton approach is also *ad hoc* in another sense. If each fallacy gets its own theoretical treatment, each treatment has its own peculiarities and the various treatments of the fallacies can be at variance with each other. In his later studies, Walton (1995, 1998) opts for a more unifying approach to the fallacies.

4. Fallacies as violations of rules for critical discussion

In my view, the theorizing about fallacies has to start from a general and coherent perspective on argumentative discourse that provides a common rationale to all studies of the fallacies. Because a theory of errors cannot be constructed independently, a theory of fallacies must be an integral part of a normative theory of argumentation that provides the standards for *sound* argumentative discourse. The theoretical account of the fallacies should be systematically related to these standards in such a way that it is in all cases clear why the fallacies are fallacious.

Following on from Hamblin, in Europe some theories of argumentation were developed in the early 1980s that relate the fallacies systematically to standards for sound argumentation. These theories are dialectical theories of argumentation that share a "critical rationalist" perspective on argumentative discourse in which the fallibility of all human thought is the

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fundamental starting point. First there was *Formal Dialectics*, developed by Else Barth and Erik Krabbe (1982), and second came the *Pragma-Dialectical Theory of Argumentation* developed by Frans van Eemeren and Rob Grootendorst (van Eemeren and Grootendorst 1984, 1992, 2004) and later extended by Frans van Eemeren and Peter Houtlosser (2002, 2003, 2004). Because Barth and Krabbe's formal dialectics does not deal with the identification of fallacies in ordinary argumentative discourse, I shall concentrate on the pragma-dialectical theory. This theory links up with formal dialectics, but it starts from the conviction that the fallacies can only be properly understood if argumentative discourse is also viewed pragmatically from a communicative and interactional perspective.

Pragma-dialectics starts from the simplest argumentative situation: a speaker or writer advances a standpoint and acts as "protagonist" of that standpoint, and a listener or reader expresses doubt with regard to the standpoint and acts as "antagonist." In the discussion that develops, the two parties try to find out whether the protagonist's standpoint can withstand the antagonist's criticism. After the antagonist has expressed doubt or other kinds of criticism, the protagonist puts forward argumentation in defense of the standpoint. If he judges that there is reason to do so, the antagonist reacts critically to the protagonist's argumentation. If the protagonist is again confronted with critical reactions on the part of the antagonist, his attempt at legitimizing or refuting the proposition involved in the standpoint may be continued by putting forward more argumentation, to which the antagonist can react, and so on. In this way there is an interaction between the speech acts performed by the protagonist and the speech acts performed by the antagonist that is typical of what I call a "critical discussion." This interaction can, of course, only lead to the resolution of the difference of opinion if it proceeds in an adequate fashion. This requires a regulation of the interaction through *rules for critical discussion* that specify in which cases the performance of certain speech acts contributes to the resolution of the difference. It is, in my view, the task of dialectical argumentation theorists to formulate these rules in such a way that together they constitute a discussion procedure that is problem-valid as well as conventionally valid. The rules of procedure proposed in pragma-dialectics are claimed to be problem-valid standards because each of them contributes in a specific way to solving problems that are inherent in the process of resolving a difference of opinion; the conventional validity of the rules has been confirmed by experimental research regarding their inter-subjective acceptability (van Eemeren, Garssen and Meuffels 2007). (For an overview of the rules for critical discussion, see the Appendix.)

A procedure that promotes the resolution of differences of opinion cannot be exclusively confined to the logical relations by which conclusions are inferred from premises. It must, as a matter of course, consist of a system of regulations that cover all the speech acts that need to be carried out to resolve a difference of opinion. This means that the procedure should relate to all the stages that are to be distinguished in a critical discussion aimed at resolving a difference of opinion: the "confrontation stage," in which the difference of opinion is developed, the "opening stage," in which the procedural and other starting points are established, the "argumentation stage," in which argumentation is put forward and subjected to critical reaction, and the "concluding stage," in which the outcome of the discussion is determined.

The rules for conducting a critical discussion cover the entire argumentative discourse by stating all the norms that are pertinent to resolving a difference of opinion. In all stages of a critical discussion, the protagonist and the antagonist of the standpoint at issue must observe all the rules for the performance of speech acts that are instrumental to resolving the difference. In principle, each of the pragma-dialectical discussion rules constitutes a distinct

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standard or norm for critical discussion. Any move constituting an infringement of any of the rules, whichever party performs it and at whatever stage in the discussion, is a possible threat to the resolution of a difference of opinion and must therefore (and in this particular sense) be regarded as fallacious. In this way the use of the term *fallacy* is systematically connected with the rules for critical discussion. (For some of the fallacies resulting from violating the rules for critical discussion see the Appendix.)

Thus, a fallacy is in the pragma-dialectical approach a hindrance or impediment for the resolution of a difference of opinion on the merits, and the specific nature of a particular fallacy depends on the way in which it interferes with the resolution process. Rather than considering the fallacies as belonging to an unstructured list of nominal categories inherited from the past, as in the Standard Treatment, or considering all fallacies to be violations of one and the same validity norm, as in the logic-centered approaches, the pragma-dialectical approach differentiates a *functional variety of norms*.

This approach enables us, for instance, to treat the case of Mr. Trudeau's alluding to the drinking habits of the MP who contradicts him in a more adequate way. It is obvious that the Prime Minister did not allude to these drinking habits in order to show that the conclusion of Mr. Hees's argument does not follow from its premises. Mr. Trudeau has expressed a standpoint, and his diversionary allusion to his challenger's drinking habits enables him to evade defense of that standpoint. Mr. Trudeau's allusion is an *argumentum ad hominem* that violates the *Freedom Rule* (Rule 1) by putting Mr. Hees in a position that makes it practically impossible for him to maintain his opposition. "If Trudeau had not ridiculed his challenger," says David Hitchcock, "he would have had to admit that his challenger was correct and that Trudeau was wrong" (2006: 114).

A comparison shows that fallacies which were traditionally only nominally lumped together are in our approach either shown to have something in common or clearly distinguished, whereas genuinely related fallacies that were separated are now brought together. For instance, two variants are now distinguished of the *argumentum ad populum*, the fallacy of regarding something acceptable because it is considered acceptable by a great many people. The one variant is considered as a violation of the *Relevance Rule* that a party may defend its standpoint only by advancing argumentation related to that standpoint, the other variant as a violation of the *Argument Scheme Rule* that a standpoint may not be regarded conclusively defended if the defense does not take place by means of an appropriate argument scheme that is used correctly. This analysis shows that these variants are, in fact, *not* of the same kind. Among the fallacies that were separated and are brought together in the pragma-dialectical approach are a particular variant of *ad verecundiam* (using an inappropriate (symptomatic) argument scheme by presenting the standpoint as right because an authority says it is right) and a particular variant of *ad populum* (using an inappropriate (symptomatic) argument scheme by presenting the standpoint as right because everybody thinks it is right). When they are analyzed as violations of the *same Argument Scheme Rule* it becomes clear that, seen from the perspective of resolving a difference of opinion, these variants are basically *of the same kind*.

In addition, the pragma-dialectical approach also enables the analysis of thus far unrecognized and unnamed "new" obstacles to resolving a difference of opinion on the merits. Examples are *declaring a standpoint sacrosanct*, a violation of the *Freedom Rule* that parties must not prevent each other from putting forward standpoints or casting doubt on standpoints; *evading the burden of proof* and *shifting the burden of proof*, both violations of the *Burden of Proof Rule* that a party who puts forward a standpoint is obliged to defend that standpoint if asked to; *denying an unexpressed premise*, a violation of the *Unexpressed*

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Premise Rule that a party may not falsely present something as a premise that has been left unexpressed or deny a premise that has been left implicit; and *making an absolute of the success of the defense*, a violation of the *Closure Rule* that a failed defense must only result in the protagonist retracting the standpoint and a successful defense only in the antagonist retracting his doubt (van Eemeren and Grootendorst 2001).

5. Fallacies as derailments of strategic manoeuvring

Although I can safely claim that Hamblin's criticisms no longer apply to the theory of fallacies I have just sketched, this theory is, in my opinion, still not entirely satisfactory. The reason is that it ignores the intriguing problem of the persuasiveness that fallacies may have, which is actually the main reason why they deserve our attention. Although Daniel O'Keefe's (2006) "meta-analyses" of experimental persuasion studies seem to suggest that, generally speaking, sound argumentation is more persuasive than fallacious argumentation, Sally Jackson (1995), for one, wants us to pay attention to the persuasiveness of the fallacies. In the logical Standard Definition of fallacies as "arguments that *seem* valid but are not valid," the persuasiveness of the fallacies was indicated by the word "seem," but since Hamblin (1970: 254) issued the verdict that including this qualification brings in an undesirable element of subjectivity, the treacherous character of the fallacies – the Latin word *fallax* means deceptive or deceitful – has been ignored and the search for its explanation abandoned. This means that fallacy theorists are no longer concerned with the question of how fallacies "work" and why they so often go unnoticed. I think that the pragma-dialectical theory of argumentation can remedy this neglect if it is first enriched by insight from rhetoric.

Before turning to the rhetorical extension of the pragma-dialectical theory, it is worth emphasizing that combining dialectical and rhetorical insight is not as unproblematic as one might think. Since the Scientific Revolution in the 17th century – starting, in fact, already with Ramus – there has been, in spite of their initial connection in Antiquity, a sharp ideological division between dialectic and rhetoric. This division has resulted in the existence of two separate and mutually isolated paradigms, conforming to different perspectives on argumentation, which are generally considered incompatible. Rhetoric became a field for scholars of communication, language and literature in the humanities and social sciences while dialectic became the province of logic and science – but almost disappeared from sight after the formalization of logic in the late nineteenth and early twentieth century. Although the dialectical approach to argumentation has been taken up again in the second half of the twentieth century, there was for a long time – and, to a large extent, there still *is* – a yawning conceptual and communicative gap between argumentation theorists opting for a dialectical perspective and argumentation theorists with a rhetorical perspective. In the last decade, however, serious efforts have been made to overcome the sharp and infertile division between dialectic and rhetoric (see van Eemeren and Houtlosser 2002). The inclusion of rhetorical insight in the pragma-dialectical theory that Peter Houtlosser and I have brought about is one of these efforts to bridge the gap between dialectic and rhetoric (van Eemeren and Houtlosser 1998, 2001, 2002, 2003, 2004, 2005).

We observed that in argumentative discourse, whether it takes place orally or in writing, it is not the arguers' sole aim to conduct the discussion in a way that is considered reasonable, but also to achieve the outcome that is from their point of view the best result. The arguers' rhetorical attempts to make things go their way is, as it were, incorporated in their dialectical efforts to resolve the difference of opinion in accordance with proper standards for a critical discussion. This means in practice that at every stage of the resolution process the parties may

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be presumed to be at the same time out for the optimal rhetorical result at that point in the discussion and to hold to the dialectical objective of the discussion stage concerned. In their efforts to reconcile the simultaneous pursuit of these two aims, which may at times be at odds, the arguers make use of what we have termed *strategic manoeuvring*. This strategic manoeuvring is directed at diminishing the potential tension between jointly pursuing a "dialectical" and a "rhetorical" aim.

Strategic manoeuvring manifests itself in three aspects of the moves that are made in the argumentative discourse, which can be distinguished only analytically: "topical choice," "audience adaptation," and "presentational design." Topical choice refers to the specific selection that is made in each of the various moves from the *topical potential* – the set of dialectical options – available at the discussion stage concerned, audience adaptation involves framing one's moves in a *perspective that agrees with the audience*, and presentational design concerns the selection that the speaker or writer makes from the existing repertoire of *presentational devices*. In their strategic manoeuvring aimed at steering the argumentative discourse their way without violating any critical standards in the process, both parties may be considered to be out to make the most convenient topical selection, to appeal in the strongest way to their audience, and to adopt the most effective presentation.

A clearer understanding of strategic manoeuvring in argumentative discourse can be gained by examining how the rhetorical opportunities available in a dialectical situation are exploited in argumentative practice. Each of the four stages in the process of resolving a difference of opinion is characterized by having a specific dialectical objective. Because, as a matter of course, the parties want to realize these objectives to the best advantage of the position they have adopted, every dialectical objective has its rhetorical analogue. As a consequence, the specification of the rhetorical aims the participants in the discourse are presumed to have must take place according to dialectical stage. This is the methodological reason why the study of strategic manoeuvring that we propose boils down to a systematic integration of rhetorical insight in a dialectical – in our case, *pragma*-dialectical – framework of analysis.

In each discussion stage, the rhetorical goals of the participants will be dependent on – and therefore run parallel with – their dialectical goals, because in each stage they are out to achieve the dialectical results that serve their rhetorical purposes best. What kind of advantages can be gained by strategic manoeuvring depends on the particular stage one is in. In the confrontation stage, for instance, the dialectical objective is to achieve clarity concerning the issues that are at stake and the positions the parties assume. Each party's strategic manoeuvring will therefore be aimed at directing the confrontation rhetorically towards a definition of the difference that highlights precisely the issues this party wants to discuss. In the opening stage, the dialectical objective is to establish an unambiguous point of departure consisting of inter-subjectively accepted procedural and material starting points. As a consequence, the strategic manoeuvring by the parties will be aimed at establishing rhetorically procedural starting points that secure an opportune allocation of the burden of proof and combine having desirable discussion rules with having material starting points that involve helpful concessions by the other party. In the argumentation stage, where the standpoints at issue are challenged and defended, the dialectical objective is to test, starting from the point of departure established in the opening stage, the tenability of the standpoints that shaped the difference of opinion in the confrontation stage. Depending on the positions they have taken, the parties will manoeuvre strategically to engineer rhetorically the most convincing case – or the most effective attack, as the case may be. In the concluding stage, the dialectical objective of determining if, and in whose favour, the difference of opinion has

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been resolved leads to strategic manoeuvring aimed at enforcing victory for the sake of the party concerned by effectuating rhetorically either the conclusion that the protagonist may maintain his standpoint in view of the criticisms that were made or that the antagonist may maintain his doubt in view of the argumentation that was advanced.

Although, in our view, in strategic manoeuvring the pursuit of dialectical objectives can go well together with the realization of rhetorical aims, this – of course – does not automatically mean that the two objectives will in the end always be in perfect balance. If a party allows its commitment to a critical exchange of argumentative moves to be overruled by the aim of persuading the opponent, we say that the strategic manoeuvring has got "derailed." Such derailments occur when a rule for critical discussion has been violated. In that case, trying to realize the rhetorical aim has gained the upper hand – at the expense of achieving the dialectical objective. Because derailments of strategic manoeuvring always involve violating a rule for critical discussion, they are on a par with the wrong moves in argumentative discourse designated as *fallacies*. Viewed from this perspective, fallacies are violations of critical discussion rules that come about as derailments of strategic manoeuvring.

The difference between manifestations of strategic manoeuvring that are legitimate and manifestations that are fallacious is that in the latter case certain soundness conditions applying to that way of strategic manoeuvring have not been met. Each way of strategic manoeuvring has as it were its own continuum of sound and fallacious acting and the boundaries between the two are not always crystal clear. More often than not, fallacy judgments are in the end contextual judgments that depend on the specific circumstances of situated argumentative acting. The criteria for determining whether or not a certain norm for critical discussion has been violated may depend on the institutional conventions of the argumentative activity type concerned, i.e., on how argumentative discourse is disciplined – referring to precedent, for instance, may be a perfectly legitimate appeal to authority in a law case but not in a scientific discussion. This does not mean that there are no clear criteria for determining whether the strategic manoeuvring has gone astray, but only that the specific shape these criteria take may vary from the one argumentative activity to the other.

This account of the fallacies as derailments of strategic manoeuvring explains why it may, as a matter of course, not be immediately apparent to all concerned that a fallacy has been committed, so that the fallacy may pass unnoticed. In principle, each fallacy has its sound counterparts that are manifestations of the same way of strategic manoeuvring. Because, as Sally Jackson (1995) has pointed out, it is an *assumption of reasonableness* that a party that manoeuvres strategically will normally uphold a commitment to the rules of critical discussion, and a presumption of reasonableness is therefore conferred on every discussion move. This assumption is also operative when a particular way of manoeuvring is fallacious.

Deviations from the rules for critical discussion are often hard to detect because none of the parties will be very keen on portraying themselves as being unreasonable. It is therefore to be expected that to realize a purpose that is potentially at odds with the objective of a particular discussion rule, rather than resorting to completely different means, they will stick to the dialectical means for achieving their objective and "stretch" these means in such a way that the other purpose can be realized as well. Echoing the logical Standard Definition of a fallacy, we can then say that although the strategic manoeuvring *seems* to comply with the critical discussion rules, in fact it does not.

Let us now return for a moment to the Nigeria Spam Letters. According to Manfred Kienpointner, at least some of these letters manage to hide their suspicious nature quite effectively. In Kienpointner's view, a close look at the strategies that are used in these fraudulent letters confirms the pragma-dialectical insight that fallacious arguments are

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unsound arguments looking like sound arguments. A case in point is the way in which the authority of God is invoked in the letter I quoted from at the beginning of this paper. The suggestion that God ordered the writer to send his message is an *argumentum ad verecundiam* because God's authority is for argumentative purposes misused in a way that may escape the reader's attention in the context of other appeals to religious authority that are not necessarily fallacious.

6. A case in point: Argumentation from authority

Now I have characterized the fallacies as violations of rules for critical discussion which manifest themselves in derailments of strategic manoeuvring that may easily escape attention because the derailments can be very similar to sound instances of strategic manoeuvring. To mark the important distinction between non-fallacious and fallacious strategic manoeuvring as clearly as possible, in my terminology I do not use the same labels indiscriminately for the fallacious as well as the non-fallacious moves, as some others do, but reserve the traditional – often Latinized – names of the fallacies, such as *argumentum ad hominem*, for the *in*correct and fallacious cases only.

Strategic manoeuvring only derails into fallaciousness if it goes against the norms for having a reasonable exchange embodied in the rules for critical discussion. This means in practice that the argumentative moves that were made are not in agreement with the relevant criteria for complying with a particular norm. As I already observed, these criteria vary to some extent according to the argumentative context and, in so far as this is the case, they are determined by the soundness conditions the argumentative moves have to fulfill to remain within the bounds of dialectical reasonableness in the activity type concerned.

As a case in point, while avoiding the use of technical language as much as possible, I shall discuss the demarcation of non-fallacious and fallacious moves in a particular way of strategic manoeuvring in the rather open argumentative activity type of an informal conversation. The way of manoeuvring I have chosen is defending a standpoint by advancing an "argument from authority." The argument scheme of an argument from authority is a subtype of the type of argumentation known as "symptomatic argumentation," which is also called "sign argumentation." Argumentation of this type is based on an argument scheme that present the acceptability of the premise as a sign that the conclusion is acceptable by establishing a relationship of concomitance between a property mentioned in the premise and the property mentioned in the conclusion. Such a fixed symptomatic association is, for instance, suggested in argumentation such as "Paul must be a cheese lover, because he is Dutch," where it is stipulated that loving cheese goes together with being Dutch. In the case of an argument from authority, the transition of acceptance is guaranteed by referring in the premise to an external source that has the knowledge or expertise required for drawing the conclusion. This happens, for instance, in "The competence for learning a language is innate – Chomsky says so," but also in the Nigeria Spam Letter argument "My choosing you for helping me solve this problem is the good choice because God told me to make this choice."

Like using other arguments from sign, using arguments from authority is potentially a sound way of strategic manoeuvring. In a great many cases we are fully justified in supporting our claims by referring to an authority that is supposed to know – in argumentative practice this is, in fact, often the only sensible thing we can do. If we have good reasons to think that the source we are referring to is indeed a good source to rely on in the case concerned and had to be taken seriously when the observation referred to was made, an appeal to authority can be unproblematic and may even be conclusive. In argumentative practice, however, strategic

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manoeuvring by means of arguments from authority can also derail. An appeal to authority may not be justified in a particular case because one of the "critical questions" that need to be asked to check if the criteria for assessing arguments from authority in the activity type concerned have been fulfilled cannot be answered satisfactorily so that the argument violates the *Argument Scheme Rule* and must be considered an *argumentum ad verecundiam*.

In different activity types different criteria may apply for complying with the soundness norm incorporated in the argument-from-authority variant of the Argument Scheme Rule. In the informal activity type of a conversational exchange it is, in principle, up to the participants to decide what the general conditions are for sound strategic manoeuvring by arguments from authority. For the purpose of illustration, I distinguish between three different subtypes of a conversational exchange, each characterized by its own set of preconditions. In the first subtype, (1a) the parties in the discussion have agreed beforehand that an appeal to authority is legitimate, and (1b) the agreement allows an appeal to a specific kind of authority. If the conditions (1a) and (1b) are met in argumentative practice, then no *argumentum ad verecundiam* has been committed and using the argument from authority may be regarded as sound strategic manoeuvring. In the second subtype, (2a) the parties in the discussion have agreed in the second instance that an appeal to authority is legitimate, and (2b) the agreement specifies to precisely what kind of authority can be appealed. If the conditions (2a) and (2b) are met in argumentative practice, again, no *argumentum ad verecundiam* has been committed and using the argument from authority may be regarded as sound strategic manoeuvring. In the third subtype, (3) the parties in the discussion have not come to any agreement about the legitimacy of an appeal to authority. If condition (3) is satisfied, no rule for critical discussion has as yet been violated, but the use of the argument from authority may very well introduce a new topic of discussion concerning its legitimacy. It is not hard to imagine other ways of strategic manoeuvring carried out in the same activity type or in other activity types having subtypes that differ in similar ways, so that a similar division of soundness conditions applies.

7. Conclusion

By way of conclusion I would like to sum up some of the theoretical points I have tried to make that go against received views.

(1) Not everything one does not like or that is generally disapproved of, such as the speculation on greed in the Nigeria Spam Letters, is automatically a fallacy; this is only so if an argumentative move is made that hinders the resolution of a difference and is therefore *dysfunctional in a critical discussion*.

(2) Fallacies are not only committed by an arguer violating the logical validity norm in the argumentation stage of a critical discussion, but can be committed through argumentative moves that violate any of the multi-varied norms that are instrumental in the resolution process *by both parties in all stages of a critical discussion*.

(3) Isolated textbook examples of fallacies are only clear if the argumentative context in which they appear is unequivocal, as may be the case in certain jokes or absurd cartoons, because fallacies can only be identified *in the actual context of situated argumentative discourse*.

(4) The dialectical standards provided by the norms incorporated in the rules for critical discussion are general – and, who knows, even universal – and not limited to any particular activity type, but the criteria for determining whether a certain move agrees with these norms may vary *depending on the soundness conditions prevailing in the context concerned*.

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(5) Fallacies may in argumentative practice easily go unnoticed, except when they are caricatures, because derailments of strategic manoeuvring are *not per se fundamentally different from sound strategic manoeuvring*.

(6) An important step towards determining the situated conditions that in a particular stage of the discourse must be satisfied to prevent strategic moves from derailing is a clear understanding of the *typical design of the way of strategic manoeuvring concerned*.

(7) In making a fallacious argumentative move an essential boundary is crossed, irrespective of whether this boundary is absolute or gradual, and it is important to mark the fallaciousness by giving the fallacy *a name that is different from its sound counterpart*.

(8) Fallacies can be so witty that we all like them, but because fallacious moves are a distraction from a sound resolution process, in order not to go against the maintenance of reasonableness, *we cannot afford to take a lenient attitude towards them*. There is no reason, however, to abandon our sense of humor while being critical.

Appendix

Pragma-dialectical rules for critical discussion and fallacies

1 Freedom rule
Parties must not prevent each other from putting forward standpoints or casting doubt on standpoints.

Violations of rule 1 by the protagonist or the antagonist at the confrontation stage

1 Placing limits on standpoints or doubts
- fallacy of declaring standpoints sacrosanct
- fallacy of declaring standpoints taboo

2 Restricting the other party's freedom of action

* putting the other party under pressure
- fallacy of the stick (= argumentum ad baculum)
- fallacy of appeal to pity (= argumentum ad misericordiam)

* attacking the other party's person (= argumentum ad hominem)
- fallacy of depicting the other party as stupid, bad, unreliable, etcetera (= direct personal attack/"abusive" variant)
- fallacy of casting suspicion on the other party's motives (= indirect personal attack/"circumstantial" variant)
- fallacy of pointing out a contradiction in the other party's words or deeds (= "tu quoque" variant)

2 Burden-of-proof rule
A party who puts forward a standpoint is obliged to defend it if asked to do so.

Violations of rule 2 by the protagonist at the opening stage

1 Charging the burden of proof to the other party

* in a non-mixed difference of opinion, instead of defending his or her own standpoint the protagonist forces the antagonist to show that the protagonist's standpoint is wrong
- fallacy of shifting the burden of proof

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* in a mixed difference of opinion the one party does not attempt to defend his or her standpoint but forces the other party to defend its standpoint
  - fallacy of shifting the burden of proof

2 Escaping from the burden of proof

* presenting the standpoint as self-evident
  - fallacy of evading the burden of proof

* giving a personal guarantee of the rightness of the standpoint
  - fallacy of evading the burden of proof

* immunizing the standpoint against criticism
  - fallacy of evading the burden of proof

3 Standpoint rule

A party's attack on a standpoint must relate to the standpoint that has indeed been advanced by the other party.

Violations of rule 3 by the protagonist or the antagonist at all the discussion stages

1 Attributing a fictitious standpoint to the other party

* emphatically putting forward the opposite standpoint
  - fallacy of the straw man

* referring to the views of the group to which the opponent belongs
  - fallacy of the straw man

* creating a fictitious opponent
  - fallacy of the straw man

2 Misrepresenting the other party's standpoint

* taking utterances out of context
  - fallacy of the straw man

* oversimplifying or exaggerating
  - fallacy of the straw man

4 Relevance rule

A party may defend his or her standpoint only by advancing argumentation related to that standpoint.

Violations of rule 4 by the protagonist at the argumentation stage

1 The argumentation has no relation to the standpoint under discussion
  - fallacy of irrelevant argumentation (= ignoratio elenchi)

2 The standpoint is defended by means other than argumentation

* non-argumentation
  - fallacy of playing on the sentiments of the audience (= pathetic fallacy)
  - fallacy of parading one's own qualities (= ethical fallacy/abuse of authority)

5 Unexpressed premise rule

A party may not falsely present something as a premise that has been left unexpressed by the other party or deny a premise that he or she has left implicit.

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Violations of rule 5 by the protagonist or the antagonist at the argumentation stage

1 Adding an unexpressed premise that goes beyond what is warranted
- fallacy of magnifying an unexpressed premise

2 Refusing to accept commitment to an unexpressed premise implied by one's defense
- fallacy of denying an unexpressed premise

6 Starting point rule

No party may falsely present a premise as an accepted starting point, or deny a premise representing an accepted starting point.

Violations of rule 6 by the protagonist or the antagonist at the argumentation stage

1 Meddling with the starting points by the protagonist by falsely denying that something is an accepted starting point
- fallacy of falsely denying an accepted starting point

2 Meddling with the starting points by the antagonist by falsely presenting something as an accepted starting point
- fallacy of making unfair use of presuppositions in making assertions
- fallacy of making unfair use of presuppositions in asking questions (= fallacy of many questions)
- fallacy of using an argument that amounts to the same thing as the standpoint (= fallacy of circular reasoning/petitio principii/begging the question)

7 Argument scheme rule

A standpoint may not be regarded as conclusively defended if the defense does not take place by means of an appropriate argument scheme that is correctly applied.

Violations of rule 7 by the protagonist at the argumentation stage

1 Using an inappropriate argument scheme
- populist fallacy (symptomatic relation) (= argumentum ad populum)
- fallacy of confusing facts with value judgments (causal relation) (= argumentum ad consequentiam)

2 Incorrectly applying an argument scheme
- fallacy of authority (symptomatic relation) (= argumentum ad verecundiam)
- fallacy of hasty generalization (symptomatic relation) (= secundum quid)
- fallacy of false analogy (relation of analogy)
- fallacy of post hoc ergo propter hoc (causal relation)
- fallacy of the slippery slope (causal relation)

8 Validity rule

The reasoning in the argumentation must be logically valid or must be capable of being made valid by making explicit one or more unexpressed premises.

Violations of rule 8 by the protagonist at the argumentation stage

1 Reasoning that treats a sufficient condition as a necessary condition
- fallacy of denying the antecedent
- fallacy of affirming the consequent

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2 *Reasoning that confuses the properties of parts and wholes*
- fallacy of division
- fallacy of composition

9 Closure rule

A failed defense of a standpoint must result in the protagonist retracting the standpoint, and a successful defense of a standpoint must result in the antagonist retracting his or her doubts.

Violations of rule 9 by the protagonist or the antagonist at the concluding stage

1 *Meddling with the conclusion by the protagonist*
- fallacy of refusing to retract a standpoint that has not been successfully defended
- fallacy of concluding that a standpoint is true because it has been defended successfully

2 *Meddling with the conclusion by the antagonist*
- fallacy of refusing to retract criticism of a standpoint that has been successfully defended
- fallacy of concluding that a standpoint is true because the opposite has not been successfully defended (= argumentum ad ignorantiam)

10 Usage rule

Parties must not use any formulations that are insufficiently clear or confusingly ambiguous, and they must interpret the formulations of the other party as carefully and accurately as possible.

Violations of rule 10 by the protagonist or the antagonist at all the discussion stages

1 *Misusing unclearness*
- fallacy of unclearness (implicitness, indefiniteness, unfamiliarity, vagueness)

2 *Misusing ambiguity*
- fallacy of ambiguity

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