FALLACIES IN ETHICAL ARGUMENTATION ON ABORTION

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Abstract: This paper represents a case study of the types of fallacies that may occur in the argumentation stage of an ethical dispute over abortion. The theoretical framework I use is the pragma-dialectical theory of argumentation (van Eemeren and Grootendorst 1992, 2004) which conceives of fallacies as violations of the rules for critical discussion. I will focus on the fallacies resulting from the violation of the relevance rule in two fragments of argumentative texts illustrating opposing positions on abortion. I claim that these fallacies function as winning strategies in the ethical dispute in case.

1. Introduction

The premise I start from is that an ethical debate on abortion can be viewed as a critical discussion (pragma-dialectical perspective) meant to resolve differences of opinion through a process of argumentation and as a persuasive type of discourse (discourse theory perspective) at the same time.

From a *pragma-dialectical perspective* (van Eemeren and Grootendorst 1992, 2004) in defendeing their positions discussants should maintain a balance between the two goals they are pursuing: resolving a difference of opinion in a reasonable manner on the one hand and winning the argument in their favour by means of effective persuasion on the other hand. Therefore, if greater emphasis is put on rhetorical devices rather than on rational arguments, fallacies may occur.

From a *discourse theory perspective* (Kinneavy 1971) we may view the ethical discourse on abortion as a type of persuasive discourse in which the participants try to win the argument in their favor. The main function of this type of 'person' discourse is to produce some effect on the decoder. In order to reach this goal, participants make use of different methods of persuasion: rational arguments (*logos*), arguments from authority (*ethos*) or emotional arguments (*pathos*). According to Corbett (1971) there are three kinds of persuasive discourse – deliberative, judicial and ceremonial – each of them with its own special topics or lines of argument. From this perspective the ethical discourse on abortion can be considered as a type of deliberative discourse. The special topics we expect to find in such a discourse and, therefore, in the ethical argumentation on abortion are: "the worthy or the good and the advantageous or expedient or useful" (Corbett 1971: 146).

The paper is structured as follows: the first part is concerned with the theoretical background including the pragma-dialectical approach to argumentation as well as Kinneavy's approach to persuasive discourse and Corbett's special topics for deliberative discourse while the second part focuses on the dialectical and rhetorical aspects of two fragments of argumentative texts on abortion.

2. Theoretical framework

2.1 Argumentation from a pragma-dialectical perspective

The pragma-dialectical approach (van Eemeren and Grootendorst 1992, 2004) is a theory which integrates rhetoric and dialectics with a pragmatic approach to communication. The dialectical dimension of the theory consists in the dialogue or interaction between two parties that try to reach consensus. The rhetorical dimension resides in convincing a critical opponent of the acceptability of a standpoint by means of effective persuasive techniques. The

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pragmatic dimension resides in viewing argumentation as a complex speech act which contributes to the resolution of the difference of opinion.

Pragma-dialectics defines argumentation as "a verbal, social, and rational activity aimed at convincing a reasonable critic of the acceptability of a standpoint by putting forward a constellation of propositions justifying or refuting the proposition expressed in the standpoint" (van Eemeren and Grootendorst 2004: 1). In an argumentative process the participants have to pursue two goals: one the one hand to resolve the dispute in a reasonable way and on the other hand to win the argument in their favour by means of persuasion. To put it simply, they have to maintain a balance between their dialectical and rhetorical aims.

According to van Eemeren and Houtlosser (2002) discussants in a dispute are engaged in a form of strategic maneuvering which combines the best choice of arguments with the adaptation to the audience demand and with the most appropriate rhetorical devices in defending or refuting a standpoint. A problem arises, however, when a party's aim of persuading the opponent overrules its commitment to reasonableness. At that point "the strategic maneuvering has got 'derailed' and is condemnable of being fallacious" (van Eemeren and Houtlosser 2002: 142).

There are four stages of a critical discussion: confrontation, opening, argumentation and conclusion. The protagonist and the antagonist – the two opposing parties in the dispute – are supposed to be reasonable discussants that are prepared to follow the ten rules for a critical discussion proposed by pragma-dialectics in order to resolve their conflict of opinion. The ten commandments for reasonable discussants "list prohibitions of moves in an argumentative discourse or text that hinder or obstruct the resolution of a difference of opinion" (van Eemeren and Grootendorst 2004: 190).

1. Discussants may not prevent each other from advancing standpoints or from calling standpoints into question. ('freedom rule')
2. Discussants who advance a standpoint may not refuse to defend this standpoint when requested to do so. ('obligation-to-defend rule')
3. Attacks on standpoints may not bear on a standpoint that has not actually been put forward by the other party. ('standpoint rule')
4. Standpoints may not be defended by non-argumentation that is not relevant to the standpoint. ('relevance rule')
5. Discussants may not falsely attribute unexpressed premises to the other party, nor disown responsibility for their own unexpressed premises. ('unexpressed-premise rule')
6. Discussants may not falsely present something as an accepted starting point or falsely deny that something is an accepted starting point. ('starting-point rule')
7. Reasoning that in an argumentation is presented as formally conclusive may not be invalid in a logical sense. ('validity rule')
8. Standpoints may not be regarded as conclusively defended by argumentation that is not presented as based on formally conclusive reasoning if the defense does not take place by means of appropriate argument schemes that are applied correctly. ('argument scheme rule')
9. Inconclusive defenses of standpoints may not lead to maintaining these standpoints, and conclusive defenses of standpoints may not lead to maintaining expressions of doubt concerning these standpoints. ('concluding rule')
10. Discussants may not use any formulations that are insufficiently clear or confusingly ambiguous, and they may not deliberately misinterpret the other party's formulations. ('language use rule') (van Eemeren and Grootendorst 2004: 190-195).

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On the basis of these rules the concept of fallacy is redefined as "every violation of any of the rules of the discussion procedure for conducting a critical discussion (by whichever party and at whatever stage in the discussion)" (van Eemeren and Grootendorst 2004: 175). Unlike traditional approaches (standard treatment) which define fallacies as errors of logic only, pragma-dialectics gives a broader definition of fallacies as deficient moves in an argumentative discourse or text, covering in this way all those instances of fallacious argumentation which are not necessarily invalid. It offers a normative model, a system of rules for the resolution of differences of opinion, fallacies being systematically analyzed as violations of these rules.

As stated before an argumentative process can be considered a form of strategic maneuvering aimed at resolving differences of opinion. In terms of strategic maneuvering argumentative moves "are considered sound if they are in agreement with the rules for critical discussion. (…) All derailments of strategic maneuvering are fallacious and all fallacies can be regarded as derailments of strategic maneuvering" (van Eemeren and Houtlosser 2002: 141-142).

2.2 Ethical argumentation as persuasive discourse

Another theory which I find relevant to my approach to the ethical discourse on abortion is Kinneavy's theory of discourse where *persuasive discourse* is defined as a type of *person* discourse which "is primarily focused on the decoder and attempts to elicit from him a specific action or emotion or conviction" (Kinneavy 1971: 211). Since participants in an ethical dilemma try to bring the most persuasive arguments in favor of or against a certain standpoint we can say that one of the major functions or aims of ethical discourse is to persuade. Because of this prevalent persuasive component I claim that *ethical discourse* should be considered a *type of persuasive discourse* by a relation of *hyponymy*. Therefore, ethical discourse "inherits" the formal and functional properties of persuasive discourse.

As pointed out by Kinneavy persuasive discourse has a particular logic which resides in the *methods of persuasion* that is in the types of arguments used to persuade someone. These arguments are known as the *ethical argument* (encoder proof), the *logical argument* (reality proof), the *pathetic argument* (decoder proof).

The *ethical argument*, also called the *argument from authority* or the *argument from character* represents the image the speaker projects. He has to be endowed with *good sense* (ability to take decisions, knowledge of the subject at issue), good will (to show good intentions towards the audience), good moral character (to project himself as sincere and trustworthy).

Emotional or pathetical arguments are used to arouse emotions in the audience. The following types of emotions are discussed by Aristotle in his Rhetoric: anger, calmness, friendship and enmity, fear and confidence, shame and shamelessness, kindness and unkindness, pity, indignation, envy and emulation (cf. Kinneavy 1971: 241).

The *logical argument* is the technique of "inducing belief" (Kinneavy 1971: 245). In other words the audience is persuaded by the *appearance of rationality*. According to Aristotle there are three types of logical arguments: *topics*, *examples* and *enthymemes*.

Topics (Greek *topoi*) represent *stereotyped arguments* or a *set of arguments* to be used in any situation. Aristotle identifies *special topics* (specific to a certain science such as politics and ethics), *common topics* (definition, comparison, relationship, circumstance, cause and effect, etc applicable to any kind of subject) and *enthymeme topics* (used in rhetoric). Cicero defines *topics* as *lines of arguments* and *subjects* of discourse. The special topics are based on

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propositions about good and evil, justice and injustice, nobility and baseness, types of characters and emotions (cf. Kinneavy 1971: 246).

Corbett (1971) makes a detailed classification of topics starting from the distinction between common and special topics on the one hand and between the three types of rhetorical activity – *deliberative*, *judicial* and *ceremonial* – on the other hand. In the case of *deliberative discourse* "all our appeals can be reduced to these two heads: (1) the worthy or the good and (2) the advantageous or expedient or useful" (Corbett, 1971: 146). As *ethical discourse* has to do with the problem of right and wrong generally, we can consider it a type of *deliberative discourse*. Therefore this special line of argumentation of showing the audience "what is good in itself" and "what is good for us" will be used in ethical discourse.

Another fundamental element which ethical discourse "inherits" from its prototype – persuasive discourse – is the *style of persuasion* as effective use of language. As Kinneavy puts it each type of discourse has its own characteristic style which is highly determined by the *function*, *nature*, *logic* and *organization* of the discourse as well as by the *cultural context* and the *situational context*. The *vocabulary of persuasion* is highly *connotative* the words referring to "emotional associations, attitudes, affective and conative elements" (Kinneavy 1971: 287). Many terms in rhetorical, propagandistic and ethical language are ambiguous and vague. *Imagery* plays a very important role in persuasion. By imagery some abstractions are rendered concrete. The presence of a great number of *figures of speech* such as simile, symbol, paradox, metaphor, euphemism, synecdoche, metonymy, hyperbole, etc. is another feature of persuasive style. As concerns the *grammatical characteristics* of persuasive discourse, Kinneavy takes into consideration both sound level and sentence level. At the level of sound rhythm, rhyme, alliteration and other sound patterns are extremely effective in persuasion. At the level of sentence the presence of the addressee and of the first person pronouns is specific to ethical arguments.

Besides these specific properties a referential informative or an expressive component can be found in persuasive discourse and therefore in ethical discourse too. As Kinneavy notices discourses overlap in their aims, one of the aims being dominant the others being subordinate. Some ethical texts sound more like confessions or instances of diaries while others look like informative texts, the persuasive dimension being very subtle.

3. Fallacies in ethical argumentation on abortion

3.1 Types of arguments

In what follows I will focus on the types of arguments used to defend or refute the standpoint *abortion is / is not a crime* in the process of ethical argumentation on abortion. This case study consists in applying the relevance rule (rule 4) for critical discussion to two argumentative texts in order to see if the balance between dialectics and rhetoric is maintained or if the arguments advanced are relevant to the standpoint at issue. I will try to reconstruct the argumentation stage of each of the two argumentative processes discussing the following aspects: arguments advanced, premises left unexpressed, types of argumentation scheme, kinds of criticism levelled and structure of argumentation as a whole. Special attention will be devoted to the fallacies specific to the argumentation stage of a critical discussion known as fallacies in choosing the means of defense. Therefore, what I am interested in is the way the relevance rule is violated in these argumentative texts illustrating opposing positions on abortion: the philosophical perspective versus the religious perspective.

Before discussing the dialectical and rhetorical aspects of the texts it is necessary to see what the relevance rule for critical discussion stipulates. According to rule 4 "standpoints may

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not be defended by non-argumentation or argumentation that is not relevant to the standpoint" (i.e. standpoints may not be defended only by rhetorical devices such as *pathos* or *ethos*, instead of *logos*, or by irrelevant arguments) (van Eemeren and Grootendorst 2004: 192). There are two ways in which this rule can be violated: a standpoint may be defended by *nonargumentative means of persuasion* or by *irrelevant argumentation*. Why are these means of defense fallacious?

Using nonargumentative means of persuasion instead of rational arguments hinders the resolution of the dispute. These rhetorical techniques are aimed at a third party, the audience and less at convincing the opponent of the acceptability of the standpoint at issue. Thus, in defending his standpoint, the protagonist can play on the emotions or prejudices of the audience, or he can parade his own qualities by either presenting himself as an authority or as a layman trying in this way to win the audience over.

In pragma-dialectical terms, the manipulation of the audience's emotions is known as *argumentum ad populum*: emotional arguments (*pathos*) replace rational arguments (*logos*). This fallacy is frequently used where large groups of people are involved: public demonstrations, political meetings or religious gatherings. Parading one's own qualities is another nonargumentative means of persuasion aimed at winning the audience over. The protagonist commits an *ethical fallacy* known also as the *argumentum ad verecundiam* when he "attempts to get a standpoint accepted by the audience just because of the authority he derives in the eyes of the audience from his expert knowledge, credibility, or integrity" (van Eemeren and Grootendorst 1992: 135). In this case *ethos* or blind faith takes the place of rational arguments. Thus, a standpoint is accepted not because it has been defended in a rational way but because the audience trusts the authority of the protagonist. If the protagonist is indeed an authority with respect to the standpoint at issue and there is evidence for this, the appeal to ethos is not fallacious. Modestly presenting oneself as a layman in order to gain the sympathy and benevolence of the audience is another ethical fallacy known as the *argumentum ad misericordiam*.

As stated before, besides nonargumentative means of persuasion, a standpoint may be defended by irrelevant argumentation. "The fallacy of advancing argumentation that is only relevant to a standpoint that is not actually at issue is traditionally called *ignoratio elenchi* (van Eemeren and Grootendorst 1992: 133). In this way a standpoint becomes easier to defend because the protagonist puts forward argumentation that is not related to the disputed standpoint.

As concerns the use of *logos* one has to be aware that the protagonist or the antagonist can give their argumentation the appearance of logicality in order to defend their position more convincingly. Nevertheless, the logical quality of their arguments can be assessed by reconstructing the underlying reasoning of their argumentation. Therefore, if the arguments employed to defend or refute a standpoint are invalid, fallacies may occur. The presence of fallacies at the argumentation stage of a critical discussion obstructs the resolution of a difference of opinion and therefore they should be avoided.

Now I will turn to my case study of the ethical argumentation on abortion in order to see how dialectics and rhetoric combine, what types of fallacies can be found and what their role is in the process of argumentation. I will discuss each text fragment in turn focusing on the means chosen to defend the standpoint at issue.

3.2 Fallacies in defending the standpoint *abortion is not a crime*

The first text to be analysed is an excerpt from an article by Judith Jarvis Thomson 'A Defense of Abortion' (1971). In her article the philosopher pleads for the right to have an

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abortion starting from the premise that the fetus is not a human being from the moment of conception.

> *Most opposition to abortion relies on the premise that the fetus is a human being, a person, from the moment of conception. (...) We are asked to notice that the development of a human being from conception through birth into childhood is continuous. Similar things might be said about the development of an acorn into an oak tree, and it does not follow that acorns are oak trees, (...). I think that the premise is false, that the fetus is not a person from the moment of conception. A newly fertilized ovum, a newly implanted clump of cells, is no more a person than an acorn is an oak tree. (...) I propose, then, that we grant that the fetus is a person from the moment of conception. (...) Every person has a right to life. So the fetus has a right to life. No doubt the mother has a right to decide what shall happen in and to her body; everyone would grant that. But surely a person's right to life is stronger and more stringent than the mother's right to decide what happens in and to her body, and so outweighs it. So the fetus may not be killed; an abortion may not be performed.*
>
> *It sounds plausible, but now let me ask you to imagine this. You wake up in the morning and find yourself back to back in bed with an unconscious violinist. He has been found to have a fatal kidney ailment, and the Society of Music Lovers has canvassed all the available medical records and found that you alone have the right blood type to help. They have therefore kidnapped you, and last night the violinist's circulatory system was plugged into yours, so that your kidneys can be used to extract poisons from his blood as well as your own. The director of the hospital now tells you, "Look, we're sorry the Society of Music Lovers did this to you—we would never have permitted it if we had known. But still, they did it, and the violinist is now plugged into you. To unplug you would be to kill him. But never mind, it's only for nine months. By then he will have recovered from his ailment, and can safely be unplugged from you." Is it morally incumbent on you to accede to this situation? (...) All persons have a right to life, and violinists are persons. Granted you have a right to decide what happens in and to your body, but a person's right to life outweighs your right to decide what happens in and to your body. So you cannot ever be unplugged from him*. (Judith J. Thomson. 1971. 'A Defense of Abortion', *Philosophy and Public Affairs* 1 (1): 47-66).

Of the three means - *logos*, *ethos* and *pathos* - to defend her standpoint that *abortion is not a crime*, Thomson relies mostly on the appeal to reason (*logos*). She builds her argumentation in favour of abortion on the basis of the arguments advanced by the opposing party against abortion. Rhetorically, this strategy of adopting the opponent's premises to support one's own position is called *conciliatio* and is considered one of the most effective persuasive techniques meant to drive the discussion in the direction wanted by the speaker. What the author attempts to demolish is the theory that the fetus may not be killed, in other words, an abortion may not be performed since the fetus is a human being, a person from the moment of conception. The first step in this attempt is to prove that "*the fetus is not a human being from the moment of conception*".

As shown in the text the argumentation against abortion is put forward by means of deductive reasoning and can be reconstructed in the form of the following syllogism: *Every person has a right to life. The fetus is a person. So the fetus has a right to life.* In this syllogism *Every person has a right to life* is the major premise while *The fetus is a person* is the minor premise. From these two premises the conclusion *So the fetus has a right to life* can be drawn. The question to be answered is whether this syllogism is valid or not.

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In pragma-dialectical terms "for a conclusive defense of a standpoint it is necessary for all the arguments used in the discourse to be logically valid. This validity requirement relates to the *form* of the arguments, which should be such that if the premises are true the conclusion of the argument cannot possibly be false" (van Eemeren and Grootendorst 1992: 169). In this sense, Rule 8 for critical discussion states: "*In his argumentation a party may only use arguments that are logically valid or capable of being validated by making explicit one or more unexpressed premises*" (van Eemeren and Grootendorst 1992: 169). Of the two premises of this syllogism, Thomson attacks the minor one, *The fetus is a person*, as being false. So, if one of the premises of a syllogism is false, the whole chain of reasoning is not valid. Unlike the proposition *Every person has a right to* life which is treated as a universal truth, the proposition *The fetus is a person* is considered only probable and therefore it is a vulnerable spot in the chain of reasoning. J.J. Thomson suggests that such probable premises or probable truths can be very persuasive and can sound plausible but at a closer check they are shaky.

The main arguments she advances to refute the proposition *The fetus is a person* are the following: "*We are asked to notice that the development of a human being from conception through birth into childhood is continuous. Similar things might be said about the development of an acorn into an oak tree, and it does not follow that acorns are oak trees. (...) A newly fertilized ovum, a newly implanted clump of cells, is no more a person than an acorn is an oak tree*". Of the three main argumentative schemes – symptomatic argumentation, argumentation based on analogy and argumentation based on causality – the author employs the second type, argumentation based on analogy, as one can notice in the text. From a pragma-dialectical perspective in this type of argumentation scheme "the acceptability of the premises is transferred to the conclusion by making it understood that there is a relation of analogy between what is stated in the argument and what is stated in the standpoint" (van Eemeren and Grootendorst 1992: 97). A relation of analogy may be expressed as "'X is comparable to Y', 'X corresponds to Y' and 'X is just like Y'" (van Eemeren and Grootendorst 1992: 99). In our case, the argumentation put forward by the author is of the type "X is comparable to Y": the development of a human being is comparable or similar to the development of an acorn.

In rhetorical terms this argumentation scheme corresponds to the common topic of comparison with its three subtypes: similarity, difference and degree. As Corbett (1971: 116) explains "similarity is the basic principle behind all inductive argument and all analogy. In induction, we note similarity among a number of instances and make an inference about a further unobserved or unconfirmed instance". Thomson argues that in both chains of reasoning the equivalence between an acorn and an oak tree and the equivalence between a newly fertilized ovum, a newly implanted clump of cells and a person are false. On the basis of the similarity that she finds between the two cases, the author tries to convince the audience that the previously reconstructed syllogism is invalid and implicitly that if the fetus is not a person, he does not have a right to life and so an abortion may be performed. In other words, by means of inductive reasoning J.J. Thomson draws a general conclusion from a single instance of similarity.

The second step in the protagonist's argumentation is to clarify the mother's rights. Thomson employs the same strategy of pretending to accept the antagonist's arguments as plausible in order to refute them one by one and thus prove the soundness of her standpoint. In the same line with the chain of reasoning regarding the rights of the fetus here are the arguments concerning the rights of the mother: "*No doubt the mother has a right to decide what shall happen in and to her body; everyone would grant that. But surely a person's right to life is stronger and more stringent than the mother's right to decide what happens in and to*

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her body, and so outweighs it. So the fetus may not be killed; an abortion may not be performed". On the basis of this reasoning opponents of abortion conclude that the fetus may not be killed, therefore an abortion may not be performed since the fetus'right to life overweighs the mother's right to decide what hapens in and to her body. What Thomson attacks in this case is the premise that "*a person's right to life is stronger and more stringent than the mother's right to decide what happens in and to her body"*.

In support of the refutation of this premise and in order to make her argumentation even more persuasive the protagonist provides the reader / imaginary audience with a scenario that is supposed to prove the validity of her standpoint. Thus, the reader is asked to imagine that for nine months a famous violonist suffering from a fatal kidney ailment is plugged into his / her body and his / her kidneys function for both. To be unplugged from the violonist would be to kill him which is immoral. So, even if the reader has the right to decide what happens in and to his / her body, he / she cannot be unplugged from the vilonist. This scenario is meant to be analogous with the pregnancy period that a woman has to go through against her will. By analogy with the previously discussed syllogism Thomson builds the following chain of reasoning: *All persons have a right to life. Violonists are persons. So vilonists have a right to life.* On the basis of this syllogism one can infer that as violonists have a right to life, they cannot be killed, which is a conclusion similar to *The fetus may not be killed* as *The fetus has a right to life* as well. At first glance this analogy between the vilonist plugged into his host and the fetus plugged into his mother's body is given the appearance of logicality because the author presents the two situations as perfectly similar.

However, at a closer examination of the logical quality of Thomson's argumentation a reasonable critic may detect some flaws. Pragma-dialectics offers a set of evaluative questions relevant to the argumentation based on analogy: "Is the situation to which the present case is compared indeed correctly described? Does it really resemble the present case? Or are there crucial differences between them? Are there perhaps other situations that better resemble the present case?" (van Eemeren and Grootendorst 1992: 102). By adapting these critical reactions to our case, we can derive the following questions: Is the development of a newly fertilized ovum into a person similar to the development of an acorn into an oak tree?, Does the famous violonist scenario resemble the pregnancy period case? Or are there major differences between them? Moreover, from a rhetorical perspective analogies are considered vulnerable "when they concentrate on irrelevant, inconsequential similarities between two situations and overlook pertinent, significant dissimilarities. (...) an analogy never proves anything; at best, it persuades someone on the grounds of probability. It is the degree of probability that will be susceptible to challenge" (Corbett 1971: 90).

On the basis of this evaluation test the following deficiencies have been identified in Thomson's argumentation. In spite of their apparent perfect similarity there are significant dissimilarities between the terms compared in the analogies the author makes between a fetus and an acorn and between the violonist scenario and the pregnancy period. Thus, both a fetus and an acorn can be viewed as the "products" of some sort of conception but they are different species with different stages of development into a person and into an oak tree, respectively. Moreover, in order to develop into a person, a fetus needs a "host" to carry him / her for nine months while an acorn does not need such a host in order to become an oak tree. Given these differences there are more chances for a fetus to become a person than for an acorn to become an oak tree.

As regards the second analogy some dissimilarities between the violonist scenario and the pregnancy period may be pointed out. First of all, the violonist is already a fully developed person when connected to his host while the fetus is just in an early stage of development into

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a person. Secondly, the vilonist is an external "element" plugged into his host without the latter's consent while the fetus is an "internal" element, a product of conception which is not plugged into the mother's body. Put simply, when having a sexual contact the mother indirectly gives her consent to becoming a "host" for a possible pregnancy. If the violonist has just a physical connection to the host, the fetus is more than physically connected to the mother. Thirdly, at the end of the nine months the violonist is unplugged from the host's body and is no longer in need of it while the fetus is separated from his mother's body but is still dependent on her. Therefore, in her argumentation Thomson commits the fallacy of *false analogy* defined in pragma-dialectical terms as a defective comparison in which the argument from analogy is used incorrectly. This fallacy is a violation of rule 7 for a critical discussion which requires: "A party may not regard a standpoint as conclusively defended if the defense does not take place by means of an appropriate argumentation scheme that is correctly used" (van Eemeren and Grootendorst 1992: 159).

Taking into account all these possible critical reactions we can conclude that Thomson's argumentation is fallacious in the sense that it does not succede in refuting the opposing standpoint in a reasonable way. She makes use of the argumentative scheme based on analogy in order to create an impression of logicality which can persuade but which cannot convince the audience.

3.3 Fallacies in defending the standpoint *abortion is a crime*

The second text that I am going to discuss is an excerpt from John Paul II's 'The Gospel of Life / Evangelium Vitae' (1995) which illustrates the religious perspective on abortion as an "unspeakable crime".

> *The moral gravity of procured abortion is apparent in all its truth if we recognize that we are dealing with murder and, in particular, when we consider the specific elements involved. The one eliminated is a human being at the very beginning of life. No one more absolutely innocent could be imagined. In no way could this human being ever be considered an aggressor, much less an unjust aggressor! He or she is weak, defenceless, even to the point of lacking that minimal form of defence consisting in the poignant power of a newborn baby's cries and tears. The unborn child is totally entrusted to the protection and care of the woman carrying him or her in the womb.*
>
> *It is true that the decision to have an abortion is often tragic and painful for the mother, insofar as the decision to rid herself of the fruit of conception is not made for purely selfish reasons or out of convenience, but out of a desire to protect certain important values such as her own health or a decent standard of living for the other members of the family. Sometimes it is feared that the child to be born would live in such conditions that it would be better if the birth did not take place. Nevertheless, these reasons and others like them, however serious and tragic, can never justify the deliberate killing of an innocent human being. (...)*
>
> *Some people try to justify abortion by claiming that the result of conception, at least up to a certain number of days, cannot yet be considered a personal human life. But in fact, "from the time that the ovum is fertilized, a life is begun which is neither that of the father nor the mother; it is rather the life of a new human being with his own growth. It would never be made human if it were not human already". This has always been clear, and. . . modern genetic science offers clear confirmation.*

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(...) "The human being is to be respected and treated as a person from the moment of conception; and therefore from that same moment his rights as a person must be recognized, among which in the first place is the inviolable right of every innocent human being to life". Human life is sacred and inviolable at every moment of existence, including the initial phase which precedes birth. All human beings, from their mothers' womb, belong to God (...) as many passages of the Bible bear witness--they are the personal objects of God's loving and fatherly providence.

(...) I declare that direct abortion, that is, abortion willed as an end or as a means, always constitutes a grave moral disorder, since it is the deliberate killing of an innocent human being. This doctrine is based upon the natural law and upon the written Word of God, is transmitted by the Church's Tradition and taught by the ordinary and universal Magisterium.

No circumstance, no purpose, no law whatsoever can ever make licit an act which is intrinsically illicit, since it is contrary to the Law of God which is written in every human heart, knowable by reason itself, and proclaimed by the Church. (Pope John Paul II. 1995) Evangelium Vitae. Encyclical Letter on the Value and Inviolability of Human Life < http: //www.newadvent.org>)

Of three means – *logos*, *ethos* and *pathos* – to defend his standpoint that *abortion is a crime*, Pope John Paul II resorts mainly to pathetical and ethical arguments. The premise *The fetus is a person* that was attacked by Thomson is now considered as a self-evident truth on the basis of which abortion as murder is "*apparent in all its truth*". Abortion is made to appear even fiercer as "the one eliminated" is innocent, weak, defenceless and totally dependent on his / her mother. So, the use of these adjectives is meant to stir pity for the unborn child on the one hand and revolt against abortion supporters on the other hand. Empathizing with the audience is another form of emotional appeal. The Pope claims to be aware of the reasons a woman may have to end her pregnancy as well as of the difficulty in taking the decision to have an abortion: "*It is true that the decision to have an abortion is often tragic and painful for the mother (...).*" This attitude creates at first sight a feeling of comfort and of hope for a mother that such a situation can be avoided in the future. However, no matter the circumstances or the reasons conducive to abortion may be, the deliberate killing of a human being cannot be justified: "*Nevertheless, these reasons and others like them, however serious and tragic, can never justify the deliberate killing of an innocent human being*". These words exploit negative feelings such as guilt or fear of punishment. Since emotions (*pathos*) replace rational arguments (*logos*), we are dealing with an *ad populum* fallacy. Thus, the protagonist uses nonargumentative means of persuasion which is a violation of rule 4 for critical discussion.

Like in Thomson's case, the protagonist builds his argumentation on the basis of the arguments advanced by the opposing party: "*Some people try to justify abortion by claiming that the result of conception, at least up to a certain number of days, cannot yet be considered a personal human life. But in fact, 'from the time that the ovum is fertilized, a life is begun which is neither that of the father nor the mother; it is rather the life of a new human being with his own growth. It would never be made human if it were not human already'. This has always been clear, and modern genetic science offers clear confirmation*". As we can see, in refuting the proposition *The fetus is not a person from the moment of conception* the protagonist appeals also to the authority of modern genetic science in order to sound more credible to the audience. This is a very persuasive rhetorical ruse based on the principle that in general people have faith in scientifically proved facts.

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The protagonist relies on the appeal to logos in the chains of reasoning by which he tries to show why the fetus cannot be killed. The following syllogisms can be reconstructed on the basis of the text: 1) *Every human being is a person from the moment of conception. The fetus is a human being. So the fetus is a person from the moment of conception.* 2) *Every person has the inviolable right to life. The fetus is a person. So the fetus has the inviolable right to life.* 3) *Human life is sacred and inviolable. The fetus is a human life. So the fetus is sacred and inviolable.* 4) *All human beings belong to God. The fetus is a human being. The fetus belongs to God.* 5) *Every person belonging to God cannot be killed. The fetus is a person. So the fetus cannot be killed.* In all these syllogisms the minor premise represents the vulnerable spot which can be refuted. So, as we have seen in Thomson's article opponents of abortion take the premise *The fetus is a human being* to be false. As regards the fifth chain of reasoning that we have reconstructed it can be considered a tenable argument only if a religious perspective upon life as something which belongs to God and not to human beings is adopted. In other words this type of reasoning is appealing to a particular kind of audience that takes as self-evident the premises *All human beings belong to God* and *Every person belonging to God cannot be killed.*

The most effective means of persuasion used by the protagonist is the appeal to ethos. Pope John Paul II neither emphasizes his expertise nor exaggerates his modesty in order to get his standpoint accepted by the audience. Still, he can win the audience over by the authority he projects. A religious audience would accept his standpoint because they have faith in his authority as the supreme representative of God. To put it simply, blind faith would replace rational considerations. Therefore, the protagonist may be considered guilty of the *ad verecundiam* fallacy unless it is admitted that he really is an authority with respect to the standpoint at issue. Besides this subtle use of ethos, the protagonist appeals to other forms of authority such as the Bible, the natural law, the written Word of God, the Church's Tradition, the ordinary and universal Magisterium and the Law of God which are meant to determine the audience to accept his standpoint. Of great persuasive force is also the declarative speech act used by the Pope to condemn abortion from a position of authority: *I declare that direct abortion (...) is the deliberate killing of an innocent human being. (...) No circumstance, no purpose, no law whatsoever can ever make licit an act which is intrinsically illicit, since it is contrary to the Law of God which is written in every human heart, knowable by reason itself, and proclaimed by the Church.* Thus, by this declarative which can be accepted only if performed by an authority acknowledged as such, the protagonist guarantees the rightness of his standpoint. The argumentation ends with a mixture of the three appeals – pathos, logos and ethos – meant to refute any opposition to the protagonist's position.

The Pope's argumentation is richer in rhetorical devices than Thomson's. The vocabulary is highly emotional combining concrete and abstract terms. The whole excerpt can be reduced to the topic of the worthy, of what is good to be pursued. The protagonist tries to convince the audience to reject abortion as a path conducive to their unhappiness. Taking all these aspects into consideration we can draw the conclusion that in John Paul II's argumentation rhetoric overweighs dialectics and the two types of fallacies identified – ethical and pathetical – function as winning strategies.

4. Conclusions

In this case study I have tried to reconstruct the argumentation stage of an ethical controversy over abortion focusing on the types of arguments advanced by the two parties to defend their positions. Analysing the two argumentative texts illustrating opposing positions

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on abortion we have noticed that the balance between dialectics and rhetoric is not maintained. In spite of the logicality impression that the two texts give, we have identified a number of flaws in the process of argumentation. The violation of rule 4 and rule 7 results in two types of fallacies: fallacies in choosing the means of defense (ethical and pathetical fallacies) and fallacies in utilizing argumentation schemes (the fallacy of false analogy). The two instances of ethical argumentation are very persuasive but they do not commit to the critical standard of reasonableness.

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