

“Intolerance and the Zero Tolerance Fallacy” by Sheldon Wein in *What do We Know about the world? Rhetorical & Argumentative Perspectives* (edited by Gabrijela Kišiček and Igor Ž. Žagar) The Digital Library Dissertationes (Educational Research Institute, Ljubljana, Slovenia) and republished in a volume with the same titled by the Centre for Research on Reasoning, Argumentation, and Rhetoric, Windsor Studies in Argumentation, University of Windsor Press, 2013 (pages 132 to 144).

#### Abstract

When an activity is unwanted, administrators often adopt a zero tolerance policy towards that activity. The background assumption is that, by adopting a zero tolerance policy, one is doing everything that one can to reduce or eliminate the activity in question. Yet which policy best serves to reduce an unwanted behavior is always an empirical question. Thus, those who adopt a zero tolerance policy towards some behavior without first investigating and finding that they are in a set of circumstances where that policy is the most cost-effective way of reducing or eliminating the undesirable behavior are committing the zero tolerance fallacy.

## 1. Introduction

This short paper has two goals. The first is to convince people that, when people advocate or adopt a zero tolerance policy, they are frequently committing a fallacy. The second is to stimulate people who suspect such a fallacy is being committed to accuse those they think are committing the fallacy of committing the *zero tolerance fallacy*. What I am suggesting, then, is that we add something to the rhetorician's arsenal: a newly named fallacy to hurl at opponents. I am aware of the downsides of suggesting this. As Quine observed, “[r]hetoric is the literary technology of persuasion, for good or ill” and it holds “the goal of persuasion above the goal of truth” (1987: 183). I must therefore make at least a *prima facie* case that, in this instance, more good than ill is likely to result from introducing the rhetorical device of the zero tolerance fallacy into our conversations about public policy.<sup>1</sup>

When an activity meets with widespread public disapproval and politicians or administrators feel the need to react, they often adopt the rhetoric of “zero tolerance”. The implicit (and sometimes explicit) message is that, by adopting a zero tolerance policy towards an activity, one is doing all that one can—at least all that one can *qua* policy adoption—to reduce or eliminate the activity in question. Yet which policy or policies should be adopted to reduce or eliminate an unwanted behavior is always an empirical question, the answer to which will vary with the particular circumstances. And in many circumstances (indeed, in most circumstances), adopting a zero tolerance policy (whether alone or in concert with other policies and actions) is not the best way to combat unwanted behaviors. Thus, those who adopt a zero tolerance policy towards some behavior without first investigating and finding that they are in a set of circumstances where that policy is the most cost-effective way of reducing or eliminating the undesirable behavior are committing the zero tolerance fallacy. Or so I will argue.

I begin with a quick overview of the nature of fallacies, and I argue, in this case at least, for a fairly narrow conception of what sorts of arguments should even be considered as candidates to become named fallacies. I then say a few things about when we should name a fallacious argument. I then characterize the zero tolerance fallacy and argue that it is sufficiently common and sufficiently dangerous to warrant being included among those fallacies we name (and I argue for the name “zero tolerance fallacy”). I follow this with a few remarks concerning why people commit this fallacy (and in the course of doing so seek to justify the first word in my title—“intolerance”). I then turn to various objections and problems. I close with a summary of the benefits that would accrue were the term “zero tolerance fallacy” to become widely adopted.

## 2. The Nature of Fallacies

---

<sup>1</sup> I recognize that not all accounts of rhetoric (or all rhetoricians) accept Quine's view that the discipline holds persuasion above truth. Though I note that Aristotle, the founder of the discipline, held this view.

There is a long tradition among those who study rhetoric and critical thinking to find and name particular fallacies. Aristotle observed that “some reasonings are genuine while others seem to be so but are not,” and he used the term “fallacies” for those instances of reasoning that appear to be acceptable but in fact are not.<sup>2</sup> Aristotle, and especially his followers, went on to name several, thus turning fallacy identification and naming into something of an intellectual cottage industry. Galileo, who in general was not a friend of the Aristotelians, offered a more liberal account of what a fallacy is, holding that any *unsound argument*—any argument that fails to be both valid and have only true premises—was fallacious. Thus, he writes:

Either those who are to be persuaded are capable of understanding the reasons of Copernicus and others who follow him, or they are not; moreover, either these reasons are true and demonstrative, or they are fallacious. If those who are to be persuaded are incapable, then they will never be persuaded by the true or by the false reasons; those who are capable of understanding the strength of the demonstrations will likewise never be persuaded if these demonstrations are fallacious; so neither those who do nor those who do not understand will be persuaded by fallacious reasons. Therefore, given that absolutely no one can be dissuaded from the first idea by fallacious reasons, it follows as a necessary consequence that, if anyone is persuaded of the contrary of what he previously believed, the reasons are persuasive and true. But as a matter of fact there are many who are already persuaded by Copernican reasons. Therefore, it is true both that these reasons are effective and that the opinion does not deserve the label of ridiculous but the label of worthy of being very carefully considered and pondered (1615: 70).

An even broader use of “fallacy” occurs in a report of an incident between the Greenpeace ship *Sea Shepherd* and a Costa Rican shark-fishing boat. The Sea Shepherd Society, responding to a claim that the *Sea Shepherd* had endangered the crew of the Costa Rican fishing boat, wrote, “the video evidence proves this to be a fallacy”. Here “fallacy” simply seems to mean “false claim”.<sup>3</sup>

---

<sup>2</sup> *On Sophistical Refutations* 164a22.

<sup>3</sup> See <http://www.seashepherd.org/news-and-media/2012/05/13/captain-paul-watson-arrested-in-frankfurt-germany-on-warrant-issued-by-costa-rica-1374> and <http://www.bbc.co.uk/news/world-europe-18066901> (19. August 2012).

The contemporary literature on fallacies sides with Aristotle against Galileo, restricting fallacies to a subset of *invalid arguments*.<sup>4</sup> (The Greenpeace use is—rightly in my view—just ignored by contemporary critical thinking theorists as a case of overblown rhetoric.) Thus Gregory Bassham, William Irwin, Henry Nardone, and James M. Wallace, in their popular textbook, write that some “arguments are sound and convincing but many are fallacious. An argument is *fallacious* when it contains one or more logical fallacies. A **logical fallacy**—or *fallacy*, for short—is an argument that contains a mistake in reasoning” (Bassham *et al*, 2011: 119, emphasis in original).<sup>5</sup> So a fallacy is a mistake in reasoning—not just the acceptance of a false premise—and a mistake that is unlikely to be noticed and hence is likely to be convincing. Joseph Heath puts the same point as follows: “Strictly speaking, a *fallacy* is simply an argument that takes you from true premises to a false conclusion. What makes it a fallacy, though, as opposed to simply a mistake is that a fallacy *sounds* right when you first hear it. In fact, it often requires considerable subtlety to see why a fallacious inference is, in fact, invalid” (2009: 309). Unfortunately, Heath’s way of putting it obscures the fact that even an argument with false premises may be fallacious. What he should have claimed—and from the context it is clear that this was his intention—is that a fallacious argument is one such that, *were* the premises true, it still could lead you to a false conclusion, and where, despite this fatal flaw, the argument seems to be a good one.<sup>6</sup> So, we may say that an argument is fallacious when it is *invalid* but *appears* to be valid. And the better the fallacy (*qua* fallacy), the more difficult it is to see that the appearance of validity does not correspond to the invalidity of the argument.

Trudy Govier adds another feature, saying that a fallacy is “a *common* mistake in arguing. It is a mistake in the reasoning that underlies an argument. The mistake can be quite deceptive by seeming to many people to be just like correct reasoning” (105, emphasis added). So fallacious arguments that are *common* are called fallacies.

We now have three conditions for an argument being an instance of a fallacy: it must be invalid, it must appear to be valid, and it must occur frequently. But not every type of common, deceptive, invalid argument becomes a *named* fallacy. For that to occur, the type of argument has to be plausible enough to *appear* to not be fallacious; it has to be plausible enough that it can pass as an instance of some type of good argument. An argument that is so obviously bad that no sane person would accept it does not get to be called an instance of a fallacy. Second, the argument has to be one that is used sufficiently often that it is worthwhile *naming it* as a fallacy. This seems to

---

<sup>4</sup> Some logically valid arguments—for example, *petitio principii*—are fallacious. For simplicity I will ignore such cases here. A valid argument is one where, if all the premises were true, the conclusion could not possibly be false.

<sup>5</sup> Galileo’s position remains attractive. In a note to the above, the authors describe this as a “narrow definition” because it excludes arguments with false premises.

<sup>6</sup> Heath rightly ignores cases such as begging the question that are both fallacious and logically valid.

be the standard used by the authors of most critical thinking textbooks. For example, in the very popular Oxford University Press textbook, *The Power of Critical Thinking* (Canadian Edition), by Lewis Vaughan and Chris MacDonald, we find this:

There are certain types of defective arguments that recur so frequently that they have names (given to them, in many cases, by ancient philosophers or medieval scholars) and are usually gathered into critical thinking texts so students can become aware of them. Such common, flawed arguments are known as **fallacies**, and they are therefore said to be fallacious. Fallacies are often beguiling; they can *seem* plausible. Time and again they are *psychologically* persuasive, though *logically* impotent. The primary motivation for studying fallacies, then, is to be able to detect them so you're not taken in by them (2008:170-171, emphasis in original).

A rarely used argument which seems to be genuine but which is not really so might count as *a fallacious argument*, but we would not call it *a fallacy*. This is because fallacies are commonly used fallacious arguments—indeed, those common enough to warrant naming them as fallacies. This use is employed even when one is not writing on argumentation theory, or rhetoric, or in core areas of critical thinking. Thus, Chris MacDonald, in “Critical Thinking for Business Ethics”, says that fallacies are “errors in reasoning [that] are so common that, over the years, they’ve been given names” (2012: 33). In sum, uncommon errors do not get to be named fallacies.

To be fully accurate, one should say that named fallacies are arguments that *would be* frequently used in the absence of a name for the fallacy. This is because, in naming a fallacy, the hope of argumentation theorists, rhetoricians, and critical thinking scholars is to reduce the frequency of that type of reasoning. (That is also my reason for suggesting that “the zero tolerance fallacy” be added to our collection of named fallacies.) But, if our standard were that something is properly a named fallacy only if its use is sufficiently frequent to warrant giving the fallacy a special name, and if doing that were to substantially reduce the frequency with which people commit the fallacy, then by our standard we would have to drop the fallacy from our list of named fallacies (because, subsequent to naming it, its use would become infrequent). Sadly there is no reason to fear that this worry is one worth holding. People have been naming fallacies since Aristotle’s time and, so far as I know, there has never been a case where naming a fallacy has been so effective in changing people’s patterns of argumentation as to actually make the fallacy extinct. The best that argumentation theorists can hope for in pointing out a certain form of reasoning as fallacious is a modest decline in the use of that type of reasoning. Consequently, I will not worry that, by filling our critical thinking and argumentation texts with warnings against using the zero tolerance fallacy, instances of

that fallacy will become so rare that the fallacy is not one worth bringing to people's attention.

Despite the foregoing standard for something becoming a named fallacy, I will use an even narrower standard. I will hold that we should add an argument form to our list of recognized fallacies if, and only if, the argument is invalid, distinctive, plausible (in Aristotle's sense of one that could easily be mistaken for a good argument), frequently used (or would be frequently used), and, finally, if its use frequently has *significant harmful consequences*. By the last condition I am suggesting harm that goes beyond just that of having people participate in erroneous reasoning. We already have a lot of named fallacies, and there is little reason for adding to our list if the form of fallacious reasoning causes little or no social harm. But use of common fallacious reasoning—fallacious in that it meets the first three conditions discussed above—that does cause serious social harm warrants being given a name. We need to be able to briefly identify instances of reasoning which are not just substandard but which also lead to significant social harms when people are taken in by them. My claim is that arguments of the type I am suggesting we call zero tolerance fallacies do meet all five of these individually necessary and jointly sufficient conditions for warranting becoming a new *named* fallacy.

To review, my conditions for adding a new fallacy to our collection of named fallacies are:

- the argument type is invalid
- it is a distinctive type of argument
- arguments of this type are often plausible (or seem to be valid)
- the argument type is frequently used
- the argument type is one whose use causes significant harm.

The above constitutes a rigorous standard for adding a new named fallacy to our collection. I will now characterize the fallacy I think we should name, showing that it meets the first three conditions above. I will not, in this paper, defend the position that arguments that I think should be called instances of the zero tolerance fallacy meet the last two conditions. I take the facts here to be sufficiently obvious for the reader to discern this for herself.

### 3. Characterizing the Zero Tolerance Fallacy

A zero tolerance policy is one that automatically imposes a punishment for *any* violation of a given social rule. Once such a policy is in place, those charged with enforcing the policy are forbidden from using discretion as to whether observed violations of the policy are to be brought to the attention of those charged with punishing violators; and there is no provision for the punishment to be lessened or altered to fit particular circumstances. The only issue that may legitimately be entertained is whether the rule was violated. If it was, then the fixed punishment is to be imposed. Almost always when zero tolerance policies are adopted—though this is not

essential—the offences are strict liability offences. Indeed, from here on I will assume that the offences are strict liability ones. In addition, the penalty attached is usually thought to be severe relative to the offence that was committed.

Sometimes people adopt a zero tolerance policy for good reasons. They may judge that some activity or behavior has harmful consequences (or is itself harmful) and that the best or most cost-effective way to eliminate or minimize the behavior is to adopt a policy of zero tolerance towards that behavior. Reasonable people may well disagree about whether the behavior is such that steps ought to be taken to reduce its occurrence, or they may think that having zero tolerance for such behavior is draconian. (For example, someone might advocate a zero tolerance policy towards the possession of a drug. Others might think there should be no penalty attached to possession or consumption of that drug. Still others might think that people ought to be discouraged from possessing and consuming the drug in question but hold that a zero tolerance policy is simply too extreme a tool for dealing with the matter.) But we can hardly hold that *if* such behavior is to be eliminated or reduced as much as possible, then advocating the best or most cost-effective means of reducing that behavior necessarily involves the advocate in a fallacy. Nor am I interested in considering here those cases where people disagree about whether a particular behavior is one we want to discourage. Our interest is in whether having a zero tolerance policy is an appropriate means to a social end, not whether that end is one the society should seek to attain.

Rather, I am concerned with cases where a zero tolerance policy is adopted because, while it may seriously be believed that adopting such a policy is a good way to reduce the behavior in question, there is no evidence, or there is inadequate evidence, to support this belief (or those advocating the policy do not know of such evidence). In general, then, we can say that one commits the zero tolerance fallacy when one advocates or imposes a zero tolerance policy towards some activity while lacking evidence for supposing that having zero tolerance for that activity will best serve to reduce the activity in question.<sup>7</sup>

#### 4. Motivation for Committing the Fallacy

The normal motivation for committing the zero tolerance fallacy is that officials think they need to appear to be doing something to address a supposed problem. If some behavior is unwanted and nothing is being done by those responsible for regulating behavior in that area, there is the concern that those responsible will be seen to be irresponsible. But adopting a zero tolerance policy against the unwanted behavior is an easy way to be seen to be doing something forceful to eliminate the problem. This is

---

<sup>7</sup> Here I assume that evidence can, in principle, be obtained. Of course, I allow that the methods of providing such evidence—statistical analysis, precedent, arguments by analogy, *et cetera*—are likely to be quite varied. I am not sure what we should say about cases where evidence cannot be obtained, either because obtaining such evidence is impossible (as it might well be in some instances about the distant past) or because obtaining the evidence would violate serious ethical or legal protections of privacy needed to ensure that individuals can pursue lives free from undue interference.

because the policy is simple and applies in an on-off way, with no need to weigh the details of particular cases. Furthermore, the stiff penalties attached to violations give the appearance that authorities are taking the matter seriously and *doing something about it*.

But a zero tolerance policy may turn out to be counter-productive. For instance, those charged with carrying out the policy—that is, with enforcing it—may simply not enforce it, or it may be the case that their enforcement of it will be much more lax than it would have been had some more reasonable policy been adopted. Suppose that, for some reason, parents come to fear that their children will be endangered if things that might be used as weapons are allowed at their children's school. (This is a perfectly natural and strong fear and one that sometimes hinders clear reasoning.) Suppose further that the school board or the school principal responds to these concerns by adopting the zero tolerance policy of forbidding students from bringing to school items that might be used as weapons. If those charged with enforcing the policy see the penalty attached as being overly severe, they may well not enforce the policy. They may simply pretend not to observe relevant violations of the rule, and in the end this practice may result in even less deterrence than there would be if a non-zero tolerance rule was in place to discourage such behavior.

In the case imagined above, if expulsion from the school is the penalty attached to violation of the new rule and a child is discovered to have accidentally violated the policy, teachers or playground supervisors might just look the other way. Or they might enforce the rule differentially, based on some prejudice they have. Either way, their actions (or lack thereof) may serve to undermine the very purpose or aim for which the zero tolerance policy was originally adopted. Things become much more complicated if children seize the opportunity to report on other children as a way of settling playground quarrels.

## 5. Problems

I now turn to several problems that arise from the idea that we should have a new named fallacy, the zero tolerance fallacy. First, and most obviously, the fallacy in a zero tolerance argument is often hard to identify because the fallacious argument is implicit. Most arguments (at least as they are first presented) include implicit assumptions or hidden premises. Indeed, fallacious arguments are less likely to be explicit than fully developed arguments are, for the simple reason that, once an argument is made explicit, it is often easier to determine whether it is fallacious (and, typically at least, those who employ fallacious arguments either do not realize they are doing so or, when they are aware of this, they certainly do not want their audience to know it). The typical argument for a zero tolerance policy is an enthymeme—an argument with a missing or suppressed premise. And it is typically this premise that lacks adequate support.

We might break this problem down as follows:

1. Fallacies are arguments, and rarely is a full argument provided for adopting a zero tolerance policy.



2. Such arguments as are provided for adopting a zero tolerance policy are almost always enthymemes.
3. Enthymemes pose increased difficulties in interpretation.
4. There are cases where there are valid—indeed sound—arguments for zero tolerance policies. (And these have the same logical form as the fallacious arguments.)
5. Sometimes we want policies or rules that are (in some sense) overly strict, and these cases are sometimes difficult to distinguish from others.

But we should note the following considerations that collectively weaken the objection. (The numbers below respond to each of the numbered points above.)

1. This is a standard problem with social rules—rarely is a full justification offered. (This is so even in so-called hard cases of law where, typically, experts go to great lengths to justify their favored interpretation of a social policy or principle.<sup>8</sup>)
2. The enthymeme is almost always filled in along the following lines: (i) we have this unwanted behavior; (ii) having zero tolerance for the behavior is the best way to reduce/eliminate the behavior; (iii) we have adopted (and put into place) a zero tolerance policy regarding the behavior; (iv) therefore we are doing the best we can to eliminate/reduce the behavior.
3. Premise (ii) (or something like it) is almost always the one in need of evidential support. And it is almost always the one that lacks such support.
4. Sometimes people have support for premise (ii) (or such support is easily available), and in those cases the fallacy has not been committed (or the charge that it has been can easily be countered). Simply pointing out the existence of such evidence to those who object to the zero tolerance policy is generally a social good.
5. In circumstances where we want simple absolutist rules, we also want flexibility in enforcing those rules—precisely those circumstances where we do *not* want zero tolerance policies.

It is, of course, an empirical matter how often there is a more effective approach available to us to rid ourselves of a social ill than the adoption of a zero tolerance policy. At present we often lack good empirical data regarding how frequently this occurs.<sup>9</sup> Indeed, we do not even know roughly what percentage of times zero tolerance policies are more or less effective than other options in even a limited area. (The articles by

---

<sup>8</sup> Ronald Dworkin (1978: Chapter 4) distinguishes hard cases from clear ones operationally. A legal case is a hard case when reasonable people knowing all the relevant facts, including all the facts of institutional history, disagree on the proper disposition of the case.

<sup>9</sup> Marshall (1999) contains a good discussion. Lacking solid data forces us to rely on the wisdom collected by others. Perhaps most relevant here is Montaigne's observations about having zero tolerance for ending a marriage. He observes that, "We have thought to tie the knot of our marriages more firmly by taking away all means of dissolving them; but the knot of will and affection has become loosened and undone as much as that of constraint has tightened. And on the contrary, what kept marriages in Rome so long in honour and security was everyone's freedom to break them off at will. They loved their wives the better because they might lose them; and, with full liberty of divorce, five hundred years and more passed before anyone took advantage of it" (1580, Chapter XV: 320).

Wilson and Kelling (1982) and by Marshall (1999) are good places to start in reviewing the available data.) But this fact should not be seen to be an undue hindrance to adopting the language I propose. For consider the circumstances under which one is likely to claim that someone else has committed the zero tolerance fallacy (or to worry that one is committing it oneself). It is quite likely that someone will have either proposed or already have put in place a zero tolerance policy about some activity or behavior. The opponent of this policy may object for roughly two types of reasons. First, of course, she may think that the behavior in question does not need to be restricted, that there is nothing wrong with the behavior in itself and that it will not lead to negative consequences (or, at least, not consequences that are serious enough to warrant restricting someone's liberty). Second, she may agree that the behavior in question ought to be reduced and simply think either that having a zero tolerance policy is likely to be ineffective or that it is overly harsh (most likely because, in practice, it is almost certain to result in punishing too many of those who, for one reason or another, ought not to be punished).

If the objection is really of the first type, the challenge is easily responded to simply by pointing out that the objector disagrees with the end the policy seeks to reach, not with the means to that end. Advocates and opponents of the end in question can then get on with the matter of debating that issue. If the objection is of the second type, the defender of the policy has several options. She can offer data supporting the idea that, in this case, a zero tolerance policy is more likely to work than other policies. This need not include sophisticated statistical analysis, for such may not be available. Something as simple as "We have looked at [or have tried] other options and none of them seem to work as well as zero tolerance" is sometimes all one needs to defend against the charge that one has committed the zero tolerance fallacy. But if the defender cannot offer such data or a compelling reason for thinking that in this sort of case the data is unlikely to be available, she and her supporters will doubtless be prompted to look for such data. If, on the other hand, she does have such data, then she has not committed the fallacy. Finally, in those cases where someone has adopted a zero tolerance policy without having supporting data that such a policy is more effective than other alternatives *but* she is able to quickly find such data—so that the fallacy has been committed—then the finding and reporting of such data in response to the challenge that she committed the fallacy shows that, in this case, committing the fallacy itself did little harm. Furthermore, the charge that the fallacy had been committed will have had the virtue of bringing to light relevant data about what modifies behavior in this type of situation.

So, in general, it seems that making the claim that someone who has adopted or advocated a zero tolerance policy has committed a fallacy—*viz.*, the zero tolerance fallacy—is likely to have positive results. Either the disagreement will be seen to be about ends rather than means, or if the end is agreed upon and the means are what is disputed, then both sides will turn to the issue of finding evidence to support their

positions. And, we can hope, the side with the strongest evidential support is the one that will win that debate. Thus, we will be more likely to have zero tolerance policies confined to those situations where they are somewhat likely to accomplish what people hope they will.

## 6. Good Zero Tolerance Arguments<sup>10</sup>

I have been arguing that we need a new named fallacy, the zero tolerance fallacy. And I have been seeking to characterize that fallacy. But one might think that I should have proceeded in a different way. Given that there are cases where there is good reason to adopt zero tolerance policies and given that there can be good arguments for adopting such policies, it would, in those cases, seem that the logical way to proceed would be to characterize the structure of good or acceptable zero tolerance arguments, and then to characterize zero tolerance fallacies as cases that simply fail in some respect to live up to the standard of a good zero tolerance argument. An analogy is with *ad hominem* arguments. For years, indeed centuries, logicians have treated these simply as fallacies. But since there are obviously perfectly good *ad hominem* arguments, some have recently suggested that we should seek to establish what makes good *ad hominem* arguments good while identifying those *ad hominem* arguments which fail to live up to this (as yet not fully developed) standard as instances of the *ad hominem* fallacy. This approach strikes me as potentially quite fruitful. My reason for not using it here is that it will almost certainly involve more than can be accomplished in a single short paper. On this very point, the analogy with *ad hominem* arguments is again helpful: while we have many accounts of *ad hominem* fallacies, we are still working towards a full account of what makes a successful *ad hominem* argument a good one. (For an interesting attempt along these lines, see Dahlman *et al*, 2011.) I would be extremely pleased if, in addition to making the idea of a zero tolerance fallacy a popular one, my work were to stimulate critical thinking theorists to work on the development of standards for successful zero tolerance arguments. That is a worthy goal, for then we could characterize arguments which commit the zero tolerance fallacy as simply those arguments which attempt to defend zero tolerance policies but which fail to live up to the proper standards (whatever those might be) for being a good zero tolerance arguments. However, it is important to note that we should not tolerate bad zero tolerance arguments while we wait for argumentation theorists to provide us with an account of what constitutes a good argument for zero tolerance policies.

## 7. Conclusion

I am aware that “to label the view of your philosophical opponent a ‘fallacy’ is, much more often than not, a cheap rhetorical trick” (Joyce, 2006: 152). Nonetheless, I hope I have demonstrated that having something called “the zero tolerance fallacy” as

---

<sup>10</sup> I am grateful to Leo Groake both for suggesting this approach and for pointing out the analogy that I consider here. His “Logic: Informal” entry in the *Stanford Encyclopedia of Philosophy* is a very useful place to start thinking about these matters. (See in particular the sections titled “Fallacy Theory” and “An Example: *Ad Hominem*,” as well as the literature Groake cites there.)

part of our social and political rhetoric would be, on balance, a good thing. In those cases where zero tolerance policies are inappropriate, having a named fallacy would serve as a useful rhetorical device to make this fact known in a simple and accessible manner. And in cases where one might allege that the zero tolerance fallacy has been committed, defenders of the policy could easily respond, and their responses would serve to move the discussion to just those areas that are most likely to be productive of improved critical thinking about what social rules or policies we should endorse. In the end, were we lucky, all of this might help reduce the unwarranted use of zero tolerance policies and nudge the level of intolerance slightly closer to zero.<sup>11</sup>

#### References

Bassham, G., Irwin Wm., Nardone H., and Wallace, J.M. (2011). *Critical Thinking*, New York: McGraw Hill.

Dahlman, C., Reidhav D., and Wahlberg, L. (2011). "Fallacies in *Ad Hominem* Arguments" *Cogency* Vol. 3 No. 2 (105-124).

Dworkin, R. (1978). *Taking Rights Seriously*, London: Duckworth.

Galileo, G. (1615). "Galileo's Considerations on the Copernican Opinion." *Galileo's Considerations on the Copernican System*, 1615, from *The Galileo Affair*, edited by Maurice Finocchiaro, (1989). Berkeley: University of California Press.

Govier, T. (1998). *A Practical Study of Argument*, Second Edition, Toronto: Wadsworth Publishing Company.

Groarke, L. (2012). "Informal Logic." *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.).

Heath, J. (2009). *Filthy Lucre*, Toronto: Harper Collins.

Joyce, J. (2006). *The Evolution of Morality*, Cambridge, MA: MIT Press.

MacDonald, C. (2012). "Critical Thinking for Business Ethics," Forthcoming in *Aspects of Business Ethics: Foundations, Contents, and Canadian Perspectives*, Peter Kissick (ed.), Emond Montgomery Press.

---

<sup>11</sup> I am grateful for comments I received after presenting some of these ideas at the *Days of Ivo Škarić* conference in Postira, Brač, Croatia (2012 April 20<sup>th</sup>) and from a generous anonymous referee. I especially want to thank Thea E. Smith for her help and Gabrijela Kišiček for doing such a splendid job of organizing the conference.

Marshall, J. (1999). "Zero tolerance policing." *South Australia Office of Crime*, 9 March 1999.

Montaigne, M. de (1580). *The Complete Essays of Montaigne*, Donald M. Frame (trans. 1960), Garden City, NY: Anchor Books, Doubleday and Company.

Quine, W.V.O. (1987). *Quiddities: An Intermittently Philosophical Dictionary*, Cambridge, MA: The Belknap Press of Harvard University Press.

Vaughan, L., and MacDonald, C. (2008). *The Power of Critical Thinking* (Canadian Edition), Toronto: Oxford University Press.

Wilson, J.Q., and Kelling G.L. (March 1982). "Broken Windows: The police and neighborhood safety." *The Atlantic Monthly*.

#### Websites

<http://www.seashepherd.org/news-and-media/2012/05/13/captain-paul-watson-arrested-in-frankfurt-germany-on-warrant-issued-by-costa-rica-1374> (19. August 2012).

<http://www.bbc.co.uk/news/world-europe-18066901>. (19. August 2012).