

University of Windsor Scholarship at UWindsor

OSSA Conference Archive

OSSA 8

Jun 3rd, 9:00 AM - Jun 6th, 5:00 PM

Reinstating and Defining Ad Socordiam as an Informal Fallacy: A case study from a political debate in the early American republic

Juhani Rudanko
University of Tampere

Follow this and additional works at: <http://scholar.uwindsor.ca/ossaarchive>

 Part of the [Philosophy Commons](#)

Juhani Rudanko, "Reinstating and Defining Ad Socordiam as an Informal Fallacy: A case study from a political debate in the early American republic" (June 3, 2009). *OSSA Conference Archive*. Paper 141.
<http://scholar.uwindsor.ca/ossaarchive/OSSA8/papersandcommentaries/141>

This Paper is brought to you for free and open access by the Faculty of Arts, Humanities and Social Sciences at Scholarship at UWindsor. It has been accepted for inclusion in OSSA Conference Archive by an authorized administrator of Scholarship at UWindsor. For more information, please contact scholarship@uwindsor.ca.

Reinstating and Defining *Ad Socordiam* as an Informal Fallacy: A case study from a political debate in the early American republic

JUHANI RUDANKO

*Department of English
University of Tampere
Kalevantie 4, Tampere
Finland
fljuru@uta.fi*

ABSTRACT: The paper sheds light on an important procedural debate in the U.S. House of Representatives on the American Federal Bill of Rights in the summer of 1789. To study the debate, it is proposed that it is useful to draw on the informal fallacy of *ad socordiam*, and an illustration is provided, with attention paid to the question of how to identify and analyze the fallacy.

KEYWORDS: *ad socordiam*, first-order intention, rhetorical exigence, second-order intention

1. INTRODUCTION

About two centuries ago, the English utilitarian philosopher Jeremy Bentham provided what may be viewed as a definition of an informal fallacy:

By the name of fallacy it is common to designate any argument employed or topic suggested for the purpose, or with the probability of producing the effect of deception, or of causing some erroneous opinion to be entertained by any person to whose mind such an argument may have been presented. (Bentham [1824, 1952] 1962, 3)

Bentham thus highlighted deception as a key notion in understanding the nature of a fallacy. While recognizing its importance, I do not believe that it is a necessary ingredient in all fallacies. For instance, consider this example:

According to R. Grunberger, author of *A Social History of the Third Reich*, published in Britain, the Nazis used to send the following notice to German readers who let their subscriptions lapse. "Our paper certainly deserves the support of every German. We shall continue to forward copies of it to you, and hope that you will not want to expose yourself to unfortunate consequences in the case of cancellation. (Copi 1978, 104)

The fallacy here is a type of *ad baculum* (Walton 1998, 22). It may well have been a persuasive argument, and it is possible to imagine that in some cases the threat described in the illustration from the Third Reich was carried out. There was no deception involved in the use of the fallacy of *ad baculum* here.

Rudanko, J. (2009). Reinstating and Defining *Ad Socordiam* as an Informal Fallacy: A case study from a political debate in the early American republic. In: J. Ritola (Ed.), *Argument Cultures: Proceedings of OSSA 09*, CD-ROM (pp. 1-8), Windsor, ON: OSSA.
Copyright © 2009, the author.

The following definition of an informal fallacy may be considered:

A fallacy is a tactic or an argument of a counter-constructive or deceptive nature used by a speaker in an attempt to prevail over an opponent in a dialogue. (Rudanko 2005a; 2005b)

This definition of an informal fallacy has two main features. One of these has to do with the perlocutionary effect of an argument: the speaker uses it to prevail over his or her opponent. “Prevailing over an opponent” should be viewed in a broad sense, as including persuading the hearer to adopt the speaker’s point of view or even merely persuading the hearer to move towards the speaker’s point of view.

The other key part of the definition is the notion of counter-constructiveness. This term may be explicated as follows:

[...] the term *counter-constructive* makes it possible to conceive of an argument as running counter to the proper purpose or the proper purposes of a dialogue, in that it fails to meet a standard that can reasonably be expected in a dialogue. (Rudanko 2005, 56)

The notion thus captures the normative idea that there are standards of adequacy that should be met in a dialogue.

Counter-constructiveness may come about in different ways. First,

it may simply be that an argument is a bad argument and fails to establish the conclusion. However, such an argument may still be used to cut off or impede the proper unfolding of a dialogue. (Rudanko 2001, 52)

The *ad baculum* argument from the Nazi period is of this type.

Another type of counter-constructiveness and the one in focus in this study does involve deception and a secret agenda on the part of the speaker. In investigating deceptive counter-constructiveness, it is argued here, it is helpful to make use of the notion of intention. As a consequence, it is also important to focus on the question of how it is possible to form inferences about intentions of speakers. The use of the notion of intention is sometimes frowned upon for instance by scholars in conversation analysis, but it seems essential to any study of fallacies that involve deceptive counter-constructiveness.

It is deceptive counter-constructiveness that was argued in Rudanko (2005b) to be especially relevant to fallacies often found in political discourse, which emphasizes its importance as a subject of study. The fallacy of *ad socordiam* is a prime example of a fallacy involving deceptive counter-constructiveness, and it is the purpose of this investigation to examine this informal fallacy on the basis of a concrete example.

In broad terms the fallacy of *ad socordiam* has to do with timing. Jeremy Bentham is a scholar who took a close interest in this fallacy. Here is what he writes about one type of *ad socordiam*, giving it the label “Procrastinator’s Argument, or ‘Wait a Little, This is Not the Time’”:

This is the sort of argument which we so often see employed by those who, being actually hostile to a measure, are afraid or ashamed of being seen to be so. They pretend, perhaps, to approve of the measure, they only differ as to the proper time to bring it forward. But only too often their real wish is to see it defeated forever. (Bentham [1824, 1952] 1962, 129)

REINSTATING AND DEFINING *AD SOCORDIAM* AS AN INFORMAL FALLACY

Here is Bentham's description of another type of *ad socordiam*, to which he gives the name "Snail's Pace Argument, or 'One Thing at a Time! Not too Fast! Slow and Sure'":

Suppose there are half a dozen abuses which equally and with equal promptitude stand in need of reform. This fallacy requires, that without any assignable reason save that which is contained in the pronouncing or writing of the word "gradual," all but one or two of them shall remain untouched. Or suppose that six operations must be performed in order that some one of the abuses should be effectually corrected. To save the reform from the reproach of being violent and intemperate, and to secure for it the praise of graduality, moderation, and temperance, you insist that, of these half-a-dozen necessary operations, some one or two only shall be talked about and proposed to be done. One of them is to be embodied in a bill to be introduced at this session if it be not too late (which you will contrive that it shall be), and another at the next session, which time being come, nothing more will be said about the matter, and there it will end. (Bentham 1824/1952, 131 f.)

Most basically, *ad socordiam* thus involves the pretense on the part of the speaker that he or she is basically in favor of a course of action or a measure, but that the present time is not the right time to go forward, whereas in reality the person is opposed to the course of action or the measure and proposes a postponement of it with the purpose of defeating it.

I have discussed the nature of some informal fallacies in earlier publications, including one or two types of *ad socordiam*. The purpose of the present study is to shed further light on the definition of *ad socordiam* and on the basis on which this fallacy can be identified.

It is hoped that the application of the framework of fallacy theory may shed fresh light on the investigation of debates that turned out to be of great importance to the political and social history of the United States and of the world. It may also be hoped that the application of fallacy theory to a real-life debate undertaken here may lead to a better understanding of the nature of fallacy theory, rendering it a more suitable tool in the investigation of other political debates.

2. ANALYZING AN EXAMPLE OF *AD SOCORDIAM*

The American Constitution was drafted at the Constitutional Convention in Philadelphia in the summer of 1787. During the course of the debates on a new Constitution, a Bill of Rights was proposed, in order to guarantee basic rights, including freedom of speech. However, the proposal was turned down. Most of the delegates were mindful of the weaknesses of the Confederacy. To use a term that came into use very soon after the Convention, most of the delegates were Federalists, in favor of a strong national government. A Bill of Rights might have undermined the position of the new Federal government. On the other hand, Antifederalists, as those opposing the ratification of the new Constitution came to be called, were in favor of a Bill of Rights.

The issue of amendments was a major issue in the election campaigns for the first House of Representatives in late 1788 and early 1789. This is how Kenneth Bowling has characterized the positions of the two parties:

[...] while some Federalists, when pressed, supported amendments, the Antifederalists promised to fight for them and constantly brought them up as an issue they knew the Federalists wished to avoid. (Bowling 1990, 128)

JUHANI RUDANKO

The first elections produced a decisive Federalist victory. There were some Antifederalists elected to the first House of Representatives, but Federalists had a huge majority.

On June 8, 1789, James Madison, who was a Federalist at the time, rose and moved that the House of Representatives go into a Committee of the Whole on the State of the Union in order to consider amendments, or as Madison himself put it:

[...] With a view to drawing your attention to this important object, I shall move that this House do now resolve itself into a Committee of the Whole on the state of the Union; by which an opportunity will be given, to bring forward some propositions, which I have strong hopes will meet with the unanimous approbation of this House, after the fullest discussion and most serious regard. I therefore move you, that the House now go into a committee on this business. (Gales 1834, 424)

Madison's motion led to an intense debate. In the course of the debate Madison outlined his proposals for amendments, but the substance of the debate did not concern the content of the amendments. Instead, it was focused on the procedural question of whether or not to consider amendments at all at that point in time. It was a metadepbate, about whether or not to debate. Among the most vociferous opponents was Representative James Jackson of Georgia. Here is part of what he said in his first speech:

MR. JACKSON—I am of opinion we ought not to be in a hurry with respect to altering the Constitution. For my part, I have no idea of speculating in this serious matter on theory. If I agree to alterations in the mode of administering the Government, I shall like to stand on the sure ground of experience, and not be treading on air. (Gales 1834, 425)

He ended his first speech in this way:

Let the Constitution have a fair trial: let it be examined by experience, discover by that test what its errors are, and then talk of amending; but to attempt it now is doing it at a risk, which is certainly imprudent. I have the honor of coming from a State that ratified the Constitution by the unanimous vote of a numerous convention; the people of Georgia have manifested their attachment to it by adopting a State Constitution framed upon the same plan as this. But although they are thus satisfied, I shall not be against such amendments as will gratify the inhabitants of other States, provided they are judged of by experience and not merely on theory. For this reason, I wish the consideration of the subject postponed till 1st of March 1790. (Gales 1834, 426)

James Jackson thus made the concrete motion that the consideration of the subject of amendments should be postponed till March 1, 1790. The claim is made here that James Jackson's argument for the postponement was an instance of the informal fallacy of *ad socordiam*. This claim is based on the idea that his real intention was actually to defeat the project of amendments, not just to postpone the discussion of the matter.

Before justifying this claim, it is helpful to make it more precise. This can be achieved by means of two conceptual distinctions about the nature of intentions that I believe are often salient in the analysis of informal fallacies, for the reason that they shed light on the notion of what the notion of counter-constructiveness means.

The first conceptual distinction is between a speaker's first and second-order intention. A first-order intention is simply an intention about the world, and a second-order intention is an intention about a first-order intention.

The second conceptual distinction is between a speaker's overt intention and a

REINSTATING AND DEFINING *AD SOCORDIAM* AS AN INFORMAL FALLACY

speaker's covert intention. A speaker's overt intention is an intention that a speaker wants the hearer to recognize. For its part, a covert intention is an intention that the speaker does not want the hearer to recognize.

Making use of the two notions, it is possible to provide a structured representation of Jackson's argument. This is in two parts (cf. Rudanko 2005a, with some modifications).

Part 1

Jackson's first-order intention, overt:

Jackson wanted to secure a postponement of the consideration of amendments in order to give the new Constitution a fair trial.

Jackson's second-order intention about the first-order intention:

Jackson wanted the first-order intention to be recognized by his audience.

Reason or rationale on which the overt first-order intention is based:

The claim that it is reasonable to give the new Constitution a fair trial before amending it.

Tactic of argumentation that the overt first-order intention gives rise to:

Jackson proposed a postponement of the consideration of amendments till March 1, 1790.

The claim made here is that in addition to part 1, James Jackson's argument also involved a hidden intention and a second first-order intention, one that was different from that given above. Here is a representation of the other first-order intention, the second-order intention linked to it, the reason or rationale behind the first order-intention and the tactic of argumentation adopted:

Part 2

Jackson's first-order intention, covert:

Jackson wanted to thwart and to kill the project of amendments by means of securing a postponement of the consideration of amendments till March 1, 1790.

Second-order intention about this first-order intention:

Jackson did not want the first-order intention to be recognized by his audience or he did not want to give prominence to the first-order intention.

Reason or rationale on which the first-order intention is based:

Attitude of opposition to amendments.

Tactic of argumentation that the covert first-order intention gives rise to:

Jackson proposed a postponement of the consideration of amendments till March 1, 1790.

It may be noticed that the tactic of argumentation is the same in each case. However, the first-order intentions are different, merely wanting to secure a postponement in one case, and wanting to kill the project of amendments, in the other.

There is a discrepancy between the two first-order intentions, and it is clear that the overt one is the more creditable, the less sinister one. There is little doubt that this is generally the case: when a speaker has two different first-order intentions in mind when proposing a certain course of conduct, it can be expected on common sense grounds that he or she reveals the more creditable one (Rudanko 2005). The reason is simply that the more creditable intention is likely to be more persuasive to the hearer than the less creditable one.

The conceptual distinctions made offer a suitable framework for representing a

situation where a speaker has two divergent first-order intentions in mind when proposing a certain course of action. Of course refinements may be needed. For instance, a speaker may have more than one covert intention in mind. Further, a speaker may make a greater or a lesser effort to keep a covert intention hidden.

Setting such elaborations aside here, the discussion raises the fundamental methodological question of how it is possible to postulate hidden intentions: how does an analyst writing over two centuries after Jackson made his speech presume to know what was going on in his mind?

The answer is that inferences about the intentions of speakers, past and present, can be made on the same basis as inferences are generally made in linguistic pragmatics. In short, they are based on the totality of the person's behavior and the totality of the situation in which a certain utterance is made.

To clarify the issue, it is helpful here to refer to a comment made by Allen Grimshaw (1990). Summing up a volume of contributions bearing on considerations that are relevant to making and assessing inferences about intentions, he writes:

The researchers whose work is reported here do not contest the position that what is in people's heads is accessible neither to analysts nor to interlocutors (nor, ultimately, fully accessible to those whose behavior is under investigation). I believe most of them will also argue, however, that the availability of ethnographic context and of an optimally complete behavior record permits analysts to make such inferences and attributions which are "for-most-practical-purposes" (paraphrasing Garfinkel) no less plausible than those of actual participants. [Note omitted, JR] This claim is subject to qualification but the disambiguation process is that which we ourselves employ in interaction — where, it must be conceded, we sometimes err. (Grimshaw 1990, 281)

Bousfield (2008) also provides a useful discussion of the factors that are or may be salient when making inferences about the intentions of speakers. He refers to the relevance of "past encounters and social roles," and goes on:

Other applicable features must invariably include the discursual roles of the participants, the context, the co-text, the activity type one is engaged in, previous contexts, affect between the interactants and, of course, the power, rights and obligations of the interactants, to name but a few. (Boisfield 2008, 74)

In the present case, it is recalled that James Jackson was a Federalist, and taking the intellectual and political climate prevailing at that time into account, it is reasonable to think that he shared the general Federalist distaste for amendments. However, Jackson's opposition to amendments went deeper than that. This is shown by the comment on his position by his biographer. He writes that James Jackson became the "chief opponent of the first efforts to amend the Constitution" (Foster 1960, 74).

There is also more direct evidence bearing on the issue of James Jackson's intentions. The next speaker in the debate was Benjamin Goodhue. He said in part:

MR. GOODHUE.—I believe it would be perfectly right in the gentleman who spoke last, to move a postponement to the time he has mentioned, because he is opposed to the consideration of amendments altogether. (Gales 1834, 426)

And when James Madison spoke as the next speaker but one, he made much the same point as Goodhue:

REINSTATING AND DEFINING *AD SOCORDIAM* AS AN INFORMAL FALLACY

MR. MADISON.—The gentleman from Georgia (Mr. Jackson) is certainly right in his opposition to my motion for going into a Committee of the Whole, because he is unfriendly to the object I have in contemplation, but I cannot see that the gentlemen who wish for amendments to be proposed at the present session, stand on good ground when they object to the House going into a committee on this business. (Gales 1834, 426)

Neither Goodhue nor Madison, it seems safe to assume, had heard of fallacy theory, but their statements are evidence of the salience of fallacy theory to the debate. The reason is that both Goodhue and Madison recognized that Jackson had what is here called a second and covert first-order intention when Jackson made his motion for a postponement of the consideration of amendments, and, further, that it was the covert first-order intention that was guiding Jackson's behavior.

It should also be noted that when James Jackson spoke later in the debate, he did not seek to refute the statements about his position made earlier in the debate by Goodhue and Madison. Here it is helpful to invoke the term "rhetorical exigence," used by Dascal and Gross:

[...] every intervention by one of the participants in a conversation or in a polemical exchange sets up a rhetorical exigence that the following participant must satisfy" (Dascal and Gross 1999, 114 f.).

That is, when Goodhue and Madison made their statements about Jackson's position, these created a new rhetorical exigence for Jackson: he had every chance to refute or to deny the claims if he thought that they were untrue. Jackson's failure to refute or deny them when he spoke again in the debate of June 8, 1789 lends credence to Goodhue's and Madison's statement about his hostility to the project of a Bill of Rights.

There is thus evidence supporting the inference that Jackson did indeed have the first-order intention of wanting to kill the project of amendments. Such an inference is thus plausible.

At the same time, it may be added that no absolute claim can be made. For instance, there could be additional evidence that might surface, for instance in the form of a long lost letter from Jackson, that might cast a different light on his intentions on June 8, 1789. However, it is extremely unlikely that such evidence might be forthcoming, and it is appropriate to think that he was engaging in the fallacy of *ad socordiam* when making his motion to postpone debate till March 1, 1790.

When we compare the form of Jackson's overt first-order intention with the form of his covert first-order intention, we notice that the two are related. In particular, the overt first-order intention may serve as the means by which the covert first-order intention can be realized. That is, by postponing the debate on amendments it is possible to thwart the whole project. This is in accordance with the essence of *ad socordiam*.

3. CONCLUSION

It is the theme of the present investigation to argue that the notion of an informal fallacy is helpful when examining political rhetoric in the early American republic, and that the fallacy of *ad socordiam*, in particular, is salient. However, not every instance of *ad socordiam* is the same, and it is of interest to consider the particular type of *ad socordiam* that is represented in the extract from James Jackson's speech.

Recalling Jeremy Bentham's two-part division, the extract from James Jackson's

speech represents the first type, that is, “Procrastinator’s Argument, or ‘Wait a Little. This is Not the Time!’.”

However, the present analysis also makes it possible to formulate a basis, different from Bentham’s, for analyzing types of *ad socordiam*. A natural starting point is the reason or rationale underlying the overt first-order intention, the idea that “it is reasonable to give the new Constitution a fair trial before attempting to alter it.” This ploy demanding a fair trial of the existing order or arrangement as a precondition for permitting debate on changing it might be termed the “fair-trial” *ad socordiam*. This variety of *ad socordiam* is of course especially suitable in situations where some law or practice has been instituted only recently and then someone wishes to block an attempt to change the law or practice.

[Link to commentary](#)

REFERENCES

- Bentham, J. ([1824, 1952] 1962). *The Handbook of Political Fallacies*. (H. Larrabee, rev. ed.) Harper Torchbooks: New York.
- Bowling, K. (1990). *Politics in the First Congress, 1789-1791*. New York: Garland Publishing.
- Bousfield, D. (2008). *Impoliteness in Interaction*. Amsterdam: John Benjamins
- Copi, I. 1978. *Introduction to Logic*. 5th edition. New York: Macmillan.
- Dascal, M and A. Gross (1990). The marriage of pragmatics and rhetoric. *Philosophy and Rhetoric* 32, 107-130.
- Foster, Sr. W. (1960). *James Jackson: Duelist and Militant Statesman*. Athens, Ga: University of Georgia Press.
- Gales, J. (1834). *The Debates and Proceedings in the Congress of the United States*. Volume 1. Washington: Gales and Seaton.
- Grimshaw, A. ed. (1990). *Conflict Talk*. Cambridge University Press: Cambridge.
- Rudanko, J. (2001). *Case Studies in Linguistic Pragmatics*. Lanham, MD: University Press of America.
- Rudanko, J. (2005a). The fallacy of *ad socordiam* and two types of speaker intentions. *Journal of Pragmatics* 37, 723-736.
- Rudanko, J. (2005b). Freedom of speech at stake. In: J. Skaffari et al. (Eds.), *Opening Windows on Texts and Discourses of the Past* (pp. 53-63), Amsterdam: J. Benjamins.
- Walton, D. (1998). *The New Dialectic: Conversational contexts of argument*. Toronto: University of Toronto Press.