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Commentary on: Andrew Pineau's "The abuses of argument: Understanding fallacies on Toulmin's layout of argument"

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In his insightful paper Pineau offers very interesting suggestions for analyzing fallacies from a Toulminian perspective. Pineau tries to connect the three broad categories of fallacies in Johnson and Blair's taxonomy with the specific parts of the Toulmin model. His intention is to move closer - as he puts it - toward a clear and accurate account of fallacies on the Toulmin model. Generally speaking, Pineau succeeds in doing so.

When it comes to fallacies of irrelevant reason, we not only have to look at the warrant but also to the backing. As Pineau shows, the backing is decisive. The source of the error in fallacies of hasty conclusion is located in the qualifier or in the lack of the qualifier. Fallacies of problematic premise should be located in the data or in the data and the claim taken together.

The fallacy of irrelevant reason occurs when the premises put forth to establish a conclusion are irrelevant to that conclusion. In Toulmin's terms this amounts to the irrelevance of the data to the claim. According to Pineau, when analyzing fallacies of irrelevant reason, the source of the problem will not be data itself, but rather the warrant. Pineau then points to the fact that the warrant normally is not explicitly stated and must therefore be reconstructed. Since the warrant is given its authority by a backing we can take it that none of the warrants that can be seen as candidates for reconstruction, have a backing, if the warrant really is defective. Without any backed warrant there can be no relevance between the data and the claim. Hence the source of the irrelevance is the lack of backing. Following Toulmin's general assumptions this seems to be a logical consequence.

However, some questions remain. What are we supposed to do when no backing is provided? In some cases, no backing is necessary because the warrant is obviously acceptable. In other cases the backing may not be explicitly stated. The question is: Is lack of a backing always a reason to conclude that the arguer is guilty of a fallacy of irrelevant reason? And what if there is an explicit backing, but this proves to be defective, for instance because the information that is mentioned in the backing is not accurate? Do we still have a fallacy of irrelevance in case the backing is inadequate?

According to Pineau, the argument "(D1) John has been divorced three times so (C1) we should not believe anything John says" is fallacious "not only because none of the potential warrants that could be used to move from the data to the claim have a backing, but also because it is assumed to have a backed warrant to authorize

the step from (D1) to (C1).” It is not entirely clear what Pineau means when he says that a warrant has no backing. Is it the actual lack of an explicit backing or is it the lack of a possible (conceivable) backing. If the latter is meant, the question is, how do we determine whether a backing is – in principle – conceivable?

Another problem I encountered has to do with the example of the *argumentum ad hominem*, which is seen as fallacy of irrelevance. I wonder whether the Toulmin model, which is focused on the inferential relation between a premise and a conclusion, or the data and the claim, is suitable for analyzing fallacies of this kind. According to Pineau, a personal attack is non-fallacious in case the warrant is backed. A personal attack is fallacious when the warrant is not backed. This criterion offers in my view no sufficient criteria for the determining whether an arguer commits the fallacy of *ad hominem*.

In this view the arguer commits an *ad hominem* in case the personal attack is not sustained by sound argumentation. A personal attack is reasonable when the argumentation provided is sound. But, what if an arguer in a discussion about a certain subject is attacked by an opponent who claims the arguer is not an expert in the field the claim is about, because the arguer for instance does not have a university degree? The information that the arguer does not have such a degree may be relevant to the claim. Still, the attack cannot be seen as a legitimate move if the opponent did not rely on his expertise or reliability, but is simply putting forward argumentation. Instead, such a personal attack would only be a legitimate move when the arguer in fact claimed that he is an expert when obviously he is not. In this case, however, the attack should be considered a reasonable reaction to an *ad verecundiam* fallacy. In other words, it is possible to have a personal attack with a properly backed warrant that still should be considered an *argumentum ad hominem*. It all depends on the specific place in the interaction the personal attack takes place. These kinds of factors should be taken into account for a full analysis of the *argumentum ad hominem*. The Toulmin model does not provide the means for such an analysis because of its restricted scope. Problems like these seem to require a dialectical perspective.

I also have a question regarding the fallacies of problematic premise. As an example Pineau mentions begging the question. He follows Johnson and Blair when he defines this fallacy as an argument where either the premises contain the conclusion or the premises are acceptable only if the conclusion has already been accepted. The claim is contained in the data or the datum is only acceptable if the claim has already been accepted. Pineau concludes that with begging the question, we must not only focus on the data of an argument, but on the claim as well. This is not the case in his first example of problematic premise, in which the data is left undefended or under-defended. In this case we clearly have to focus on the data alone. This makes one wonder why begging the question is subsumed under the heading of problematic premise, especially because in his first example about the evolution theory the error is in the data exclusively. If we follow Pineau’s line of reasoning we have to conclude that we are dealing with two rather different types of fallacies since in each of the three categories of fallacies we are advised to look at one specific element of the Toulmin layout.

In spite of these problems, in his paper Pineau points at a very interesting way of classifying and analyzing fallacies using the Toulmin model. A way which seems to offer opportunities for more research.