University of Windsor
Scholarship at UWindsor

OSSA Conference Archive

OSSA 3

May 15th, 9:00 AM - May 17th, 5:00 PM

Fallacies and the preconditions of argumentation

Chris Campolo
Hendrix College

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

Part of the Philosophy Commons

Title: Fallacies and the Preconditions of Argumentation
Author: Christian Campolo
Response to this paper by:

According to Jürgen Habermas, competent language users possess an intuitive knowledge of the necessary and general "preconditions" of argumentation. He also claims that there is a way for us to reflect upon this intuitive knowledge and articulate it systematically in the form of inescapable presuppositions or rules. Habermas calls for such a systematic articulation of these presuppositions less out of an abiding curiosity about the nature of argument than out of a desire to accord them a foundational role in his moral theory. As argumentation theorists we may find mere curiosity to be motivation enough. Such presuppositions might be able to serve as argumentation *norms*, so if there is a way to unearth them from our own linguistic competence, then we may well want to look into it. Below I try to add some detail to the sketches Habermas offers both of the nature of these preconditions and the method by which they are to be found and articulated (Habermas 1990: 92). In the process I review some of the general constraints we face whenever we attempt to articulate parts of what we know, and I find that in light of these constraints Habermas appears to overestimate our powers of articulation as well as the weight that can be borne by the products of those powers. Although we probably cannot come up with the sort of rules that Habermas needs, I believe that we can come up with rules which we can legitimately think of as preconditions of argumentation. In the end I'll suggest some ways in which fallacy theory might be able to contribute to the formulation of these presuppositions as well as some ways in which their formulation might contribute to fallacy theory.

Habermas on the Preconditions of Argumentation

Let me begin by surveying a bit of the context within which Habermas makes his appeal to the preconditions of argumentation. Habermas's theory of "discourse ethics" is a cognitivist moral theory--it holds that normative claims have cognitive content, and, like truth claims, can be justified. But while an investigation into the justification of truth claims heads off into epistemology, an investigation into the justification of normative claims leads into argumentation theory. Disputed moral norms can be justified through reasons-giving in moral argumentation. But just as scientific discourse requires the principle of induction to bridge the gap between particular observations and general hypotheses, moral argumentation requires a principle to bridge the gap between variously held moral sentiments and valid moral norms. According to Habermas this bridging principle ought to reflect roughly Kantian intuitions--it should require that valid moral norms be impersonal and general. But for Habermas it must also compel a "universal exchange of roles." Thus he offers his version of the principle of universalization: a moral norm is valid only if,

(U) *All* affected can accept the consequences and the side effects its *general* observance can be anticipated to have for the satisfaction of *everyone's* interests (and these consequences are preferred to those of known alternative possibilities for regulation). (Habermas 1990: 65)

The principle of universalization is only one component of Habermas's moral theory, but I want to focus on his suggestions about how we might be able to justify it. Habermas admits that (U) cannot be established deductively, but he claims that in this case there is an alternative route to justification. (U) can be shown to follow from the preconditions of argumentation. That is to say, it can be shown that anyone who enters into argumentative discourse tacitly relies on presuppositions which imply (U). A skeptic who tried to argue *against* (U) would, in effect, rely on the same inescapable presuppositions from which (U) follows, so the skeptic would be caught in a "performative contradiction." The principle of universalization is thus shown to be unavoidable. Habermas calls this a "transcendental-pragmatic" justification of (U)--"transcendental" in that it appeals to the conditions which make argumentation possible, "pragmatic" in that those conditions consist of the linguistic know-how of competent language-users. I am not here going to rehearse the derivation of (U) from the preconditions of argumentation. Instead I want to remain on the trail of these preconditions or presuppositions, to explore their nature and especially to ask about how they come to be known.

With the phrase "preconditions of argument" we appear to be talking already about explicit propositional expressions. But what these expressions are supposed to capture and display is our non-propositional, "intuitive" or "pretheoretical" linguistic know-how. As competent speakers we know how to argue--to offer, weigh, and challenge reasons--and we usually know when something essential to that activity is missing. But we do not carry this knowledge around with us in propositional form--it is simply one part of our largely unreflective competence at making our way in the world. Habermas claims that we can get that competence into propositional form, that we can make a "passage" from "knowing-how" to "knowing-that," by engaging in a special process of articulation. But it is not clear how that process should be characterized. Habermas sometimes writes as if it is a process of *transforming* our linguistic skills *into* linguistic expressions. But if we take this literally, it cannot be true--competences and skills aren't the sorts of things that can be *made into* propositions (Oakeshott 1991). Of course, nothing prevents us from saying a great deal *about* our skills: we can comment on them, tell stories about them, describe them, praise them, etc. But what we say *about* them can never be *identical to* them. In other passages Habermas seems to realize this--he writes as if the process of articulating our argumentative know-how is indeed a sort of description. But it must be a very special sort of description, because it needs to yield rules which reveal the universal principles or mechanisms which, buried within us, make argumentation possible. Furthermore, since those principles are indispensable to the activity of argument, our description of them must take the form of rules which cannot

be avoided, bypassed, or in any way escaped. In other words, since what makes us competent arguers is our intuitive grasp of the universal and necessary principles of argumentation, we can only describe that competence properly by expressing it in the form of rules which not only represent but also uniquely "reconstruct" those principles. There's a scientistic spirit at work in this account--indeed, Habermas thinks of his transcendental-pragmatic investigations as part of the larger endeavor of "reconstructive science."

One obvious question about Habermas's account of the articulation of these preconditional rules is, do we really (implicitly) grasp or rely on universal principles when we competently argue? That sounds like an invitation to a metaphysical debate, so I'm going to shift my attention from that question to this one: are we able to engage in this very special sort of description which would produce universal, necessary, general, rules of argumentation? At the moment I'm inclined to answer: not exactly. The problem is not simply that such description is somehow too arduous. Habermas is sensitive to this sort of difficulty--indeed he insists that our "reconstructions," like any scientific statements, must always be regarded as "hypothetical," susceptible to revision. But there are other problems, which are not dispelled by admitting that we're hypothesizing when we seek what Habermas is after. In other words, it's not that we are not good enough at describing, it's that describing cannot do what Habermas seems to want it to do.

We can begin to see this if we remind ourselves of some facts about what makes description possible and valuable. In particular, we can review the extent to which the activity of describing, as well as the effectiveness of descriptions, depends upon the context in which the descriptions are formulated and employed. But, by way of a preface to our consideration of context dependency, we need to look briefly at the relationship between any competence and the activity, the actual practice, in which that competence is manifested.

Whenever we engage in any activity we express, through our actions, various competences. For example, when I clean my apartment I manifest my competences in: putting things back where they belong (which involves competences in identifying, recognizing, classifying, and moving objects), cleaning things (more classifying, scrubbing, washing, scouring, vacuuming, etc.), tidying up things which are already basically where they belong (which involves various spatial competences), and so on. Possessing these competences just means being able to perform these activities--there is no additional form that the competence can take. Even if what we want to know are the presuppositions behind or beneath my cleaning, we have only my competent cleaning to look to, an indirect sort of access to be sure. The same is true for argumentation. Even if there are universal principles which make argumentation possible, our only access to them is through our argumentative conduct. As a result, the task of describing our argumentative competence will be carried out first and foremost by describing what we do when we argue.

The prospect of describing conduct gives rise to many riddles, but I want to ignore most of these and focus exclusively on the fact that descriptions depend for their

effectiveness on the context in which they are created and employed. What functions

perfectly well as a description of an activity in one context may not be able to function as a description of that same activity in another context. For example, imagine a mechanic describing how to perform some complicated repair: the description he gives to a colleague, say, when offering advice, will be very different from the one he gives to the car owner who knows little about cars but finds the repair costs too high. Examples like this remind us that there are many ways to describe what we do, and no one of these is somehow "better" than another except in relation to a specific set of needs, interests, desires, values, purposes, listeners, etc. We can reinforce this by imagining how one's descriptions might vary over a wider range of settings. For example, think about describing the activity of driving a car as the following contextual elements are varied: a) describing it to different people: a child, an inexperienced driver, a racecar driver; b) describing it per se, or in comparison to some other form of transportation, like walking, or in comparison to some other form of "piloting," like boating, or in comparison to some other activity carried out before a control panel, like operating a computer or a steam shovel; c) describing driving in a way which conveys how fun it is, how tiring it is, how exciting it is, how frightening it is, how awful it is, etc.; d) describing driving while actually driving, or while teaching someone how to drive, or while reporting on some particular instance of driving; e) describing driving as a way to criticize someone else's driving, on grounds of safety, of courtesy, of style, of efficiency; f) describing driving as a way of responding to someone else's criticism of one's own driving (on any of those grounds), and so on. Clearly, combining these elements in various ways would not even scratch the surface--the contextual possibilities are endless. It is also clear that these many descriptions would differ in many ways. Even though they are all descriptions of the activity of driving, I see no reason why we should think that they all share some essential core, or that each is somehow reducible to each of the others. And assuming that each description was effective in its own context, I see no way to decide, outside of those contexts, that one of them is somehow better than any of the others.

The descriptions of our argumentative conduct are susceptible to the same sort of context-dependency. This context-dependency makes our descriptions fragile--out of their element they fare badly. But that's not a complaint against them--rather it should caution us not to make unrealistic claims on their behalf. And it would be especially unrealistic to claim that some particular description constituted the only correct and proper way to describe what we do. Thus, I'm skeptical about coming up with rules that express our argumentative competence with the sort of constancy, generality, and necessity that

Habermas seeks.

If there are many ways to describe what we do, then there are many ways to reflect or articulate our intuitive know-how. But this doesn't mean that we have to give up on the idea of formulating norms or presuppositions. Indeed, we should be able to come up with several sorts of presuppositions, just none which will travel well beyond the motivations, interests, and circumstances which shape them at their origination. Imagine, for example, a group of people for whom it was very important that arguments be made with as much elegance as possible. They take ugly argumentation to be an important sort of failure. For them, some "preconditions" of argumentation are going to look like aesthetic guidelines. These preconditions wouldn't impress us much, and we would perhaps have the feeling that as argumentation theorists our interests, values, etc., cut closer to the essentials. My own hunch about this is that one man's essentials are another's frills, that our interest in "the essentials" actually constitutes a very rich, very specific, highly abstract context, and that our own preconditions might very well fall flat before others with different interests. Be that as it may, I believe that we can, as argumentation theorists, mine our know-how in a way which produces rules which we find particularly useful and valuable (to us).

Let me stipulate some of the features of the context from which I think a valuable set of preconditions might be formulated. First, let's agree with Habermas that competent language-users are competent arguers and reasoners. By this I don't mean to suggest that there's nothing we need to learn about arguing, only that the activity of arguing is one of the many activities we engage in regularly in the course of making our way around in the world. Thus, there is no need for us to formulate our presuppositions in a way that could be used to *teach* someone how to argue from scratch. Let's also stipulate that we are not primarily interested in the aesthetic qualities of argumentation, in finding out, for example, what makes an argument more or less elegant. Further, let's stipulate that we're not trying to come up with an account of argumentation which emphasizes the many *similarities* which can be drawn between argumentation and some other activities like unreasoned persuasive speech, verbal coercion or intimidation, or even mere conversation. Indeed, just the opposite may be closer to our theorizing hearts--we want to find clear ways to distinguish argument from these activities. So let's stipulate that our aim is one of demarcation. Of course, there are an enormous number of distinctions we could draw between argumentation and other activities--the list could go on endlessly. We will only be interested in a subset of these, say, the distinctions which are particularly easy to hide or miss. That is, let's agree to focus on the boundaries between argument and other activities which are most likely to go unmarked. And let's not worry about just any easily neglected distinction--let's look instead for the ones which are *actually, regularly*, missed or hidden. We should look, in other words, for a description of argumentation which helped to clarify the points of transgression, where the border around the activity of argumentation is regularly crossed and becomes obscured by the crossing.

If these are our interests, then it seems reasonable to look for our rules in the light of cases in which our intuitive grasp of argument tells us that something has gone wrong, or keeps going wrong, with someone's attempt to engage in or to continue with argumentation, to produce an argument. In paying close attention to cases in which the machinery of argument is either sabotaged or handled so ineptly as to undermine the very possibility of argument, we can slowly accumulate an account of what must not be done if one is to argue. And if we drew that account up in the form of positive rules, we would have a set of what would deserve to be called "preconditions."

This way of proceeding would indeed conjure up and give visible form to our intuitive know-how, but the picture of argumentation it produced would be defined largely by the errors, fatal to reasoning, which we actually make or witness. If we made or witnessed quite different mistakes, violated our intuitions in quite different ways, we would be led to a different set of rules, a different picture of the activity. Thus, if we would like for our results to be generally useful we ought to consider as many examples of such violations as possible. My claim will be that fallacy theory can be a rich resource in this respect. But before I say more about that I want to consider some other difficulties which attend this project.

No matter how many cases we examine, and no matter how comprehensively the rules we develop address those cases, nothing can guarantee that our rules are inescapable, that they represent the "without which, not" of argumentation. We cannot foreclose the possibility that some new situation will come along which shows us that a given rule needs to be modified or revised. Still, within the quite specific context outlined above, the more confident we could become in the credentials of our rules, the more they would deserve to be thought of as preconditions.

Keeping in mind that we have given up on universal claims, we can still consider Habermas's own thoughts on this. He would suggest that we subject our rules to the same test by which he establishes (U): show someone who argues directly against the validity of one of the rules that he is relying on that very rule. In other words, show him that he's caught in a performative contradiction. If he cannot vindicate himself by showing that he is not actually relying on the rule in question, then we become more confident that the rule captures some pervasive feature of argumentation. If he can vindicate himself, then we need to re-examine our rule to figure out how our intuitions about certain argumentative failures led us to it.

Now, it seems to me that we are very unlikely to meet with many people (discounting philosophers) who would want to dispute our rules. Unless we phrased our rules in especially provocative ways, or perhaps recited them in a taunting tone, we would have few opportunities to test them via performative contradiction. But when we imagine how such a test might go, our attention is drawn to some other features of our intuitive knowledge of argumentation which need to be considered as we plan to formulate preconditions. These

features are easier to explore if we look at some tentative examples of the sorts of rules we hope to find.

In lieu of a full investigation, Habermas produces his own very tentative list of preconditions by fitting some of the practical discourse rules catalogued by Alexy into categories suggested by Wenzel's distinction between the logical, dialectical, and rhetorical aspects of argumentation (Alexy 1989; Wenzel 1979). Briefly, when we consider the logical aspects of argumentation we concentrate on its products, that is, on arguments themselves, examining them for conformity to some basic consistency conditions. Habermas offers the following examples:

1.1 No speaker may contradict himself.

> 1.2 Every speaker who applies predicate **F** to object **a** must be prepared to   apply **F** to all other objects resembling **a** in all relevant aspects.

> 1.3 Different speakers may not use the same expression with different meanings.

If we focus on the dialectical aspects of argumentation we examine the pragmatic procedures which are oriented toward a search for genuine consensus:

> 2.1 Every speaker may assert only what he really believes.

> 2.2 A person who disputes a proposition or norm not under discussion must provide a reason for wanting to do so.

And if we focus on the rhetorical aspects of argumentation we pay attention to presupposed communicative processes which ensure that no forces except that of the better argument play a role in the exchange of reasons:

> 3.1 Every subject with the competence to speak and act is allowed to take part in a discourse.

> 3.2   a) Everyone is allowed to question any assertion whatever.

> > b) Everyone is allowed to introduce any assertion whatever into the discourse.

> > c) Everyone is allowed to express his desires, attitudes, and needs.

> 3.3 No speaker may be prevented, by internal or external coercion, from exercising his rights as laid

Let's assume for the moment that a genuine and thorough investigation along the lines suggested above would produce a list with similar features--for example, it would illuminate at least these three aspects of argumentation, it would produce similarly formed rules, etc. Even at first sight it is easy to see that there is something misleading or at least awkward about expressing "preconditions" like these in the form of rules. For in this form they look a little like a list of conventions which we may accept or reject, rather than a list of the indispensable components of argument. In a sense they are similar to the constitutive rules of a game like chess--they tell us what the activity consists in. But in another way they are very different from such constitutive rules. For, as Habermas points out, while a violation of one of the rules of chess brings chess-playing to an end, certain kinds of violations of the preconditions of argumentation do not compel us to call off the attempt to argue.

For example, consider the rules which address the rhetorical aspects of argumentation (3.1-3.3). We have to admit that actual argumentation seldom, if ever, exhibits this degree of tolerance, openness, and freedom from internal and external forces. In real life we understand that we have to settle for our best approximations to these conditions. By allowing for such approximation we show that we harbor, as part of our intuitive know-how, certain unachievable, or rarely achievable, ideals. In other words, our know-how extends not only to what we need *to do* to argue, but also to what we need to *aspire to*.

As a consequence, we should find it particularly difficult to be become confident about rules like 3.1-3.3. For if we often fail to live up to them, then it should be easy for a skeptic to challenge them without admitting to relying on them. Our skeptic could say, for example, "I think that your rule 3.3 is fanciful--nothing like that is presupposed in argumentation--we argue all the time without fulfilling it.." We could try to point out to him that at the moment he offers,

P: We argue all the time without fulfilling 3.3.

in support of

C: 3.3 is not a presupposition of argumentation.,

he is engaging in a process which *by its nature* depends on freedom from coercion, that his challenge, in order to be successful as the argument he intends it to be, would have to presuppose something like 3.3. If he is a sympathetic or half-hearted skeptic he may concede the point and admit to performative contradiction. But what evidence could we show the hard-hearted skeptic? Actual argumentation will not provide it--that's the skeptic's point. We cannot just say that rule 3.3 (or one like it) *must* be a presupposition of argumentation because we intuitively know that we should aspire to it--that would be circular, since we are already claiming that 3.3 expresses part of our intuitive know-how.

We could with more hope direct the skeptic's attention to a piece of behavior which, properly speaking, falls outside of the activity of argumentation, namely, the fact that after an argument has been concluded, we will quickly withdraw our confidence in its results upon finding out that some sort of coercion, plainly revealed in hindsight, stifled some contributions (or contributors). Still, if we admit that we often, perhaps unavoidably, violate this rule in practice, then we do not make the best case for including it among our preconditions by claiming that when it is violated *clearly enough* we lose faith in the interaction and its results. What I'm trying to point out here is simply that to the extent that our intuitive knowledge of argumentation requires us to aspire to rarely- or never-achievable ideals, it is going to be especially difficult to formulate that knowledge into defensible rules.

Fallacies and Preconditions

In the remainder of this paper I want to offer a few brief suggestions about how fallacy theory might serve as a resource to us in our attempt to formulate some preconditions of argumentation and about how, through this attempt, we might be led to a broader notion of what a fallacy is.

I have suggested that we might be able to formulate some preconditions of argumentation by paying attention to the cases in which our intuitions tell us that something has gone wrong, that an attempt to enter into or to continue argumentation has failed. I have also pointed out the need to examine as many cases of such failure as possible in order to avoid coming up with a set of rules that is unhelpfully narrow in scope. Fallacy theorists spend their time looking at various sorts of argumentative failures, and although their primary focus is usually not the sort of argumentative breakdown that we seek here, there are various circumstances in which they take note of and remark on such cases. I want to introduce one such set of circumstances.

A fallacy, most familiarly, is an argument which appears to be good but is not (Johnson 1995; Powers 1995). There's a strand running through the flourishing literature on fallacies, call it the That's Not A Fallacy strand, in which theorists take pains to point out that this or that accepted example of a certain fallacy really doesn't count, that is, doesn't embody the fallacy it is taken to embody. There are a number of different ways to convict a cherished example of, say *ad hominem*, of not being a fallacy. For example, it is now common to point out that not all *ad hominem* arguments are bad arguments, that sometimes it is fine to make such an appeal. But I'm more interested in another way of disputing a given text's or dialogue's claim to exemplary fallaciousness, namely, the indirect strategy of pointing out that the passage in question cannot possibly embody a fallacy because it *is not even an argument*.

Now I realize that there are a variety of questions which might be raised about

this strategy, but given our purposes we can leave most of those questions for others. No matter how they are answered we can extract something valuable to

our task: someone has gone through the trouble of figuring out why something which appeared to be an argument (enough to be taken as an example of a fallacy) isn't really one at all. In so doing, this theorist has unmasked a non-argument masquerading as an argument, and this is exactly the sort of case which can provoke us to express our intuitions in the form of a rule. Often enough, in order to bolster the case for the removal of fallacy status, the theorist is compelled to say something about just where the questionable text or dialogue falls short. I suggest that such cases are among the excellent leads we can find by sifting through fallacy theory.

I want to mention, very briefly, a few examples. In his essay on *Ad Baculum*, John Woods points out that certain appeals to force cannot be counted as arguments (and hence

not fallacies) because they violate a "sincerity condition" to the effect that, "...a rational agent ought not to accept claims for which he has contrary evidence or insufficient positive evidence" (Woods 1995). In another example, Edwin Coleman, in his article about appeals to authority, dismisses several established accounts of that fallacy by showing that the cases involved cannot be arguments because they violate various Austinian felicity conditions that any argument, considered as a complex speech act, must fulfill (Coleman 1995). Finally, Eerik Lagerspetz, who explicitly takes up the idea that we can illuminate rules of argumentation by exploring violations of our intuitions, gives careful consideration to the possibility that we commit no *ad hominem*, because we make no argument, when we accuse someone of a "deonto-praxeological" inconsistency. In the end he is able to point out ways in which arguers are bound not only by logical rules but by certain "action-rationality" rules (Lagerspetz, 1995). In each of these cases we are provided with an examination of the ways in which something fails to constitute an argument, or argumentation. Each would be a good place to subject our intuitions to thorough testing in our quest for preconditions.

At this point I must admit that after searching for a while through fallacy studies to find tangential remarks about non-argumentation, after seeing in the meantime how destructive certain fallacies are to the enterprise of argumentation, a certain question becomes impossible to ignore. The question is this: is it really best to think of fallacies as bad arguments that look like good ones? Perhaps there would be advantages to seeing them in a new light, to thinking of them as *non-arguments* that look like arguments. In other words, there might be some value to thinking of fallacies as exactly the kind of violations of our intuitive know-how that would help us formulate preconditions. The shift I have in mind doesn't require us to take the label of "fallacy" from our old examples in favor of new ones. Rather it asks us to think in a different way about what that label means. Instead of thinking of fallaciousness as a mark of weakness, or in Sidgwick's analogy, disease, we would think of it as the mark of failure--that is, of death, or perhaps of never having been born (Sidgwick 1884: 20).

It might be objected that to recast fallacies as non-arguments or as failures to get argumentation off the ground would be to give up the idea that there's a certain trickiness about fallacies. On the standard conception a fallacy isn't just a bad argument, it's a bad one that looks good. But the view I'm considering preserves that trickiness in accordance with the context outlined above: we're not looking for just any fatal mishap, we're looking for the ones which have the appearance of successful arguments. When we find one we'll say, "that's not an argument, *it just looks like one*."

Furthermore, thinking of fallacies as violations of preconditions, and thus as cases of non-argumentation, captures something about how we already treat the things we think of as fallacies. We don't think they need to be, or can be, strengthened, which is a hope one might have for an argument that was merely weak. Rather, we think that they need to be replaced, that they are disqualified from playing a role in our decision making or search for truth or conflict resolution, etc. In thus rejecting fallacies we show that we find them to lack redeeming qualities. The significance of being labeled a fallacy amounts to *not counting* in the game of argumentation. My suggestion is simply that we recognize that judgment by thinking of fallacies as abortive attempts to argue rather than as weak or flawed successes.

Another possible advantage of thinking of fallacies as violations of the preconditions of argument is that it accounts for and legitimizes the diversity of approaches that are currently employed to study fallacies. Judging from the model list that Habermas provides, we can anticipate identifying preconditions which reflect three different aspects of argumentation. Thus, we could expect the violations of these preconditions to be studied by three corresponding types of investigation--logical, dialectical, and rhetorical. What we would not expect is continued competition among approaches, attempts to claim that one is superior to the others, etc.

I mentioned earlier that in the scheme I'm considering there would be no need to remove the label of "fallacy" from old familiar examples and reattach it to new ones. But if we think of fallacies as violations of the preconditions of argumentation, we might be able to inaugurate new kinds of fallacy. Our traditional view of fallacies is more narrow, and more agent-centered, than our tentative list of preconditions. We are used to

charging an arguer with producing a fallacy or engaging in fallacious behavior. But some of the preconditions which might end up earning our confidence focus much more on the contexts of argumentation than on the parties to it. For example, while the proscription against internal or external coercion (3.3) can be violated intentionally in obvious ways, it could also be violated unintentionally if the circumstances within which an attempt to argue takes place produce pressures which distort the exchange. In such a case the parties might believe that successful argumentation occurred, and only a specially situated observer would be able to determine that their belief was mistaken, that what occurred was actually fallacious.

Of course we engage in speculation when we try to foresee which new fallacies would emerge if fallacies were redefined as violations of preconditions and if we were in possession of a tried and tested set of those preconditions. There is a bit of a paradox here, a kind of circle, but it's more hermeneutic than vicious. If we redefine fallacies in the way I'm considering, then, armed with a working list of preconditions, we may be able to add to the list of fallacies. However, since coming up with a working list of preconditions depends upon our investigation of violations of our intuitions, including, presumably, our newly reclassified fallacies, then our ideas about our fallacies determine or shape our developing preconditions. There's nothing to complain about in this state of affairs--we'll always run into attempts to argue which we know are failures before we know precisely which rule they violate, and we'll always have some more or less clear sense of some rules which will disqualify some attempts at argumentation, even before our intuitions register suspicion. The dynamic is one of mutual adjustment and revision, and that can be uncomfortably unstable. But that is the price of giving up on universal claims.

References

Adler, Jonathan E. (1997). "Fallacies not Fallacious: Not!" *Philosophy and Rhetoric* 30: 333-350.

Alexy, Robert. (1989). *A Theory of Legal Argumentation: The Theory of Rational Discourse as Theory of Legal Justification*. Ruth Adler and Neil MacCormick, trans. Oxford: Clarendon Press.

Apel, Karl-Otto. (1987). "The Problem of Philosophical Foundations in Light of a Transcendental Pragmatics of Language." In Kenneth Baynes, James Bohman, and Thomas McCarthy, eds., *After Philosophy: End or Transformation?* 250-290. Cambridge: The MIT Press.

Coleman, Edwin. (1995). "There is no Fallacy of Arguing from Authority." *Informal Logic* 17: 365-383.

Eemeren, Frans H. van and Rob Grootendorst. (1989). "A Pragma-Dialectical Perspective on Norms." In Robert Maier, ed., *Norms in Argumentation: Proceedings of the Conference on Norms 1988*: 97-112. Dordrecht: Foris Publications.

Habermas, Jürgen. (1990). "Discourse Ethics: Notes on a Program of Philosophical Justification." In *Moral Consciousness and Communicative Action*: 43-115. Christian Lenhardt and Shierry Weber Nicholsen, trans. Cambridge: The MIT Press.

Johnson, Ralph H. (1995). "The Blaze of her Splendors: Suggestions About Revitalizing Fallacy Theory." In Hans V. Hansen and Robert C. Pinto, eds., *Fallacies: Classical and Contemporary Readings*: 107-119. University Park: The Pennsylvania State University Press.

Kant, Immanuel. (1992). *Lectures on Logic*. J. Michael Young, trans., and ed. Cambridge: Cambridge University Press.

Lagerspetz, Eerik. (1995). "Ad Hominem Arguments in Practical Argumentation." *Argumentation* 9: 363-370.

Maier, Robert, ed. (1989). *Norms in Argumentation: Proceedings of the Conference on Norms 1988*. Dordrecht: Foris Publications.

Oakeshott, Michael. (1991). "Rationalism in Politics." In *Rationalism and Politics and Other Essays*. Indianapolis: Liberty Fund.

Powers, Lawrence H. (1995). "Equivocation." In Hans V. Hansen and Robert C. Pinto, eds., *Fallacies: Classical and Contemporary Readings*: 287-301. University Park: The Pennsylvania State University Press.

Rehg, William. (1991). "Discourse and the Moral Point of View: Deriving a Dialogical Principle of Universalization." *Inquiry* 34: 27-49.

Rudinow, Joel. (1991). "Argument-Appreciation/Argument Criticism: The Aesthetics of Informal Logic." *Informal Logic* 13: 89-97.

Sidgwick, Alfred. (1884). *Fallacies: A View of Logic from the Practical Side*. New York: D. Appleton and Co.

Tindale, Christopher W. (1996). "Fallacies in Transition: An Assessment of the Pragma-Dialectical Perspective." *Informal Logic* 18: 17-34.

Wenzel, Joseph W. (1979). "Perspectives on Argument," In Jack Rhodes and Sara Newell, eds., *Proceedings of the [1979] Summer Conference on Argumentation*: 112-133. Annandale: Speech Communication Association.

Woods, John. (1995). "Appeal to Force." In Hans V. Hansen and Robert C. Pinto, eds., *Fallacies: Classical and Contemporary Readings*: 240-250. University Park: The Pennsylvania State University Press.

Wright, Larry. (1995). "Argument and Deliberation: A Plea for Understanding." *Journal of Philosophy* 92: 565-585.