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Tempting Mistakes: Toward a Rylean Account of Fallacies

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Title: Tempting Mistakes: Toward a Rylean Account of Fallacies
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I. Introduction: The goal of a theory of fallacies

Fallacy theory is, at bottom, the attempt to ground the normativity of the concept of a fallacy in a theoretically satisfying way. To commit a fallacy is to make a mistake of some kind; it is to do something, all things considered, one ought not to do. But a fallacy is not just any sort of mistake; it is more specific and interesting than that. Three general types of fallacy theory have emerged that attempt to say what sort of mistake a fallacy is. For the standard treatment it is an invalid argument that appears valid. For the pragma-dialectical treatment it is a violation of one or more of the rules that structure a critical discussion. For the epistemic treatment a fallacy is either an argument pattern or procedure that has a high tendency to produce false or unfounded beliefs (Fogelin and Duggan 1987), or an inference that should not have been made (Wreen 1994a). Unfortunately, it is well known that none of these theories offers an entirely satisfactory account of fallacious reasoning. This fact may tempt us to embrace Finocchiaro's (1981) skeptical view that there is nothing philosophically interesting to say about the concept of a fallacy.

However, we can resist this temptation if we can provide an alternative analysis of the concept of a fallacy that responds to Finocchiaro's concerns. Examination of the way the concept of a fallacy functions in both practical and academic contexts provides just such an alternative account of fallacious reasoning: A fallacy is a serious reasoning mistake that normal reasoners find tempting.

In this paper I will develop and defend this "competency treatment" of fallacious reasoning by arguing for the central role of temptation. In recent accounts of fallacious reasoning philosophers have shied away from employing the notion of temptation. However, failing to come to grips with temptation is failing to come to grips with the concept of a fallacy itself; for it is the concept of temptation that allows us to ground the normativity of the concept of a fallacy in a theoretically satisfying way.

II. Features of Fallacies

A fallacy is some kind of mistake. This much is obvious. But what more can we say about the nature of the mistake one makes when one commits a fallacy? First, a fallacy is not a minor error. The same can be said of being taken in by the fallacious reasoning of another. In both cases one is making a serious mistake, a substantial error. For example, it might be a

mistake not to include a relevant piece of support that reinforced an already plausible inference, but it would not ordinarily be considered a fallacy. Clearly, however, a fallacy is also not simply a serious mistake. In certain contexts a failure to correctly punctuate a sentence is a serious mistake, but not a fallacy. So, if we want to say anything theoretically or pedagogically interesting about the concept, we must narrow the scope of "mistake." And the obvious restriction is to reasoning: fallacy talk is reserved for serious mistakes made in the context of reasoning.

Perhaps we can narrow the scope of the concept of a fallacy to reasoning and still avoid the ad hoc character of existing fallacy theories by paying attention to the actual breadth and complexity of the phenomenon under investigation.

The breadth of the concept can be seen in the variety of ways in which one can make mistakes in reasoning. Serious reasoning mistakes can be made both in giving reasons and in interpreting and evaluating reasons given by someone else. Traditional fallacy categories clearly track this distinction. Consider, for example, the standard gang of eighteen, as Woods (1992) calls them. As one might expect, many of the standard fallacies do involve mistakes made by reasoners in the construction of arguments.¹ Fallacies like begging the question, arguing from ignorance, and hasty generalization, just to mention a few, involve mistakes, if they are mistakes, made when one constructs an argument. On the other hand, many of the traditional fallacy categories do not neatly fit this mold. For example, straw man, claiming that an argument is circular, and Ad Hominem are among several fallacies that are often best understood as mistakes made in interpreting and evaluating an argument not in constructing one.² However, there is an important similarity between fallacies of construction and fallacies of interpretation: the one who commits the fallacy is an active agent so to speak; the mistake is an act of commission. But, in addition to the active construction of fallacies and fallacies that result from interpreting and or evaluating arguments, we also talk of one being taken in by the fallacious reasoning of another. This "victim" who has succumbed to the fallacious reasoning of another can be said to have made a mistake as well. Of course, in such cases the mistake is an act of omission, a failure to "see" the piece of reasoning for what it is. Nonetheless, such a failure is often regarded as a mistake and, in fact, much pedagogy is directed toward helping students avoid making just these kinds of mistakes. So, it would be a plus if we could develop an account of fallacious reasoning that incorporated this aspect of bad reasoning.

Second, although virtually all argumentation theorists agree that reasoning often involves dialectical give and take, Biro and Siegel (1992), Woods (1991), and Wreen (1994b), for example, are surely right to point out that the mistake made when one commits a fallacy is a cognitive or epistemic mistake of some kind. An account of fallacies that fails to give the epistemic function of the reasons-giving enterprise its due risks reducing the enterprise to rational negotiation. And while giving reasons certainly involves negotiation, reducing the reasons-giving enterprise to negotiation threatens to undermine not only reasoning but also the very possibility of rational negotiation.

Third, a fallacy is clearly more than a serious cognitive mistake made in the context of reasoning broadly construed. It would be a serious cognitive mistake, for example, to assert "the sky is blue" as the sole reason to believe "it will rain tomorrow." Further, it would be an equally serious mistake to pathologically add "p" to itself via the correct use of the addition rule of

propositional logic. Yet, in both cases fallacy talk is out of place. Fallacies are not obvious to the ordinary reasoner and they are not easily avoided. If they were there would be little use for a fallacy literature that seeks to provide theoretical and pedagogic insights into bad reasoning. In addition most reasoners have no idea that they are either committing a fallacy or being taken in by the fallacious reasoning of another. Fallacies are, as the critical thinking literature likes to think of them, pitfalls that seduce reasoners. An adequate account of the concept should make room for this central notion of temptation.

Fourth, an adequate treatment of fallacy talk must account for the fact that, at least in pedagogic contexts, we make use of fallacy categories. We teach our students to classify mistakes made in the context of reasoning in terms of such categories as slippery slope, begging the question, appeal to pity, and the like.³ But, the literature on fallacies has made it clear that every fallacy category has instantiations that would be difficult to characterize as mistakes or bad reasoning. As Walton points out, "...the so-called 'fallacies' are in many cases not really fallacies at all" (Walton 1987, 326). So, we must explain why it is the case that fallacy categories remain in use, and in some sense seem useful, in spite of the fact that none of them are without exception.

Finally, the significance of fallacy talk depends on the context in which it is employed. This fact is rarely discussed in the fallacy literature. However, the context dependency of the normative significance of fallacy talk is important to recognize and explain. In a pedagogic context, to assert that a student has committed a fallacy is, typically, to suggest that the student's reasoning is fatally flawed and should be rejected. It is in this context that Walton's claim that fallacy is a strong term, "implying that the argument has committed a vitiating logical error, making it subject to refutation, perhaps even suggesting that the argument is worthless" (Walton 1987, 326) seems most apt.⁴ But something much more complicated is going on in a professional philosophic context. It is not obvious that fallacy talk functions the same way in this context. Accusing Jerry Fodor (Fodor 1975), for example, of arguing from ignorance when he concludes that something like the language of thought hypothesis must be true since he cannot see any other alternative typically does not mean, even if the accusation is warranted, that Fodor's view has been refuted, or that his reasoning should be rejected out of hand.

III. Developing An Alternative Account of Fallacies

Three aims, then, motivate the search for an analysis of the concept of a fallacy. An adequate account will: 1) ground the normativity of the concept in an insightful way; 2) provide an explanation of the breadth and complexity of the concept; and 3) suggest pedagogic insights into the teaching of argument and reasoning. This may be too much to hope for; however, as a helpful first step in developing an alternative picture of fallacious reasoning the following epigram distills the lessons we have learned so far:

A fallacy is a serious reasoning mistake that normal human reasoners find tempting.

Let us look at what makes a mistake a reasoning mistake and whether something interesting can

be said about temptation.

Reasoning Mistake

The notion of a "reasoning mistake" avoids breadth problems (i.e., treating advertising, self-deception, perceptual illusions and the like as fallacies) that plague other accounts and it avoids counterexamples without leaving the topic of interest. One can make such a mistake in both selling and consuming reasoning. For example, mistakes can be made in constructing an argument, interpreting an argument, and evaluating an argument; and, one can make a reasoning mistake when one is seduced by a bad argument given by someone else. Further, a reasoning mistake can be made that is not a mistaken inference at all.

The concern of theorists like Wreen (1994a) that "reasoning" in general is too vague to use in an analysis of the concept of a fallacy, while understandable, is easily met. First, Wreen's alternative, "mistaken inference," is every bit as hard to get a handle on; mistaken reasoning is certainly no worse off. Second, the concept of a fallacy is not perfectly precise either, and, given our interests, indeterminacy in "reasoning" may be just the thing to provide us with insight into the indeterminacy of "fallacy."

Temptation

One might be wary of including temptation in our analysis because it might seem to be the same ad hoc maneuvering that plagues the other treatments of fallacies. Specifically, we might think the only motivation for including temptation is to exclude the mistakes of the pathological reasoner. Whatever the pathological reasoner is doing, he is not making mistakes that tempt ordinary reasoners. Ordinary reasoners, in normal contexts, are simply not tempted by the recursive use of the adjunction rule, for example. But while including temptation does avoid this problem this is not what motivates its inclusion in the account. It is included simply because it is such a central part of the concept.⁵ The question is, why is it not more prominent in the literature?

Whatever accounts for the omission of temptation, many things fall into place with its inclusion. This can be seen by noting the way in which an appeal to temptation solves some vexing problems. First, a potentially fruitful way to explicate the standard treatment's vague and unhelpful notion of "appears valid but is not" is to appeal to the concept of temptation. Fallacies are "tempting" invalidities. Second, as we have already discussed above, distinguishing fallacious from pathological reasoning requires an appeal to temptation. Finally, an appeal to temptation helps us understand why normal people make mistakes and thus helps us anticipate them. These virtues of the notion of temptation, by themselves, motivate including it in an analysis of the concept of a fallacy even as an unanalyzed primitive.⁶ But, we can say something more about temptation; in fact, as we shall see, failing to come to grips with temptation is failing to come to grips with the concept of a fallacy itself.

Tempting Mistakes

Recognizing the centrality of temptation to the concept of a fallacy not only helps us see the kind of mistake it is, it also reveals the feature of fallacies central to our pedagogic interest in them. Tempting mistakes are the kind of mistake Gilbert Ryle called, "exercises in competencies" (Ryle 1949, 60). In order to see that this characterization is not as paradoxical as it sounds we must look briefly at the notion of a competency.

A competency is a skill or ability, or a set of skills or abilities. To be competent at X is to possess the requisite skills or abilities that enable one to do X. This suggests that, following Ryle, a competency is a kind of "knowing how" (Ryle 1949, 27-32).⁷ Moreover, to be a competent X requires that one can, "detect and correct lapses, ... repeat and improve upon successes, ... profit from the examples of others and so forth" (Ryle 1949, 28-29). For example, a competent chess player knows how to play the game, knows how to recognize and compensate for, or correct, mistakes, knows how to improve and or sharpen his game, and knows how to profit from instruction and training. To be competent, then, is not merely to perform well, or be disposed to perform well, it is to apply and regulate one's performance by standards of good performance. So, the concept of a competency is an evaluative concept. To be a competent driver is to be capable of not just driving, but driving well. Giving reasons and interpreting and evaluating the reasons of others are competencies in the sense described above.

Reasoning is like talking or driving. Both get better with experience and practice, however, reasoning in particular continues improving throughout life; moreover, we can typically understand the impact of particular sorts of reasons long before we can spot and give them. So we have both a passive and an active competency. Consider, for example, the following list of cases that require an ever increasing sophistication to give or even understand reasons for a view: 1) the failure of the light to respond to the switch as reason to think the bedroom light has blown; 2) oil on the driveway as reason to think the car has an oil leak; 3) a deserted campus as reason to think that you are late to class; 4) stethoscope sounds as reason to think that your patient has emphysema; 5) central control of monetary policy as reason to think the European Union will have difficulty dealing with regional economic crises; 6) and anything at all as a reason to think that abortion is moral or that doubting everything all at once is coherent.

The reasons-giving enterprise plays an important role in our lives in so far as the development of our skill yields effortless intersubjectivity in everyday cases. Honed against the concrete cases like those early in the list above, poor judgment provides the opportunity for valuable feedback; the result: our competencies converge. This convergence is doubtless responsible for the high expectations we have of the reasons-giving enterprise, why we try so hard to extend the enterprise to ever more problematic cases, and why we are so disappointed when it fails to achieve consensus.

But knowing you have a competency allows a kind of mistake not otherwise possible. Someone may be tempted to make a judgment because a case looks like one she is competent to judge, unaware that it differs in a respect that subverts that judgment. These are just the kind of "lapses" we must detect to improve our skill; and these are the kind of mistake that are, in Ryle's words, "a byproduct of knowing how" (Ryle 1949, 60). Both Kant (1997) and Wittgenstein (1968) make a similar point (See Hacker 1972 for an insightful discussion of the connection

between illusion and competency in both Kant and Wittgenstein). To be tempted, to succumb to an illusion, one must possess the competencies that are exploited by that illusion. One would not be tempted or fooled if one was not normally competent. For example, a two year old child cannot be fooled by the puddle mirages on the highway.⁸ And, only someone who is a competent speaker of Russian can misinterpret the significance of a Russian expression (Ryle 1949, 60). This, then, is the sense in which mistakes are exercises of competencies: that one is tempted to make a mistake both indicates a competency and alerts us to its limits.

This understanding of temptation answers one question but raises another. Recall that fallacy theory grounds the normativity of fallacy in the concept of a mistake. The present account offered "reasoning mistake," as a promising refinement of that notion to provide some insight into the nature of fallacies. Add Ryle's insight and committing a fallacy becomes succumbing to a temptation to reason past the limits of one's reasoning competency. And since competency is an inherently evaluative concept, one need look no further than this failure of competency to ground the normativity of the concept of a fallacy.

The question raised by this account concerns how one's competency to give and evaluate reasons can be undermined. This can occur in two broad ways. First, one may employ these competencies in a context far removed from the contexts in which they were developed. In such cases, one is reasoning in a context in which one is in over one's head so to speak. Second, one's competencies can be undermined by motivational factors.

Reasoning Over One's Head

As an example of this first kind of failure of competency, let us look at appeals to ignorance. Although tradition has it that such appeals are always illicit, in normal contexts we can and do make appropriate appeals to ignorance; that is, appealing to a lack of a reason to think that something is false can and does function as a perfectly good reason to think that something is true.⁹ Why do I think I am not moving? I have no good reason to think I am moving. Why am I sure that it is not raining? I have no good reason to think it is raining. These are often good reasons. And when they are good reasons it is because I am appealing to them in a context in which I am competent. In the former case, I am a normal adult sitting still in my seat and looking out the window of a train. In the latter case, I am a normal adult inside a building with an aluminum roof and no insulation. In both cases I would notice the usual indicators of motion or rain. That I don't is reason enough to conclude that I am not moving or that it is not raining.

But appeals to ignorance can be illicit. As one might expect, when they are this fact is explained by appealing to a failure of competency. And, in this case, our competency can fail us in one of two ways. Although it is probably the case that both kinds of failures are at work in all illicit appeals to ignorance, it will be worth discussing them separately. If I am reasoning about aspects of the world of which I know little about, it is obvious that I cannot rely on my normal competencies to ground an appeal to ignorance. To ground such an appeal I must be familiar enough with the circumstances to be capable of recognizing features of those circumstances that would block a proper appeal to ignorance. So, for example, if we change the case above such that I come from a part of the world that has an arid climate and that does not use aluminum for much of anything, and I appeal, in this case, to the lack of a reason for believing that it is raining to

ground my belief that it is not raining, I have clearly made, to use Fogelin and Duggan's phrase, an improper appeal to ignorance. In this case I do not know enough about the circumstances to know if the absence of a reason for rain genuinely counts as a reason to believe it is not raining. I lack the requisite competency to make this judgment. Yet, it is clear why just such a judgment might be tempting. When I am competent I can effortlessly appeal to ignorance as a reason to believe a claim. But it is sometimes difficult, especially as we move from concrete cases to cases that are more abstract, to determine if I have the requisite competencies. In cases like these, I have reached the limit of my competency and in such cases it is tempting to appeal to ignorance in just the way that I do in contexts that engage my competencies; I am, as it were, in a context in which I am reasoning over my head. Having the heading "illicit appeal to ignorance" should serve as a reminder that mastery of the subject in question is necessary for the success of this appeal.

To see the second way in which competency can be undermined by virtue of being in over one's head, consider the following improper appeal to ignorance. Having briefly looked over Lizet's FBI file, a Senator announces that Lizet must be a communist since there is no good reason to think that she is not a communist.¹⁰ We can schematize the Senator's reasoning this way:

S1: I have no good reason to think that Lizet is not a communist.

C: Lizet is a communist.

First, this case looks like one in which it is questionable whether the Senator possesses the requisite competency necessary to determine if the absence of evidence in this case licenses the inference. But more importantly, this case, unlike the cases discussed above, involves controversy. And when the context is one in which controversy and disagreement exist, the competencies necessary to ground an appeal to ignorance usually evaporate. For, in such cases, it is one's understanding that grounds a competent judgment that is at issue. If one objects to the Senator's accusation, the Senator's appeal to his competency in these matters falls on deaf ears since it is just this competency that is being challenged. As such one cannot cite as a reason to believe a claim is true one's competent judgment in cases where just that judgment is at issue. So, appealing to ignorance in this case, and others like it, is an illicit appeal; it is a mistake. And the mistake is best understood as a failure of competency.

Specifically, such mistakes involve the failure to see that what works in some contexts, contexts in which we can exploit our understanding of the world, does not work in contexts in which that competency is itself at issue. Since appealing to ignorance works effortlessly in many contexts, it is easy to see how one could be tempted to appeal to ignorance in cases like the one discussed above. Moreover, in the Senator's case, and others like it, there is a concern that one's competency is undermined not so much by reasoning over one's head, but by motivational factors. It is to these motivational factors that we turn to now.¹¹

Motivational Factors That Undermine Competency

That motivational considerations can undermine competency is uncontroversial. A parent is put on the stand to testify on behalf of his son who has been accused of a gruesome murder. The parent sincerely testifies that his son could not have committed the crime, his son is just not capable of this kind of behavior. If there is enough evidence to the contrary we will simply dismiss the parent's testimony on the grounds that his ability to make sound judgments about his son has been undermined by his emotional attachment to his son. The parent's normal competency has, in this case, been undermined by a complicated set of motivational considerations. And, of course, the person who is most unlikely to see that his competency has been compromised by his emotional attachment is the parent who makes the mistaken judgment about his son. Thus, it is easy to see why, in such cases, one would be tempted to make this kind of mistake.

We can apply this insight to understand interpretive fallacies like straw man. Of course, one's ability to correctly interpret the reasoning of another lapses if one is engaging reasoning in a context that is unfamiliar to the interpreter, or similarly if the context is simply over the interpreter's head. Mistakes are bound to happen in such cases. But, the more interesting lapse of competency occurs when, like the parent in the case discussed above, motivational considerations come into play. In such cases our interpretive competencies are likely to give way. We would expect our ability to carefully interpret the reasoning of another to erode in just those cases where we despise the author or her position, cannot understand why or how someone could hold a view we find so repulsive, and so on. And when our interpretive competencies do give way, the result is a failure of charity. Straw man, for example, is, essentially, the result of a failure to exercise charity. Many of the other interpretive fallacies (e.g., the charge of circularity) also result from just such a failure of charity. So, on this account, a failure of charity is the meta-fallacy, if you will, that grounds the interpretive fallacies. This failure of charity is usually the result of a lapse of competency caused by motivational considerations. It is these motivational considerations that make fallacious interpretations so tempting in the first place. And the temptation is easy to succumb to just because in most cases our natural skills and good sense effortlessly provide correct, or at least reasonable, interpretations of the words and writings of others.

This is not to say that motivational considerations only undermine interpretive competencies. In the case of the Senator discussed above, if we come to know that the Senator's reputation hangs on the success of his accusations against Lizet and others, then we would expect that motivational factors are at work and may undermine his competent use of negative evidence. Of course, all of the concerns adduced above also are at work in this case. But, surely, motivational considerations are an important factor. Moreover, appeals to authority, although often perfectly acceptable, will be illicit or improper appeals in just those cases in which the competency of the person making the appeal has been undermined by motivational considerations.

Consider, for example, a case in which two Catholics are arguing about the morality of abortion. One of them appeals to their local parish priest, an avowedly conservative member of the Church, and claims that abortion must be wrong because the priest said it is wrong. In

countless cases of this kind an appeal to authority is perfectly reasonable. A child tells his friend not to touch the hot stove. When asked why, the child simply says, "Mom said not to." End of story. But in the abortion case, such an appeal is illicit and for two important reasons. First, the abstract nature of the case makes it difficult to see why the priest would be competent to make a judgment like this in the first place. Further, motivational considerations also seem likely to be at work in this case and hence pose a different kind of threat to the competency of the priest. A second kind of problem, however, centers on the appeal *to the priest* as an authority in this case. In this context appealing to the priest's condemnation of abortion cannot serve as a reason for the party of this discussion who is arguing in favor of abortion to abandon or modify his view. Who counts as an expert in this context is, for reasons adduced above, a contentious issue. It is understandable why one might make such a mistaken appeal; it is a tempting mistake because, in this case, one's commitment to the position makes it difficult to see that appealing to the priest is problematic, and because appeals like this made in a different context effortlessly provide reasons to adopt a view.

IV. Assessing the Competency Account of Fallacies

Although the details of this alternative picture of fallacies could be worked out in more detail, enough has been said to give the account a name and to assess its merits.¹² First, since competency plays such a large role in this account, it is only fitting to call this account of fallacies the competency treatment. Second, to assess its merits, recall that an adequate treatment of the concept of a fallacy should provide an account of the normativity of the concept, account for the features of fallacies adduced in section II, and provide pedagogic insights into the teaching of reasoning. This section will focus on the first two criteria since, although this last criterion is alluded to throughout what follows, a thorough discussion of it is beyond the scope of the present paper. (See Turner 2001 for a discussion of some of the more interesting pedagogic implications of the competency treatment.)

The normativity of the concept of a fallacy, on the present view, is, as we have discussed above, grounded in the fact that tempting mistakes are made when a reasoner has reached or surpassed the limits of her competency. And since competency is a normative concept, it involves the ability to do something well, the failure of competency, then, implies that one has done something poorly; one has made a mistake. The failure of competency is at the heart of this alternative account. Fallacies are mistakes made when we reason at the limit of our skills. They are tempting mistakes just because we are comfortable with our skills. But whether or not one should accept this account over more traditional accounts depends on whether it explains the features of fallacies described above in a way that helps us to say what is going on when we reason badly.

First, the account is broad enough to capture both fallacies of construction, and fallacies of interpretation. Competency can fail us in both these contexts. Further, we can make sense non-standard fallacies like *the hardware fallacy*. (See Fogelin and Duggan 1987 for a discussion of this fallacy.) It is just as much a tempting mistake made in the context of reasoning as is any of the more traditional fallacies.

The breadth of the account is a plus in two additional ways. First, while in some contexts we would not want to count Wreen's (1994a) example of using the mean instead of the median as a fallacy, the competency treatment certainly suggests that even this mistake has much in common with the more traditional fallacies, and that, in some contexts, it might well fall under the heading of piece of fallacious reasoning. Certainly such a mistake is a failure of competency and it would be a tempting mistake in much the same way the other fallacies are tempting mistakes. If the mistake was tied to the context of reasoning broadly construed, as it surely often would be, then there is no good reason for not calling it a fallacy. Second, the breadth of the account coupled with an explicit appeal to competency helps to explain the close affinity between those who construct fallacious pieces of reasoning and those who are taken in by fallacious reasoning. Once the context is expanded beyond argument or inference, then it is clear that in many cases the same appeal to a failure of competency explains both why one would construct a fallacious argument and why one would be taken by such an argument.

Second, the competency treatment can easily explain the epistemic or cognitive nature of the mistakes that are characterized as fallacies. Following Woods (1992) the competencies that fail us when we succumb to temptation and commit a fallacy are, roughly speaking, connected with our ability to give, interpret and evaluate reasons. The capacity for reason, in this context, means little more than the possessing of a set of skills that allow us to get around in the world with minimal difficulty. It is the set of skills, developed over the long bio-cultural history of the species, that stock our "rational survival kit" (Woods 1992, 24). Many of these skills are distinctly cognitive or epistemic in nature, including, just to mention a few: the ability to draw consequences; the ability to see the significance of an event, remark and so on; the ability to make generalizations; the ability to draw inferences; the ability to generate and or look for information and to see its relevance.¹³ The failure of these skills is clearly a cognitive failure that has epistemic consequences, not to mention consequences for survival. And it easy to see why this is so. A failure of the kinds of skills mentioned above increases the likelihood that one develops an understanding of the world that is false in some important respects. So, mistakes that arise as a result of a failure of these kinds of competencies are clearly epistemic/cognitive mistakes.

But, a benefit of the competency treatment is that if we had reason to think that incorporating the insights from the pragma-dialectical treatment could enrich fallacy talk, the present account easily accommodates those insights. Violations of the rules that constitute a critical discussion are clearly mistakes. A promising approach to understanding the kinds of mistakes discussed by the pragma-dialectical treatment is to examine the way in which they result as a misfire, not of one's epistemic competencies, but of one's competencies to negotiate with others. And we can tell a similar story about the role of temptation in this context. It signifies a competency and alerts us to its limits; the difference, then, between broadly speaking epistemic treatments of fallacies and dialectical treatments is that the latter are concerned with a different set of competencies than the former.

Third, the present account, as previously mentioned, gives us a satisfying solution to the problem of the pathological reasoner. It also provides a motivation for accepting Fogelin and Duggan's (1987) unmotivated claim that argument patterns like "p" therefore "q" and "p v therefore "p & q" should not be labeled fallacious, in spite of the fact that both patterns, and

many more like them, are likely to produce a high frequency of error. In both the cases Fogelin and Duggan discuss and in the case of the pathological reasoner, a fallacy is not committed because the mistakes made in these cases are not ones that tempt ordinary competent reasoners. In these cases skills are so degraded that it is not clear that, at least in most contexts, what is being done counts as reasoning at all. Further, a natural by-product of this account of fallacies is that fallacies are not obvious or easily avoided. The critical thinking community is correct to think of them as pitfalls and this account easily accounts for that fact.

Fourth, the competency treatment explains the fact that the significance of fallacy talk is sensitive to the context of its use. Recall that in pedagogic contexts to accuse one of committing a fallacy is a serious charge and often serves as an indication that the argument is seriously flawed. This is easily explained on the present account. In pedagogic contexts the accusation that one has committed a fallacy typically points out a genuine failure of competency. As such the argument loses much of its force. On the other hand, in the professional philosophical context the significance of fallacy talk is much more complicated. What are we to make of, for example, Jerry Fodor arguing from the fact that he knows of no other plausible account of cognition except the language of thought hypothesis to the conclusion that this hypothesis is true or warranted? Clearly whatever we make of this case it will not be the same as if a critical thinking student made the same claim. Professional philosophers do not think that just by accusing Fodor of appealing to ignorance in this case, or committing what Sober (1992) calls *the only game in town fallacy*, that his argument has thereby been refuted. So what is meant by such accusations in this context? One possibility is that in this context competency is not in question; the accusation of a fallacy does not carry with it the accusation of incompetency. This would be an unwelcome result if it were true, since it would suggest that competency is not central in the academic context.

Fortunately, another possibility is available. When philosophers charge each other with committing a fallacy they are in fact accusing each other of incompetency. But, in this context, the competencies professionals charge each other with claiming, but not having, are not the everyday competencies that ground practical everyday reasoning. So, for example, when Sober claims that Fodor commits *the only game in town fallacy* he is in effect accusing Fodor of failing to realize just how extraordinary the competency that he is claiming to have is. And it is this difference that accounts for the fact that the significance of the accusation depends on the context in which it is made.

Finally, the competency treatment can make sense of Wreen's (1987, 1989, 1994a, 1997) claim that there is no sacrosanct list of fallacy categories based on formal or quasi-formal argument patterns. Individuals are tempted, on this account, to make particular mistakes at particular times as a result of a local failure of competency. There is nothing fallacious, per se, about arguments that appeal to ignorance, or arguments that appeal to authority, for example. There is also nothing fallacious, per se, about affirming the consequent. These patterns have countless correct instantiations. The problem, then, when there is a problem, is that one has employed an argument in a context in which one is not competent. Thus we should not be surprised if it does turn out that the traditional fallacy categories produce more good arguments than bad. The argument patterns are not what is at work in either case. What is at work is the substantive engagement of our competencies to give, interpret and evaluate reasons. And, of

course, our competency with any pattern of reasoning may vary depending on the context in which it is applied.

One might object to the account on the grounds that it fails to explain the usefulness of the traditional fallacy categories. On this account the fallacy categories seem to serve no purpose. But this conclusion is not forced on us by the competency treatment. The traditional fallacy categories serve as reminders of the limits of our normal reasoning competencies. They serve as reminders of the kinds of mistakes that people competent enough to give reasons, but not familiar with the context in which *this* argument takes place, are tempted to make. And, as one might expect, the further from the home of one's competencies one gets, the more important it is to be reminded of the limits of those competencies. So, it is not surprising that the fallacy categories are most useful, and also most dangerous in the context of a standard critical thinking course. They are most useful precisely because it is in this context that students are asked to give, interpret and evaluate abstract reasoning that stretches the limits of their competency. The fallacy categories serve, in this case, as a reminder that the skills we can usually rely on may fail us as we move toward the edges of those skills. On the other hand, these very same categories are most dangerous in this context. If students are taught that the categories denote fixed patterns of mistakes that are responsible for bad reasoning, then students may well come away from a critical thinking course with the view that every instantiation of a "fallacious" pattern is a mistake and should, therefore, be avoided. This makes students both bad critics, since they are encouraged to look for formal features of reasoning rather than substantive ones, and undermines many of the students' most reliable skills.

V. Conclusion: Theoretical implications of the competency treatment

If the argument of this paper is convincing, Finocchiaro's skeptical worries about fallacy theory can be assuaged. It is possible to say something theoretically satisfying about the concept of a fallacy so long as we recognize that to do so we must appeal to the competencies that reasoners bring to the table when they engage in the practice of reasons-giving. Moreover, the competency treatment of fallacies provides several interesting theoretical insights concerning argument and reasoning.

An important theoretical insight gleaned from the competency treatment is that while we can say something roughly theoretical about the concept of a bad or mistaken argument and related kinds of mistakes, what can be said is not very systematic or formal. This should not be surprising since it is widely recognized that no rigorous, systematic treatment of the concept of a bad argument has been successfully articulated.¹⁴ But what we can now say is why such a treatment is not forthcoming. Fallacies are failures of competency. Wreen (1994a), then, is correct to locate the source of the mistake in the arguer, not the argument. *People* make mistakes when they reason. As such, no account of bad reasoning that fails to take into account the role played by the failure of competency in the context of reasoning can hope to successfully say what it is about that reasoning that makes it bad or fallacious. And since what accounts for the failure of competency in the context of reasoning is so heavily dependent upon the skills of the particular reasoner in question and the circumstances in which she is reasoning we should not

expect a grand systematic formal treatment of bad reasoning. As we have said before, not even the traditional fallacy categories pick out patterns of reasoning that are bad simply in virtue of instantiating a formal or quasi-formal pattern. The competency treatment suggests why we should not expect such an account and why attempting to force the concept to fit such an account would have all sorts of unpleasant consequences.

The primary theoretical insight, however, is that as we move further away from circumstances in which our reasoning skills naturally develop and gain their intersubjectivity, the risk increases that we will run past their limits without noticing it. Two contexts stand out as especially problematic: great abstraction and intractable, or deep, disagreement.¹⁵ The former is subject to great risk because the corrective feedback we have come to expect from "lapses" in competency is not easy to detect and is sometimes absent altogether. We may reason badly about the problem of evil, free will, the objectivity of morality, or the unity of apperception, for example, and never run into a brick wall or a moving bus; nor are we likely to ever miss a meal or fail to reproduce as a result of such failings. The latter, deep disagreement, on the other hand, reveals that competencies have, as of yet, failed to converge. This raises a separate issue that requires other skills and that must be dealt with prior to applying our judgment to the substantive issue. In each context, explicit preliminary attention to the level of competency each participant brings to the table is a necessary first step if reasons-giving is ever to be effective. Failing to notice this crucial step will result in a dramatic rise in the risk of committing a fallacy.

Notes

¹ It is worth noting that this category is broader than Wreen's (1994a) notion of a mistaken inference. For although fallacies that occur in the construction of an argument may in fact involve a mistaken inference, they certainly need not. For example, false dilemma, if it is a fallacy at all, certainly is a fallacy of construction, but it may not involve a mistaken inference.

² The critical evaluation of an argument can itself take the form of an argument. And when it does the author of the critical argument is open to both kinds of mistakes.

³ In academic contexts one certainly does see professional philosophers accuse each other of committing a specific kind of fallacy; however, this is the exception not the rule.

⁴ Wreen (1994a) complains, that fallacy theorists often reify the notion of a fallacy. This is certainly evident in Walton's remarks. Wreen is surely correct to remind us that arguers, not arguments, commit errors.

⁵ Any pedagogic attempt to characterize the notion of a fallacy includes temptation. Consider Whately's definition of a fallacy. A fallacy is, "any unsound mode of arguing, which appears to demand our conviction, and to be decisive of the question in hand, when in fact it is not" (Whately 1836, 143). Mackie (1967) also builds temptation into the account.

⁶ Of course, all analysis comes to an end at some point; something must count as an unanalyzed primitive.

⁷ There are, of course, problems with distinguishing know-how from know-that. But, since the purpose of the use of the distinction in this case is to be suggestive of what a competency is and not to give an analysis of it, these difficulties can be overlooked.

⁸ I owe this example to Larry Wright.

⁹ In several recent articles Wreen (1987 and 1989) has advanced a different argument for the same conclusion; namely, that arguments from ignorance are in many cases perfectly good arguments. Walton (1996) also holds the view that such arguments are often good arguments.

¹⁰ This example is similar to one that Walton (1996) discusses about an episode involving Senator McCarthy.

¹¹ See Wright (2001) for a similar analysis. Walton (1996) suggests that cases like the one discussed above are best seen as involving illicit attempts to shift the burden of proof. There is nothing in my analysis that is inconsistent with such an approach, although I do not think that this way of describing the mistake gets at what is really going on in such cases.

¹² The analysis presented here is but a sketch. A similar analysis can be provided for all of the traditional fallacy categories. See Turner (2000, 153-166) for a more detailed application of the present analysis to the traditional fallacy categories.

¹³ This list is drawn, in part, from Woods (1992, 25). It is worth noting here that my account shares much with Woods account as it is developed in Woods (1992). Since Woods account depends heavily on Scriven's treatment of the fallacies in Scriven (1987), my account is similar to Scriven's account as well. Where I disagree with both accounts is that I do not share either Woods or Scriven's optimism about the fallacy categories. Woods, for example, claims, following Scriven, that, "Fallacies are a kind of ideal type of attractive nuisance or impropriety... they are also a caricature of their associated improprieties, which lie deeply imbedded in human practice" (Woods 1992, 24-25). The problem is that this treatment, as it stands, is incomplete since, as previously mentioned, it is not clear that the traditional categories are even caricatures of mistakes; for in many contexts instances of the fallacy categories are not mistakes at all. Recently Woods (2002) has sketched out a view of fallacies that not only seems to be consistent with the view developed in this paper, but also provides an interesting analysis of the claim, defended here, that individuals do not typically reason fallaciously. This is because, following Finacchiaro (1981), Woods holds that, "A fallacy is always a fallacy in relation to a contextually appropriate standard" (2002, 66). And in the case of individual agents, the appropriate context is one in which, given cognitive resource limitations and time constraints, agents must, "transact their cognitive agendas on the cheap" (2002, 66). Given this standard, typical fallacy categories provide what Woods calls perfectly reasonable "scarce-resource compensation strategies" (2002, 61).

¹⁴ Given Massey's (1981) argument against the very possibility of a formal account of bad argument this should not be a surprising result.

¹⁵ It will usually turn out that these contexts overlap. Rarely do we deeply disagree when the circumstances allow for the effortless employment of our skills.

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