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The “Fallacies” of Pity and Fear: Logic, Sentiment, and Ethical Argument

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Craig Beam, "The “Fallacies” of Pity and Fear: Logic, Sentiment, and Ethical Argument" (May 14, 2003). *OSSA Conference Archive*. Paper 6.

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Title: The "Fallacies" of Pity and Fear: Logic, Sentiment, and Ethical Argument
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I teach courses in informal logical and in ethics. Several years ago it struck me that if one accepts the traditional classification of certain arguments as fallacies, then one must dismiss the major types of ethical argument as essentially fallacious as well. The alleged fallacies I have in mind are the appeal to pity (*argumentum ad misericordiam*), appeal to fear (*argumentum ad baculum*), appeal to authority (*argumentum ad verecundiam*), and appeal to popularity (*argumentum ad populum*). Each of these arguments plays an important role in practical reasoning and the justification of ethical claims. If we were to dismiss them, in the manner of some textbooks, we would be at a serious loss.

Consider the following three exchanges between M, a mother and ordinary moralist, and S, her skeptical son who is well-versed in the traditional fallacies.

M: You should obey the speed limit. Otherwise, you'll be stopped by the police and fined.

S: *That's an obvious appeal to fear.*

M: If you speed, you're more likely to be killed or injured in an accident.

S: *Another attempt to scare me.*

M: It's against the law to speed. You should obey the law.

S: *Now you're appealing to authority.*

M: You should obey the laws because they are enacted by a democratic government.

S: *That's an appeal to popularity. The majority isn't always right.*

M: When you speed you risk the lives of others.

S: *So? Are you trying to appeal to pity?*

M: President Bush shouldn't go to war in Iraq. It will bring misery and death to innocent civilians.

S: *You are appealing to pity. One can't wage war without getting one's hands dirty.*

M: It will provoke a backlash against American interests in the Middle East.

S: *An appeal to force. Why should we cave in to the threats of Islamic radicals.*

M: World opinion is overwhelmingly against the war.

S: *An appeal to popularity. Who cares what a bunch of foreigners think?*

M: The U.S. has not obtained the approval of the United Nations.

S: *An appeal to authority. Why let them decide whether the war is justified?*

M: Come on? George Bush really just wants to control Iraqi oil.

S: *You can't show why the war is wrong, so now you're resorting to ad hominem attack.*

M: Don't pick up the poor kitty by the tail. It hurts her.

S: You're appealing to pity. Why should I care if it hurts the cat?

M: How would you like it if I picked you up by the ears?

S: Is that an appeal to force? Are you threatening me?

M: No one likes a person who is needlessly cruel.

S: Now you're appealing to popularity.

M: I'm your mother, and I'm telling you not to hurt the cat!

S: So at last you're taking refuge in parental authority.

M: It's simply wrong to be cruel to animals.

S: Why? You are begging the question. Give me one valid reason why it's wrong.

Each of the above dialogues consists of five arguments which are met by charges of fallacy. While some arguments may miss the mark, the cumulative impression is that there is something morally obtuse about the skeptic. For in dismissing the appeal to pity, he rules out sympathy for human suffering. In dismissing appeals to fear, he rules out prudential concern with how others will respond to his actions. And in dismissing authority and popularity, he denies that law, democracy, or the consensus of humanity should have a bearing on his moral decisions. One wonders if there are any moral arguments he could accept that wouldn't rely on one of the alleged fallacies.

No informal logician, to my knowledge, has used fallacy theory to dismiss morality. It is unlikely that such radical conclusions are intended. Yet many authors of traditional textbooks on logic and the fallacies do not seem to have inquired deeply into the nature of moral argument, the distinction between it and other types of argument, and the issue of precisely when appeals to pity and fear are problematic. Moreover, in recent years, traditional accounts of these fallacies have come under attack. Douglas Walton has written a series of books on *The Place of Emotion in Argument* (1992), and the *Appeal to Pity* (1997a), *Appeal to Expert Opinion* (1997b), and *Appeal to Popular Opinion* (1999) which offer a richer and more nuanced view of such arguments. Others have made a case for similar ideas in the pages of *Informal Logic* (Coleman, 1995; Levi, 1999; Hansen, 2000). One theme that emerges from this literature is that appeals to pity, fear, authority, and popularity are not fallacies in the same sense as affirming the consequent or equivocation. They are not errors in logic or confusions designed to trick people. They are more like arguments from analogy – a distinctive and perfectly legitimate form of reasoning which can be strong or weak, depending on the particular case in question.

Pity and Fear

Appeals to pity and appeals to fear are related types of argument. Both rely on emotion, and both are primarily relevant to the domain of practical reasoning. One invokes sympathy for others and entreats us to help them; the other invokes prudential concern for our own well-being and warns us to avoid future harm. Both are regarded with suspicion. In playing upon emotion, they are seen as corrupting reason. As one text puts it, "the fallacy of appeal to pity tries to short-circuit our thinking by exploiting our feelings" (Engel, 1994: p.219). The rational person is imagined as a Stoic or Mr. Spock whose deliberations are not touched by emotion. The classic exemplar here is Socrates, who in the *Apology*, refused to beg the jury with tears or bring his family into court to arouse pity. Such tactics, he says, "bring shame upon the city" and those who employ them "are in no way better than women" (Plato, 1981: 35b).

Such dualism of reason and emotion is dubious psychology. Also, it involves a normative judgment on pity that many moral philosophers would dispute. For example, David Hume based ethics on sympathy and other passions. He argued that it is sentiment, not reason, that is the source of moral motivation and moral distinctions. Reason is merely instrumental, for it alone can never motivate action or oppose passion. Strictly speaking, it is "not contrary to reason to prefer the destruction of the whole world to he scratching of my finger" (Hume, 1978: p.416). It is the sentiment of humanity that makes us averse to hurting others, or encourages us to practice the virtue of benevolence. Other philosophers have made a similar case. Schopenhauer based ethics on *Mitleid*, variously translated as pity or compassion. Christian thinkers such as Paul Tillich and Joseph Fletcher have emphasized the importance of love rather than rules. Feminist ethicists such as Carol Gilligan and Nel Noddings have advocated an ethics of care which emphasizes our affective and relational nature and the importance of attending to the needs of the particular other. While these thinkers agree on many essentials, they characterize the other-regarding affections in different ways. A detailed analysis of appeals to pity and sympathy would have to attend to these shades of meaning (Beam, 1996; Walton, 1997a), though here I will use these terms broadly and inclusively.

Appeals to fear exploit another emotion. Discussions of this fallacy characterize it in terms of making a threat as well as evoking irrational emotion. It "uses the threat of harm to advance one's conclusion" (Engel, 1994: p232). But the threat need not be direct. As in the opening dialogue, one could urge someone not to speed by pointing out that it may cause one to be fined by the police or hurt in an accident. Or a peace activist could dwell on the horrors of nuclear war in order to persuade people to work for disarmament. Most advocacy for prudence or safety involves some appeal to fear. Such arguments function like the appeal to pity, using the risk of suffering as a reason for action or refraining from action.

Like sympathy, fear can function as an important ethical incentive. For Hobbes, fear is the most important of the passions that incline men to peace. Continual fear of violent death is the worst feature of a state of nature, and it is the desire to escape this which leads human beings to institute a social contract (Hobbes, 1962: chap.13). Fear is the basis of both equality and law. People must respect one another as essentially equal, since the weakest has enough strength to kill the strongest. And fear of punishment is regarded as the only reliable guarantor of promises and contracts. In short, Hobbes, develops a foundational ethics on the basis of an extended appeal to fear. Such arguments remain relevant and convincing as a tough-minded response to the question of "why be moral."

Other Strategies

Some informal logicians would acknowledge a role for pity in argument, but would limit the fallacy of *ad miseracordiam* to cases in which pity is evoked inappropriately or excessively. This is more sensible than branding all appeals to pity as fallacies. However, the question of when and to what degree pity is appropriate remains an ethical question, not a matter of logic. It is for Aristotelian *phronesis* to decide if we should bend the rules or make an exception out of sympathy. The same goes for appeals to fear. Ethical reasoning must determine what threats are permissible and what dangers we should allow to influence our moral deliberations. Moreover, any type of argument can be used inappropriately or excessively. Those who believe sympathy and caring to be ethically central would warn us against the "fallacy of rule-worship" which can

occur whenever the needs of individuals are subordinated to inflexible rules or principles. A good neo-Aristotelian would agree that one can depart from the mean in two directions – too much adherence to rules, as well as too much susceptibility to emotion.

Appeals to pity or fear are sometimes made when the issue is strictly one of truth or fact, not of values. I would acknowledge that such appeals are fallacious. If someone were to argue, "Believe that $2 + 2 = 5$ or I'll torture you," as O'Brien does in *Nineteen Eighty-Four*, the threat of force would not be a cogent reason for revising any of the truths of arithmetic. It is doubtful that we can make ourselves believe what seems absurd merely to escape a threat, as critics of Pascal's Wager have argued. Similarly, if a Jewish father were to implore his son: "Generations of our people have suffered for the Jewish faith, so how can you not believe in God?", the son could logically reply that sympathy or respect for what his ancestors endured is not a cogent argument for the existence of God. Thus, Nietzsche argued that the deaths of the martyrs proved nothing about the truth of Christianity (Nietzsche, 1954: pp.636-37).

It is rare, however, for pity and fear to be brought into debates that are purely epistemic. Most of the textbook examples have an ethical dimension. Consider the following:

- (1) Sir, my dream is to go to medical school and become a doctor. I need at least an 80% average. But I'm working 15 hours a week to pay tuition and don't have as much time to study as other students. If the B you gave me goes on my transcript it will seriously hurt my chances. Is there anything you can do?
- (2) The Israeli government should accept the right of Palestinians to a national homeland, because otherwise the Palestinians will continue their campaign of terrorism indefinitely. Israel will never have peace until it recognizes this right (Hughes, 2000: p.168) .

The first example is a classic plea that is familiar to all instructors. Similar appeals are made in courts of law and other contexts in which authorities are expected to adjudicate a body of rules. According to Walton, the fallacy here consists in shifting the dialogue away from the kind of deliberation in which the professor and student are supposed to be engaged (1997a: p.191). In other words, the student's personal situation and career goals are irrelevant to deliberations about the quality of his academic work. However, deciding which factors are irrelevant seems to be an essentially ethical decision. A Kantian would reject such an appeal. No exceptions to the rule of impersonal, objective grading! But a caring professor might reflect: "Here is a concrete person, a victim of economic disadvantage, who seems naturally bright. The medical school already assists various groups through affirmative action, so it's not like they're complete sticklers for merit. Grading is partly subjective, anyway. What I consider a B, that grade-inflater down the hall would mark more generously. Surely I could look over the student's work and give him the benefit of the doubt, without compromising my integrity. Surely I'm more than a gatekeeper in a heatless system?" The ethics of this view are controversial. But a professor must recognize that he is not just grading the student's academic work in a vacuum. He is also helping to decide the destiny of a particular person.

Many hold that appeals to pity are irrelevant when a jury decides the guilt or innocence of the accused, but may be taken into account later when the person is sentenced. The truth of the person's guilt is one thing – grounds for mercy are another. But often such nice distinctions cannot be made in practice. For example, a person accused of mercy-killing his severely retarded daughter (like Robert Latimer in Saskatchewan) is brought before a jury on a charge of murder. The law mandates a minimum 10-year sentence upon conviction. The accused comes across as a

well-meaning person who acted out of a mixture of love and desperation. He did kill his daughter, but it seems heart-breaking to put him in prison for 10 years. Should the jury declare him guilty? Or spare him a long prison sentence in the only way it can, by not voting to convict? Those who believe in the right of juries to serve as a check and balance on the judicial system would approve of allowing sympathy to enter into the decision.

In the second example, many would see the likelihood of continued terrorism as irrelevant to the "right" of the Palestinians to a homeland. Logically, this is analogous to someone arguing that you should recognize the "right" of a schoolyard bully to your lunch money, since he will beat you up daily unless you hand it over. The problem is that rights are moral concepts, and it is hard to see how they could be derived from coercion based on superior force. An ethnic group might have a right to territory because of prior occupancy, or because they were deprived of it unjustly. But if such a right were based on force, it could be overridden if others summon superior force.

However, this does not mean that appeals to force are irrelevant to practical reasoning. In the tough-minded view of a Thrasymachus or a foreign policy realist, they are highly relevant. For example, America may say to its allies: "Support our foreign policy or face economic reprisals." Such threats may serve as a compelling reason for weaker nations to support or obey the USA. But they provide no basis for loving the USA or regarding its policies as just. Fear and threats only give others reason to obey out of prudence, so long as they remain vulnerable to negative consequences. Those who rely on fear may find it hard, without self-contradiction, to defend ethical claims that go beyond "the strong do what they can and the weak suffer what they must."

Authority and Popularity

Appeals to authority and popularity are another pair of arguments that are closely related. For in appealing to popular opinion or the consensus of the ages, one treats these as authorities. The *ad populum* may be classed a special form of the appeal to authority which is based, not on prophets or experts, but on the views of the many.

Appeals to authority have been accused of trading on emotion. The Latin name for the fallacy, *argumentum ad verecundiam*, suggests that it appeals to our modesty – our feeling of reverence for great names. The term was coined by Locke in an era in which science was challenging the authority of Aristotle and the church. The textbooks link appeals to popularity with irrational appeals to mob feeling. The pedigree of such accounts points back to Plato's *Republic* and the view that the masses are ruled by appetite or desire. Yet appeals to authority or popularity need not be emotional. Even the most dispassionate of reasoners must rely on the word of scientific experts in some contexts, or take the wishes of the democratic majority into account in others.

Appeals to authority or popularity also have no special relevance to practical reason. It is questionable whether there are any genuine authorities in ethics. When textbooks discuss how to evaluate appeals to authority, they tend to enumerate criteria such as the following:

- (1) The authority must be identified.
- (2) The authority must be generally recognized by the experts in the field.

- (3) The particular matter in support of which an authority is cited must lie within his or her field of expertise.
- (4) The field must be one in which there is genuine knowledge.
- (5) There should be a consensus among experts in the field regarding the particular matter in support of which the authority is cited (Hughes, 2000: pp.173-174).

Points two and five are especially problematic in ethics. There are no generally recognized ethical authorities and little consensus in the field. The claims of religious scriptures and spiritual leaders contradict one another and are rejected by secularists. Philosophical ethicists often treat appeals to religious authority as a fallacy. They also subject the authority of law to scrutiny, denying that legality can be equated with morality. However, philosophical ethicists disagree in turn about meta-ethics, ethical theory, and practical issues. While Kant and Mill have a secure place in the ethics cannon, nobody takes their views on authority.

When appeals to authority were criticized in the early modern period, the point usually was that people should investigate the world using their own reason and their own senses. Ethical argument, however, needs to somehow appeal to the values and preferences of other people. We might ask: "Would the *majority* be *happier* in a socialist society? Does Rawls' view of justice reflect *our intuitions* about justice? Is it consistent with *our tradition* of liberalism? Given current *values*, is it a *realistic* proposal?" In other words, we appeal to popularity in many ways, some of which are more direct than others. Appeals to tradition or "what our moral intuitions say" are variants of the appeal to popularity. The authority of tradition is based on what was popular in the past. The persuasiveness of arguments from intuition depends on our moral intuitions being widely shared. Democracy is based on a fairly direct appeal to majority opinion. When we attempt to judge what is practical in a democratic context, we again pay homage to popularity.

Utilitarianism

An element of popularity can even be found in classical utilitarianism, with its focus on the greatest happiness of the greatest number. On this view, what is right is what maximizes pleasure. There are no standards beyond this, no basis for arguing that something is valuable beyond the fact that people desire it. True, a utilitarian need not be enslaved to popular opinion regarding the *means* of promoting utility. She may challenge majority views and encourage critical examination of moral prejudices in ways that a traditionalist would never dare. But she must do this for the sake of reforming institutions so that they better maximize the pleasure of the majority. In one sense, the utilitarian is subversive of popular morality. In another, she insists that nothing matters ("pushpin is as good as poetry") except giving the people what they want.

There is a similarly uneasy contrast in the relation between utilitarianism and sympathy. On one hand, utilitarianism wants to be a universal and objective theory of ethics. It frowns on any kind of partiality for our family, friends, or community. We should do what will promote the greatest happiness of humanity. In Peter Singer's version of the theory, we are asked to go further and take into account, not merely our own species, but all sentient beings. Of course, as soon as someone asks why we should care about the happiness of all these creatures, the utilitarian has little choice but to appeal to sympathy. She must arouse pity for child labourers on the other side of the world, and for chickens in factory farms. If such appeals fail, the utilitarian is not likely to get far in moral reform.

The is illustrated by a film about Peter Singer and animal rights that I have shown in class (*In Defense of Animals*, 1990). Near the beginning Singer insists that he is not an "animal lover" who is sentimental about animal suffering. His revolutionary achievement is to defend animals on the basis of rational ethical theory. The concept of speciesism is explained. Later, the film looks at practical issues like animal experimentation and factory farming. We are shown graphic images of rabbits being blinded with chemicals in the Draize test, and chickens having their beaks cut off so they can't peck each other in overcrowded cages. Such visual appeals to pity had a greater impact on my students than Singer's abstract moral arguments. If you really want to expand people's circle of concern, it appears, you must engage their sympathy.

Kantian Principles

Are there good ethical arguments that don't rely on pity, fear, authority, popularity, or any sort of appeal to emotion? I think not. The most likely candidate would be a Kantian-style morality of principles or categorical imperatives. Such an approach would declare an action to be right or wrong on the basis of objective moral principles. Let's look back at our opening examples. On the question of obeying the speed limit, such an argument might be: "You ought to obey laws that are enacted by a democratic government, because such laws are morally legitimate." And in the case of cruelty to the cat, perhaps: "It is wrong to cause unnecessary pain to any creature, because the maxim of such an action cannot be universalized."

The first argument isn't very satisfactory. Invoking moral legitimacy in this way is like arguing: "It's right to do x, because x is right." This is the sort of question-begging rut that people fall into when they can offer no further reasons for their premises. When people ask that moral claims be justified, they typically want to be shown that doing x is really harmful to the person who does it (i.e. that it is contrary to prudence) or harmful to others or society (i.e. contrary to sympathy). To argue that laws enacted democratically are by definition morally right involves a crude appeal to popularity. Another option would be to invoke utilitarianism. But appeals to the greatest happiness, as we have seen, also lead back to popularity or sympathy.

The other argument is based on the categorical imperative. But this isn't a very reliable moral guide. First, some things cannot be universalized yet are morally permissible, while other things can be universalized yet are morally questionable. Kant was a bachelor, and if everyone did likewise the human race would die out, yet nobody thinks that we have a universal duty to have children. Conversely, many people who speed on the highway would be content to universalize the maxim of their action, and would not mind if everyone drove 130 kilometres per hour. Second, the universalization argument relies, in some sense, on fear or pity for its persuasive power. It reminds the cruel person that if he inflicts needless cruelty, others may feel entitled to do the same to him. What goes around comes around. Those who receive a dose of their own medicine cannot very well complain without hypocrisy. The thought that one is vulnerable to the same treatment is also a powerful stimulus to sympathy. And sympathy prompts us to grant moral consideration to others, to think of them as ends rather than mere means. Thus, when the boy who grabbed the cat by the tail is asked how he would like being picked up by the ears, this question can be read several ways. It can be taken as a direct threat, or an attempt to raise the universalization argument, or an attempt to elicit sympathy for the cat.

The idea that "needless cruelty is wrong" may be regarded by some as a basic moral axiom, for which further justification is neither possible nor necessary. However, if we are

inclined to see such a principle as undeniable, it is because psychologically healthy people have an aversion to causing needless pain. Where sympathy is present, the knowledge that "picking the cat up by the tail causes pain to the cat" is sufficient reason not to do this. But if sympathy is absent, the additional claim that "causing pain is wrong" adds nothing, unless some sort of punishment is threatened for wrong behaviour (Noddings, 1990: pp.90-92). Of course, things get more complex in balance-of-consideration arguments, such as the debate over war with Iraq. Here the anti-war argument that "causing misery and death to innocent civilians is wrong" may be met by a counter appeal to sympathy, which bids us to consider the misery and death that have been caused by Saddam Hussein's regime. Invoking pity against pity in this way is one of the most effective ways of countering this appeal in debate.

Conclusion

Where does this leave us? I have tried to show that reliance on appeals to sympathy, prudence, or popularity is inescapable in moral argument, and can be perfectly valid. There are subtle and crude versions of these appeals, but no purer, more rational and objective form of moral argument that transcends them

The analysis of such appeals remains an enlightening exercise. Informal logic texts should retire the notion that arguments are tainted if they invoke emotion or popular opinion in their premises. Rather students should be shown a variety of appeals to sympathy and prudence, authority and popularity, and asked to critically assess why some are more cogent than others. Criteria of adequacy could be proposed. Students could be warned that these appeals need to be evaluated differently in ethical contexts than in purely epistemic ones. Strategies could be outlined for arguing back against such appeals. Courses in ethics could also profit from including detailed analysis of moral arguments of this type.

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