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Ad Stuprum: The Fallacy of Appeal to Sex

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Abstract: Arguments sometimes appeal to sex by invoking the sexuality of a model or a person or the promise of sexual gratification. When sexual gratification is not a relevant consideration, the appeal seems to be fallacious. Appeal to sex is analogous to appeal to force (*ad baculum*). This appeal deserves at least the same attention from critical thinking educators in cultures more saturated with sexuality than with threats.

Keywords: argumentation, critical thinking, epistemology, fallacies, feminist, gender, logic, reasoning, sexuality

1. Introduction

Fallacies play an awkward role in argumentation theory and critical thinking education. While they provide much of the content of the history of theorizing about argumentation, their current value has been highly contested. One of the central issues is how to distinguish fallacies from other errors in reasoning and argumentation. Ralph Johnson (1987, p. 246) has suggested the frequency of the error type in argumentation as a criterion and Douglas Walton has suggested instead the seriousness of the error, its resistance to remedy. In both cases, it seems that fallacies present persistent obstacles to the operation of reasoning, and that may be why both many instructors continue to find them valuable in the teaching of critical thinking courses and most critical thinking textbooks address fallacies.¹

One serious obstacle to reasoning that fallacy theorists have neglected arises when the sexuality of audience comes into play. Appeals to sex that invoke the promise of sexual gratification, sexual appeal, or the sexuality of a model or a person may be fallacious when sexual gratification is not a relevant consideration. We call such fallacious appeals *ad stuprum*, playing on Latin names of past fallacies. The word *Stuprum* invokes the idea of debauchery or sexual misconduct (Lewis and Short). We maintain that such appeals deserve attention from critical thinking educators.

We begin with a brief discussion of the persuasive force and misleading appeal of sexuality, providing examples of problematic reasoning that appeals to sexuality. We then address the role of fallacies in critical thinking, taking up Walton's account of fallacies of argumentation and defend its pedagogical value. Having established the background regarding

¹ Hundleby's database of English-language critical thinking textbooks in the discipline of philosophy shows only 8 out of 74 textbooks have no substantial discussion of fallacies, as of April 2016:
https://docs.google.com/spreadsheets/d/1_S5OnmRMCWi3gXjXwdI21Hfu86YA4xcmn9Jlnsk8IIU/edit#gid=0.

the relationship between the fallacies approach to argument evaluation and critical thinking pedagogy, we examine the similarities between *ad stuprum* and another argument from consequence that is widely accepted as an important fallacy, *ad baculum*. *Ad stuprum* shares important qualities with *ad baculum* suggesting it deserves at least as much attention in the critical thinking classroom and moreover the ways in which *ad stuprum* and *ad baculum* contrast suggest *ad stuprum* deserves educational attention even more than the traditionally recognized fallacy. Teaching *ad stuprum* may open the door to much needed critical thinking about sexuality and also sexual consent.

2. Sexual persuasion

The power of sexuality to persuade is notorious, acknowledged even in the term “sex appeal.” Using sexuality to persuade buyers to make purchases provides perhaps the most general and problematic example. Using sex to sell products may be especially important to reasoners operating in advanced multimedia capitalism where advertising surrounds us and mixes with information in the form of product driven shows and infomercials. For instance, in the case of the Amsterdam Blonde beer we are asked “had a natural blonde?” informed “good head, great body,” and advised “I was introduced to an amazing blonde last night... and you should meet her roommates.”² Here the analogy between a beverage and a sexual conquest is clear, so evident it need not be explicitly stated. The suggestion, however absurd when taken literally, is that consumption of this beer will provide satisfaction comparable to sex.

Appeals to sex often occur in contexts where sexual gratification is not relevant. That typically involves the *positive* appeal of sexuality, promising attractiveness or gratification, but it can also be made in a *negative* form that threatens the loss of attractiveness or gratification. Below we discuss a few examples to illustrate the types of appeal to sexuality we have in mind.

An excellent example of a negative argument that appeals to sexuality takes place in Aristophanes’ comedy *Lysistrata*, in which the women of Greece attempt to end the Peloponnesian war by “refrain[ing] from every depth of love”, in other words, withholding sexual contact. The main character, Lysistrata, describes her plan:

By the two Goddesses, now can't you see
 All we have to do is idly sit indoors
 With smooth roses powdered on our cheeks,
 Our bodies burning naked through the folds
 Of shining Amorgos' silk, and meet the men
 With our dear Venus-plats plucked trim and neat.
 Their stirring love will rise up furiously,
 They'll beg our arms to open. That's our time!
 We'll disregard their knocking, beat them off—
 And they will soon be rabid for a Peace.
 I'm sure of it.

Here, the argument that is being made for ending the war depends on the threat that continuing to fight would result in the deprivation of sexual gratification. Certainly, the play is fictional and satirical, but it relies on many regular assumptions about women’s roles in political

² These phrases come from ads encountered in various places on-line and in bars.

argumentation, the role of sexuality in argumentation more generally, and the equation of women with sexuality in argumentation.

Perhaps we see so many jokes employing examples of arguments that appeal to sexuality in the negative form because the attainment of sexual gratification provides a great source of insecurity and anxiety for many. Consider an internet meme³ that makes an interesting visual argument, showing various forms of contraceptive alongside their effectiveness as a percentage. According to the image, condoms are 98% effective, birth control pills are 99% effective, but wearing socks with sandals is 100% effective. Unpacking the joke, we can see the meme aims to suggest that those who wear socks and sandals do not obtain sexual gratification as a result of their poor fashion choices, and so do not have to worry about impregnating anyone. What underlies this is an argument that appeals to sexuality: if you want to have sex, you should not wear socks and sandals. This argument is a negative appeal to sexuality as it indicates threat to sexual gratification.

Yet such arguments do not only take place in comedic contexts or in advertising, and a more serious (though still amusing) example can be seen in the 2015 Canadian federal election, in which many Canadian youth were hoping to end the Harper Conservative government. One group of young voters calling themselves “Sluts Against Harper” decided to encourage others to the polls by the positive use of sex appeal. In order to encourage a new government, “The group of young men and women launched a campaign on Instagram offering to send personalized nude pics to anyone who messages them and proves they’ve voted” (Pearson). While our other examples promise or threaten sexuality in a hypothetical, metaphorical, or comedic way, this group actually delivered on the promised form of sexual gratification as an argument for making a particular decision and acting on it – namely, by voting in the 2015 Canadian federal election.

Our last example is perhaps one of the clearest and most direct cases of *ad stuprum*. Although persuasive sexuality may be commonly invoked in our cultural imagination, it’s difficult to say how frequently this persuasive element influences argumentation or to point to specific examples that can be cited in part because of the illicit nature of many sexual exchanges. Sexual imagery often remains implicit in winks and nods but it pervades our culture. In one regular trope of rumour and fiction people use the promise of sexual gratification to obtain some benefit from their superiors: an employee obtains a promotion by flirting with or otherwise delivers sexual attention or the promise of sex to his or her manager – in the cultural imagination, this is stereotypically a “her.” In this situation, sexual gratification provides the incentive and reason for the promotion and sexuality provides the motivating force of the junior’s argument to the senior.

3. The place of fallacies in critical thinking

An evaluation of *ad stuprum* demands a discussion of fallacies and how they operate. In the next section we explain Walton’s theory of fallacies and the role of presumption and discourse type with an eye to later clarifying exactly what can make arguments that appeal to sexuality fallacious.

The frequency of errors in argumentation that concerns Johnson depends on context, and so where and for whom errors are frequent decides which fallacies are worthy of recognition and discussion. An appeal to authority, *ad verecundiam* reasoning, may be rarely problematic in a military context and yet be almost categorically unacceptable in a socialist collective. Context

³ As an internet meme, this has no specific location. It was encountered on social media in November 2015.

also indicates which fallacies will be serious enough to meet Walton's standard (1995, p. 15). An error in arithmetic may not be a serious problem among scientists who can easily remedy it and whose intuitions are honed to suss out unusual mathematical implications, but may be critical for the household budget of a family. For Walton, fallacies are serious errors and sometimes tricky tactics but in neither case simply minor mistakes or oversights. The unlikelihood of remedy defines their seriousness.

Walton's pragmatic account is easily the most comprehensive and advanced theory of fallacies, and its integration with a theory of discursive argumentation schemes provides his approach with broad educational significance. Not only does Walton's account address the usual philosophical style of argumentation, persuasion discourse, he makes a profound advance on other models, including pragma-dialectics, by recognizing the operation of fallacies in other types of discourse and the ways we switch among them. Christopher Tindale explains that the insufficient scope of pragma-dialectics lies in its insistence that fallacies result from the violation of specific rules for a particular type of discourse (1997, p. 349). Many rules in pragma-dialectics correspond to no particular fallacy because they are so general that most fallacies violate them. Instead Walton identifies fallacies with the misuse of a characteristic argumentation scheme or a larger thematic basis for presumptions in argumentation, the sorts of presumption that define types of discourse. Walton's also emerges as having a "refreshingly consensual" (Tindale 1997, p. 351) underpinning surrounding rules that constitute the type of discourse. While fallacies may have a necessary adversarial quality they operate in a larger cooperative project of shared reasoning.

Some have argued that fallacies have no role in critical thinking because they are superfluous, parasitic on some positive account of argument strength. Thus books that focus on fallacies may provide a distorted view of how argumentative reasoning works, and students may well receive the impression it's just an exchange of accusations (Hitchcock 1995). While we agree there are many problems with how fallacies are taught (including those noted in Hundleby 2010), we also believe the simplicity of the fallacies approach provides its pedagogical strength. Fallacies can concretize the norms of argumentation for students who are new to the study of critical thinking and serve as easily identifiable mnemonic devices. Just as children manipulate counters and blocks to think about decimals or place value in a concrete way, fallacies can serve as a scaffold for more abstract thought about argument evaluation. In this understanding of the fallacies approach, the identification of a fallacy invites inquiry regarding the quality of a given argument. So for example, rather than using an accusation of *tu quoque* as grounds to dismiss an argument, we might point out the use of *tu quoque* as an easily recognizable pattern in argumentation and take this opportunity to ask questions such as "is the use of *tu quoque* reasoning fallacious in this case? Are the commitments and actions of the speaker relevant to the argument? Might there be a way this argument can be reframed to retain its rhetorical impact while avoiding the problems we've identified?" A more sophisticated application of the fallacies approach uses the identification of fallacies as a scaffold, inviting inquiry rather than closing off discussion, and such accounts of fallacies predominate in textbooks current with argumentation theory (Hundleby 2010). It is with this cautious understanding and critical application of the fallacies approach in mind that we propose *ad stuprum* as a pedagogically useful fallacy, deserving of recognition in the syllabus of critical thinking.

Walton's account of fallacies involves inference schemes with characteristic assumptions described as *presumptions* having a pivotal role in the structure or scheme of the inference.⁴ A

⁴ We use the language of "inference" rather than "argumentation" scheme following the argument by J.A. Blair

presumption lends an argument greater strength than an ordinary assumption (although it is a type of assumption) because it suggests that the assumption or line of reasoning is broadly acceptable (Walton 2010). Presumptive schemes of inference have characteristic strengths, may be supported by additional premises, and remain vulnerable to related questions. For instance *ad hominem* arguments presume that personal characteristics may undermine the truth of a speaker's claim: person x 's undesirable quality z provides reason to doubt x 's claim about y . That presumption should remain open for question or support, regarding whether personal qualities have any relevance to the line of reasoning, and more specifically how a generally undesirable quality z relates particularly to claims regarding subject matter y . So long as that presumption stands, it helps to define and direct the burden of proof for the argument as a whole. Accepting the presumption in an argument commits the speaker and the audience to employing specific patterns of defeasible reasoning. By contrast, ordinary assumptions may play more incidental roles and not influence the importance of each other, or assumptions may play stronger roles when taken to be independently relevant facts, rather than aspects of an integrated and defeasible pattern of reasoning (Walton 1995).

Other presumptions that establish the nature of a scheme might include that a certain sample allows a type of generalization, or that a person's expertise or authority warrants what he or she says (*ad verecundiam*). Each type of presumption gains force from supporting premises that contribute in ways specific to that particular scheme of presumption. For instance the *ad hominem* form becomes acceptable when supported by a demonstration that the qualities of the person in question have relevance to the person's claims. People's honesty, say, may have some general relevance to the acceptability of their claims, but their political affiliations may not. Other premises may play supporting roles according to the type of presumption and together they constitute the scheme of inference.

Supporting premises in presumptive inferences address characteristic vulnerabilities of a sort not found with inductive or deductive inferences. Just as the proper use of *ad hominem* depends on establishing a connection between generally undesirable qualities of the speaker and the type of subject matter addressed by the speaker, the inference scheme of an appeal to expertise depends on supporting assumptions and admits certain exceptions regarding the presumed expertise. The assumptions may include that the supposed expert has (relevant) knowledge (premise 1) and that she or he has knowledge in the specific field (premise 2).

1. *p is an expert in q.*
2. *r is a matter in field q.*
3. *p asserts that r.*
4. *r is true.* (Walton 2010, p. 170)

The exceptions include evidence that the purported expert is personally unreliable:

5. *p has committed research fraud before.* (Walton 2010, p. 170)

(2001, p. 373): "The presentation of an argument presupposes a possible inference, and hence the instantiation of some possible pattern of inference. Thus, an inference scheme is logically prior to its use in any argument. Moreover, if schemes are prescriptive, they function to license inferences, so that is another reason for identifying them with inferences."

Such qualifying reasons may be considered by a skilled reasoner, and may be filled out discursively with critical questions specific to the scheme. The additional questions have no clear demarcation from supporting assumptions that may occur in the original argument or become added as the discussion progresses. For instance, among scientists we would not need to question the expertise of a speaker regarding science in general, but more specific critical questions might become relevant. Supporting premises may be added as a result of the questioning process. So Walton's "pragmatic approach" to fallacies has been described also as the "critical questions approach."⁵

These full-fledged schemes provide ideals and do not represent universal or even common practice. Many people and everyone some of the time may neglect some components of a scheme, and rely only on the more basic version, the parascheme. When reasoners neglect – as we often do – the dependence of an inference's strength on its characteristic presumptions and fail to consider the necessary context by way of adding assumptions or addressing critical questions, we can fall into error. Reasoners may depend too heavily on paraschemes and fail to recognize the robust implication of background considerations, or they may employ an argumentation scheme in an inappropriate form of discourse. When a particular use of an inference scheme becomes irretrievably mucked up in the discursive processes of argumentation, Walton argues, fallacies result.

Reasoning about sexuality has been more generally neglected in critical thinking, and we lack models for good sexual reasoning. Yet we can see cases where *ad stuprum* is quite reasonable. One of us considers the argument about socks and sandals to be sound. So sometimes this may be a matter of taste. More generally, consider how ads for chewing gum and breath mints appeal to sexuality. That seems pretty reasonable.

4. Illicit switches in dialogue type: *ad baculum* and *ad stuprum*

While many of the familiar fallacies may occur with persuasion discourse simply by employing an attenuated version of the inference scheme, other fallacies among those traditionally considered in critical thinking education include some that on Walton's account arise from an unwarranted switch in discourse. Recall that those engaged in argumentation must consent to the purposes of discourse on Walton's model. So if one speaker employs a manoeuvre that serves a purpose not accepted by the other that undermines the effectiveness of argumentation. The pragmatic account explains the *ad baculum* fallacy and also the *ad stuprum* fallacy, both of which arise from employing a move appropriate only for a negotiation dialogue in a context where some other goal such as persuasion grounds the dialogue.

The use of force as a means of persuasion can often seem odd to a student or instructor working through a critical thinking curriculum. Tindale (2007, p. 111) points out that "from the point of view of the argumentative strategy used it does not seem obviously fallacious." Force won't change somebody's mind directly as people's beliefs fail to be so voluntary, but it can change one's behaviour and practical commitments that have doxastic implications.

Accounting for that sort of confusion is another innovation of Walton's account. Appeals to consequence, whether physical force or sexual gratification do not belong properly in dialogue aimed at persuasion although they may be quite appropriate in negotiations. The following provide the general argumentation schemes for *appeals to consequence*, of which *ad baculum* and *ad stuprum* are species:

⁵ A textbook adaptation of Walton's approach can be found in Tindale 2007.

POSITIVE

If I bring about A then B will occur.
B is a good outcome.
Therefore, I should bring about A.

(Walton, Reed & Macagno, p. 101)

NEGATIVE

If I bring about A, then B will occur.
B is a bad outcome.
Therefore, I should not bring about A.

Ad baculum employs the negative version citing a physical threat as the bad outcome. Consequences do not persuade rationally, though they may affect decision making in a negotiation dialogue.

With this model of fallacy theory in place, we can see the identification of fallacies not as a condemnation but as an invitation to investigate the presumptions and paraschemes underlying an argument. Research in fallacy theory has suggested critical questions surrounding arguments from consequence, especially *ad baculum*. These critical questions can be useful points of inquiry when examining *ad stuprum* arguments.

In his investigation surrounding *ad baculum*, Tindale suggests several critical questions that can be used to investigate this argument. Firstly, one ought to identify whether a threat has been made. Similarly, in a case of *ad stuprum*, we may ask whether a promise of sexual gratification or threat of sexual deprivation has been made. Oftentimes, because of their illicit nature, sexual threats and promises can be vague. Furthermore, such threats and promises are open to a great deal of interpretation. What one interlocutor might see as friendly interaction another might perceive as flirting, and another may take as an invitation or promise. Such ambiguity raises interesting questions about how argumentation operates and who is responsible for fallacious arguments in such ambiguous cases.

Tindale also asks of *ad baculum* arguments whether the context where the strategy takes place is appropriate according to the procedures usual in that context and if the introduction of the threat is relevant to reasonable conduct of the process. Oftentimes the promises or threats of *ad stuprum* fail to meet this criterion. The employee who promises sexual gratification in exchange for a promotion, for example, would appear to be violating the reasonable conduct of the process of employee evaluation. In cases where sexual gratification is not relevant to the decision/action under consideration *ad stuprum* would be considered fallacious.

Lastly, in examining *ad baculum*, Tindale asks if there are clear ways for the party to comply so as to avoid the negative consequences. We might also say that in the case of *ad stuprum* if a sexual promise or threat is made without a clear condition for the threat or promise to be met then this is a problem with the argument. So for example, in the case of the Amsterdam Blonde beer advertisements, the audience knows the desired action is the purchase of the beer, but if this were not clear it would be a problem for the argument. This is less frequently an issue with *ad stuprum* arguments.

Walton et al. suggest several critical questions regarding arguments from consequence. Firstly they ask how strong the likelihood is that the cited consequences will occur. In other words, is it possible for the audience to be satisfied or frustrated in the way the argument suggests. In the case of *ad stuprum*, what this would mean is whether the sexual promise or threat can be realised. For example, the founder of Sluts Against Harper had originally planned to promise fellatio instead of nudes, but as interest in her campaign grew she knew her promise

was getting untenable. She says, “The first thing I did was post a status on Facebook promising BJs for votes, but I think that scared too many people away because it’s not realistic.”

When faced with an argument from consequence, Walton et al. suggest that we should also ask what evidence there is to suggest that the cited consequences will occur. So in the case of *ad stuprum* we might question the reliability of a source, saying perhaps that our interlocutor is prone to making sexual promises or threats they cannot fulfil, or, as such promises or threats are often ambiguous, we might wonder how serious someone is when they make an appeal to sexual gratification or sexual deprivation.

Lastly, when investigating arguments from consequence a very important consideration is whether there are opposite consequences that should be taken into account. If we are invoked by *ad stuprum* to purchase a beer, we might take into consideration its effect on our health or budget. If we are invoked by *ad stuprum* to promote an employee we might consider its potential effect on our employment or reputation, and in many cases, we might consider how sexual promises or threats might affect our mental and physical health.

Given a brief survey of critical questions related to *ad baculum* and arguments from consequence generally, some of the most relevant critical questions one ought to ask when faced with an *ad stuprum* argument should be:

- 1) Whether there is a clear appeal to sexual gratification. (As such appeals are often ambiguous.)
- 2) Whether the context is one in which the strategy is appropriate according to the procedures usual in that context, in other words whether the introduction of the promise or threat is relevant to reasonable conduct of the process in question. (as this is where many *ad stuprum* arguments fail.)
- 3) Whether other consequences should be taken into account. (As oftentimes sexual promises or threat have wide-ranging and/or serious consequences)

Ad stuprum and *ad baculum* have many similarities, and the resources and critical questions used for *ad baculum* and other arguments from consequence map well onto this new fallacy. Since *ad stuprum* shares so many similarities with this popular and well recognized fallacy we believe this warrants at least as much attention in critical thinking pedagogy. What’s more, as we can see by the examples provided (and no doubt from an examination of our broader media culture) students in a North American context frequently encounter this form of argument, likely far more than they do *ad baculum*. Because *ad stuprum* can be a serious flaw of argument and so relevant to the environment of dialogue our students are operating in we believe *ad stuprum* deserves serious consideration in critical thinking pedagogy.

5. Conclusion: let’s talk about sex

When used appropriately, fallacies can invite rich and complex discussion of arguments, and recognition of *ad stuprum* in critical thinking pedagogy is fruitful to that process. The phrase *ad stuprum* finally gives voice to a pattern that has been incredibly pervasive and widely criticized in our discursive environment. We have provided a range of examples of arguments that appeal to sex, invoke the promise of sexual gratification, sexual appeal, or the sexuality of a model or a person. Such arguments appear to be fallacious when sexual gratification is not a relevant consideration. Using Walton’s account of the role of fallacies in argumentation, we defended the

pedagogical value of fallacies in critical thinking pedagogy. Lastly, we showed how *ad stuprum* deserves at least as much attention as *ad baculum* in the critical thinking classroom.

Recognition and discussion of this fallacy, or at the very least acknowledgement of the connection between argument and sexuality, opens up many doors for discussion and further research. The examples of Sluts Against Harper and *Lysistrata*, for example, evoke an important discussion of women's roles past and present in political argumentation and how the gendered history of argumentation has shaped our idea of what counts as an argument (even a fallacious one). Furthermore, it's interesting to note recurring patterns in the examples of *ad stuprum* in our culture: it seems women are disproportionately accused of making such argument from sexual promise or threat, and that these arguments almost always have a heteronormative structure, that is, one in which women make sexual appeals to male audiences. Lastly, the ambiguous presence of *ad stuprum* reasoning in some arguments raises interesting questions about argumentation and interpretation. If the audience imposes an interpretation on an argument, are they held responsible for the fallacious reasoning? Although ambiguity is a common problem with fallacies (Hitchcock 1995), it has heightened significance in context of sexuality. When can we say a fallacy has been committed? Are we responsible for sexual innuendo perceived by others? Are they responsible for failing to perceive it?

More attention to critical thinking about sexuality might help deal with the issues of sexual *consent* that we are increasingly aware of in Western democratic culture. We lack models for good sexual reasoning, although we can find them in sex manuals to be certain, and they may be most thoroughly treated in feminist sex manuals (e.g. *The Good Vibrations Guide to Sex* by Semans and Winks).

To model sexual negotiation on presumptive reasoning also will provide a larger context for understanding consent in which reasoners learn about presumptions as defeasible assumptions. So while consent may have been negotiated, it may be retracted as circumstances change, as one person becomes intoxicated or changes their mind. These conditions need to be built into the critical questions for *ad stuprum*. More work on this is needed but the consensual negotiated framework of Walton's pragmatic account seems promising.

If the goal of critical thinking education is to provide useful ways of interpreting and criticizing our discursive environment, then understanding *ad stuprum* provides students in Western democratic discursive contexts with tools they seriously need in our culture saturated with sexual appeal without sexual reasoning.

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