



Students will learn to . . .

1. Recognize several types of fallacies that confuse the qualities of a person making a claim with the qualities of the claim
2. Recognize the fallacy involved in thinking that a claim is refuted because of its origin
3. Recognize fallacies that misrepresent an opponent's position
4. Recognize fallacies that erroneously limit considerations to only two options
5. Recognize fallacious claims that one action or event will inevitably lead to another
6. Recognize arguments that place the burden of proof on the wrong party
7. Recognize the problem in arguments that rely on a claim that is itself at issue

What is the most common (and most seductive) error in reasoning on the planet? You are about to find out. In this chapter, we examine the infamous *argumentum ad hominem*, as well as other common fallacies.

To remind you of the overall picture, in Chapter 5 we explored ways the rhetorical content of words and phrases can be used to affect belief and attitude. In Chapter 6, we considered emotional appeals and related fallacies. The fallacies we turn to now, like the devices in the preceding chapters, can tempt us to believe something without giving us a legitimate reason for doing so.

THE AD HOMINEM FALLACY

The ad hominem fallacy (*argumentum ad hominem*) is the most common of all mistakes in reasoning. The fallacy rests on a confusion between the qualities of the person making a claim and the qualities of the claim itself. ("Claim" is to be understood broadly here, as including beliefs, opinions, positions, arguments, proposals and so forth.)

Parker is an ingenious fellow. It follows that Parker's opinion on some subject, whatever it is, is the opinion of an ingenious person. But it does not follow that Parker's opinion itself is ingenious. To think that it is would be to

confuse the content of Parker's claim with Parker himself. Or let's suppose you are listening to somebody, your teacher perhaps, whom you regard as a bit strange or maybe even weird. Would it follow that the car your teacher drives is strange or weird? Obviously not. Likewise, it would not follow that some specific proposal that the teacher has put forth is strange or weird. A proposal made by an oddball is an oddball's proposal, but it does not follow that it is an oddball proposal. We must not confuse the qualities of the person making a claim with the qualities of the claim itself.

We commit the ad hominem fallacy when we think that considerations about a person "refute" his or her assertions. *Ad hominem* is Latin for "to the man," indicating that it is not really the subject matter that's being addressed, but the person. The most common varieties of the ad hominem fallacy are as follows.

The Personal Attack Ad Hominem

"Johnson has such-and-such a negative feature; therefore, his claim (belief, opinion, theory, proposal, etc.) stands refuted." This is the formula for the personal attack ad hominem fallacy. The name "personal attack" is self-explanatory, because attributing a negative feature to Johnson is attacking him personally.

Now, there are many negative features that we might attribute to a person: Perhaps Johnson is said to be ignorant or stupid. Maybe he is charged with being self-serving or feathering his own nest. Perhaps he is accused of being a racist or a sexist or a fascist or a cheat or of being cruel or uncaring or soft on communism or taking pleasure in strangling songbirds. The point to remember is that shortcomings in a person are not equivalent to shortcomings in that person's ideas, proposals, theories, opinions, claims, or arguments. This is not inconsistent with what was said about credibility. Indeed, facts about the source of a claim can correctly make us skeptical about the claim. But we should not ordinarily conclude that it is false on this account.

Now, it is true that there are exceptional circumstances we can imagine in which some feature of a person might logically imply that what that person says is false; but these circumstances tend to be far-fetched. "Johnson's claim is false because he has been paid to lie about the matter" might qualify as an example. "Johnson's claim is false because he has been given a drug that makes him say only false things" would qualify, too. But such situations are rare. True, when we have doubts about the credibility of a source, we must be careful before we accept a claim from that source. But the doubts are rarely sufficient grounds for outright rejection of the claim. No matter what claim Johnson might make and no matter what his faults might be, we are rarely justified in rejecting the claim as false simply because he has those faults.

The Inconsistency Ad Hominem

"Moore's claim is inconsistent with something else Moore has said or done; therefore, his claim (belief, opinion, theory, proposal, etc.) stands refuted." This is the formula for the inconsistency ad hominem, and you encounter versions of this fallacy all the time. An example: In 2008 Hillary Clinton and Barack Obama were both vying for the Democratic nomination for the presidency. After Obama was quoted as saying he had "no intention of taking away

They believe the Boy Scouts' position on homosexuality was objectionable, but they gave no heed to people's objections about using state money to fund displays about sodomy in the people's Capitol.

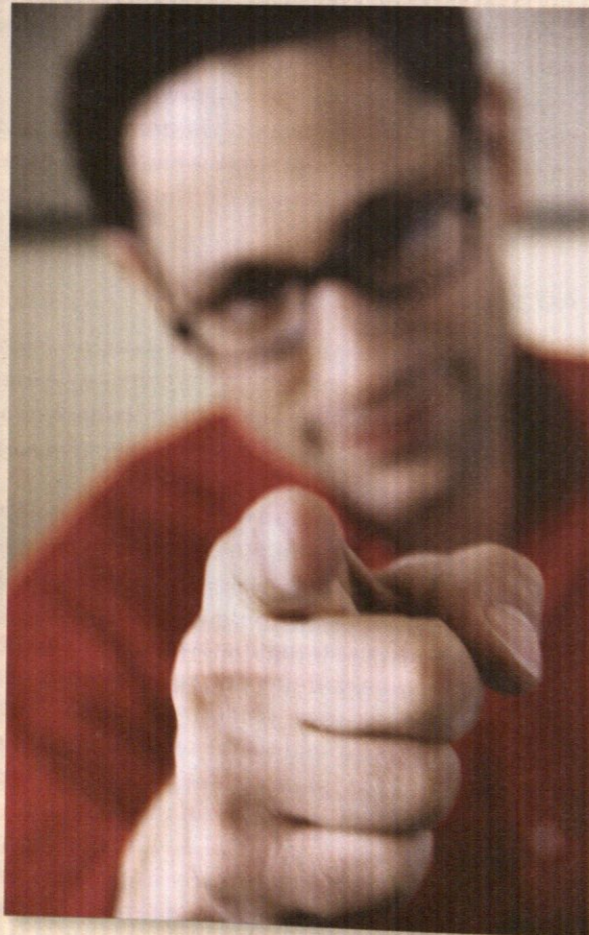
—California assemblyman BILL LEONARD (R-San Bernardino), criticizing the legislature for funding a gay pride display in the state's Capitol

Man! As if sodomy in the people's Capitol isn't bad enough, they have to go and fund displays about it!

Leonard's remark is an example of an inconsistency ad hominem. (It also contains a wild syntactical ambiguity, as noted above.)

In Depth

Ad Hominem



The idea behind the ad hominem fallacy is to point to the person making a claim and accuse him or her of some flaw, evil deed, or other negative feature. By indicting the person behind the claim, the accuser hopes to refute the claim. But while some fact about the author of a claim may affect his or her credibility, it cannot by itself demonstrate that the claim is false.

folks' guns," the Clinton campaign pointed out that on a 1996 questionnaire Obama had said he "supported banning the manufacture, sale and possession of handguns," and that this showed that his new claim about not intending to "take away folks' guns" was not really true. Again, the fact that one opinion was expressed in 1996 and a different one in 2008 is not grounds for rejecting the latter as false. Although accusations of doing a "flip-flop" are standard in political campaigns, it's important to look beneath the surface to see how different the two positions really are and whether there might be a good reason for changing one's mind. The fact that people change their minds has no bearing on the truth of what they say either before or after.

Sometimes a person's claim seems inconsistent, not with previous statements but with that person's behavior. For example, Johnson might tell us to be more generous, when we know Johnson himself is as stingy as can be. Well, Johnson may well be a hypocrite, but we would be guilty of the inconsistency ad hominem fallacy if we regarded Johnson's stinginess or hypocrisy as grounds for rejecting what he says. This type of reasoning, where we reject what somebody says because what he or she says seems inconsistent with what he or she does, even has a Latin name: *tu quoque*, meaning "you, too." This version of the inconsistency ad hominem often boils down to nothing more than saying "You, too" or "You do it, too!" If a smoker urges another smoker to give up the habit, the second smoker commits the inconsistency ad hominem if she says, "Well, you do it, too!"

The Circumstantial Ad Hominem

"Parker's circumstances are such and such; therefore, his claim (belief, opinion, theory, proposal, etc.) stands refuted." This is the formula for the **circumstantial ad hominem**. An example would be "Well, you can forget about what Father Hennesy says about the dangers of abortion, because Father Hennesy's a priest, and priests are required to hold such views." The speaker in this example is citing Father Hennesy's circumstances (being a priest) to "refute" Father Hennesy's opinion. This example isn't a personal attack ad hominem because the speaker may think very highly of priests in general and of Father Hennesy in particular. Clearly, though, a person could intend to issue a personal attack by mentioning circumstances that (in the opinion of the speaker) constituted a defect on the part of the person attacked. For example, consider "You can forget about what Father Hennesy says about the dangers of abortion because he is a priest and priests all have sexual hang-ups." That would qualify as both a circumstantial ad hominem (he's a priest) and a personal attack ad hominem (priests have sexual hang-ups).

Poisoning the Well

Poisoning the well can be thought of as an ad hominem in advance. If someone dumps poison down your well, you don't drink from it. Similarly, when A poisons your mind about B by relating unfavorable information about B, you may be inclined to reject what B says to you.

Well-poisoning is easier to arrange than you might think. You might suppose that to poison someone's thinking about Mrs. Jones, you would have to say or at least insinuate something deprecatory or derogatory about her. In fact, recent psycholinguistic research suggests you can poison someone's thinking about Mrs. Jones by doing just the opposite! If we don't know Mrs. Jones, even a sentence that expresses an outright denial of a connection between her and something unsavory is apt to make us form an unfavorable impression of her. Psychological studies indicate that people are more apt to form an unfavorable impression of Mrs. Jones from a sentence like "Mrs. Jones is not an ax murderer" than from a sentence like "Mrs. Jones has a sister."

Moral: Because it might be easy for others to arrange for us to have a negative impression of someone, we must be extra careful not to reject what a person says just because we have an unfavorable impression of the individual.

I get calls from nutso environmentalists who are filled with compassion for every snail darter that is threatened by some dam somewhere. Yet, they have no interest in the 1.5 million fetuses that are aborted every year in the United States. I love to argue with them and challenge their double standard.

—RUSH LIMBAUGH

Often an inconsistency ad hominem will accuse someone of having a double standard. Notice how this example is combined with ridicule (See Chapter 5).

Hey, maybe you have no better sense, but I personally would not accept anything as news coming from that fat drug-addicted loudmouth.

—Comment on a media blog

An ad hominem used against Limbaugh.

"Positive Ad Hominem Fallacies"

An ad hominem fallacy, then, is committed if we rebut a person on the basis of considerations that, logically, apply to the person rather than to his or her claims. Strictly speaking, if we automatically transfer the positive or favorable attributes of a person to what he or she says, that's a mistake in reasoning, as well. The fact that you think Moore is clever does not logically entitle you to conclude that any specific opinion of Moore's is clever. The fact that, in your view, the NRA represents all that is good and proper does not enable you to infer that any specific proposal from the NRA is good and proper. Logicians did not always limit the ad hominem fallacy to cases of rebuttal, but that seems to be the usage now, and we shall follow that policy in this book. You should just remember that a parallel mistake in reasoning happens if you confuse the favorable qualities of a person with the qualities of his or her assertion.

THE GENETIC FALLACY

The genetic fallacy occurs when we try to "refute" a claim (or urge others to do so) on the basis of its origin or its history. If this sounds like what we've been talking about in the ad hominem section, it's no surprise. The genetic fallacy is often considered to be a blanket category for all fallacies that mistake an attack on a source for an attack on the claim in question. Taken this way, all versions of ad hominem, poisoning the well, and so forth, are also examples of the genetic fallacy.

In our treatment, we reserve the use of the term "genetic fallacy" for cases where it isn't a person that is disparaged as the source of a claim but some other kind of entity—a club, a political party, an industrial group, or even an entire epoch. An example of the latter would be attempting to refute a belief in God because that belief first rose in superstitious times when we had few natural explanations for events like storms, earthquakes, and so on. We have heard people declare the U.S. Constitution "invalid" because it was (allegedly) drafted to protect the interests of property owners. This is another example of the genetic fallacy.

If we "refute" a proposal (or urge someone else to reject it) on the grounds that it was part of the Republican (or Democratic) party platform, we commit the genetic fallacy. If we "refute" a policy (or try to get others to reject it) on the grounds that a slave-holding state in the nineteenth century originated the policy, that qualifies. If we "rebut" (or urge others to reject) a ballot initiative on the grounds that the insurance industry or the association of trial lawyers or the American Civil Liberties Union or "Big Tobacco" or "Big Oil" or multinational corporations or the National Education Association or the National Rifle Association or the National Organization for Women proposed it or back it, we commit the fallacy. Knowing that the NRA or the NEA or NOW proposed or backs or endorses a piece of legislation may give one reason (depending on one's politics) to be suspicious of it or to have a careful look at it; but a perceived lack of merit on the part of the organization that proposed or backs or endorses a proposal is not equivalent to a lack of merit in the proposal itself. Knowing the NRA is behind a particular ballot initiative is not the same as knowing about a specific defect in the initiative itself, even if you detest the NRA.

Whom are they kidding? Where are NOW's constitutional objections to the billions of dollars (including about \$1 million to NOW itself) that women's groups receive under the Violence Against Women Act?

—ARMIN BROTT, issuing an ad hominem response to opposition by the National Organization for Women to a proposal to provide poor fathers with parenting and marital-skills training and classes on money management

Gender-based inconsistency ad hominem

Exercise 7-1

Classify each of the following cases of ad hominem as personal attack ad hominem, circumstantial ad hominem, inconsistency ad hominem, poisoning the well, or genetic fallacy. Identify the cases, if any, in which it might be difficult or futile to assign the item to any single one of these categories, as well as those cases, if any, where the item doesn't fit comfortably into any of these categories at all.

ad hominem

- ▲ 1. The proponents of this spend-now-pay-later boondoggle would like you to believe that this measure will cost you only one billion dollars. That's NOT TRUE. In the last general election, some of these very same people argued against unneeded rail projects because they would cost taxpayers millions more in interest payments. Now they have changed their minds and are willing to encourage irresponsible borrowing. Connecticut is already awash in red ink. Vote NO.
2. Rush Limbaugh argues that the establishment clause of the First Amendment should not be stretched beyond its intended dimensions by precluding voluntary prayer in public schools. This is a peculiar argument, when you consider that Limbaugh is quite willing to stretch the Second Amendment to include the right to own assault rifles and Saturday night specials.
3. I think you can safely assume that Justice Scalia's opinions on the cases before the Supreme Court this term will be every bit as flaky as his past opinions.
- ▲ 4. Harvard now takes the position that its investment in urban redevelopment projects will be limited to projects that are environmentally friendly. Before you conclude that that is such a swell idea, stop and think. For a long time, Harvard was one of the biggest slumlords in the country.
5. Capital punishment was invented during barbaric times. No civilized society ought to tolerate it.
6. Dear Editor—
I read with amusement the letter by Leslie Burr titled "It's time to get tough." Did anyone else notice a little problem in her views? It seems a little odd that somebody who claims that she "loathes violence" could also say that "criminals should pay with their life." I guess consistency isn't Ms. Burr's greatest concern.
- ▲ 7. YOU: Look at this. It says here that white males still earn a lot more than minorities and women for doing the same job.
YOUR FRIEND: Yeah, right. Written by some woman, no doubt.
8. "Steve Thompson of the California Medical Association said document-checking might even take place in emergency rooms. That's because, while undocumented immigrants would be given emergency care, not all cases that come into emergency rooms fall under the federal definition of an emergency.
"To all those arguments initiative proponents say hogwash. They say the education and health groups opposing the initiative are

interested in protecting funding they receive for providing services to the undocumented.”

—Article in Sacramento Bee

9. Ugh. Fred Smith. FedEx Founder and CEO. Presented as an “American Leader.” Hard for me to get past what an ineffective father he is. [Smith is the father of Richard Wallace Smith, who pled guilty to assault and battery charges after he and two accomplices beat up a freshman student on the University of Virginia campus.]

—Jason Linkins, *The Huffington Post*, December 2, 2007

10. Are Moore and Parker guilty of the ad hominem fallacy or poisoning the well in their discussion of Rush Limbaugh on page 180?
- ▲ 11. “Creationism cannot possibly be true. People who believe in a literal interpretation of the Bible just never outgrew the need to believe in Santa Claus.”

—Melinda Zerkle

12. “Americans spend between \$28 billion and \$61 billion a year in medical costs for treatment of hypertension, heart disease, cancer and other illnesses attributed to consumption of meat, says a report out today from a pro-vegetarian doctor’s group.

“Dr. Neal D. Barnard, lead author of the report in the *Journal of Preventive Medicine*, and colleagues looked at studies comparing the health of vegetarians and meat eaters, then figured the cost of treating illnesses suffered by meat eaters in excess of those suffered by vegetarians. Only studies that controlled for the health effects of smoking, exercise and alcohol consumption were considered.

“The American Medical Association, in a statement from Dr. M. Roy Schwarz, charged that Barnard’s group is an ‘animal rights front organization’ whose agenda ‘definitely taints whatever unsubstantiated findings it may claim.’”

—USA Today

STRAW MAN

A man made of straw is easier to knock over than a real one. And that’s the reason this fallacy has its name. We get a **straw man fallacy** when a speaker or writer distorts, exaggerates, or otherwise misrepresents an opponent’s position. In such a case, the position attributed to the opponent isn’t a real one; it’s a position made of straw and thus more easily criticized and rejected. Here’s a simple example: Imagine that our editor’s wife says to him, “Mark, it’s time you got busy and cleaned out the garage.” He protests, “What? Again? Do I have to clean out the garage every blasted day?” In saying this, he is attributing to his wife a much less defensible position than her real one, since nobody would agree that he should have to clean out the garage every day.

Here’s a real-life example from a newspaper column by George Will:

[Senator Lindsey] Graham believes that some borrowing is appropriate to make stakeholders of future generations, which will be the

In the Media

Sieg Heil? . . . or Shut Up?

In November 2006, Andrés Manuel López Obrador was a candidate for the presidency of Mexico after a bitterly contested national election. He is shown here before a speech in Mexico City. It certainly appears that López Obrador is giving a fascist salute in this photo (it may be that his party makes use of such a gesture; we are not sufficiently informed to say), but we’ve also been told that he was just trying to quiet the crowd at the moment the shot was taken. In any case, it’s another example of a photo that can be used to mislead, whichever interpretation you choose.



biggest beneficiaries of personal accounts. But substantially reducing the borrowing would deny Democrats the ability to disguise as fiscal responsibility their opposition to personal accounts, which really is rooted in reluctance to enable people to become less dependent on government.

It’s the final portion, which we’ve put in italics, that’s the straw man, and a wonderful example it is. Will describes the Democrats’ position as being reluctant to enable people to become less dependent on government. We’re pretty sure you could question every Democrat in Washington, D.C., and maybe every Democrat in the United States, and you could not find *even one* who is reluctant “to enable people to become less dependent on government.” To be in favor of government programs to help people who need them is a far cry from being in favor of *keeping people on those programs as long as possible*.

A second point regarding this example, and one that is often a part of a straw man fallacy, is that the writer is presuming to read the minds of an entire group of people—how could he possibly know the “real” reason Democrats

In the Media

Straw Man in the Elder Competition

In 2005, the political group USA NEXT ran an ad attacking the AARP, a nationwide organization of retired persons. The ad made it appear that the AARP stood for gay marriage when in fact the organization had never taken a stand on the subject. Charlie Jarvis, chairman of USA Next, defended the ad by saying that an AARP affiliate in Ohio had come out against a same-sex marriage ban in that state. To claim that this is the same as saying the AARP endorses gay marriage is a good example of a straw man fallacy.

I'm a very controversial figure to the animal rights movement. They no doubt view me with some measure of hostility because I am constantly challenging their fundamental premise that animals are superior to human beings.

—RUSH LIMBAUGH, setting up a straw man for the kill

oppose personal accounts if they're claiming something entirely different? (This is sometimes called "reliance on an unknown fact.")

The straw man fallacy is so common that it ranks next to the top on our list of the top ten fallacies of all time (see inside front cover). One person will say he wants to eliminate the words "under God" from the Pledge of Allegiance, and his opponent will act as if he wants to eliminate the entire pledge. A conservative will oppose tightening emission standards for sulfur dioxide, and a liberal will accuse him of wanting to relax the standards. A Democratic congresswoman will say she opposes cutting taxes, and her Republican opponent will accuse her of wanting to raise taxes.

The ad hominem fallacy attempts to "refute" a claim on the basis of considerations that logically apply to its source. The straw man fallacy attempts to "refute" a claim by altering it so that it seems patently false or even ridiculous.

FALSE DILEMMA

Suppose our editor's wife, in the example earlier, says to him, "Look, Mark, either we clean out the garage, or all this junk will run us out of house and home. Would you prefer that?" Now she is offering him a "choice": either clean out the garage or let the junk run them out of house and home. But the choice she offers is limited to just two alternatives, and there are alternatives that deserve consideration, such as doing it later or not acquiring additional junk.

The false dilemma fallacy occurs when you limit considerations to only two alternatives although other alternatives may be available. Like the straw man fallacy, it is encountered all the time. You say you don't want to drill for oil in the Alaskan National Wildlife Reserve? Would you prefer letting the Iranians dictate the price of oil?

Or take a look at this example:

CONGRESSMAN: Guess we're going to have to cut back expenditures on social programs again this year.

CLAGHORN: Why's that?

YOU: Why's that?

CLAGHORN: Well, we either do that or live with this high deficit, and that's something we can't allow.

Here, Claghorn maintains that either we live with the high deficit, or we cut social programs, and that therefore, because we can't live with the high deficit, we have to cut social programs. But this reasoning works only if cutting social programs is the *only* alternative to a high deficit. Of course, that is not the case (taxes might be raised or military spending cut, for example). Another example:

DANIEL: Theresa and I both endorse this idea of allowing prayer in public schools, don't we, Theresa?

THERESA: I never said any such thing!

DANIEL: Hey, I didn't know you were an atheist!

Here, Daniel's "argument" amounts to this: Either you endorse prayer in public schools, or you are an atheist; therefore, because you do not endorse school prayer, you must be an atheist. But a person does not have to be an atheist in order to feel unfavorable toward prayer in public schools. The alternatives Daniel presents, in other words, could both be false. Theresa might not be an atheist and still might not endorse school prayer.

The example Daniel provides shows how this type of fallacy and the preceding one can work together: A straw man is often used as part of a false dilemma. A person who wants us to accept X may not only ignore other alternatives besides Y but also exaggerate or distort Y. In other words, this person leaves only *one* "reasonable" alternative because the only other one provided is really a straw man. You can also think of a false dilemma as a false dichotomy.

Here's an example of a false dilemma by President Obama from an interview on March 17, 2010, with Bret Baier of Fox News:

OBAMA: "What I can tell you is that the vote that's taken in the House will be a vote for health care reform. And if people vote yes, whatever form that takes, that is going to be a vote for health care reform."

[Baier breaks in for a moment.]

OBAMA: Bret, let me finish. If they don't, if they vote against, then they're going to be voting against health care reform and they're going to be voting in favor of the status quo.

Reduced to bare bones, Obama is saying that either the House will vote for the health care bill before it or they'll be voting for the status quo. In fact, many members of the House were unsatisfied with the status quo but did not like the bill in question either; those members would rather have been voting against the status quo but for a different health care bill.

One might defend the president's remark by saying that, in fact, no other health care bill was going to be available to vote on; therefore, members of the House really had only two alternatives: this health care bill or no health care bill. However, without this being made clear, the remark is a false dilemma as it stands.

It might help in understanding false dilemmas to look quickly at a *real* dilemma. Consider: You know that the Smiths must heat their house in the

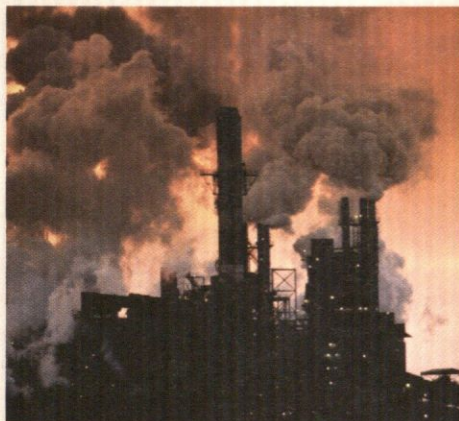
Real Life

Which Is It Going to Be, Springfield?



This

or



THIS!

This was the message on a flyer urging a “no” vote on a proposed zoning law change in a western city. Since the photos depict only two (fairly extreme) alternatives, and given that there are surely many other reasonable ones, the flyer presents an excellent example of a false dilemma.

winter. You also know that the only heating options available in their location are gas and electricity. Under these circumstances, if you find out that they do *not* have electric heat, it must indeed be true that they must use gas heat because that’s the only alternative remaining. False dilemma occurs only when reasonable alternatives are ignored. In such cases, both X and Y may be false, and some other alternative may be true.

Therefore, before you accept X because some alternative, Y, is false, make certain that X and Y cannot *both* be false. Look especially for some third alternative, some way of rejecting Y without having to accept X. Example:

MOORE: Look, Parker, you’ve been worrying about whether you could afford that bigger house on the corner for over a year. You need to grit your teeth and buy it or just get used to staying where you are and doing without the extra space.

Parker could reject both of Moore’s alternatives (buying the house on the corner or staying where he is) because of some obvious but unmentioned alternatives. Parker might find another house to buy, bigger than his present one but less expensive than the one on the corner; or he might remodel his current house, making it bigger at less expense than buying the corner house.

Before moving on, we should point out that there is more than one way to present a pair of alternatives. Aside from the obvious “either X or Y” version we’ve described so far, we can use the form “if not X, then Y.”

For instance, in the example at the beginning of the section, Congressman Claghorn can say, “Either we cut back on expenditures, or we’ll have a big deficit,” but he can accomplish the same thing by saying, “If we don’t cut back on expenditures, then we’ll have a big deficit.” These two ways of stating the dilemma are equivalent. Claghorn gets the same result: After denying that we can tolerate the high deficit, he concludes that we’ll have to cut back expenditures. Again, it’s the artificial narrowness of the alternatives—the falsity of the claim that says “if not one, then surely the other”—that makes this a fallacy.

The Perfectionist Fallacy

A particular subspecies of false dilemma and common rhetorical ploy is something we call the **perfectionist fallacy**. It comes up when a plan or policy is under consideration, and it goes like this:

If policy X will not meet our goals as well as we’d like them met (i.e., “perfectly”), then policy X should be rejected.

This principle downgrades policy X simply because it isn’t perfection. It’s a version of false dilemma because it says, in effect, “Either the policy is perfect, or else we must reject it.”

An excellent example of the perfectionist fallacy comes from the National Football League’s experience with the instant replay rule, which allows an off-field official to review video recordings of a play to determine whether the on-field official’s ruling was correct. To help the replay official, recordings from several angles can be viewed, and the play runs in slow motion.

When it was first proposed, the argument most frequently heard against the replay policy went like this: “It’s a mistake to use replays to make calls because no matter how many cameras you have following the action on the field, you’re still going to miss some calls. There’s no way to see everything that’s going on.”

According to this type of reasoning, we should not have police unless they can prevent *every* crime or apprehend *every* criminal. You can probably think of other examples that show perfectionist reasoning to be very unreliable indeed.

The Line-Drawing Fallacy

Another version of the false dilemma is called the line-drawing fallacy. An example comes from the much-publicized Rodney King case, in which four Los Angeles police officers were acquitted of charges of using excessive force when they beat King during his arrest. After the trial, one of the jurors indicated that an argument like the following finally convinced her and at least one other juror to vote “not guilty”:

Everybody agrees that the first time one of the officers struck King with a nightstick it did not constitute excessive force. Therefore, if we are to conclude that excessive force was indeed used, then sometime during the course of the beating (during which King was hit about fifty times) there must have been a moment—a particular blow—at which the force *became* excessive. Since there is no point at which we can determine that the use of force changed from warranted to excessive, we are forced

[People] who are voyeurs, if they are not irredeemably sick, . . . feel ashamed at what they are witnessing.

—IRVING KRISTOL, "Pornography, Obscenity, and the Case for Censorship"

False dilemma

to conclude that it did not become excessive at any time during the beating, and so the officers did not use excessive force.

These jurors accepted the **line-drawing fallacy**, the fallacy of insisting that a line must be drawn at some precise point when in fact it is not necessary that such a precise line be drawn.

To see how this works, consider another example: Clearly, it is impossible for a person who is not rich to become rich by our giving her one dollar. But, equally clearly, if we give our lucky person fifty million dollars, one at a time (very quickly, obviously—maybe we have a machine to deal them out), she will be rich. According to the line-drawing argument, however, *if we cannot point to the precise dollar that makes her rich, then she can never get rich, no matter how much money she is given.*

The problem, of course, is that the concepts referred to by "rich" and "excessive force" (and many others) are vague concepts. (Remember our discussion in Chapter 3.) We can find cases where the concepts clearly apply and cases where they clearly do not apply. But it is not at all clear exactly where the borderlines are.

Many logicians interpret line drawing as a variety of slippery slope (discussed next). The King case might be seen this way: If the first blow struck against King did not amount to excessive violence, then there's nothing in the series of blows to change that fact. So there's no excessive violence at the end of the series, either.

Our own preference is to see the line-drawing fallacy as a version of false dilemma. It presents the following alternatives: Either there is a precise place where we draw the line, or else there is no line to be drawn (no difference) between one end of the scale and the other. Either there is a certain blow at which the force used against King became excessive, or else the force never became excessive.

Again, remember that our categories of fallacy sometimes overlap. When that happens, it doesn't matter as much which way we classify a case as that we see that an error is being made.

SLIPPERY SLOPE

We've all heard people make claims of this sort: "If we let X happen, the first thing you know, Y will be happening." This is one form of the **slippery slope**. Such claims are fallacious when in fact there is no reason to think that X will lead to Y. Sometimes X and Y can be the same kind of thing or can bear some kind of similarity to one another, but that doesn't mean that one will inevitably lead to the other.

Opponents of handgun control sometimes use a slippery slope argument, saying that if laws to register handguns are passed, this will eventually lead to making ownership of any kind of gun illegal. This is fallacious if there is no reason to think that the first kind of law will lead eventually to the second kind. It's up to the person who offers the slippery slope claim to show *why* the first action will lead to the second.

It is also argued that one should not experiment with certain drugs because experimentation is apt to lead to serious addiction or dependence. In the case of drugs that are known to be addictive, there is no fallacy present—the likelihood of the progression is clear.

Real Life

\$8 Billion Down the Tube!

Eight billion dollars in utility ratepayers' money and 20 years of effort will be squandered if this resolution is defeated.

—SENATOR FRANK MURKOWSKI, R-Alaska, using a slippery slope fallacy to argue for going forward with government plans to bury radioactive waste in Yucca Mountain, Nevada

The fact that we've spent money on it already doesn't make it a good idea.

The other version of slippery slope occurs when someone claims we must continue a certain course of action simply because we have already begun that course. It was said during the Vietnam War that, because the United States had already sent troops to Vietnam, it was necessary to send more troops to support the first ones. Unless there is some reason supplied to show that the first step *must* lead to the others, this is a fallacy. (Notice that it's easy to make a false dilemma out of this case as well; do you see how to do it?) Although there are other factors that make the Iraq War somewhat different, many believe the fallacy applies there as well.

Sometimes we take the first step in a series, and then we realize that it was a mistake. To insist on taking the remainder when we could admit our mistake and retreat is to fall prey to the slippery slope fallacy. This is illustrated by the example from Senator Murkowski in the box above. (If you're the sort who insists on following one bad move with another one, we'd like to tell you about our friendly Thursday night poker game.)

The slippery slope fallacy has considerable force because *psychologically* one item does often lead to another, even though *logically* it does no such thing. When we think of X, say, we may be led immediately to think of Y. But this certainly does not mean that X itself is necessarily followed by Y. Once again, to think that Y has to follow X is to engage in slippery slope thinking; to do so when there is no particular reason to think Y must follow X is to commit a slippery slope fallacy.

We should note in conclusion that the slope is sometimes a longer one: If we do X, it will lead to Y, and Y will lead to Z, and Z will lead to . . . eventually to some disaster. To avoid the fallacy, it must be shown that each step is likely to follow from the preceding step.

MISPLACING THE BURDEN OF PROOF

Moore asks Parker, "Say, did you know that, if you rub red wine on your head, your gray hair will turn dark again?"

Parker, of course, will say, "Baloney."

Let's suppose Moore then says, "Baloney? Hey, how do you know it won't work?"

In the Media

A Double Slippery Slope

Next time it will be easier. It always is. The tolerance of early-term abortion made it possible to tolerate partial-birth abortion, and to give advanced thinkers a hearing when they advocate outright infanticide. Letting the courts decide such life-and-death issues made it possible for us to let them decide others, made it seem somehow wrong for anyone to stand in their way. Now they are helping to snuff out the minimally conscious. Who's next?

—Editorial, *National Review Online*, March 31, 2005

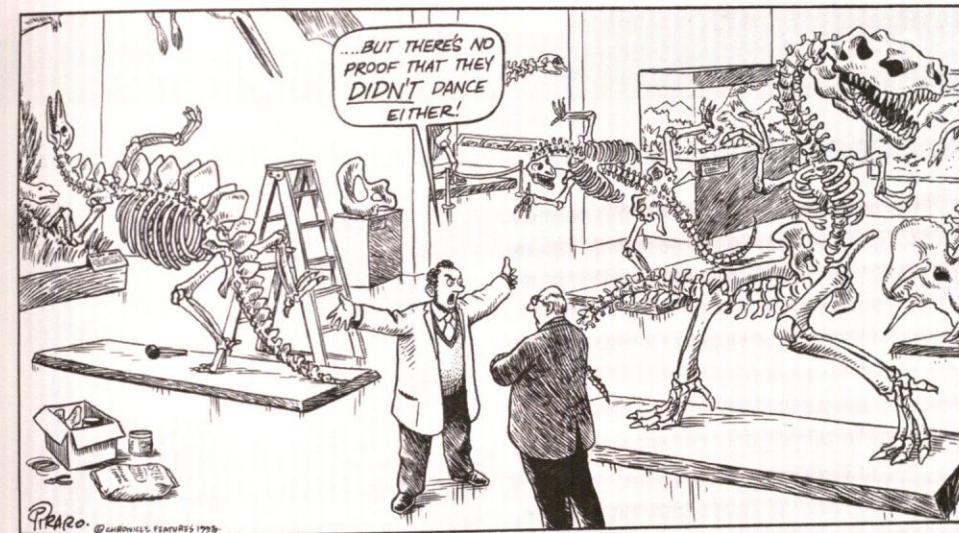
There are actually two slippery slope arguments built into this passage. One says that one type of abortion (early-term) led to another (partial-birth); the second says that letting the courts decide some issues led to allowing them to decide more issues. Both cases are fallacious because in neither is there any evidence advanced for the slipperiness of the slope. Was it tolerance of early-term abortion that led to partial-birth abortion? In fact, the slope seems not to have been slippery, since a ban on partial-birth abortion became federal law in 2003. And many issues, including many life-and-death issues, are properly within the purview of the courts from the outset; there is no reason to think that some became matters for the judiciary simply because others were.

Moore's question is odd, because the **burden of proof** rests on him, not on Parker. Moore has misplaced the burden of proof on Parker, and this is a mistake, a fallacy.

Misplacing the burden of proof occurs when the burden of proof is placed on the wrong side of an issue. This is a common rhetorical technique, and sometimes you have to be on your toes to spot it. People are frequently tricked into thinking that they have to prove their opponent's claim wrong, when in fact the opponent should be proving that the claim is right. For example, back in 2003 you often heard people trying their darnedest to prove that we shouldn't go to war with Iraq, in a context in which the burden of proof rests on those who think we should go to war.

What reasonable grounds would make us place the burden of proof more on one side of an issue than the other? There are a variety of such grounds, but they fall mainly into three categories. We can express them as a set of general rules:

1. *Initial plausibility.* In Chapter 4, we said that the more a claim coincides with our background information, the greater its initial plausibility. The general rule that most often governs the placement of the burden of proof is simply this: The less initial plausibility a claim has, the greater the burden of proof we place on someone who asserts that claim. This is just good sense, of course. We are quite naturally less skeptical about the claim that Charlie's now-famous eighty-seven-year-old grandmother drove a boat across Lake Michigan than we are about the claim that she *swam* across Lake Michigan. Unfortunately, this rule is a general rule, not a rule that can be applied precisely. We are unable to assess the specific degree of a claim's plausibility and then determine with precision just exactly how much evidence its advocates



■ Paleological misplacement of the burden of proof!

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need to produce to make us willing to accept the claim. But, as a general rule, the initial-plausibility rule can keep us from setting the requirements unreasonably high for some claims and allowing others to slide by unchallenged when they don't deserve to.

2. *Affirmative/negative.* Other things being equal, the burden of proof falls automatically on those supporting the affirmative side of an issue rather than on those supporting the negative side. In other words, we generally want to hear reasons why something *is* the case before we require reasons why it is *not* the case. Consider this conversation:

MOORE: The car won't start.

PARKER: Yeah, I know. It's a problem with the ignition.

MOORE: What makes you think that?

PARKER: What makes you think it isn't?

Parker's last remark seems strange because we generally require the affirmative side to assume the burden of proof; it is Parker's job to give reasons for thinking that the problem *is* in the ignition.

This rule applies to cases of existence versus nonexistence, too. Most often, the burden of proof should fall on those who claim something exists rather than on those who claim it doesn't. There are people who believe in ghosts, not because of any evidence that there *are* ghosts, but because nobody has shown there are no such things. (When someone claims that we should believe in such-and-such because nobody has proved that it *isn't* so, we have a version of burden of proof known as **appeal to ignorance**.) This is a burden-of-proof fallacy because it mistakenly places the requirement of proving their position on those who do not believe in ghosts. (Of course, the first rule applies here, too, because ghosts are not part of background knowledge for most of us.)