

- legalization of marijuana. "Hel-loh-o," she says. "Marijuana is a *drug*, and the last thing we need is more druggies." Is Alisha being consistent?
7. California's Proposition 209 amends the California state constitution to prohibit "discrimination or preferential treatment" in state hiring based on race, gender, or ethnicity. Opponents say that Proposition 209 singles out women and members of racial and ethnic minorities for unequal treatment. Their argument is that Proposition 209 makes it impossible for members of these groups to obtain redress for past discrimination through preferential treatment, whereas members of other groups who may have suffered past discrimination (gays, for example, or members of religious groups) are not similarly restricted from seeking redress. Evaluate this argument.
 - ▲ 8. Harold prides himself on being a liberal. He is delighted when a federal court issues a preliminary ruling that California's Proposition 209 (see previous item) is unconstitutional. "It makes no difference that a majority of California voters approved the measure," Harold argues. "If it is unconstitutional, then it is unconstitutional." However, California voters also recently passed an initiative that permits physicians to prescribe marijuana, and Harold is livid when the U.S. attorney general says that the federal government will ignore the California statute and will use federal law to prosecute any physician who prescribes marijuana. Is Harold consistent?
 9. Graybosch is of the opinion that we should not perform medical experiments on people against their will, but he has no problem with medical experiments being done on dogs. His wife disagrees. She sees no relevant difference between the two cases.

"What, no difference between people and dogs?" Graybosch asks.

"There are differences, but no differences that are relevant to the issue," Graybosch's wife responds. "Dogs feel pain and experience fear just as much as people."

Is Graybosch's wife correct?
 10. Mr. Bork is startled when a friend tells him he should contribute to the welfare of others' children as much as to his own.

"Why on earth should I do that?" Mr. Bork asks his friend.

"Because," his friend responds, "there is no relevant difference between the two cases. The fact that your children are yours does not mean that there is something different about them that gives them a greater entitlement to happiness than anyone else's children."

How should Mr. Bork respond?
 11. The university wants to raise the requirements for tenure. Professor Peterson, who doesn't have tenure, says that doing so is unfair to her. She argues that those who received tenure before she did weren't required to meet such exacting standards; therefore, neither should she. Is she correct?
 12. Reverend Heinz has no objection to same-sex marriages but is opposed to polygamous marriages. Is there a relevant difference between the two cases, or is Reverend Heinz being inconsistent?
1. Roy needs to sell his car, but he doesn't have money to spend on repairs. He plans to sell the vehicle to a private party without mentioning that

Exercise 12-9

- the rear brakes are worn. Evaluate Roy's plan of action from a deontological perspective—that is, can the maxim of Roy's plan be universalized?
2. Defend affirmative action from a utilitarian perspective.
 3. Criticize affirmative action from a deontological perspective. (Hint: Consider Kant's theory that people must never be treated as means only.)
 4. Criticize or defend medical experimentation on animals from a utilitarian perspective.
 5. Criticize or defend medical experimentation on animals from a religious absolutist perspective.
 6. A company has the policy of not promoting women to be vice presidents. What might be said about this policy from the perspective of virtue ethics?
 7. What might be said about the policy mentioned in item 6 from the perspective of utilitarianism?
 8. Evaluate embryonic stem cell research from a utilitarian perspective.
 9. In your opinion, would the virtuous person, the person of the best moral character, condemn, approve, or be indifferent to bisexuality?
 10. "We can't condemn the founding fathers for owning slaves; people didn't think there was anything wrong with it at the time." Comment on this remark from the standpoint of deontology.
 11. "Let's have some fun and see how your parrot looks without feathers." (The example is from philosopher Joseph Grcic.) Which of the following perspectives seems best equipped to condemn this suggestion?
 - a. utilitarianism
 - b. deontologism
 - c. religious absolutism
 - d. virtue ethics
 - e. moral relativism
 12. "Might makes right." Could a utilitarian accept this? Could a virtue ethicist? Could Kant? Could a moral relativist? Could someone who subscribes to divine command theory?

This is Darwin's natural selection at its very best. The highest bidder gets youth and beauty.

These are the words of fashion photographer Ron Harris, who auctioned the ova of fashion models via the Internet. The model got the full bid price, and the website took a commission of an additional 20 percent. The bid price included no medical costs, though it listed specialists who were willing to perform the procedure. Harris, who created the video "The 20 Minute Workout," said the egg auction gave people the chance to reproduce beautiful children who would have an advantage in society. Critics, however, were numerous. "It screams of unethical behavior," one said. "It is acceptable for an infertile couple to choose an egg donor and compensate her for her time, inconvenience and discomfort," he said. "But this is something else entirely. Among other things, what happens to the child if he or she turns out to be unattractive?"

Exercise 12-10

Discuss the (moral) pros and cons of this issue for five or ten minutes in groups. Then take a written stand on the question "Should human eggs be auctioned to the highest bidder?" When you are finished, discuss which moral perspective seems to be the one in which you are operating.

LEGAL REASONING

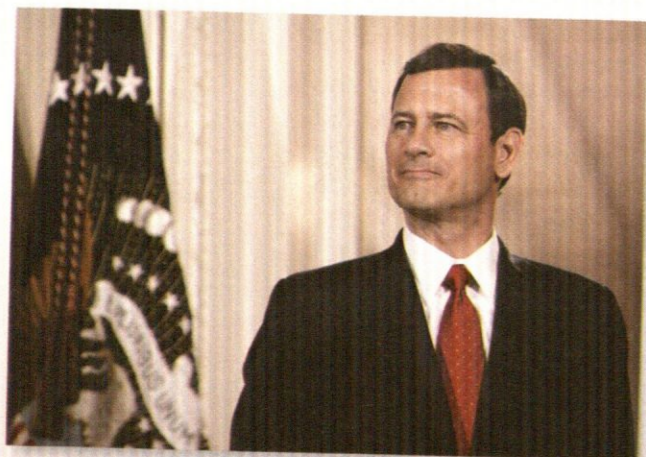
When we think about arguments and disputes, the first image to come to most minds is probably that of an attorney arguing a case in a court of law. Although it's true that lawyers require a solid understanding of factual matters related to their cases and of psychological considerations as well, especially where juries are involved, it is still safe to say that a lawyer's stock-in-trade is argument. Lawyers are successful—in large part—to the extent that they can produce evidence in support of the conclusion that most benefits their clients—in other words, their success depends on how well they can put premises and conclusions together into convincing arguments.

When one thinks of the many varieties of law—administrative law, commercial law, criminal law, international law, tax law, and so on—one is apt to think that there may be no distinctive common ground that one might call "uniquely legal reasoning." This conclusion is absolutely correct. Still, we can distinguish broadly between questions of *interpreting and applying the law in specific instances* and questions related to *what the law should be*. Typically, jurists and practicing attorneys are more interested in the former type of question and legal philosophers in the latter.

Reasoning used by jurists and attorneys in applying the law is both deductive and inductive; if deductive, the reasoning can be sound, valid, or invalid; and if inductive, it can range from strong to weak. Deductive reasoning, of course, includes categorical and hypothetical reasoning; and inductive reasoning includes generalizing, reasoning by analogy, and reasoning about cause and effect. Reasoning by analogy and reasoning about cause and effect deserve special mention in connection with applying the law.

One kind of argument occupies a special place in applying the law: the **appeal to precedent**. This is the practice of using a case that has already been decided as an authoritative guide in deciding a new case that is similar. The appeal to precedent is none other than an argument by analogy, in which the current case is argued to be sufficiently like the previous case to warrant deciding it in the same way. Appeal to precedent also assumes the consistency principle that is found in moral reasoning: Cases that aren't relevantly different must be treated the same way. To treat similar cases differently would be illogical; it would also be unjust.

The Latin name for the principle of appeal to precedent is *stare decisis* ("Don't change settled decisions," more or less). In the terminology of Chapter 10, the "analogues" are the earlier, settled cases on one hand and the current case on the other. The important question is whether



■ John Roberts, Chief Justice of the U.S. Supreme Court, which decides the constitutionality of legislation, actions of public officials, lower court decisions, and other public matters. This power, known as "judicial review," is not explicit in the U.S. Constitution but was established in *Marbury v. Madison* (1803), a landmark decision of the Supreme Court.

the analogues are so similar that treating them differently would violate *stare decisis*. Apart from their significance to the parties involved, legal reasoning by analogy is not different in principle from reasoning by analogy in any other context.

Also especially important when it comes to applying the law is reasoning about cause and effect. Causation is the foundation of legal liability. In some contexts, that a party is legally liable for something may mean more than simply that he or she caused it; but having caused it is normally a necessary condition for being legally liable for it. In Chapter 11, we discussed causation in the law.

Justifying Laws: Four Perspectives

The reasoning employed to justify or defend specific laws is similar to moral reasoning, discussed in the previous section. Both types of reasoning involve applying general principles to specific cases, and both refer ultimately to one or more of a handful of basic perspectives within which the reasoning takes place. Indeed, the moral perspectives already discussed can and are used to justify and defend specific laws. For example, the utilitarian idea that it is desirable to increase the sum total of happiness is used to defend eminent domain (by which a state seizes a person's property without his/her consent). And the deontological principle that others should not be used as the means to some end is used to argue against it. The harm principle, discussed below, which holds that only what harms others should be legally forbidden, is an extension of deontological ethics (although its most eloquent exponent was the utilitarian John Stuart Mill).

Of course, we are often most interested in the justification of laws that would forbid us to do something we might otherwise want to do or would require us to do something we would prefer not to do. Consider, then, whether a law that forbids doing X should be enacted by your state legislature.* Typically, there are four main grounds, or "perspectives," on which a supporter of a law can base his or her justification. The first is simply that doing X is immoral. The claim that the law should make illegal anything that is immoral is the basis of the position known as **legal moralism**. One might use such a basis to justify laws forbidding murder, assault, or unorthodox sexual practices. For a legal moralist, the kinds of arguments designed to show that an action is immoral are directly relevant to the question of whether the action should be illegal.

The next ground on which a law can be justified is probably the one that most people think of first. It is very closely associated with John Stuart Mill (1806–1873) and is known as the **harm principle**: The only legitimate basis for forbidding X is that doing X causes harm to others. Notice that the harm principle states not just that harm to others is a good ground for forbidding an activity but that it is the *only* ground. (In terms of the way we formulated such claims in Chapter 9, on truth-functional logic, the principle would be stated, "It is legitimate to forbid doing X *if and only if* doing X causes harm to others.") A person who defends this principle and who wants to enact a law

*The example here is of a criminal law—part of a penal code designed to require and forbid certain behaviors and to punish offenders. The situation is a little different in civil law, a main goal of which is to shift the burden of a wrongful harm (a "tort") from the person on whom it fell to another, more suitable person—usually the one who caused the harm.

forbidding X will present evidence that doing X does indeed cause harm to others. Her arguments could resemble any of the types covered in earlier chapters.

A third ground on which our hypothetical law might be based is legal paternalism. **Legal paternalism** is the view that laws can be justified if they prevent a person from doing harm to him- or herself; that is, they forbid or make it impossible to do X, *for a person's own good*. Examples include laws that require that seat belts be worn while riding in automobiles and that helmets be worn while riding on motorcycles.

The last of the usual bases for justifying criminal laws is that some behavior is generally found offensive. The **offense principle** says that a law forbidding X can be justifiable if X causes great offense to others. Laws forbidding burning of the flag are often justified on this ground.

What is the law, and how should it be applied? These questions are perhaps somewhat easier than the question, What should the law be? But they are still complicated. An example will provide an indication. Back in Chapter 3, we discussed vague concepts, and we found that it is impossible to rid our talk entirely of vagueness. Here's an example from the law. Let's suppose that a city ordinance forbids vehicles on the paths in the city park. Clearly, a person violates the law if he or she drives a truck or a car down the paths. But what about a motorbike? A bicycle? A go-cart? A child's pedal car? Just what counts as a vehicle and what does not? This is the kind of issue that must often be decided in court because—not surprisingly—the governing body writing the law could not foresee all the possible items that might, in somebody's mind, count as a vehicle.

The process of narrowing down when a law applies and when it does not, then, is another kind of reasoning problem that occurs in connection with the law.

Exercise 12-11

For each of the following kinds of laws, pick at least one of the four grounds for justification discussed in the text—legal moralism, the harm principle, legal paternalism, and the offense principle—and construct an argument designed to justify the law. You may not agree either with the law or with the argument; the exercise is to see if you can connect the law to the (allegedly) justifying principle. For many laws, more than one kind of justification is possible, so there can be more than one good answer for many of these.

- ▲ 1. Laws against shoplifting
- ▲ 2. Laws against forgery
3. Laws against suicide
- ▲ 4. Laws against spitting on the sidewalk
5. Laws against driving under the influence of drugs or alcohol
- ▲ 6. Laws against adultery
7. Laws against marriage between two people of the same sex
8. Laws that require people to have licenses before they practice medicine
9. Laws that require drivers of cars to have driver's licenses
- ▲ 10. Laws against desecrating a corpse

11. Laws against trespassing
12. Laws against torturing your pet (even though it may be legal to kill your pet, if it is done humanely)

This exercise is for class discussion or a short writing assignment. In the text, "Vehicles are prohibited on the paths in the park" was used as an example of a law that might require clarification. Decide whether the law should be interpreted to forbid motorcycles, bicycles, children's pedal cars, and battery-powered remote-control cars. On what grounds are you deciding each of these cases?

Exercise 12-12

The U.S. Supreme Court came to a decision not long ago about the proper application of the word "use." Briefly, the case in point was about a man named John Angus Smith, who traded a handgun for cocaine. The law under which Smith was charged provided for a much more severe penalty—known as an enhanced penalty—if a gun was used in a drug-related crime than if no gun was involved. (In this case, the enhanced penalty was a mandatory thirty-year sentence; the "unenanced" penalty was five years.) Justice Antonin Scalia argued that Smith's penalty should not be enhanced because he did not use the gun in the way the writers of the law had in mind; he did not use it *as a gun*. Justice Sandra Day O'Connor argued that the law requires only the *use* of a gun, not any particular *kind* of use. If you were a judge, would you vote with Scalia or with O'Connor? Construct an argument in support of your position. (The decision of the Court is given in the answer section at the back of the book.)

Exercise 12-13

AESTHETIC REASONING

Like moral and legal thinking, aesthetic thinking relies on a conceptual framework that integrates fact and value. Judgments about beauty and art—even judgments about whether something is a work of art or just an everyday object—appeal to principles that identify sources of aesthetic or artistic value. So, when you make such a judgment, you are invoking aesthetic concepts, even if you have not made them explicit to yourself or to others.

Eight Aesthetic Principles

Here are some of the aesthetic principles that most commonly support or influence artistic creation and critical judgment about art. The first three identify value in art with an object's ability to fulfill certain cultural or social functions.

1. *Objects are aesthetically valuable if they are meaningful or teach us truths.* For example, Aristotle says that tragic plays teach us general truths about the human condition in a dramatic way that cannot be matched by real-life experience. Many people believe art shows us truths that are usually hidden from us by the practical concerns of daily life.

2. *Objects are aesthetically valuable if they have the capacity to convey values or beliefs that are central to the cultures or traditions in which they*

■ Christo, The Gates.



originate or that are important to the artists who made them. For example, John Milton's poem *Paradise Lost* expresses the seventeenth-century Puritan view of the relationship between human beings and God.

3. *Objects are aesthetically valuable if they have the capacity to help bring about social or political change.* For instance, Abraham Lincoln commented that Harriet Beecher Stowe's *Uncle Tom's Cabin* contributed to the antislavery movement.

Another group of principles identifies aesthetic value with objects' capacities to produce certain subjective—that is, psychological—states in persons who experience or appreciate them. Here are some of the most common or influential principles of the second group:

4. *Objects are aesthetically valuable if they have the capacity to produce pleasure in those who experience or appreciate them.* For instance, the nineteenth-century German philosopher Friedrich Nietzsche identifies one kind of aesthetic value with the capacity to create a feeling of ecstatic bonding in audiences.

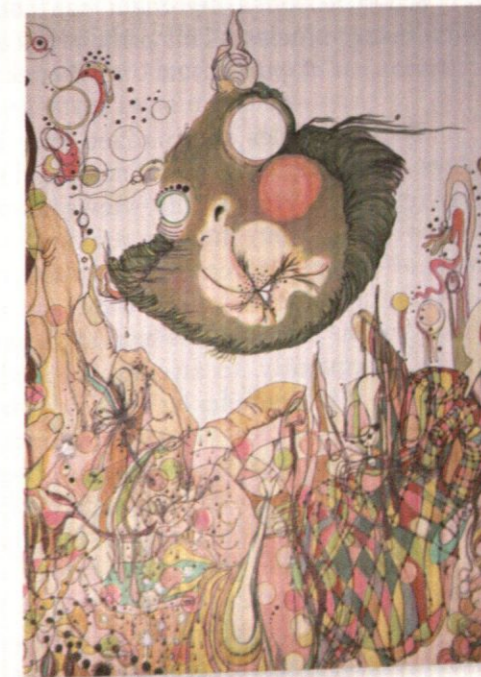
5. *Objects are aesthetically valuable if they have the capacity to produce certain emotions we value, at least when the emotion is brought about*



■ This watercolor by Alicia Alvarez and pen and ink by Rachel Steiner both evoke humorous responses, although they do it in entirely different ways.

by art rather than life. In the *Poetics*, Aristotle observes that we welcome the feelings of fear created in us by frightening dramas, whereas in everyday life fear is an experience we would rather avoid. The psychoanalyst Sigmund Freud offers another version of this principle: While we enjoy art, we permit ourselves to have feelings so subversive that we have to repress them to function in everyday life.

6. *Objects are aesthetically valuable if they have the capacity to produce special nonemotional experiences, such as a feeling of autonomy or the willing suspension of disbelief.* This principle is the proposal of the nineteenth-century English poet Samuel Taylor Coleridge. One of art's values, he believes, is its ability to stimulate our power to exercise our imaginations and consequently to free ourselves from thinking that is too narrowly practical.



Notice that principles 4 through 6 resemble the first three in that they identify aesthetic value with the capacity to fulfill a function. According to these last three, the specified function is to create some kind of subjective or inner state in audiences; according to the first three, however, art's function

is to achieve such objective outcomes as conveying information or knowledge or preserving or changing culture or society. But there are yet other influential aesthetic principles that do not characterize art in terms of capacities for performing functions. According to one commonly held principle, art objects attain aesthetic value by virtue of their possessing a certain special aesthetic property or certain special formal configurations.

7. *Objects are aesthetically valuable if they possess a special aesthetic property or exhibit a special aesthetic form.* Sometimes this aesthetic property is called "beauty," and sometimes it is given another name. For instance, the early-twentieth-century art critic Clive Bell insists that good art is valuable for its own sake, not because it fulfills any function. To know whether a work is good aesthetically, he urges, one need only look at it or listen to it to see or hear whether it has "significant form." "Significant form" is valuable for itself, not for any function it performs.

Finally, one familiar principle insists that no reasons can be given to support judgments about art. Properly speaking, those who adhere to this principle think that to approve or disapprove of art is to express an unreasoned preference rather than to render judgment. This principle may be stated as follows:

8. *No reasoned argument can conclude that objects are aesthetically valuable or valueless.* This principle is expressed in the Latin saying "*De gustibus non est disputandum*," or "Tastes can't be disputed."

The principles summarized here by no means exhaust the important views about aesthetic value, nor are they complete expositions of the views they represent. Historically, views about the nature of art have proven relatively fluid, for they must be responsive to the dynamics of technological and cultural change. Moreover, even though the number of familiar conceptions of aesthetic value is limited, there are many alternative ways of stating these that combine the thoughts behind them in somewhat different ways.

Consequently, to attempt to label each principle with a name invites confusion. For example, let's consider whether any of the principles might be designated *formalism*, which is an important school or style of art. Although the seventh principle explicitly ascribes aesthetic value to a work's form as opposed to its function, the formal properties of artworks also figure as valuable, although only as means to more valuable ends, in certain formulations of the first six principles. For instance, some scholars, critics, and artists think certain formal patterns in works of art can evoke corresponding emotions, social patterns, or pleasures in audiences—for example, slow music full of minor chords is commonly said to make people feel sad.

You should understand that all of the principles presented here merely serve as a basic framework within which you can explore critical thinking about art. If you are interested in the arts, you will very likely want to develop a more complex and sophisticated conceptual framework to enrich your thinking about this subject.

Using Aesthetic Principles to Judge Aesthetic Value

The first thing to notice about the aesthetic principles we've just discussed is that some are compatible with each other. Thus, a reasonable thinker can

The story is told of the American tourist in Paris who told Pablo Picasso that he didn't like modern paintings because they weren't realistic. Picasso made no immediate reply. A few minutes later the tourist showed him a snapshot of his house.

"My goodness," said Picasso, "is it really as small as that?"

—JACOB BRAUDE

appeal to more than one in reaching a verdict about the aesthetic value of an object. For instance, a consistent thinker can use both the first and the fifth principle in evaluating a tragic drama. Aristotle does just this in his *Poetics*. He tells us that tragedies are good art when they both convey general truths about the human condition and help their audiences purge themselves of the pity and fear they feel when they face the truth about human limitations. A play that presents a general truth without eliciting the proper catharsis (release of emotion) in the audience or a play that provokes tragic emotions unaccompanied by recognition of a general truth is not as valuable as a play that does both.

However, some of these principles cannot be used together consistently to judge aesthetic value. These bear the same relationship to each other as do contrary claims (recall the square of opposition in Chapter 8). They cannot both be true, although both might be false. For instance, the principle that art is valuable in itself by virtue of its form or formal configuration (not because it serves some function), and the principle that art is valuable because it serves a social or political function cannot be used consistently together. You might have noticed, also, that the eighth principle contradicts the others; that is, the first seven principles all specify kinds of reasons for guiding and supporting our appreciation of art, but the last principle denies that there can be any such good reasons.

Finally, it is important to understand that the same principle can generate both positive and negative evaluations, depending on whether the work in question meets or fails to meet the standard expressed in the principle. For example, the fourth principle, which we might call "aesthetic hedonism," generates positive evaluations of works that produce pleasure but negative evaluations of works that leave their audiences in pain or displeased.

Suppose that the two statements in each of the following pairs both appear in a review of the same work of art. Identify which of the eight aesthetic principles each statement in the pair appeals to. Then state whether the principles are compatible (that is, they are not contrary to each other) and thus form the basis for a consistent critical review.

Exercise 12-14

1. a. Last weekend's performance of the Wagnerian operatic cycle was superb; the music surged through the audience, forging a joyous communal bond.
b. Smith's forceful singing and acting in the role of Siegfried left no doubt why Wagner's vision of heroic morality was attractive to his Teutonic contemporaries.
2. a. Leni Riefenstahl's film *Triumph of the Will* proved to be effective art because it convinced its audiences that the Nazi Party would improve the German way of life.
b. Despite its overtly racist message, *Triumph of the Will* is great art, for films should be judged on the basis of their visual coherence and not in terms of their moral impact.
3. a. All lovers of art should condemn Jackson Pollock's meaningless abstract expressionist splatter paintings.
b. These paintings create neither sadness nor joy; those who view them feel nothing, neither love nor hate nor any of the other passions that great art evokes.

- ▲ 4. a. Laurence Olivier's film production of *Hamlet* has merit because he allows us to experience the impact of the incestuous love that a son can feel for his mother.
- b. Nevertheless, Olivier's *Hamlet* is flawed because it introduces a dimension inconceivable to an Elizabethan playwright.
- 5. a. There is no point arguing about or giving reasons for verdicts about art, because each person's tastes or responses are so personal.
- b. Those who condemn sexually explicit performance art do not recognize that art is valuable to the extent it permits us to feel liberated and free of convention.

Evaluating Aesthetic Criticism: Relevance and Truth

Is any evaluation of a work of art as good as any other in creating a critical treatment of that work? The answer is no, for two reasons: (1) the principles of art that one adopts function as a conceptual framework that distinguishes relevant from irrelevant reasons; (2) even a relevant reason is useless if it is not true of the work to which it is applied.

Let's consider the first reason. What would convince you of the value of a work if you accepted principles 4 through 6—all of which maintain that aesthetic value resides in the subjective responses art evokes in its audiences? In this case, you are likely to be drawn to see Picasso's *Guernica* if you are told that it has the power to make its viewers experience the horrors of war; but you would not be attracted by learning, instead, that *Guernica* explores the relationship of two- and three-dimensional spatial concepts. Suppose you reject principles 1 through 3, which conceive of aesthetic value in terms of the work's capacity to perform an objective, cognitive, moral, social, or political function. The fact that Picasso was a communist will strike you as irrelevant to appreciating *Guernica* unless you accept one or more of the first three principles.

To illustrate the second reason, look at the nearby reproduction of *Guernica*. Suppose a critic writes, "By giving his figures fishlike appearances and

The aim of art is to represent not the outward appearance of things, but their inward significance.

—ARISTOTLE

■ Pablo Picasso,
Guernica.



showing them serenely floating through a watery environment, Picasso makes us feel that humans will survive under any conditions." But no figures in *Guernica* look anything like fish; moreover, they are surrounded by fire, not water, and they are twisted with anguish rather than serene. So, this critic's reasons are no good. Because they are not true of the work, they cannot guide us in perceiving features that enhance our appreciation. A similar problem occurs if reasons are implausible. For instance, an interpretation of *Guernica* as a depiction of the Last Supper is implausible, because we cannot recognize the usual signs of this theme, the twelve disciples and Jesus at a table (or at least at a meal), in the far fewer figures of the painting.

State whether each of the reasons below is relevant according to any one of the aesthetic principles. If the reason is relevant, identify the principle that makes it so. If no principle makes the reason relevant, state that it is irrelevant.

Exercise 12-15

- ▲ 1. Raphael's carefully balanced pyramidal compositions give his paintings of the Madonna such beautiful form that they have aesthetic value for Christian and atheist alike.
- 2. By grouping his figures so that they compose a triangle or pyramid, Raphael directs the viewer's eye upward to heaven and thereby teaches us about the close connection between motherhood and God.
- 3. The melody from the chorus "For unto Us a Child Is Born" in Handel's *Messiah* was originally composed by Handel for an erotic love song. Consequently, it evokes erotic responses that distract and detract from the devotional feeling audiences are supposed to experience when they hear *Messiah* performed.
- ▲ 4. Vincent van Gogh tells us that he uses clashing reds and greens in *The Night Café* to help us see his vision of "the terrible passions of humanity"; it is the intensity with which he conveys his views of the ugliness of human life that makes his work so illuminating.
- 5. The critics who ignored Van Gogh's painting during his lifetime were seriously mistaken; by damaging his self-esteem, they drove him to suicide.
- 6. Moreover, these critics misjudged the aesthetic value of his art, as evidenced by the fact that his paintings now sell for as much as \$80 million.
- ▲ 7. By showing a naked woman picnicking with fully clothed men in *Déjeuner sur l'herbe*, Édouard Manet treats women as objects and impedes their efforts to throw off patriarchal domination.

- ▲ Asuka, a three-year-old chimpanzee in Japan, was sad and lonely, so the zoo director gave her paper, paints, and brushes to keep her busy. Look at the photograph of Asuka and her painting on page 470. Does the painting have aesthetic value? Use each of the eight aesthetic principles to formulate one reason for or against the aesthetic value of Asuka's work. You should end up with eight reasons, one appealing to each principle.

Exercise 12-16



■ Asuka the chimpanzee.

Why Reason Aesthetically?

The various aesthetic principles we've introduced are among those most commonly found, either explicitly or implicitly, in discussions about art. Moreover, they have influenced both the creation of art and the selection of art for both private and public enjoyment. But where do these principles come from? There is much debate about this; to understand it, we can draw on notions about definition (introduced in Chapter 3) as well as the discussion of generalizations (Chapter 10).

Some people think that aesthetic principles are simply elaborate definitions of our concepts of art or aesthetic value. Let's explain this point. We use definitions to identify things; for example, by definition we look for three sides and three angles to identify a geometric figure as a triangle. Similarly, we can say that aesthetic principles are definitions; that is, these principles provide an aesthetic vocabulary to direct us in recognizing an object's aesthetic value.

If aesthetic principles are true by definition, then learning to judge art is learning the language of art. But because artists strive for originality, we are constantly faced with talking about innovative objects to which the critic's familiar vocabulary does not quite do justice.

This aspect of art challenges even the most sophisticated critic to continually extend the aesthetic vocabulary.

Others think that aesthetic principles are generalizations that summarize what is true of objects treated as valuable art. Here, the argument is by analogy from a sample class to a target population. Thus, someone might hold that all or most of the tragic plays we know that are aesthetically valuable have had something important to say about the human condition; for this reason, we can expect this to be true of any member of the class of tragic plays we have not yet evaluated. Or, also by inductive analogy, musical compositions that are valued so highly that they continue to be performed throughout the centuries all make us feel some specific emotion, such as joy or sadness; so we can predict that a newly composed piece will be similarly highly valued if it also evokes a strong, clear emotion. Of course, such arguments are weakened to the extent that the target object differs from the objects in the sample class. Because there is a drive for originality in art, newly created works may diverge so sharply from previous samples that arguments by analogy sometimes prove too weak.

It is sometimes suggested that these two accounts of the source of aesthetic principles really reinforce each other: Our definitions reflect to some extent our past experience of the properties or capacities typical of valuable art, and our past experience is constrained to some extent by our definitions. But if art changes, of what use are principles, whether analytic or inductive, in

guiding us to make aesthetic judgments and—even more difficult—in fostering agreement about these judgments?

At the very least, these principles have an emotive force that guides us in perceiving art. You will remember that emotive force (discussed briefly in Chapter 3) is a dimension of language that permits the words we use to do something more than convey information. In discussion about art, the words that constitute reasons can have an emotive force directing our attention to particular aspects of a work. If the critic can describe these aspects accurately and persuasively, it is thought, the audience will focus on these aspects and experience a favorable (or unfavorable) response similar to the critic's. If a critic's reasons are too vague or are not true of the work to which they are applied, they are unlikely to bring the audience into agreement with the critic.

The principles of art, then, serve as guides for identifying appropriate categories of favorable or unfavorable response, but the reasons falling into these categories are what bring about agreement. They are useful both in developing our own appreciation of a work of art and in persuading others. The reasons must be accurately and informatively descriptive of the objects to which they are applied. The reasons enable us (1) to select a particular way of viewing, listening, reading, or otherwise perceiving the object and (2) to recommend, guide, or prescribe that the object be viewed, heard, or read in this way.

So, aesthetic reasons contain descriptions that prompt ways of perceiving aspects of an object. These prescribed ways of seeing evoke favorable (or unfavorable) responses or experiences. For instance, suppose a critic states that Van Gogh's brush strokes in *Starry Night* are dynamic and his colors intense. This positive critical reason prescribes that people focus on these features when they look at the painting. The expectation is that persons whose vision is swept into the movement of Van Gogh's painted sky and pierced by the presence of his painted stars will, by virtue of focusing on these formal properties, enjoy a positive response to the painting.

To learn to give reasons and form assessments about art, practice applying these principles as you look, listen, or read. Consider what aspects of a painting, musical performance, poem, or other work each principle directs you to contemplate. It is also important to expand your aesthetic vocabulary so that you have words to describe what you see, hear, or otherwise sense in a work. As you do so, you will be developing your own aesthetic expertise. And, because your reasons will be structured by aesthetic principles others also accept, you will find that rational reflection on art tends to expand both the scope and volume of your agreement with others about aesthetic judgments.

The key points in this chapter are as follows:

- Value judgments are claims that express values.
- Moral value judgments express moral values.
- Certain words, especially "ought," "should," "right," "wrong," and their opposites, are used in moral value judgments, though they can also be used in a nonmoral sense.

Recap

- Reasoning about morality is distinguished from other types of reasoning in that the conclusions it tries to establish are moral value judgments.
- Conclusions containing a value judgment cannot be reached solely from premises that do not contain a value judgment ("you cannot get an 'ought' from an 'is'"). A general moral principle must be supplied to tie together the fact-stating premise and the value-judgment conclusion.
- In a case in which we disagree with a value-judgment conclusion but not with the fact-stating premise, we can point to this general moral principle as the source of disagreement.
- People are sometimes inconsistent in their moral views: They treat similar cases as if they were different, even when they cannot tell us what is importantly different about them.
- When two or more cases that are being treated differently seem similar, the burden of proof is on the person who is treating them differently to explain what is different about them.
- Moral reasoning is usually conducted within a perspective or framework. Influential Western perspectives include consequentialism, utilitarianism, ethical egoism, deontologism, moral relativism, religious absolutism, religious relativism, and virtue ethics.
- Often, different perspectives converge to produce similar solutions to a moral issue.
- Keeping in mind our own perspective can help focus our own moral deliberations on relevant considerations.
- Legal reasoning, like moral reasoning, is often prescriptive.
- Legal studies are devoted to such problems as justifying laws that prescribe conduct.
- Legal moralism, the harm principle, legal paternalism, and the offense principle are grounds for justifying laws that prescribe conduct.
- Determining just when and where a law applies often requires making vague claims specific.
- Precedent is a kind of analogical argument by means of which current cases are settled in accordance with guidelines set by cases decided previously.
- Whether a precedent governs in a given case is decided on grounds similar to those of any other analogical argument.
- To reason aesthetically is to make judgments within a conceptual framework that integrates facts and values.
- Aesthetic value is often identified as the capacity to fulfill a function, such as to create pleasure or promote social change.
- Alternatively, aesthetic value is defined in terms of a special aesthetic property or form found in works of art.
- Still another view treats aesthetic judgments as expressions of tastes.
- Reasoned argument about aesthetic value helps us to see, hear, or otherwise perceive art in changed or expanded ways and to enhance our appreciation of art.

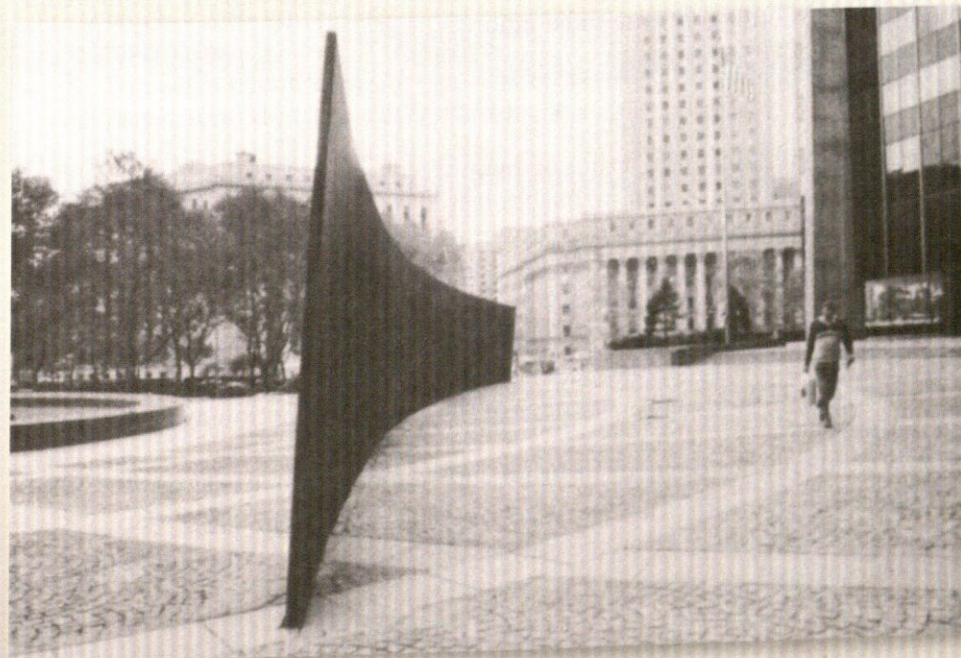
- A critic who gives reasons in support of an aesthetic verdict forges agreement by getting others to share perceptions of the work. The greater the extent to which we share such aesthetic perceptions, the more we can reach agreement about aesthetic value.

Exercise 12-17

State whether the following reasons are (a) helpful in focusing perception to elicit a favorable response, (b) helpful in focusing perception to elicit an unfavorable response, (c) too vague to focus perception, (d) false or implausible and therefore unable to focus perception, or (e) irrelevant to focusing perception. The information you need is contained in the reasons, so try to visualize or imagine what the work is like from what is said. All of these are paraphrases of testimony given at a hearing in 1985 about a proposal to remove *Tilted Arc*, an immense abstract sculpture, from a plaza in front of a federal office building.

- ▲ 1. Richard Serra's *Tilted Arc* is a curved slab of welded steel 12 feet high, 120 feet long, weighing over 73 tons, and covered completely with a natural oxide coating. The sculpture arcs through the plaza. By coming to terms with its harshly intrusive disruption of space, we can learn much about how the nature of the spaces we inhabit affects our social relations.
2. Richard Serra is one of our leading artists, and his work commands very high prices. The government has a responsibility to the financial community. It is bad business to destroy this work because you would be destroying property.
3. *Tilted Arc*'s very tilt and rust remind us that the gleaming and heartless steel and glass structures of the state apparatus can one day pass away. It therefore creates an unconscious sense of freedom and hope.

Additional Exercises



■ Richard Serra's *Tilted Arc*.

- ▲ 4. *Tilted Arc* looks like a discarded piece of crooked or bent metal; there's no more meaning in having it in the middle of the plaza than in putting an old bicycle that got run over by a car there.
- 5. *Tilted Arc* launches through space in a thrilling and powerful acutely arched curve.
- 6. *Tilted Arc* is big and rusty.
- ▲ 7. Because of its size, thrusting shape, and implacably uniform rusting surface, *Tilted Arc* makes us feel hopeless, trapped, and sad. This sculpture would be interesting if we could visit it when we had time to explore these feelings, but it is too depressing to face every day on our way to work.
- 8. Serra's erotically realistic, precise rendering of the female figure in *Tilted Arc* exhibits how appealingly he can portray the soft circularity of a woman's breast.
- 9. *Tilted Arc* is sort of red; it probably isn't blue.

Exercise 12-18

The artist Artemisia Gentileschi (ca. 1597–after 1651) was very successful in her own time. Success came despite the trauma of her early life, when she figured as the victim in a notorious rape trial. But after she died, her work fell into obscurity; it was neither shown in major museums nor written about in art history books. Recently, feminist scholars have revived interest in her work by connecting the style and/or theme of such paintings as her *Judith* with her rape and with feelings or issues of importance to women. But other scholars have pointed out that both her subject matter and her treatment of it are conventionally found as well in the work of male painters of the Caravagist school, with which she is identified. Based on this information, and using one or more of the aesthetic principles described in this chapter, write an essay arguing either that the painting *Judith* has aesthetic value worthy of our attention or that it should continue to be ignored.

Writing Exercises

1. In the movie *Priest*, the father of a young girl admits to the local priest—in the confessional—that he has molested his daughter. However, the man lacks remorse and gives every indication that he will continue to abuse the girl. For the priest to inform the girl's mother or the authorities would be to violate the sanctity of the confessional, but to not inform anyone would subject the girl to further abuse. What should the priest do? Take about fifteen minutes to do the following:
 - a. List the probable consequences of the courses of action available to the priest.
 - b. List any duties or rights or other considerations that bear on the issue.

When fifteen minutes are up, share your ideas with the class.

Now, take about twenty minutes to write an essay in which you do the following:

- a. State the issue.
- b. Take a stand on the issue.
- c. Defend your stand.
- d. Rebut counterarguments to your position.

When you are finished, write down on a separate piece of paper a number between 1 and 10 that indicates how strong you think your argument is (1 = very weak; 10 = very strong). Write your name on the back of your paper.

When everyone is finished, the instructor will collect the papers and redistribute them to the class. In groups of four or five, read the papers and assign a number from 1 to 10 to each one (1 = very weak; 10 = very strong). When all groups are finished, return the papers to their authors. When you get your paper back, compare the number you assigned to your work with the number the group assigned it. The instructor may ask volunteers to defend their own judgment of their work against the judgment of the group. Do you think there is as much evidence for your position as you did at the beginning of the period?

2. Follow the same procedure as above to address one of the following issues:
 - a. A friend cheats in the classes he has with you. You know he'd just laugh if you voiced any concern. Should you mention it to your instructor?
 - b. You see a friend stealing something valuable. Even though you tell your friend that you don't approve, she keeps the item. What should you do?
 - c. Your best friend's fiancé has just propositioned you for sex. Should you tell your friend?
 - d. Your parents think you should major in marketing or some other practical field. You want to major in literature. Your parents pay the bills. What should you do?



■ Artemisia Gentileschi's *Judith*.

Appendix

Nineteen Topics for Analysis

Selection 1

Three Strikes and the Whole Enchilada

In this first selection, we've taken a real-life case of some importance and identified how various sections of the book bear on the issue and on various aspects of the controversy that surround it. As we said at the beginning, this material is not designed to operate just in the classroom.

- 1 As you no doubt know, several states have "three strikes" laws, which call for life terms for a criminal convicted of any felony—if the criminal already has two prior felony convictions that resulted from serious or violent crime.
- 2 Have such laws helped to reduce crime in the states that have them? This is an objective question, a question of causation (Chapter 11). How might the issue be resolved?
- 3 In California, Frank Zimring, a University of California, Berkeley, law professor, analyzed the records of 3,500 criminal defendants in Los Angeles, San Diego, and San Francisco before and after California's law was enacted. Zimring found no evidence that the law deterred crime. For our purposes, we do not need to go into the details of the study.
- 4 People Against Crime, an organization that favors tougher penalties for criminals, denounced the study as "so much more left-wing propaganda coming out of a notoriously liberal university."
- 5 This charge is an ad hominem fallacy (Chapter 7). But is it nevertheless a reasonable challenge to Zimring's credibility that warrants not outright rejection of the study but suspension of judgment about its findings (Chapter 4)? The answer is no. Stripped of its rhetoric (Chapter 5), the charge is only that the author of the study is a professor at Berkeley, and that charge gives no reason to suspect bias on his part.
- 6 Other criticisms of the study were reported in the news. A spokesperson for the California secretary of state said, "When you see the crime rate going down 38 percent since three strikes, you can't say it doesn't work."
- 7 This remark is an example of the fallacy *post hoc, ergo propter hoc*, discussed in Chapter 11. In fact, that's being charitable. According to Zimring's research, the crime rate had been declining at the same rate before the law was passed.
- 8 The same spokesperson also criticized the Zimring study for ignoring the number of parolees leaving the state (to avoid getting a third strike, presumably). This is a red herring (Chapter 6). If the decline in the crime rate was unaffected after the law passed, as the Zimring study reportedly learned, then the law had no effect regardless of what parolees did or did not do.
- 9 The spokesperson also said, "Clearly when people are committing 20 to 25 crimes a year, the year they are taken off the street, that's 20 to 25 crimes that aren't going to happen." This, too, is a red herring (Chapter 6): If the decline in the crime rate remained the same before and after the "three strikes" law,

then that's the end of the story. The criticism assumes criminals will continue to commit crimes at the same rate if there is no mandatory life sentence for a third felony. It therefore also begs the question (Chapter 7)—it assumes the law works in order to prove the law works. You will also have noticed the proof surrogate "clearly" (Chapter 5) in the criticism.

- 10 One might, of course, maintain that, without the law, the crime rate would have *stopped* declining, which would mean that the law had an effect after all. But the burden of proof (Chapter 7) is not on Zimring to *disprove* the possibility that the crime rate would have stopped declining if the law had not been passed.
- 11 A critic might also say that Zimring's study was conducted too soon after the law for the effects of the law to show up. This is another red herring (Chapter 6). It is not a weakness in the study that it failed to find an effect that might show up at a *later* time.

Selection 2

This is not a selection to evaluate but a challenge to produce an argumentative paragraph or two yourself.

- 1 In a moment we'll offer a question about the probable effects of "three-strikes" laws, which are laws that mandate harsh sentences for a person who commits a violent felony and who already has two previous felony convictions. Imagine this scenario: You are drawing near to your car in the back corner of an isolated parking lot when a man suddenly appears and approaches you. He has one hand in his coat pocket, and you suspect he may be armed.
- 2 Now, here is the issue: Is it better for you if this event happens in a state with a three-strikes law or in a state without such a law?
- 3 Using your critical thinking skills, construct at least one argument supporting one side of the issue or the other. Then compare your work with that of other students to see if one side has come up with stronger arguments.

Selection 3

Controlling Irrational Fears After 9/11*

We present this selection as an example of a fairly well-reasoned argumentative essay. There is more here than arguments—there's some window dressing, and you'll probably find some slanters here and there as well. You should go through the selection and identify the issues, the positions taken on those issues, and the arguments offered in support of those arguments. Are any arguments from opposing points of view considered? What is your final assessment of the essay?

- 1 The terrorist attacks of September 11, 2001, produced a response among American officials, the media, and the public that is probably matched only by the attack on Pearl Harbor in 1941. Since it is the very nature of terrorism not only to cause immediate damage but also to strike fear in the hearts of the

*Note: This essay borrows very heavily from "A Skeptical Look at September 11th," an article in the *Skeptical Inquirer* of September/October 2002 by Clark R. Chapman and Alan W. Harris. Rather than clutter the essay with numerous references, we simply refer the reader to the original, longer piece.

- population under attack, one might say that the terrorists were extraordinarily successful, not just as a result of their own efforts but also in consequence of the American reaction. In this essay, I shall argue that this reaction was irrational to a great extent and that to that extent Americans unwittingly cooperated with the terrorists in achieving a major goal: spreading fear and thus disrupting lives. In other words, we could have reacted more rationally and as a result produced less disruption in the lives of our citizens.
- 2 There are several reasons why one might say that a huge reaction to the 9/11 attacks was justified. The first is simply the large number of lives that were lost. In the absence of a shooting war, that 2,800 Americans should die from the same cause strikes us as extraordinary indeed. But does the sheer size of the loss of life warrant the reaction we saw? Clearly sheer numbers do not always impress us. It is unlikely, for example, that many Americans remember that, earlier in 2001, an earthquake in Gujarat, India, killed approximately 20,000 people. One might explain the difference in reaction by saying that we naturally respond more strongly to the deaths of Americans closer to home than to those of others halfway around the world. But then consider the fact that, every *month* during 2001 more Americans were killed in automobile crashes than were killed on 9/11 (and it has continued every month since as well). Since the victims of car accidents come from every geographical area and every social stratum, one can say that those deaths are even “closer to home” than the deaths that occurred in New York, Washington, and Pennsylvania. It may be harder to identify with an earthquake victim in Asia than with a 9/11 victim, but this cannot be said for the victims of fatal automobile accidents.
 - 3 One might say that it was the *malice* of the perpetrators that makes the 9/11 deaths so noteworthy, but surely there is plenty of malice present in the 15,000 homicides that occur every year in the United States. And while we have passed strict laws favoring prosecution of murderers, we do not see the huge and expensive shift in priorities that has followed the 9/11 attacks.
 - 4 It seems clear, at least, that sheer numbers cannot explain the response to 9/11. If more reasons were needed, we might consider that the *actual total* of the number of 9/11 deaths seemed of little consequence in post-attack reports. Immediately after the attacks, the estimated death toll was about 6,500. Several weeks later it was clear that fewer than half that many had actually died, but was there a great sigh of relief when it was learned that over 3,000 people who were believed to have died were still alive? Not at all. In fact, well after it was confirmed that no more than 3,000 people had died, Secretary of Defense Donald Rumsfeld still talked about “over 5,000” deaths on 9/11. So the actual number seems to be of less consequence than one might have believed.
 - 5 We should remember that fear and outrage at the attacks are only the beginning of the country’s response to 9/11. We now have a new cabinet-level Department of Homeland Security; billions have been spent on beefing up security and in tracking terrorists and potential terrorists; billions more have been spent supporting airlines whose revenues took a nosedive after the attacks; the Congress was pulled away from other important business; the National Guard was called out to patrol the nation’s airports; air travelers have been subjected to time-consuming and expensive security measures; you can probably think of a half-dozen other items to add to this list.
 - 6 It is probable that a great lot of this trouble and expense is unwarranted. We think that random searches of luggage of elderly ladies getting on airplanes in

Laramie, Wyoming, for example, is more effective as a way of annoying elderly ladies than of stopping terrorism.

- 7 We might have accomplished something if we had been able to treat the terrorist attacks of 9/11 in a way similar to how we treat the carnage on the nation’s highways—by implementing practices and requirements that are directly related to results (as in the case of speed limits, safety belts, and the like, which took decades to accomplish in the cause of auto safety)—rather than by throwing the nation into a near panic and using the resulting fears to justify expensive but not necessarily effective or even relevant measures.
- 8 But we focused on 9/11 because of its terrorist nature and because of the spectacular film that was shown over and over on television, imprinting forever the horrific images of the airliners’ collision with the World Trade Center and the subsequent collapse of the two towers. The media’s instant obsession with the case is understandable, even if it is out of proportion to the actual damage, as awful as it was, when we compare the actual loss to the loss from automobile accidents.
- 9 Finally, our point is that marginal or even completely ineffective expenditures and disruptive practices have taken our time, attention, and national treasure away from other matters with more promise of making the country a better place. We seem to have all begun to think of ourselves as terrorist targets, but, in fact, reason tells us we are in much greater danger from our friends and neighbors behind the wheels of their cars.

The remainder of the essays in this section are here for analysis and evaluation. Your instructor will probably have specific directions if he or she assigns them, but at a minimum, they offer an opportunity to identify issues, separate arguments from other elements, identify premises and conclusions, evaluate the likely truth of the premises and the strength of the arguments, look for unstated assumptions or omitted premises, and lots of other stuff besides. We offer sample directions for many of the pieces.

Selection 4

Excerpts from Federal Court Ruling on the Pledge of Allegiance

The following are excerpts from the ruling by a three-judge federal appeals court panel in San Francisco that reciting the Pledge of Allegiance in public schools is unconstitutional because it includes the phrase “one nation, under God.” The vote was 2 to 1. Judge Alfred T. Goodwin wrote the majority opinion, in which Judge Stephen Reinhardt joined. Judge Ferdinand F. Fernandez wrote a dissent.

From the Opinion by Judge Goodwin

- 1 In the context of the pledge, the statement that the United States is a nation “under God” is an endorsement of religion. It is a profession of a religious belief, namely, a belief in monotheism. The recitation that ours is a nation “under God” is not a mere acknowledgment that many Americans believe in a deity. Nor is it merely descriptive of the undeniable historical significance of religion in the founding of the republic. Rather, the phrase “one nation under God” in the context of the pledge is normative. To recite the pledge is not to describe the United States; instead, it is to swear allegiance to the values for

- which the flag stands: unity, indivisibility, liberty, justice, and—since 1954—monotheism. The text of the official pledge, codified in federal law, impermissibly takes a position with respect to the purely religious question of the existence and identity of god. A profession that we are a nation “under God” is identical, for Establishment Clause purposes, to a profession that we are a nation “under Jesus,” a nation “under Vishnu,” a nation “under Zeus,” or a nation “under no god,” because none of these professions can be neutral with respect to religion. “The government must pursue a course of complete neutrality toward religion.” Furthermore, the school district’s practice of teacher-led recitation of the pledge aims to inculcate in students a respect for the ideals set forth in the pledge, and thus amounts to state endorsements of these ideals. Although students cannot be forced to participate in recitation of the pledge, the school district is nonetheless conveying a message of state endorsement of a religious belief when it requires public school teachers to recite, and lead the recitation, of the current form of the pledge. . . .
- 2 The pledge, as currently codified, is an impermissible government endorsement of religion because it sends a message to unbelievers “that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.”

From the Dissent by Judge Fernandez

- 3 We are asked to hold that inclusion of the phrase “under God” in this nation’s Pledge of Allegiance violates the religion clauses of the Constitution of the United States. We should do no such thing. We should, instead, recognize that those clauses were not designed to drive religious expression out of public thought; they were written to avoid discrimination. We can run through the litany of tests and concepts which have floated to the surface from time to time. Were we to do so, the one that appeals most to me, the one I think to be correct, is the concept that what the religion clauses of the First Amendment require is neutrality; that those clauses are, in effect, an early kind of equal protection provision and assure that government will neither discriminate for nor discriminate against religion or religions. But, legal world abstractions and ruminations aside, when all is said and done, the danger that “under God” in our Pledge of Allegiance will tend to bring about a theocracy or suppress somebody’s belief is so minuscule as to be *de minimis*. The danger that phrase presents to our First Amendment freedoms is picaresque at most.

Selection 5

The Threat from Same-Sex Marriage

By Jeff Jacoby
The Boston Globe
 August 6, 2001

- 1 IT WAS A YEAR AGO LAST MONTH that the Vermont law authorizing same-sex civil unions—marriage by another name—took effect, and *The New York Times* marked the anniversary with a story on July 25. “Quiet Anniversary for Civil Unions,” the double headline announced. “Ceremonies for Gay

- Couples Have Blended Into Vermont Life.” It was an upbeat report, and its message was clear: Civil unions are working just fine.
- 2 The story noted in passing that most Vermonters oppose the new law, and that many support a constitutional amendment confirming that marriage is the union of a man and a woman. Presumably they have reasons for not wanting legal recognition conferred on homosexual couples, but the *Times* had no room to mention them. It did have room, though, to dismiss those reasons—whatever they might be—as meritless:
- 3 “The sky has not fallen,” Governor Howard Dean said, “and the institution of marriage has not collapsed. None of the dire predictions have come true. . . . There was a big rhubarb, a lot of fear-mongering, and now people realize there was nothing to be afraid of.”
- 4 In *The Wall Street Journal* two days later, much the same point was made by Jonathan Rauch, the esteemed Washington journalist and vice president of the Independent Gay Forum.
- 5 Opponents of same-sex marriage, he wrote, worry “that unyoking marriage from its traditional male-female definition will destroy or severely weaken it. But this is an empirical proposition, and there is reason to doubt it. Opponents of same-sex marriage have done a poor job of explaining why the health of heterosexual marriage depends on the exclusion of a small number of homosexuals.”
- 6 The assertion that same-sex marriage will not damage traditional family life is rarely challenged, a fact seized on by U.S. Representative Barney Frank during the 1996 congressional debate over the Defense of Marriage Act.
- 7 “I have asked and I have asked and I have asked and I guess I will die . . . unanswered,” Frank taunted. “How does the fact that I love another man and live in a committed relationship with him threaten your marriage? Are your relations with your spouses of such fragility that the fact that I have a committed, loving relationship with another man jeopardizes them? . . . Whose marriage does it threaten?” When another congressman replied that legitimizing gay unions “threatens the institution of marriage,” Frank was scornful:
- 8 “That argument ought to be made by someone in an institution because it has no logical basis whatsoever.”
- 9 But Frank’s sarcasm, Rauch’s doubts, and Dean’s reassurances notwithstanding, the threat posed by same-sex unions to traditional marriage and family life is all too real. Marriage is harmed by anything that diminishes its privileged status. It is weakened by anything that erodes the social sanctions that Judeo-Christian culture developed over the centuries for channeling men’s naturally unruly sexuality into a monogamous, lasting, and domestic relationship with one woman. For proof, just look around.
- 10 Over the last 40 years, marriage has suffered one blow after another. The sexual revolution and the Pill made it much easier for men to enjoy women sexually without having to marry them. The legalization of abortion reduced the pressure on men to marry women they impregnated, and reduced the pressure on women to be sexually responsible, or to wait for lasting love. The widespread acceptance of unmarried cohabitation—an arrangement that used to be disdained as “shacking up”—diminished marriage even further. Why get married if intimate companionship can be had without public vows and ceremony?
- 11 The rise of the welfare state with its subsidies for single mothers subverted marriage by sending the unmistakable message that husbands were no longer essential for family life. And the rapid spread of no-fault divorce detached

marriage from any presumption of permanence. Where couples were once expected to stay married "for as long as you both shall live"—and therefore to put effort into making their marriage work—the expectation today is that they will remain together only "for as long as you both shall love."

- 12 If we now redefine marriage so it includes the union of two men or two women, we will be taking this bad situation and making it even worse.
- 13 No doubt the acceptance of same-sex marriage would remove whatever stigma homosexuality still bears, a goal many people would welcome. But it would do so at a severe cost to the most basic institution of our society. For all the assaults marriage has taken, its fundamental purpose endures: to uphold and encourage the union of a man and a woman, the framework that is the healthiest and safest for the rearing of children. If marriage stops meaning even that, it will stop meaning anything at all.

Selection 6

Death Penalty Has No Place in U.S.

Cynthia Tucker

- 1 Many Americans will applaud the decision of a Jasper, Texas, jury to condemn John William King to die. They will argue that the death penalty is exactly what King deserves for chaining James Byrd Jr. to the back of a pickup truck and dragging him until his body was torn apart—his head and right arm here, his torso there.
- 2 If there is to be capital punishment in this country, isn't this just the sort of case that demands it? King is the epitome of cold-blooded evil, a man who bragged about his noxious racism and attempted to win converts to his views. He believed he would be a hero after Byrd's death. He has proved himself capable of the sort of stomach-churning cruelty that most of us would like to believe is outside the realm of human behavior.
- 3 Besides, there is the matter of balancing the books. King is a white man who (with the help of accomplices, apparently) killed a black man. For centuries, the criminal justice system saw black lives as so slight, so insignificant, that those who took a black life rarely got the death penalty. Isn't it a matter of fairness, of equity, of progress, that King should be put to death?
- 4 No. Even though King is evil. Even though he is utterly without remorse. Even though he is clearly guilty. (After the prosecution mounted a case for five days, King's lawyers mounted a defense of only one hour. The jury of 11 whites and one black then deliberated only two and half hours to determine King's guilt.)
- 5 This is no brief for King, who would probably chain me to the back of a pickup truck as quickly as he did Byrd. This is a plea for America, which is strong enough, just enough and merciful enough to have put aside, by now, the thirst for vengeance.
- 6 The question is not, Does John William King deserve the death penalty? The question is, Does America deserve the death penalty?
- 7 Capital punishment serves no good purpose. It does not deter crime. If it did, this country would be blessedly crime-free. It does not apply equally to all. King notwithstanding, the denizens of death row are disproportionately blacks and Latinos who have killed whites. It remains true that the lives of

blacks and Latinos count for less, that their killers are less likely to be sentenced to die.

- 8 Death row also counts among its inmates a high quotient of those who are poor, dumb and marginalized. Those criminals blessed with education, status and connections can usually escape capital punishment:
- 9 Last Tuesday, William Lumpkin, an attorney in Augusta, Ga., was found guilty of capital murder in the death of real estate agent Stan White, who owned the title to Lumpkin's home and was about to evict him. Lumpkin beat White to death with a sandbag and dumped the body in the Savannah River. But Lumpkin descends from Georgia gentry; one ancestor was a state Supreme Court justice. He was sentenced to life in prison.
- 10 Worse than those inequities, capital punishment is sometimes visited upon the innocent. Lawrence C. Marshall, a law professor at Northwestern University, is director of the National Conference on Wrongful Convictions and the Death Penalty. Since 1972, he says, 78 innocent people have been released from death row.
- 11 It does not strain the imagination to think that maybe, just maybe, the system did not catch all of its errors and some of those who were wrongly convicted have already been sent to their deaths. How many? There is no way to know, but even one is too many. The execution of even one innocent man puts us law-abiding citizens uncomfortably close to the level of a John William King.

Selection 7

The following guest editorial appeared in a small town's weekly newspaper after it was announced that a tribal association had bought land nearby and was planning to build a casino. The author's name has been removed at her request.

Please, No More Gambling!

- 1 It was a mistake at the outset to allow Indians to open casinos. It was bad enough that anybody could go to Nevada or Atlantic City and gamble, but at least they had to go *there* to do it. Nowadays, with all the Indian casinos, nearly everybody can gamble in their own backyard—and yours. And that means they can turn your backyard into a high-crime, high-danger place with lowered property values and a lower quality of life.
- 2 I speak from personal experience. A close cousin was loved and appreciated by everybody and had a wonderful family with two darling little girls. But he went with friends to a casino, where he liked playing the games. Before long he was addicted to gambling and wound up with a drinking problem and an empty bank account. He is now divorced and if it weren't for the rest of his family (including me) he would be homeless. It is said that casinos are good for the states' economy. But states have cut deals with the devil for the paltry amount these casinos pay in taxes. Can the taxes they contribute pay for the misery, poverty, and broken families? Can anybody doubt the money is tainted? Surely we can pay for schools for our children without putting their parents at risk for this disease known as gambling addiction.
- 3 We got along in this country for two hundred years without Indian casinos. Why can't we get through the next two hundred without them? It's clear the

whole thing is a fad. Once the first ones got going, they popped up everywhere. Over 20 states now have legalized Indian gambling. Please write to the governor and ask him not to support more of this vice in our state.

- 4 I'll end with a quotation from an American whom everybody admires and who knew what was best for his country:

... avoid Gaming. This is a vice which is productive of every possible evil, equally injurious to the morals and health of its votaries. It is the child of Avarice, the brother of iniquity, the father of Mischief. It has been the ruin of many worthy families; the loss of many a man's honor, and the cause of Suicide.

—George Washington, to his nephew, January 15, 1783

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Selection 8

Identify the main issue in this essay and the author's position on this issue. Then state in your own words three arguments given by the author in support of his position.

As an additional exercise, show how at least two of these arguments can be treated as categorical syllogisms (Chapter 8), as truth-functional arguments (Chapter 9), or as common deductive argument patterns (inside back cover and Chapter 9).

Hetero by Choice?

A radio commentary by Richard Parker

- 1 For a while there, everybody who could get near a microphone was claiming that only he or she and his or her group, party, faction, religion, or militia stood for real American family values.
- 2 Now, it was seldom made clear just what those values were supposed to be. I have a notion that if [my son] Alex and I were to go out and knock over a few gas stations and convenience stores, the mere fact that we did it together would make it count as somebody's family values.
- 3 For some, the phrase "family values" never amounted to more than a euphemism for gay-bashing. I remember a [few] years ago, during the loudest squawking about values, when a reporter asked Dan Quayle whether he believed that a gay person's homosexuality was a matter of his or her psychological makeup or whether it was a matter of choice. He answered that he believed it was mainly a matter of choice. Two weeks later, Barbara Bush was quoted as saying that sexual orientation is mainly a matter of choice. Since then, it's turned up frequently.
- 4 It seems to me that people who make such a remark are either being remarkably cynical (if they don't really believe it themselves) or remarkably fatuous (if they do believe it).
- 5 If it were *true* that a person's sexual preference were a matter of choice, then it must have happened that each of us, somewhere back along the way, *decided* what our sexual preference would be. Now, if we'd made such decisions, you'd think that somebody would remember doing it, but nobody does.
- 6 In my case, I just woke up one morning when I was a kid and discovered that girls were important to me in a way that boys were not. I certainly didn't

sit down and *decide* that it was girls who were going to make me anxious, excited, terror-struck, panicky, and inclined to act like an idiot.

- 7 Now, if the people who claim to hold the "choice" view were right, it must mean that gay people have always chosen—they've *decided*—to have the sexual orientation they have. Can you imagine a person, back in the fifties, say, who would *choose* to have to put up with all the stuff gay people had to put up with back then? It's bad enough now, but only the mad or the criminally uninformed would have *chosen* such a life back then.
- 8 (Actually, it seems clear to me that the whole idea of a preference rules out the notion of choice. I choose to eat chocolate rather than vanilla, but I don't choose to *prefer* chocolate to vanilla. One simply discovers what one prefers.)
- 9 If it's clear that people don't consciously choose their sexual preferences, why would anybody make such claims? I can think of a cynical reason: It only makes sense to condemn someone for something they choose, not for things they can't do anything about.
- 10 Is it just a coincidence that people who claim we choose our sexual preferences are often the same people who demonize homosexuals? No, of course not. In fact, their cart comes before their horse: They are damned sure going to condemn gay people, and so, since you can only condemn someone for voluntary actions, it *must* be that one's sexuality is a voluntary choice. Bingo! Consistent logic. Mean, vicious, and mistaken. But consistent.

Selection 9

In a brief essay, argue for whether Bonnie and Clyde should receive the same or different punishment.

Bonnie and Clyde

- 1 Bonnie and Clyde are both driving on roads near a mountain community in northern California. Both are driving recklessly—much faster than the posted speed limit. Each of them has a passenger in the car.
- 2 At a sharp and very dangerous curve, Bonnie loses control of her car and crashes into some nearby trees; only moments later, on another dangerous section of road, Clyde's car goes into a skid, leaving the road and rolling over several times down an embankment.
- 3 As a result of their accidents, Bonnie and Clyde are bruised and shaken but not seriously hurt. However, both of their passengers are hurt badly and require medical attention. Passersby call an ambulance from the next town, and soon it arrives, taking the injured passengers to the only medical facility in the area.
- 4 A neurosurgeon who is on duty examines both passengers when they arrive at the medical center. She determines that both have suffered serious head injuries and require immediate cranial surgery if they are to survive. However, she is the only person available who is competent to perform the surgery, and she cannot operate on both patients at once. Not knowing what to do, she tries to find someone to call for advice. But she can reach nobody. So she flips a coin.
- 5 As a result of the coin flip, the surgeon operates on Bonnie's passenger and leaves Clyde's passenger in the care of two medical technicians. The latter do the best they can, but Clyde's passenger dies. Because of the attention of the physician, Bonnie's passenger survives and, in time, makes a complete recovery.

Selection 10

Determine the author's main point. Identify any rhetorical devices present; identify and evaluate any arguments present.

Disinformation on Judges

Thomas Sowell

- 1 Judges who decide cases on the basis of the plain meaning of the words in the laws—like Justices Brown and Owen—may be what most of the public want but such judges are anathema to liberals.
- 2 The courts are the last hope for enacting the liberal agenda because liberals cannot get enough votes to control Congress or most state legislatures. Unelected judges can cut the voters out of the loop and decree liberal dogma as the law of the land.
- 3 Liberals don't want that stopped.
- 4 The damage that is done by judicial activism extends beyond the particular policies that happen to catch the fancy of judges. Judicial ad-libbing creates a large area of uncertainty, making the law a trap for honest people and a bonanza for the unscrupulous.
- 5 A disinformation campaign has already been launched to depict judges who believe in following the written law as being "activist" conservatives, just like liberal activists.
- 6 Those who play this game of verbal equivalence can seldom, if ever, come up with concrete examples where conservative judges made rulings that went directly counter to what the written law says or who made rulings for which there is no written law.
- 7 Meanwhile, nothing is easier to come up with than such examples among liberal judicial activists who have made decisions based on "evolving standards," "world opinion" or other such lofty hokum worthy of the Wizard of Oz.
- 8 "Pay no attention to that man behind the curtain," the Wizard said—and "Don't attack our judges" the liberals say.
- 9 Even some conservative Republicans have fallen for this line. President Bush's former Solicitor General Theodore Olson recently condemned "personal attacks" on judges by their critics, and somehow lumped those critics with criminals or crackpots who have committed violence against judges or their family members.
- 10 Criticizing someone's official conduct is not a "personal attack." Nor does criticism equate with violence. An independent judiciary does not mean judges independent of the law. Nor is the rule of judges the same as the rule of law. Too often it is the rule of lawlessness from the bench.

Selections 11A and 11B

Evaluate the arguments on both sides. Who has the stronger arguments, and why? Make certain your response does not rest too heavily on rhetorical devices. As an alternative assignment, determine which author relies more heavily on rhetorical devices to persuade the audience.

Equal Treatment Is Real Issue—Not Marriage

USA Today

Our view: The fact is that marriage is already a messy entanglement of church and state.

- 1 With shouting about "gay marriage" headed for a new decibel level . . . chances for an amicable resolution seem bleak.
- 2 Traditionalists see the issue in private, religious terms, and with legislators in many states mobilizing around their cause, they're in no mood to compromise. They say marriage, by common definition, involves a man and a woman. And for most people, it's just that. In polls, two-thirds of the public supports the status quo.
- 3 But looking through the lenses of history and law, as judges must, marriage is far from a private religious matter. So much so that short of a constitutional amendment, compromise is inevitable.
- 4 Not only does the state issue marriage licenses and authorize its officers to perform a civil version of the rite, it gives married couples privileged treatment under law.
- 5 For example, when one spouse dies the house and other property held jointly transfer easily for the other's continued use and enjoyment. The survivor gets a share of continuing Social Security and other benefits. Joint health and property insurance continues automatically.
- 6 If there's no will, the law protects the bereaved's right to inherit. There's no question of who gets to make funeral arrangements and provide for the corpse.
- 7 It's the normal order of things, even for households that may have existed for only the briefest time, or for couples who may be long estranged though not divorced.
- 8 But some couples next door—even devoted couples of 20 or 30 years' standing—don't have those rights and can't get them because of their sex.
- 9 Support for marriage is justified as important to community stability, and it undoubtedly is. But when it translates into economic and legal discrimination against couples who may be similarly committed to each other, that should be disturbing.
- 10 The U.S. Constitution says every person is entitled to equal protection under law. Some state constitutions go farther, specifically prohibiting sexual discrimination. . . .
- 11 Ironically, people who oppose gay marriages on religious grounds would have their way but for the fact that marriage has evolved as a messy entanglement of church and state. To millions, marriage is a sacrament, and the notion that the state would license or regulate a sacrament ought to be an outrage. Imagine the uproar if a state legislature tried to license baptisms or communions, and wrote into law who could be baptized or who could receive bread and wine. Or worse yet gave tax breaks to those who followed those practices.
- 12 Short of getting out of the marriage business altogether, which isn't likely to happen, the state must figure a way to avoid discrimination. The hundreds of employers now extending workplace benefits to unmarried but committed couples and the handful of municipalities offering informal "domestic partner" status may be pointing in the right direction.

- 13 The need is not necessarily to redefine marriage but to assure equal treatment under the law.

Gay Marriage "Unnatural"

The Rev. Louis P. Sheldon

The Rev. Louis P. Sheldon is chairman of the Traditional Values Coalition, a California-based organization of some 32,000 churches.

Opposing view: Opinion polls show that nearly 80% of Americans don't accept "homosexual marriage."

- 1 In everything which has been written and said about . . . homosexual marriage . . . , the most fundamental but important point has been overlooked. Marriage is both culturally and physiologically compatible but so-called homosexual marriage is neither culturally nor physiologically possible.
- 2 Homosexuality is not generational. The family tree that starts with a homosexual union never grows beyond a sapling. Without the cooperation of a third party, the homosexual marriage is a dead-end street. In cyber language, the marriage is not programmed properly and there are hardware problems as well.
- 3 . . . Across America, "rights" are being created and bestowed routinely by judges indifferent to the wishes and values of their communities. This new wave of judicial tyranny confers special rights upon whichever group can cry the shrillest claim of victimhood.
- 4 At the core of the effort of homosexuals to legitimize their behavior is the debate over whether or not homosexuality is some genetic or inherited trait or whether it is a chosen behavior. The activists argue that they are a minority and homosexuality is an immutable characteristic.
- 5 But no school of medicine, medical journal or professional organization such as the American Psychological Association or the American Psychiatric Association has ever recognized the claim that homosexuality is genetic, hormonal or biological.
- 6 While homosexuals are few in number, activists claim they represent about 10% of the population. More reliable estimates suggest about 2% of Americans are homosexual. They also are the wealthiest, most educated and most traveled demographic group measured today. Per capita income for the average homosexual is nearly twice that for the average American. They are the most advantaged group in America.
- 7 Homosexuality is a behavior-based life-style. No other group of Americans have ever claimed special rights and privileges based solely on their choice of sexual behavior, and the 1986 Supreme Court decision of *Bowers vs. Hardwick* said sodomy is not a constitutionally protected right.
- 8 When the state enacts a new policy, it must be reflected in its public school curriculum. Textbook committees and boards of education will ensure that all of that flows into the classroom. American families do not want the "normalcy" of homosexual marriage taught to their children.
- 9 Churches may not be forced to perform homosexual weddings but individual churches that resist may be subjected to civil suit for sexual discrimination. Resistance may be used as a basis for denying them access to federal, state or local government programs. In the Archdiocese of New York, Catholic churches were singled out by the city and denied reimbursement given to

- every other church for providing emergency shelter to the city's homeless. The reason cited was Catholic opposition to homosexual "rights" ordinances.
- 10 Whatever the pronouncements of the . . . nation's highest court, Americans know that "homosexual marriage" is an oxymoron. Calling a homosexual relationship a marriage won't make it so. There is no use of rhetoric that can sanitize it beyond what it is: unnatural and against our country's most basic standards. Every reputable public opinion poll demonstrates that nearly 8 of every 10 Americans don't accept the pretense of "homosexual marriage."

Selection 12

Same directions as previous selection.

Liberals Love America Like O.J. Loved Nicole

Ann Coulter

- 1 Let's review.
- 2 The *New York Times* calls the U.S. "stingy" and runs letters to the editor redoubling the insult, saying: "The word 'stingy' doesn't even come close to accurately describing the administration's pathetic initial offer of aid. . . . I am embarrassed for our country."
- 3 Al Franken flies into a rage upon discovering that O'Reilly imagines the U.S. is the most generous nation in the world.
- 4 The *Washington Post* criticizes Bush for not rushing back to Washington in response to the tsunami—amid unfavorable comparisons to German Chancellor Gerhard Schroeder, who immediately cut short his vacation and returned to Berlin. (Nothing snaps a German to attention like news of mass death!).
- 5 The prestigious Princeton "ethicist" Peter Singer, who endorses sex with animals and killing children with birth defects, says "when it comes to foreign aid, America is the most stingy nation on Earth."
- 6 And has some enterprising reporter asked Sen. Patty Murray what she thinks about the U.S.'s efforts on the tsunami? How about compared to famed philanthropist Osama bin Laden?
- 7 In December 2002, Murray was extolling Osama bin Laden's good works in the Middle East, informing a classroom of students: "He's been out in these countries for decades building roads, building schools, building infrastructure, building day-care facilities, building health-care facilities, and the people are extremely grateful. It made their lives better." What does Murray say about bin Laden's charity toward the (mostly Muslim) tsunami victims?
- 8 Speaking of world leaders admired by liberals, why isn't Fidel Castro giving the tsunami victims some of that terrific care liberals tell us he has been providing the people of Cuba?
- 9 Stipulating that liberals love America—which apparently depends on what the meaning of "love" is—do they love America as much as they love bin Laden and Castro?

Selection 13

Determine whether this essay contains an argument and, if it does, what it is. Alternative assignment: Identify rhetorical devices, including slanters and fallacious reasoning.

Is God Part of Integrity?

Editorial from the *Enterprise Record*, Chico, California

- 1 What Oroville High School was trying to do last Friday night, said Superintendent Barry Kayrell, was "maintain the integrity of the ceremony."
- 2 The ceremony was graduation for approximately 200 graduates.
- 3 The way to maintain "integrity," as it turned out, was to ban the words "God" and "Jesus Christ."
- 4 The result was a perfect example of out-of-control interpretation of the separation of church and state.
- 5 The high school's action in the name of "integrity" needlessly disrupted the entire proceeding as almost the entire graduating class streamed out of their seats in support of Chris Niemeyer, an exemplary student who had been selected co-valedictorian but was barred from speaking because he wanted to acknowledge his belief in God and Jesus Christ.
- 6 The speech, said Kayrell, "was more of a testimonial."
- 7 It was preaching, added OHS principal Larry Payne.
- 8 "I truly believe in the separation (of church and state)," explained Kayrell.
- 9 It was a complicated story that led to last Friday night.
- 10 Niemeyer and fellow senior Ferin Cole had prepared their speeches ahead of time and presented them to school officials. Cole, who plans to attend Moody Bible College, had been asked to deliver the invocation.
- 11 Both mentioned God and Jesus Christ. Both were told that was unacceptable.
- 12 Both filed a last-minute action in federal court, challenging the school's censorship. At a hearing Friday, just hours before graduation, a judge refused to overrule the school on such short notice. The suit, however, continues, and the judge acknowledged it will involve sorting out complex constitutional questions.
- 13 Defeated in court, Niemeyer and Cole met with school officials to see what could be salvaged.
- 14 Both agreed to remove references to the deity, but Cole wanted to mention why, in an invocation—by definition a prayer—he was not allowed to refer to God. That was nixed, and Cole simply bowed out.
- 15 Niemeyer was supposed to deliver his revised draft to Payne by 5 P.M.
- 16 He missed the deadline, but brought the draft with him to the ceremony.
- 17 When it was his turn to speak, Niemeyer came forward, but Payne instead skipped over the program listing for the valedictory address and announced a song. The two debated the question on stage as the audience and graduates-to-be looked on.
- 18 Finally turned away, Niemeyer left the stage, tears of frustration on his cheeks, and his classmates ran to his side in a dramatic show of support.
- 19 You might say they were inspired by integrity.
- 20 The object of the First Amendment to the U.S. Constitution is to bar government-enforced religion. It was not designed to obliterate belief in God.
- 21 To stretch that command to denying a student the right to acknowledge what has spurred him on to the honor he has won is a bitter perversion.
- 22 That would apply whether the student was Islamic, Buddhist or any belief—atheist included. There is room, it would seem, for diversity in valedictory speeches, too.
- 23 Not at Oroville High School. There God and integrity don't mix.

- 24 It's spectacles like that played out last Friday night that have prompted Congress to consider a constitutional amendment aimed at curbing such misguided excess.
- 25 Earlier in the week it drew a majority vote in House, but fell short of the two-thirds margin needed.
- 26 Maybe such actions as witnessed locally can push it over the top.

Selections 14A and 14B*

Identify the arguments each writer uses to support his position on the issue. Who do you think has the stronger arguments, and why?

Question: Do College and University Administration Have the Right to Establish Standards for Faculty Dress and Grooming?

Yes, a college is a business as much as any company, so dress standards should normally be expected.

By Dan Creed
Instructor in the Department of Business
Normandale Community College, Minnesota

- 1 The familiar phrases "dress for success" or "the clothes make the person" are as true for college faculty as they are in the corporate world.
- 2 First, let's address the question of why business etiquette deems a dress code proper in the business world. It is understood that dress does convey confidence, personal success and a respect to those with whom you are engaged in business. That is the philosophy behind IBM's dress code for its sales force. The leadership understands that proper dress gives their sales force an edge. Similarly, if you visited a fine dining restaurant, you might be offended if the host was dressed in worn out blue jeans.
- 3 I have asked students the question about faculty dress and the majority have stated they appreciate when an instructor dresses up, at least in business casual. They voiced their appreciation for the instructor going to the extra effort to show respect to the students. Students do "get" the message being conveyed—respect.
- 4 Appropriate dress is socially an acceptable and expected gesture as well, whether going to a wedding, church, or funeral. Many cultures consider improper dress rude and disrespectful and guests are not allowed entrance if not properly attired. Sadly, American culture seems to have lost a sense of respect when it comes to dressing for certain occasions, such as a funeral.
- 5 At Normandale College where I teach, many of the instructors in the business and hospitality departments emphasize dress as an important point of etiquette for our students and demonstrate how proper dress gives them an edge in the job market. It only stands to reason that we would reinforce this instruction by personally setting an example.

*Both selections from the *NEA Higher Education Advocate*, October 2009.

No, college faculty are professionals and should not have a dress code.

By Andy Wible
Philosophy Instructor
Muskegon Community College in Michigan

- 6 There are several reasons faculty should not have a dress code. First, college faculty are role models and should be teaching students that it is not what a person wears, but the content of a person's words and actions that matters.
- 7 Second, the professional faculty members themselves are the best ones to determine what form of dress is most suitable to their teaching style. Some teachers may decide to be formal and some may decide to be casual, the dress of each fitting the pedagogy that they desire.
- 8 Third, when it comes to employment, sectors differ as to what appropriate dress is. Wearing a tie when fixing a wind turbine might lead to suffocation. Even if business standards differ, some require a tie, but others such as Internet companies are notorious for encouraging Saturday casual. The companies value the input of the employee over the veneer of their clothing, and believe that better ideas come from people who are comfortable.
- 9 One argument might be that there should be dress codes appropriate to each discipline. Physical education faculty wear track suits, management faculty suits, and philosophy faculty togas. The problem is that there is disagreement within these areas, and once again the professional faculty member should determine what is best.
- 10 Some classes could properly discuss appropriate dress in certain circumstances. Political science classes might discuss the importance of wearing a black robe if you are a Supreme Court justice. But the classroom is not a court; it is a place for the mind to be cultivated and diversity encouraged.
- 11 Dress codes in academia should be limited to one day a year: graduation.

Selections 15A and 15B

Evaluate the arguments on both sides. Who has the stronger arguments, and why?

Alternative assignment: Identify rhetorical devices and determine which author relies more heavily on them.

Second alternative assignment: In the first essay, find as many arguments as you can that can be treated as categorical syllogisms. Set up a key, letting a letter stand for a relevant category. Be sure you identify the category in plain English. Then circle all and only the distributed terms. Then state whether each syllogism is valid, identifying rules broken by any syllogisms that are not.

Make Fast Food Smoke-Free

USA Today

Our view: The only thing smoking in fast-food restaurants should be the speed of the service.

- 1 Starting in June, if you go to Arby's, you may get more than a break from burgers. You could get a break from tobacco smoke, too.

- 2 The roast-beef-sandwich chain on Tuesday moved to the head of a stampede by fast-food restaurants to limit smoking.
- 3 Last year, McDonald's began experimenting with 40 smokeless restaurants. Wendy's and other fast-food chains also have restaurants that bar smoking.
- 4 But Arby's is the first major chain to heed a call from an 18-member state attorneys general task force for a comprehensive smoking ban in fast-food restaurants. It will bar smoking in all its 257 corporate-owned restaurants and urge its 500 franchisees to do the same in their 2,000 restaurants.
- 5 Other restaurants, and not just the fast-food places, should fall in line.
- 6 The reason is simple: Smoke in restaurants is twice as bad as in a smoker's home or most other workplaces, a recent report to the *Journal of the American Medical Association* found.
- 7 Fast-food restaurants have an even greater need to clear the air. A quarter of their customers and 40% of their workers are under 18.
- 8 Secondhand smoke is a class A carcinogen. It is blamed for killing an estimated 44,000 people a year. And its toxins especially threaten youngsters' health.
- 9 The Environmental Protection Agency estimates that secondhand smoke causes up to 1 million asthma attacks and 300,000 respiratory infections that lead to 15,000 hospitalizations among children each year.
- 10 All restaurants should protect their workers and customers. If they won't, then local and state governments should do so by banning smoking in them, as Los Angeles has.
- 11 A person's right to a quick cigarette ends when it threatens the health of innocent bystanders, and even more so when many of them are youngsters.
- 12 They deserve a real break—a meal in a smoke-free environment that doesn't threaten their health.

Don't Overreact to Smoke

Brennan M. Dawson

Opposing view: With non-smoking sections available and visits brief, what's the problem?

- 1 If the attorneys general from a handful of states—those charged with upholding the law—were to hold a forum in Washington, you might expect them to be tackling what polls say is the No. 1 public issue: crime.
- 2 Not these folks. They're worried someone might be smoking in the smoking section of a fast-food restaurant. And, there might be children in the non-smoking section. Thus, they say, fast-food chains should ban all smoking.
- 3 Some would argue that this raises serious questions about priorities. But it may be worth debating, since this is supposed to be about protecting children. Everyone is (and should be) concerned with children's health and well-being.
- 4 But what are we protecting them from—the potential that a whiff of smoke may drift from the smoking section to the non-smoking section during the average 20-minute visit for a quick burger?
- 5 Anyone knowledgeable would tell you that none of the available studies can reasonably be interpreted to suggest that incidental exposure of a child to smoking in public places such as restaurants is a problem. After all, with the almost universal availability of non-smoking sections, parents have the option of keeping their kids out of the smoking section.

- 6 A recent study published in the *American Journal of Public Health* reported that the separate smoking sections in restaurants do a good job of minimizing exposure to tobacco smoke. According to the figures cited, customers would have to spend about 800 consecutive hours in the restaurants to be exposed to the nicotine equivalent of one cigarette.
- 7 That would represent about 2,400 fast-food meals. Under those conditions, most parents would worry about something other than smoking.

Selections 16A and 16B

Evaluate the arguments on both sides. Who has the stronger arguments, and why?

Alternative assignment: Identify rhetorical devices and determine which author relies more heavily on them.

Second alternative assignment: In each of the two essays, find as many arguments as you can that can be treated as categorical syllogisms. Set up a key, letting a letter stand for a relevant category. Be sure you identify the category in plain English. Then circle all and only the distributed terms. Then state whether each syllogism is valid, identifying rules broken by any syllogisms that are not.

Buying Notes Makes Sense at Lost-in-Crowd Campuses

USA Today

Our view: Monster universities and phantom professors have only themselves to blame for note-selling.

- 1 Higher education got a message last week from a jury in Gainesville, Fla.: Its customers, the students across the nation, deserve better service.
- 2 The jury found entrepreneurs are free to sell notes from college professors' lectures. And Ken Brickman is an example of good, old free enterprise, even if his services encourage students to skip class.
- 3 Brickman is a businessman who pays students to take notes in classes at the University of Florida. From a storefront a block off campus, he resells the notes to other students with a markup.
- 4 Professors and deans bemoan Brickman's lack of morals. They even use the word "cheating." They'd be more credible if their complaints—and the university's legal resources—were directed equally at Brickman's competitor in the note-selling business a few blocks away.
- 5 The difference: The competition pays professors for their notes; Brickman pays students. Morals are absent, it seems, only when professors aren't getting their cut.
- 6 The deeper issue is why Brickman has found a lucrative market. It's easy to say that uninspired students would rather read someone else's notes than spend time in class, but that's not the point.
- 7 Why are students uninspired? Why are they required to learn in auditorium-size classes where personal attention is non-existent, taking attendance impossible, and students can "cut" an entire semester with no one noticing?
- 8 Why are students increasingly subjected to teaching assistants—graduate students who know little more than they—who control classes while professors are off writing articles for esoteric journals that not even their peers will read?

- 9 Why are there not more professors—every former student can remember one—who transmit knowledge of and enthusiasm for a subject with a fluency and flair that make students eager to show up? No one would prefer to stay away and buy that professor's notes.
- 10 The debate over professorial priorities—students vs. research—is old. But so long as students come in second, they'll have good reasons to go to Ken Brickman for their notes.

Buying or Selling Notes Is Wrong*

Opposing view: Note-buyers may think they're winners, but they lose out on what learning is all about.

- 1 It's tough being a college student. Tuition costs and fees are skyrocketing. Classes are too large. Many professors rarely even see their students, let alone know their names or recognize their faces. The pressure for grades is intense. Competition for a job after graduation is keen.
- 2 But that's no excuse for buying the notes to a teacher's course. What goes around comes around. Students who buy someone else's notes are only cheating themselves—by not engaging in the learning process to the fullest extent. They aren't learning how to take notes. Or how to listen. Or how to put what someone is saying into their own words.
- 3 What happens if the notes are inaccurate? Will a commercial note-taker guarantee the notes? Would you want to take a test using someone else's notes?
- 4 Besides, what the professor says is her own property. It is the result of hard work on her part. A professor's lectures are often her principal means of livelihood. Nobody but the professor herself has the right to sell her property. Buying the notes to her lectures without her permission is just like selling a book that she wrote and keeping the money for yourself.
- 5 And buying the notes from someone who is selling them without the teacher's permission is the same as receiving stolen goods.
- 6 And that's assuming that there will be anyone out there to buy the notes in the first place. After all, most students will want to take notes for themselves because they know that is their only guarantee of accuracy. People who think they can get rich selling the notes to someone's lectures should take a course in critical thinking.
- 7 The pressure for good grades doesn't justify buying or selling the notes to a professor's lectures without her permission. If you can't go to class, you shouldn't even be in college in the first place. Why come to school if you don't want to learn?

Selections 17A and 17B

Evaluate the arguments on both sides. Who has the stronger arguments, and why?

*The author of the companion piece to the *USA Today* editorial on this subject would not give us permission to reproduce her essay in a critical thinking text, so we wrote this item ourselves.

Alternative assignment: Identify rhetorical devices and determine which author relies more heavily on them.

Next, Comprehensive Reform of Gun Laws

USA Today

Our view: Waiting periods and weapon bans are welcome controls, but they're just the start of what's needed.

- 1 The gun lobby got sucker-punched by the U.S. Senate last weekend. It couldn't happen to a more deserving bunch.
- 2 For seven years, gun advocates have thwarted the supersensible Brady bill, which calls for a national waiting period on handgun purchases. Through a mix of political intimidation, political contributions and perverse constitutional reasoning, gun lobbyists were able to convince Congress to ignore the nine out of 10 Americans who support that idea.
- 3 But suddenly, after two days of filibuster, the Senate abruptly adopted the Brady bill. The House has already acted, so all that remains is to do some slight tinkering in a House-Senate conference, and then it's off to the White House for President Clinton's signature.
- 4 That's not the end of welcome gun control news, though. As part of the anti-crime bill adopted last week, the Senate agreed to ban the manufacture and sale of 19 types of assault-style semiautomatic weapons. Although these weapons constitute fewer than 1% of all guns in private hands, they figure in nearly 10% of all crime. The bill also bans some types of ammunition and restricts gun sales to, and ownership by, juveniles.
- 5 These ideas are worthy, but they can't do the whole job. Waiting periods and background checks keep criminals from buying guns from legal dealers. Banning certain types of anti-personnel weapons and ammunition will keep those guns and bullets from growing more common and commonly lethal.
- 6 Yet the wash of guns and gun violence demands much, much more. The judicial ability to process firearm-related crimes with certainty and speed is part of the solution. But even more so is the adoption of laws that permit gun licensing, gun registration and firearm training and education.
- 7 After years of denying the popular mood, Congress appears ready to honor it. That merits applause. But its new laws are just a start. Without truly comprehensive controls, the nationwide slick of gun carnage is bound to continue its bloody, inexorable creep.

Gun Laws Are No Answer

Alan M. Gottlieb

Opposing view: Disarming the law-abiding populace won't stop crime. Restore gun owners' rights.

- 1 Every time another gun control law is passed, violent crime goes up, not down, and the gun-ban crowd starts to yelp for more anti-gun laws.
- 2 So it's no surprise that the gun-banners are already snapping at the heels of our Bill of Rights.
- 3 They turn a blind eye to the fact that California, with a 15-day waiting period, experienced a 19% increase in violent crime and a 20% increase in homicide

between 1987 and 1991. And that a 1989 ban on "assault weapons" in that state has also resulted in increased violent crime.

- 4 In Illinois, after a 30-day waiting period was installed, that state experienced a 31% increase in violent crime and a 36% increase in the homicide rate.
- 5 And, a handgun ban in Washington, D.C., has made it the murder capital of the world!
- 6 The results are in. Gun control makes the streets safe for violent criminals. It disarms their victims—you and me. The people's right to protect themselves should be restored, not restricted.
- 7 Case in point: Bonnie Elmasri of Wisconsin, who was being stalked by her estranged husband despite a court restraining order, was killed along with her two children while she waited for the handgun she purchased under that state's gun-waiting-period law.
- 8 Bonnie and her children are dead because of gun control laws, as are thousands of other victims each year.
- 9 Anybody who believes that disarming the law-abiding populace will help reduce crime has rocks in the head.
- 10 The next time a violent criminal attacks you, you can roll up your copy of USA TODAY and defend yourself with it. It may be all you'll have left for self-protection.

Selection 18

The following letter was sent to one of our students from the National Rifle Association. Notice the tendency—more and more common recently—to use repetition in place of argument. Are there any arguments present in the letter? Are there rhetorical devices?

Dear Friend,

- 1 It is critical that you accept the enclosed Black-and-Gold National Rifle Association membership card today.
- 2 Joining the National Rifle Association (NRA) is the single most important thing you can do to protect your Second Amendment rights and promote safe, responsible firearms ownership.
- 3 There has never been a more important time for America's gun owners to unite and stand up for our freedom.
- 4 *Anti-gun members of Congress, including Senators Hillary Clinton and Charles Schumer, Representative Patrick Kennedy and others, are aggressively pushing for more harsh anti-gun legislation.*
- 5 Their agenda includes *gun-owner licensing and fingerprinting, gun registration, and rationing, gun show bans and much more.*
- 6 Only a united effort by freedom-loving Americans can stop this assault on our rights from doing irreversible damage to our freedoms.
- 7 That's why the National Rifle Association needs patriotic Americans like you to join our organization and help defend our cherished freedoms.
- 8 Since our formation over 132 years ago, the NRA has led the effort to defend the rights of law-abiding gun owners.
- 9 The NRA reaches out to America's 80 million gun owners to bring them together through sponsorship of gun safety programs, hunter education

- courses, self-defense training, legislative advocacy and family events like our "Friends of NRA" gatherings.
- 10 Remember, *the NRA is a non-partisan grassroots membership organization*, an association of millions of patriotic Americans who care about freedom and who enjoy and treasure our nation's heritage of firearms ownership and use.
 - 11 We represent your "special-interest"—*YOUR FREEDOM!*
 - 12 The NRA's efforts are based on the needs and concerns of our members, men and women like you from all around the country.
 - 13 That's why we are asking you to join and help serve as "*the eyes and ears*" of *the NRA* to make sure grassroots gun owners in your area have their concerns addressed and your interests protected.
 - 14 Our goal is to build a fire-wall around the Second Amendment by recruiting at least ten thousand NRA members in each Congressional district. I know this may sound ambitious, but most Congressional elections are decided by less than 10,000 votes.
 - 15 Each NRA member we sign up means more leverage to convince the politicians to keep their hands off the Second Amendment, or hunting lands and our other firearm freedoms—because politicians know NRA members vote!
 - 16 *As a member of the NRA, you can have a far-reaching impact on the future of our Second Amendment right to keep and bear arms.*
 - 17 As a *BONUS GIFT* for joining today you'll receive a NRA Black-and-Gold Shooter's Cap. This cap, like your membership card, is recognized around the world as a symbol of the organization dedicated to defending the United States Constitution, especially our Second Amendment right to keep and bear arms.
 - 18 Of course the most important benefit of joining the NRA is knowing you are leading the fight to protect our right to keep and bear arms.
 - 19 That's why I want you to carry your NRA Black-and-Gold membership card with pride as a reminder of all your membership does to protect your Second Amendment rights.
 - 20 *We will never take your membership for granted and we will always remain committed to protecting your interests—your freedom—*
 - 21 Remember, accepting your Black-and-Gold NRA membership card is the *most important step you can take to help preserve America's cherished heritage* of hunting, sport shooting, gun collecting and firearms ownership.
 - 22 Our rights face many great challenges in Congress and throughout the country, but by working together, we can protect our freedom for today and for future Americans to enjoy.
 - 23 Thank you in advance for accepting NRA Membership.

Sincerely,

Wayne LaPierre
Executive Vice President

P.S. *The NRA needs the active support of patriotic Americans like you to help promote safe, responsible hunting and gun ownership. By accepting your NRA membership today you can help us fight back against anti-gun media bias and educate the public about the Second Amendment's critical role in our nation.*

Your membership in the NRA is critical to protecting our Second Amendment rights for future generations. Please use the enclosed reply form and postage-paid envelope to send your NRA Membership dues today. Thank you.

[All emphases present in the original. —Ed.]

Selections 19A and 19B

Evaluate the arguments on both sides. Who has the stronger arguments, and why?

Alternative assignment: Identify rhetorical devices and determine which author relies more heavily on them.

How Can School Prayer Possibly Hurt? Here's How

USA Today

Our view: Mississippi case shows how people's rights can be trampled by so-called "voluntary prayer."

- 1 What harm is there in voluntary prayer in school?
- 2 That's the question . . . House Speaker Newt Gingrich and others pose in their crusade to restore prayer to the classroom. They argue that a constitutional amendment to "protect" so-called voluntary school prayer could improve morals and at worst do no harm.
- 3 Well, a mother's lawsuit filed Monday against Pontotoc County, Miss., schools says otherwise. It shows government-sponsored voluntary prayer in school threatens religious liberty.
- 4 All the mother, Lisa Herdahl, wants is that her six children get their religious instruction at home and at their Pentecostal church, not at school.
- 5 But their school hasn't made that easy. Prayers by students go out over the public address system every day. And a Bible study class is taught at every grade.
- 6 School officials argue that since no one is ordered to recite a prayer or attend the class, everything is voluntary.
- 7 But to Herdahl's 7-year-old son, it doesn't seem that way. She says he was nicknamed "football head" by other students after a teacher told him to wear headphones so he wouldn't have to listen to the "voluntary" prayers.
- 8 And she says her 11-year-old son was branded a "devil worshiper" after a teacher told students he could leave a Bible class because he didn't believe in God.
- 9 Indeed, Herdahl's children have suffered exactly the kind of coercion to conform that the Supreme Court found intolerable when it banned state-written prayers in 1962 and outlawed Alabama's moment of silence for meditation or voluntary prayer in 1985.
- 10 As the court noted in those cases, when government—including schools—strays from neutrality in religious matters, it pits one religion against another. And youngsters especially can feel pressured to submit to a majority's views.
- 11 That's why a constitutional amendment to protect "voluntary prayer" in school is so dangerous.
- 12 Students don't need an amendment to pray in school now. They have that right. And they can share their religious beliefs. They've formed more than 12,000 Bible clubs nationwide that meet in schools now, only not during class time.

- 13 For the Herdahls, who refused to conform to others' beliefs, state-sponsored voluntary prayer and religious studies have made school a nightmare.
- 14 For the nation, a constitutional amendment endorsing such ugly activities could make religious freedom a joke.

We Need More Prayer

Armstrong Williams

Armstrong Williams is a Washington, D.C.-based business executive, talk-show host, and author of The Conscience of a Black Conservative.

Opposing view: The tyranny of the minority was never envisioned by the nation's Founding Fathers.

- 1 The furor aroused by . . . Newt Gingrich's remarks about renewing school prayer illustrates how deep cultural divisions in American society really are.
- 2 A few moments of prayer in schools seems a small thing—harmless enough, almost to the point of insignificance. Yet it has provoked an impassioned firestorm of debate about the dangers of imposing viewpoints and the potential for emotionally distressing non-religious children.
- 3 The Constitution's framers were wary of a "tyranny of the majority," and so they imposed restraints on the legislature. They never foresaw, nor would they have believed, the tyranny of the minority made possible through an activist judiciary changing legal precedents by reinterpreting the Constitution.
- 4 The American ideal of tolerance has been betrayed by its use in directly attacking the deeply held convictions of millions of Americans.
- 5 The fact that this country was once unashamedly Christian did not mean that it was necessarily intolerant of other views—at least not nearly so intolerant of them as our rigid secular orthodoxy is toward all religious expression. Through the agency of the courts, a few disgruntled malcontents have managed to impose their secular/humanist minority views on the majority.
- 6 But it has not always been so.
- 7 The confidence with which some maintain that school prayer is manifestly unconstitutional belies an ignorance of our nation's history. America was founded by religious men and women who brought their religious beliefs and expressions with them into public life.
- 8 It was in 1962 that an activist Supreme Court ruled that denominationally neutral school prayer was judged to violate the establishment clause of the First Amendment. Since then, the "wall of separation" between church and state has rapidly become a prison wall for religious practice.
- 9 The drive to protect the delicate sensibilities of American children from the ravages of prayer is particularly ironic when our public schools have become condom clearinghouses that teach explicit sex.
- 10 The real heart of the school prayer issue is the role of religion in our public life.

Glossary

Ad hominem See argumentum ad hominem.

Affirmative claim A claim that includes one class or part of one class within another: A-and I-claims.

Affirming the antecedent See modus ponens.

Affirming the consequent An argument consisting of a conditional claim as one premise, a claim that affirms the consequent of the conditional as a second premise, and a claim that affirms the antecedent of the conditional as the conclusion.

Ambiguity Having more than one meaning. An ambiguous claim is one that can be interpreted in more than one way and whose meaning is not made clear by the context. See also semantic ambiguity; syntactical ambiguity.

Ambiguous pronoun reference A statement or phrase in which it is not clear to what or to whom a pronoun is supposed to refer.

Analogical argument See argument from analogy.

Analogues Things that have similar attributes.

Analogy A linguistic expression that treats two or more events or things as similar.

Analytic claim A claim whose truth value is known simply by understanding the claim.

Contrast with synthetic claim.

Analytical definition Specification of the features a thing must possess in order for the term being defined to apply to it.

Anecdotal evidence, fallacy of A version of hasty generalization, in which the overly small sample on which the generalization is based is merely a story.

Antecedent See conditional claim.

Appeal to anecdote Using a story in an attempt to disprove a general claim or causal hypothesis. See also Fallacy of anecdotal evidence.

Appeal to common practice Justifying or defending an *action* or *practice* (as distinguished from an assertion or claim) on the grounds that it is common.

Appeal to ignorance The view that an absence of evidence *against* a claim counts as evidence *for* that claim.

Appeal to indignation See argument from outrage.

Appeal to pity See argument from pity.

Appeal to popularity Urging someone to accept a claim (or falling prey to someone's doing it to us) simply on the grounds that all or most or some substantial number of people (other than authorities or experts) believe it.

Appeal to precedent The claim (in law) that a current case is sufficiently similar to a previous case that it should be settled in the same way.

Appeal to tradition Attempting to convince someone that a claim is true or that a practice is legitimate on the basis of tradition.

Apple polishing A pattern of fallacious reasoning in which flattery is disguised as a reason for accepting a claim.

Argument An attempt to support or prove a contention by providing a reason for accepting it. The contention itself is called the *conclusion*, the statement offered as the reason for accepting the conclusion is referred to as the *premise*.

Argument by force A special case of scare tactics, threatening a person.

Argument from analogy An inductive argument in which an attribute of one or more things is concluded to be a probable attribute of a similar thing.

Argument from envy Finding fault with a person or some position the person takes because of envy.

Argument from outrage Inflammatory words or claims followed by a "conclusion" of some sort.

Argument from pity When feeling sorry for someone drives us to a position on an unrelated matter.

Argument pattern The structure of an argument. This structure is independent of the argument's content.

Several arguments can have the same pattern (e.g., modus ponens) yet be about quite different subjects. Variables are used to stand for classes or claims in the display of an argument's pattern.

Argumentum ad hominem An argument that illogically conflates a person's personal qualities with those of his or her views. The most common varieties are attempts to rebut an individual's opinions by talking about his or her personal qualities.

Attacking the analogy An attempt to rebut an argument from analogy by calling attention to important dissimilarities between the analogues.

Attribute of interest The attribute ascribed to a thing or things in the conclusion of an inductive generalization, inductive argument from analogy, or statistical syllogism.

Availability heuristic Unconsciously assigning a probability to a type of event on the basis of how often one thinks of events of that type.

Background information The body of justified beliefs that consists of facts we learn from our own direct observations and facts we learn from others.

Balance of considerations reasoning Trying to determine which considerations, both for and against thinking or doing something, carries the most weight.

Bandwagon effect An unconscious tendency to modify one's views to make them consonant with those of other people.

Begging the question See question-begging argument.

Belief bias The tendency to evaluate an argument by how believable its conclusion is.

Best Diagnosis Method Identifying the cause of multiple effects as the condition that best explains the effects, everything considered.