# THE VICES OF ARGUMENT

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ABSTRACT. What should a virtue theory of argumentation say about fallacious reasoning? If good arguments are virtuous, then fallacies are vicious. Yet fallacies cannot just be identified with vices, since vices are dispositional properties of agents whereas fallacies are types of argument. Rather, if the normativity of good argumentation is explicable in terms of virtues, we should expect the wrongness of bad argumentation to be explicable in terms of vices. This approach is defended through analysis of several fallacies, with particular emphasis on the ad misericordiam.

## 1. INTRODUCTION

In recent years increasing attention has been paid to the virtues of argument and significant progress has been made towards a virtue theory of argumentation, analogous to more established virtue theories in ethics and epistemology. However, comparatively little has been said about the vices of argument. Traditionally, analysis of defective argumentation is the task of fallacy theory. However, although a virtue theory of argumentation should be expected to assess fallacies as vicious arguments, vices cannot just be identified with fallacies, since vices are dispositional properties of agents whereas fallacies are types of argument. Rather, if the normativity of good argumentation is explicable in terms of virtues, we should expect the wrongness of bad argumentation to be explicable in terms of vices.[1] In what follows, I shall defend this approach through analysis of several fallacies, with particular emphasis on the ad misericordiam.

In Section 2 I develop a tentative typology of argumentational vice modelled on a tentative typology of argumentational virtue presented in an earlier paper, (Aberdein, 2010). In Section 3 I address the standard definition of fallacy as well as two somewhat neglected subdivisions of the concept of fallacy that will turn out to be of particular relevance to a virtue approach. Section 4 shows how the typology of vice developed in Section 2 may be applied in detail to a specific fallacy, the ad misericordiam. Section 5 outlines how this account can cover a representative sample of well-known fallacies but also demonstrates that it has wider scope, addressing aspects of argumentational malpractice that have been neglected by fallacy theory.

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[1]That the norms of argumentation are explicable in terms of virtues is denied by some subscribers to a virtue theory of argumentation, specifically the so-called 'modest moderates', for whom 'cogency is necessary, albeit not sufficient, for argument quality, and moreover it is an aspect of quality that does not require considerations of character to be established' (Paglieri, 2015, 77).

TABLE 1. A tentative typology of argumentational virtue

(1) willingness to engage in argumentation
    (a) being communicative
    (b) faith in reason
    (c) intellectual courage
       (i) sense of duty
(2) willingness to listen to others
    (a) intellectual empathy
       (i) insight into persons
       (ii) insight into problems
       (iii) insight into theories
    (b) fairmindedness
       (i) justice
       (ii) fairness in evaluating the arguments of others
       (iii) open-mindedness in collecting and appraising evidence
    (c) recognition of reliable authority

(d) recognition of salient facts
       (i) sensitivity to detail
(3) willingness to modify one's own position
    (a) common sense
    (b) intellectual candour
    (c) intellectual humility
    (d) intellectual integrity
       (i) honour
       (ii) responsibility
       (iii) sincerity
(4) willingness to question the obvious
    (a) appropriate respect for public opinion
    (b) autonomy
    (c) intellectual perseverance
       (i) diligence
       (ii) care
       (iii) thoroughness

## 2. VIRTUES AND VICES OF ARGUMENT

There have been several attempts to catalogue virtues or dispostions of character relevant to argument (Siegel, 1988; Facione and Facione, 1992; Perkins et al., 1993; Ennis, 1996; Paul, 2000; Aikin and Clanton, 2010; Aberdein, 2010). But only the last three explicitly frame their taxonomies as accounts of virtues and only the last identifies these virtues as argumentational, rather than critical (Paul, 2000) or deliberative (Aikin and Clanton, 2010). Hence the account I presented in (Aberdein, 2010, 175), summarized in Table 1, may well be the fullest available typology of argumentational virtues as such. Although this study, like the others, gives little consideration to argumentational vice, it does have roots in an account of 'less than ideal arguers' (Cohen, 2005, 59).

Daniel Cohen identifies four principal virtues in the ideal arguer: (1) willingness to engage in argumentation; (2) willingness to listen to others; (3) willingness to modify one's own position; and (4) willingness to question the obvious (Cohen, 2005, 64). He follows Aristotelian precedent in situating these virtues as means between pairs of vices: 'Embarrassing Allies' exhibit a deficiency of the underlying qualities of which these virtues represent the mean; 'Tragic Heroes' an excess. Cohen's embarrassing allies include ($2^-$) the 'Deaf Dogmatist who simply ignores questions and brushes aside objections without giving them their due', ($3^-$) 'Agenda Pushers' who 'have ulterior motives for arguing', and ($4^-$) the 'Eager Believer who ... adopts and argues for whatever position she has most recently heard' (Cohen, 2005, 61).[2] Tragic heroes include ($1^+$) the 'Argument Provocateur [who] is someone with whom you invariably end up arguing', ($3^+$) 'the Concessionaire ... who concedes too much and too readily', and ($4^+$) 'the

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[2] I have added numerical indices to indicate the relationship of each vice to the corresponding virtue.

Un-assuring Assurer ... who feels compelled to defend positions that no one else thinks need to be defended' (Cohen, 2005, 62 f.).

This suggests a strategy for the classification of argumentational vices. Although (Aberdein, 2010), from which Table 1 is derived, does not classify vices, I took the top level categories of argumentational virtue from (Cohen, 2005), wherein each virtue is understood to be the mean between two vices. So the classification may be extended in a simple fashion by subdividing each of these top level categories of vice in an analogous manner to the subdivision of their corresponding virtues in Table 1. This I have attempted in Table 2. In the remainder of this section I shall address some potential criticisms of this strategy.

Table 2 is even more tentative than Table 1 since it not only inherits the likely incompleteness of that table but may also omit some of the failure modes of the virtues that are included. For a start, Table 2 is grounded in Aristotle's assumption that each virtue is a mean on a one-dimensional continuum: they represent a balance between an excess and an insufficiency of some quality. However, this assumption is open to challenge: perhaps excesses (or deficiencies) of some qualities can be vicious in multiple, conceptually distinct ways? It is also clear that some of the headings could be subdivided much further, and more fine-grained distinctions drawn. Conversely, Table 2 might be criticized for subdividing some vices beyond the point of usefulness.

Another potential weakness of my classification which Table 2 makes clear is that there is an affinity between vices listed at distinct places in the structure. For example, intellectual naivety is listed as $(3^+)$(b) whereas the rather similar sounding gullibility is at $(4^-)$(b). In part this is just a limitation of the terminology: these similar sounding vices are defined distinctly, the former as an excess of candour, the latter as a lack of autonomy. This sort of ambiguity may well be inevitable, at least if ordinary vocabulary is used, since terms seldom have precisely the scope required.[3] Moreover, it is to be expected that some of the vices are complementary. There are, for example, clear parallels between unwillingness to question the obvious and undue willingness to listen to others: both may lead to the uncritical acceptance of conventional wisdom, albeit for importantly distinct reasons. Nonetheless, such relationships do highlight a degree of arbitrariness in the classification.

However, the point of the classification in Table 2 is not to exhaustively classify every possible vice relevant to argumentation, nor to display the precise degree to which the popular usage of the terms used to designate these vices overlaps.[4] Rather it is to provide a sufficiently rich apparatus to cover the range of argumentational malpractice conventionally analysed in fallacy theory. So the best test of Table 2 would be to see how it fares against a representative sample of fallacies. I will address this task in Section 5, but first I need to say more about fallacy theory.

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[3]This is a very well-known problem: such terms 'are not univocal symbols corresponding throughout the ages to fixed varieties of human dispositions. ... They are invented in accordance with cultural demands, their meaning often varies, and some fall rapidly into disuse' (Allport and Odbert, 1936, 3).

[4]The latter task is one for which factor analysis has been employed (Facione and Facione, 1992). However, at least in this context, I share Robert Ennis's concern that it 'is notorious for its users' inability to defend the selection of terms to label the factors' (Ennis, 1996, 169).

Table 2. A tentative typology of argumentational vice

(1⁻) unwillingness to engage in argumentation (quietism)
  (a) being uncommunicative
  (b) mistrust of reason
  (c) intellectual cowardice
    (i) dereliction of duty
(2⁻) unwillingness to listen to others (the 'deaf dogmatist')
  (a) intellectual callousness
    (i) indifference to persons
    (ii) indifference to problems
    (iii) indifference to theories
  (b) narrow-mindedness
    (i) injustice to others
    (ii) unfairness to others in evaluating their arguments
    (iii) closed-mindedness in collecting and appraising evidence
  (c) indifference to reliable authority
  (d) indifference to salient facts
    (i) insensitivity to detail
(3⁻) unwillingness to modify one's own position (the 'agenda pusher')
  (a) over-reliance on common sense
  (b) intellectual dishonesty
  (c) intellectual arrogance
  (d) intellectual intransigence
    (i) dishonour
    (ii) stolidity
    (iii) insincerity
(4⁻) unwillingness to question the obvious (the 'eager believer')
  (a) undue or misplaced respect for public opinion
  (b) gullibility
  (c) lack of intellectual perseverance
    (i) inanition
    (ii) carelessness
    (iii) superficiality

(1⁺) undue willingness to engage in argumentation (the 'argument provocateur')
  (a) being too communicative
  (b) over-reliance on reason
  (c) intellectual rashness
    (i) misplaced zeal
(2⁺) undue willingness to listen to others
  (a) intellectual sentimentality
    (i) indulgence of persons
    (ii) indulgence of problems
    (iii) indulgence of theories
  (b) undue generosity
    (i) injustice to oneself
    (ii) partiality to others in evaluating their arguments
    (iii) impressionability in collecting and appraising evidence
  (c) misidentification of authority as reliable
  (d) misidentification of salient facts
    (i) obsession with detail
(3⁺) undue willingness to modify one's own position (the 'concessionaire')
  (a) lack of common sense
  (b) intellectual naivety
  (c) lack of intellectual confidence
  (d) intellectual acquiescence
    (i) sycophancy
    (ii) irresponsibility
    (iii) unsophistication
(4⁺) undue willingness to question the obvious (the 'unassuring assurer')
  (a) contempt for public opinion
  (b) eccentricity
  (c) intellectual single-mindedness
    (i) pertinacity
    (ii) pedantry
    (iii) obsessiveness

## 3. Defining Fallacy

There is a fair amount of consensus about what comprises a fallacy: 'A fallacious argument, as almost every account from Aristotle onwards tells you, is one that *seems to be valid* but *is not* so' (Hamblin, 1970, 12, emphasis in original). Numerous examples of fallacies have been given and various classificatory schemes have been attempted, none with much success. Rather than attempt a full classification,

I wish to focus on two distinctions of particular relevance to a virtue theoretic account of bad argumentation. Neither distinction is original, but nor has either received sufficient attention.

A traditional distinction is drawn between *sophisms*, which are intended to deceive, and *paralogisms*, innocent mistakes in reasoning. However, within a classification of fallacies this is problematic: the same argument might occur as either a sophism, if used deliberately to deceive another, or a paralogism, if used without such intent. So this must be a distinction between token fallacy occurrences not between fallacy types. Indeed, if the audience of a sophism do not realise that they have been deceived, they may guilelessly, if negligently, repeat it to a third party, thereby committing a paralogism. Both deceit and negligence may be considered vices, but they are vicious in different ways. Hence although sophisms and paralogisms cannot be different fallacies, they should be expected to exhibit different vices. So the distinction has a natural place in a theory of argumentational vice, although it cannot so easily be incorporated into a classification of fallacies.

The distinction between sophism and paralogism is dual to another distinction drawn by Francis Bacon:

> For although in the more gross sort of fallacies it happeneth, as Seneca maketh the comparison well, as in juggling feats, which, though we know not how they are done, yet we know well it is not as it seemeth to be; yet the more subtle sort of them doth not only put a man beside his answer, but doth many times abuse his judgment (Bacon, 1605, 131).

We may summarize this as a distinction between the *gross* fallacy, in which we believe (correctly) that something is wrong, and the *subtle* fallacy, in which we believe (incorrectly) that nothing is wrong. Just as the distinction between sophism and paralogism is a distinction confined to the *speaker's intent*, with no necessary reflection in the form of the fallacy, so that between gross and subtle fallacies is restricted to the *audience's understanding*. The audience's understanding is also an agent-centered concept, and therefore something that a virtue approach should be well-adapted to address. However, the audience's understanding, unlike the speaker's intent, is a part of the standard definition of the fallacy, since it determines whether the fallacy seems correct. As with sophisms and paralogisms, the same fallacy token could be either gross or subtle—the sharper your judgment, the less likely it is to be abused. Textbooks seldom if ever draw the gross/subtle distinction, but often tacitly confine their analyses to gross fallacies. This may be defensible as pedagogy but is misleading as theory. A full picture of vicious argument should account for subtle as well as gross fallacies.

Maurice Finocchiaro has criticized the idea of grounding an account of fallacy in a virtue theory of argumentation. He offers a pithy summary of 'the traditional concept of fallacy': 'a fallacy is a (1) common (2) kind of (3) argument that (4) seems correct but (5) is not' (Finocchiaro, 2013, 150). He complains of an account of fallacy developed in terms of virtues that it covers only the third and last components of his definition, and is thus 'at best a theory of argument appraisal, not a theory of fallacies' (Finocchiaro, 2014, 5). On one level, Finocchiaro is obviously correct: a virtue theory of argument must be based in agents not acts

and arguments are comprised of acts not agents.[5]  Indeed, he does not go far enough: since vices are not arguments, his third condition is not met either. But, it is still possible to talk about acts (and therefore arguments) in a virtue theory. Specifically, vicious arguments are characteristically those made by vicious arguers (acting in accordance with their vices). So, just as we may distinguish many types of vice, we may distinguish many types of vicious argument, as the arguments characteristic of arguers in the grip of each vice. (Of course, this is an idealization: actual vicious arguers may well have many vices.) Thus, argumentational vices, or at least the ones notable enough to feature on lists such as Table 2, have all the properties Finocchiaro claims are lacking: they are common, they are kinds, and they are (proverbially!) tempting. If, as seems plausible, a classification of vicious arguments grounded in these vices inherits the same features, then Finocchiaro's objection to a virtue-based approach to fallacy is answered. Section 5 will explore how such a classification may be developed. But first I will look at a single fallacy in greater detail.

## 4. A Case Study: The Ad Misericordiam

A first observation about the appeal to pity is that not all such appeals are bad arguments (despite the impression some textbook accounts of the ad misericordiam fallacy create). However, many are. Here are three examples:

Peacocks' Tongues  'Q, a Roman aristocrat, discovers that his shipment of peacocks' tongues from Africa has been interrupted. Feeling that his dinner party that evening will be a total disaster in consequence, he weeps bitter tears, and implores his friend the Stoic philosopher Seneca to pity him' (Nussbaum, 1996, 32).

Mistreated Speeder  A motorist contests a speeding ticket on the grounds that the arresting officer treated her in a humiliating manner (derived from an actual case analysed as ad misericordiam in Bush, 2002, 470).

Mendacious Convict  A man convicted of a serious offence argues that he should not receive a custodial sentence because he has a terminal illness. He has no illness, terminal or otherwise, and no reason to believe that he does.

All three are bad arguments, but for different reasons.  In Peacocks' Tongues, Q's argument fails to convince Seneca since Seneca (rightly) does not find Q's circumstances at all pitiable. Q exhibits intellectual sentimentality, $(2^+)$(a). Seneca would share in this vice if he accepted Q's argument.[6]  In Mistreated Speeder, the court accepts that the circumstances of the defendant's arrest properly arouse pity for her but dismisses this as irrelevant to the question of whether she broke the speed limit prior to that arrest. Her argumentational vice was to misidentify the salient facts, $(2^+)$(d).  In Mendacious Convict, the convict's circumstances would arouse genuine pity which would be relevant to the determination of an

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[5]Specifically, arguments$_1$ are 'a sort of communicative act' (O'Keefe, 1977, 121).  From context, Finnochiaro is using 'argument' in this sense, rather than that of argument$_2$, 'a particular kind of interaction' (op. cit.). Nonetheless, arguments$_2$ may be plausibly thought of as comprised of arguments$_1$, at least paradigmatically (127). In that case, arguments in both senses are ultimately comprised of acts.

[6]The historical Seneca would have been an unreceptive audience for such an argument, since he rejected pity as a 'weakness of the mind' (Seneca, 1928, II. vi. 4). This attitude may itself be suspected of intellectual callousness, $(2^-)$(a).

appropriate sentence—but only if they were as he has described and they are not. The convict is clearly dishonest, $(3^-)$(b). Since all three arguments appear to commit the same fallacy, these examples demonstrate that the same fallacy can arise from different failures of virtue.[7]

These examples suggest three virtues which a legitimate appeal to pity should exemplify: the circumstances should be such as to properly arouse an appropriate degree of pity, an exercise of intellectual empathy, (2)(a); this pity should be relevant to the conclusion which the proponent of the argument wishes to draw, the recognition of a salient fact, (2)(d); and the statement of the circumstances should be truthful, an instance of intellectual candour, (3)(b). We may expect these virtues to be present in legitimate appeals to pity, but their presence cannot guarantee that such an appeal is virtuous, since other vices may be present (perhaps grounding other fallacies). They are necessary but not sufficient for an appeal to pity to be virtuous.

The three examples also share some limitations. Firstly, in each case the arguer is the object of the putative pity too. In this sense, they concern self-pity rather than pity in general. Of course, the examples could be reworked so that the arguments were presented by proxies for the subjects. (As would presumably be the case in Mistreated Speeder and Mendacious Convict, if the subjects had legal representation.) However, there are appeals to pity in which the object of pity has a much less direct relationship with the proponent of the argument. Secondly, all three examples are gross fallacies: a suitably informed respondent may be expected to suspect something untoward. A full account of the ad misericordiam requires analysis of subtle cases too. Lastly, and much more importantly for present purposes, these three examples share another limitation common to many textbook examples of fallacies: there is insufficient context to form much of an opinion about the character of the principals. This may not matter for accounts of fallacy which disregard character, but it is paramount for a virtue account. Indeed, if the only available information about the virtues of the protagonists is that which may be inferred from the information that non-virtue accounts use to form judgments, then a virtue account must collapse into a non-virtue account. Hence, to properly exhibit the strengths of a virtue account, we need richer, subtler examples in which a broader context can be brought to bear. Fortuitously, two such examples are discussed in Douglas Walton's book-length treatment of the ad misericordiam:

BABY SEALS 'It was widespread revulsion at photos of Newfoundlanders clubbing baby seals in the British press, starting in 1968, that led to a European ban on seal-fur products in 1983 and ultimately to a Canadian government ban on the hunting of baby seals in 1988' (Kevin Cox, 'The seal hunt', *The Globe and Mail*, 1994, quoted in Walton, 1997, 180).

KUWAITI INCUBATORS In October 1990, after the Iraqi invasion of Kuwait, a fifteen-year-old Kuwaiti girl testified to the U.S. Congressional Human

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[7]Arguably Mendacious Convict is not an instance of ad misericordiam, since the standard account of fallacy excludes cases merely of false premises (Walton, 1997, 148). However, the convict might be said to exhibit sentimentality too, since his circumstances are not properly pitiable. Conversely, if the convict was not mendacious, but had received an erroneous diagnosis of terminal illness, his circumstances would be genuinely pitiable and no ad misericordiam fallacy would arise. One could even imagine a less plausible scenario in which his circumstances were genuinely pitiable but he lied about exactly how they were pitiable. That would not seem to be ad misericordiam either.

Rights Caucus that she had witnessed Iraqi soldiers pulling babies from incubators and leaving them to die. Her story was used to help motivate the liberation of Kuwait. But it subsequently emerged that she was the daughter of the Kuwaiti ambassador and that her testimony conflicted with other sources (Walton, 1997, 128 ff.).

Comparing these two cases, Walton states that 'probably most people react with the opinion that there is no ad misericordiam fallacy' in Baby Seals but that there is in Kuwaiti Incubators (Walton, 1997, 184 f.). He may be correct about how most people would react, but public opinion can be a misleading guide.

In Baby Seals, the core facts are not in dispute—Newfoundlanders were indeed clubbing baby seals—so the virtue of candour is not at issue (at least with respect to objective fact). Appraisal of the other two required virtues is nowhere near as straightforward. The fate of the baby seals did genuinely arouse pity in many people around the world. But was that an appropriate reaction? One might suspect either the proponents or the audience of the argument summarized in Baby Seals of sentimentality in either of two senses. Sentimentality is often defined as an excess of emotion, and the audience might be accused of just such an excessive reaction.[8] But it can also be defined as the self-indulgent entertainment of irresponsible emotions (Barzun, 2002, 107). The audience for this argument could be accused of such irresponsibility, since they did not, by and large, live in Newfoundland or make a living from hunting or fishing, nor were many of them in the fur trade as customers or vendors. They could indulge their pity for 'these adorable liquid-eyed creatures' (Walton, 1997, 180) without any of the personal sacrifices they were requiring of others. Indeed calves can be just as adorable and liquid-eyed and are dispatched just as brutally, and yet few of the critics of the seal hunt were vegans. The latter species of sentimentality thus has an admixture of insincerity, $(3^-)$(d)(iii). In extreme cases, this could be the greater part: a manipulative arguer can tug at his audience's heartstrings in the hope that they will substitute pity for reason.

Even if the virtue of empathy was properly exercised by arguer and audience, such that the level of pity was appropriate, it would still remain to be seen whether it was relevant to the conclusion. One might hold that the decision on whether to ban the seal hunt should be made on the basis of objective facts concerning the cruelty of the hunting method, the livelihood of the hunters, the preservation of fish stocks, the maintenance of a balance in the ecosystem, and so on, rather than subjective emotions, let alone the subjective emotions of people living in other countries. On this view, pity for the seals might be appropriate but would still not be a salient fact, so characterizing it as such would be to misidentify it, $(2^+)$(d). Furthermore, if they overlook other factors, the proponents of the appeal to pity in Baby Seals would also demonstrate indifference to the salient facts, $(2^-)$(d), or closed-mindedness in collecting and appraising evidence, $(2^-)$(b)(iii).

Conversely, in Kuwaiti Incubators the proponent of the argument was less than candid, $(3^-)$(b). However, the other two required virtues seem more straightfor-wardly exemplified than in Baby Seals. The true circumstances in Kuwait were grounds for appropriate pity: numerous atrocities *were* committed by Iraqi forces.

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[8]This excess would consist in their having more pity for the seals than appropriate, not in their having any such pity at all. For a refutation of the thesis that all pity towards animals is sentimental by definition, see (Midgley, 1979, 389).

And the pitiableness of these circumstances was a relevant factor in determining the justice of a war to liberate the country from its invaders (Walzer, 2000, 107). Thus we may conclude that the argument described in Baby Seals exhibits more of the vices characteristic of ad misericordiam than that in Kuwaiti Incubators. Both are debatable as examples of ad misericordiam, but the charge seems harder to answer in Baby Seals.

We have seen that the ad misericordiam fallacy may arise from several distinct vices in an arguer. Its uptake also turns on characteristic vices in the audience. In the first place, an audience that shares some of the arguer's vices, such as sentimentality, may be predisposed to accept the argument. The argument may also convince respondents who do not share the arguer's vices but are insufficiently diligent to appreciate the true weakness of the argument, $(4^-)(c)(i)$. Moreover, it can require significant intellectual courage to challenge an emotively expressed appeal to pity, especially one which has widespread popular sympathy. A cowardly respondent, $(1^-)(c)$, may quail in the face of the public obloquy that is a foreseeable consequence of such a challenge.

This short case study cannot exhaust all the vices that may play a role in this one fallacy. But it does serve to demonstrate how fallaciousness may be grounded in the vices of arguer and audience.

## 5. Some Classic Fallacies in a New Light

This section will argue that traditional fallacy theory is only part of a complete account of argumentational vice. That is, while all the pathologies of argument identified in traditional fallacy theory can be effectively analysed in terms of argumentational vice, the converse is not true: there are vices of argument that do not correspond to well-known fallacies. The first part of this claim requires the more extensive demonstration: many, many different fallacies have been identified by different authors and I cannot hope to address them all here.[9] However, there are some fallacies which recur in many of the different catalogues. John Woods refers to these usual suspects as the 'Gang of Eighteen', and notes that they are 'attractive, universal and incorrigible' (Woods, 2007, 72 f.). I shall restrict my attention to the members of this group.

In Table 3 I briefly indicate some of the vices from Table 2 which each fallacy in the Gang of Eighteen exhibits. It would be a mistake to suppose that there is a systematic way of matching fallacies with vices: each fallacy must be carefully examined in its own right. Hence Table 3 inherits the tentativeness of Table 2 and adds some of its own. It is incomplete in several ways: not only could many other fallacies be chosen, but many other virtues and vices could be identified, and many of the fallacies on this list exhibit multiple vices. (For example, Table 3 does not include all the vices associated with ad misericordiam in Section 4.) Indeed, almost all of the fallacies might result from carelessness, whether of proponent or respondent, hence I have omitted carelessness altogether from Table 3. Some other vices, such as lack of common sense and insensitivity to detail, could also be applied much more widely than I have indicated. However, there are some fallacies which correlate strongly with specific vices, and it is to these that I turn next.

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[9]Both (Good, 1962) and (Fischer, 1970) provide classifications reaching into three figures.

TABLE 3. The 'Gang of Eighteen' and some distinctive corresponding vices in proponent and respondent

| Fallacy | Proponent | Respondent |
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| ad baculum | injustice to others, $(2^-)$(b)(i); dishonour, $(3^-)$(d)(i) | intellectual cowardice, $(1^-)$(c) |
| ad hominem | unfairness to others in evaluating their arguments, $(2^-)$(b)(ii) | indifference to persons, $(2^-)$(a)(i) |
| ad misericordiam | sentimentality, $(2^+)$(a); insincerity, $(3^-)$(d)(iii) | sentimentality, $(2^+)$(a); inanition, $(4^-)$(c)(i) |
| ad populum | undue respect for public opinion, $(4^-)$(a); insincerity, $(3^-)$(d)(iii) | undue respect for public opinion, $(4^-)$(a) |
| ad verecundiam | misidentification of authority, $(2^+)$(c); superficiality, $(4^-)$(c)(iii); insincerity, $(3^-)$(d)(iii) | misidentification of authority, $(2^+)$(c); superficiality, $(4^-)$(c)(iii) |
| affirming the consequent | lack of common sense, $(3^+)$(a) | lack of common sense, $(3^+)$(a) |
| amphiboly | insensitivity to detail, $(2^-)$(d)(i); insincerity, $(3^-)$(d)(iii) | insensitivity to detail, $(2^-)$(d)(i) |
| begging the question | lack of common sense, $(3^+)$(a) | lack of common sense, $(3^+)$(a) |
| biased statistics | intellectual dishonesty, $(3^-)$(b) | impressionability, $(2^+)$(b)(iii) |
| complex question | intellectual dishonesty, $(3^-)$(b) | insensitivity to detail, $(2^-)$(d)(i) |
| composition & division | insensitivity to detail, $(2^-)$(d)(i); insincerity, $(3^-)$(d)(iii) | insensitivity to detail, $(2^-)$(d)(i) |
| denying the antecedent | lack of common sense, $(3^+)$(a) | lack of common sense, $(3^+)$(a) |
| equivocation | insensitivity to detail, $(2^-)$(d)(i); insincerity, $(3^-)$(d)(iii) | insensitivity to detail, $(2^-)$(d)(i) |
| faulty analogy | indifference to problems, $(2^-)$(a)(ii) | indulgence of problems, $(2^+)$(a)(ii) |
| gambler's | gullibility, $(4^-)$(b) | gullibility, $(4^-)$(b) |
| hasty generalization | closed-mindedness, $(2^-)$(b)(iii); indifference to salient facts, $(2^-)$(d); intellectual dishonesty, $(3^-)$(b) | impressionability, $(2^+)$(b)(iii); misidentification of salient facts, $(2^+)$(d) |
| ignoratio elenchi | intellectual dishonesty, $(3^-)$(b) | over-reliance on reason, $(1^+)$(b); partiality to others in evaluating their arguments, $(2^+)$(b)(ii) |
| secundum quid | insensitivity to detail, $(2^-)$(d)(i); lack of common sense, $(3^+)$(a) | insensitivity to detail, $(2^-)$(d)(i); lack of common sense, $(3^+)$(a) |

Ad baculum may be one of the first fallacies to have received a virtue theoretic treatment. Robert Kimball contends that 'what's wrong with argumentum ad baculum should be explained in terms of the intentions, purposes, and character of threateners' (Kimball, 2006, 96). As we saw with ad misericordiam reasoning, although fallacies are stigmatized in textbooks as invariably bad, they are better understood as illegitimate instances of argument types that are sometimes legitimate and sometimes not. Hence Kimball contrasts benign threats, which are

'likely to occur because of the patience, restraint, empathy, and concern for the other' of the threatener with malicious threats, which are 'likely to occur because of the narcissism and arrogance of the malicious threatener' (op. cit.). As we saw in the last section, the failure of virtue is not always solely that of the arguer; the respondent also has responsibilities which may not be adequately discharged. Illegitimate ad baculum arguments represent unjust $(2^-)(b)(i)$ and dishonourable $(3^-)(d)(i)$ behaviour by the arguer but also, should the argument succeed, a failure of intellectual courage $(1^-)(c)$ by the respondent. Conversely, for an appeal to force to be legitimate, these vices must be absent. That might seem a tall order, but there are circumstances in which making a threat may be a virtuous manoeuvre, notably in the context of negotiation rather than persuasion (Walton and Krabbe, 1995, 110).

Ad hominem is another fallacy that has already been analysed in terms of vice and virtue: I have argued elsewhere that a virtue theory of argumentation could provide a workable distinction between legitimate and illegitimate instances of ad hominem (Aberdein, 2014b, 89 ff.). So the ad hominem reasoning indicated on Table 3 is the illegitimate variety which corresponds naturally enough to unfairness in evaluating the arguments of others, $(2^-)(b)(ii)$, on Table 2. Of course, much more detail as to the nature of this unfairness is required; I have argued that it comprises the unfair appeal to features other than argumentational vice (Aberdein, 2014b, 89).

In some cases the virtues required of arguer and respondent are essentially the same. Thus for the avoidance of ad verecundiam both parties must be able to recognize reliable authority $(2)(c)$, and they must also be sufficiently thorough in properly checking their sources $(4)(c)(iii)$. In other cases, a vice common to arguer and respondent may account for only some instances of the fallacy. For example, ad populum always turns on undue respect for public opinion in the audience $(4^-)(a)$ and, in the paralogism case, this may also be the vice of the proponent. However, in sophistic cases of ad populum, such as demagogic oratory, the arguer may rather be consciously exploiting this vice in the audience without sharing it, thereby exhibiting a different vice, specifically contemptuous insincerity, $(3^-)(d)(iii)$.

Structural fallacies, such as affirming the consequent, begging the question, or denying the antecedent, exhibit similar vices. In Table 3, I have represented this as a lack of common sense $(3^+)(a)$, where common sense is understood as including a capacity for reliably performing simple logical inferences.[10] Fallacies of ambiguity, including amphiboly, equivocation, composition and division, require an insensitivity to detail $(2^-)(d)(i)$ by the respondent to succeed, and may originate in the same failing in the arguer. Hence these fallacies represent a subclassification of $(2^-)(d)(i)$ into some of the different sorts of detail to which a virtuous arguer should attend. However, as with ad populum and many other fallacies, not all indicated on Table 3, ambiguity may also be used as a sophism to deliberately confuse, an instance of insincerity, $(3^-)(d)(iii)$.

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[10]This capacity might better be characterized as a skill. However, performing any task without essential skills is itself a vice (Aberdein, 2010, 177). And arguing without elementary logical skills might well be understood as showing a lack of common sense. Understood in this way, the virtue of common sense plays a large role in a virtue theory of argument, effectively recapturing the central results of formal and informal logic. This detail of my account requires more substantial defence, which I must postpone to another occasion.

We saw in Section 3 that the distinction between sophisms and paralogisms must be one of token instances not of types. Nonetheless, some fallacies are characteristically presented as intentional sophistry. For example, biased statistics and complex question are often understood as wilfully deceitful. As such they are both failures of intellectual candour, $(3^-)$(b). They diverge in the shortcomings necessary in their respondents if they are to succeed: biased statistics will only persuade someone who is insufficiently open-minded in collecting and appraising evidence, $(2^-)$(b)(iii); complex question could mislead anyone not paying attention to detail, $(2^-)$(d)(i). Ignoratio elenchi arguments, including red herrings and straw men, are also characteristically stated as deceitful failures of intellectual candour, $(3^-)$(b), but they succeed by exploiting a naive respondent who concedes too much in the name of faith in reason, $(1^+)$(b), or fairness in evaluating the arguments of others, $(2^+)$(b)(ii). The respondent lacks the sense of proportion necessary for proper exercise of these virtues. However, as discussed in Section 3, each of these fallacies could also arise as a paralogism, in which the arguer is negligent but guileless. In the paralogism versions of these fallacies, the vices of the respondent in the sophism versions will be shared by the arguer.

Similar analyses may be offered for the remaining fallacies. For example, faulty analogy is the result of insufficient insight into problems, $(2^+)$(a)(ii) and the gambler's fallacy results from unwillingness to question the obvious, $(4^-)$(b): the fallacious gambler lacks the autonomy to see through an intuitive but false supposition about random sequences. So it would seem that all the members of Woods's 'Gang of Eighteen' can be accounted for in terms of argumentational vice. Of course, there are many more fallacies. But those in this selection are prominent and not chosen for their amenability to a virtue treatment. So their tractability demonstrates the wide applicability of a virtue approach and suggests that fallacy theory can be subsumed within a theory of argumentational vice.

What of the converse claim, that a theory of argumentational vice transcends fallacy theory? We may observe that some of the vices on Table 2 occur repeatedly on Table 3; others not at all. For example, none of the vices listed under $(4^+)$ and only one each from $(1^-)$, $(1^+)$, and $(3^+)$ are used. Of course, Woods's 'Gang of Eighteen' is only a small fraction of the complete inventory of fallacies and different choices could be made in identifying the vices that underlie its members. Nonetheless, this result is striking. It suggests three possible explanations: either the errors of reasoning that result from the 'missing' vices are insufficiently important to qualify as fallacies; or Woods's list is systematically incomplete—it betrays a (conscious or unconscious) bias against the fallacies corresponding to the 'missing' vices; or fallacy theory itself is incomplete, and ignores much pernicious argument. Deciding between the three goes beyond the scope of this paper, but there is some evidence for the third option in analyses of argumentational vices that traditional fallacy theory cannot accommodate (or accommodate well). For example, Michelle Ciurria and Khameiel Altamimi complain that traditional analyses of ad verecundiam do not 'help us identify when a person is devaluing a speaker's expertise, and thus illegitimately ascribing a fallacious interpretation to an appeal to that person's authority' (Ciurria and Altamimi, 2014, 445). They attempt to remedy this within the framework of the ad verecundiam fallacy. However, the inappropriate devaluing of expertise exhibits a distinct vice from that generally associated with ad verecundiam: not misidentification of authority

as reliable, $(2^+)$(c), but rather its dual, indifference to reliable authority, $(2^-)$(c). Hence Ciurria and Altamimi's account of ad verecundiam actually demonstrates a limitation of traditional fallacy theory which a virtue theoretic approach has the resources to address.

## 6. Conclusion

Closer attention to specific vices allows us to sharpen our understanding of the virtues of argumentation. This makes study of the vices an indispensable component of any virtue theory of argumentation. Fallacy theory is a valuable resource for such a study. However, we have seen that analysis of argumentational vice is not itself a species of fallacy theory. Rather, it provides an independently useful account of how arguments can fail. As such, it promises to throw new light on neglected themes and areas of bad practice overlooked by fallacy theory, to draw distinctions within over-broad fallacies, and to highlight congruences between traditionally distinct fallacies. All of these are exciting avenues for future research.

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