Critical faults and fallacies of questioning

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This study of fallacies, errors, faults, illicit attacks and blunders of questioning and replying to questions is illustrated with several challenging examples of tricky, argumentative questions drawn from parliamentary debates and other everyday cases of argumentation. Among the types of problematic questions analyzed are: the traditional so-called fallacy of many questions, illustrated by the famous `Have you stopped beating your spouse?'; black and white questions; terminologically loaded questions; and questions containing personal attacks. These and other types of problematic questions, as well as evasive replies, and replying to a question with a question, are studied. Critical errors of reasoning are identified and analyzed by developing context-based, normative models of reasonable dialogue in which a questioner must have freedom to ask informative and probing questions, and the respondent must be constrained to give reasonably direct, not overly evasive answers.

An underlying philosophy behind a new conception of fallacy is presented. A fallacy is characterized as a calculated tactic of deceptive argumentation used by one participant in a dialogue to `trip up' another participant. According to this conception, a fallacy is an argumentative technique, one which could be used rightly in other instances, but is misused in the given case as a tactic to subvert and hinder the rules of a reasonable dialogue.

The study of informal fallacies has had a long history of benign neglect, even though it has continuously maintained a place of some importance in the logic curriculum of the universities. Much of the conventional wisdom on the subject currently being taught in logic and critical thinking textbooks derives from the evolution of Aristotle's treatment of *sophistici elenchi* (sophistical

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refutations). An excellent history and survey of the subject is to be found in Hamblin (1970), and recent developments in the ongoing study of the fallacies are covered in Walton (1987). According to both Hamblin and the present author, the primary theoretical instrument for the study of fallacies as important types of errors of reasoning is the normative model of interactive dialogue with rules of procedure for questioning and answering. The idea that fallacies are violations of rules of collaborative dialogue derives from pragmatic theories of speech acts in argumentative discussions coming out of the work of Searle (1969), Grice (1975) and Van Eemeren and Grootendorst (1984). All of the fallacies are, more or less directly, related to questioning and replying speech acts in interactive dialogue, where two parties reason together.

However, a subset of the traditional fallacies are directly and explicitly related to questioning. As a set, questioning and replying fallacies are systematically analyzed in a more extensive work, Walton (1989). The present article surveys some highlights of this research, and presents some new cases for discussion.

The basic concept of the pragmatic study of question-reply argumentation is the *commitment-set* of a participant in dialogue.[1] This is a set of propositions attached to each participant in the dialogue, and moves (speech acts) in the dialogue add or delete propositions to or from this set, according to the commitment rules. The basic speech act is that of assertion in a persuasion dialogue. According to one common type of commitment rule, to say that a proposition is *asserted* by a participant at a particular move means that this proposition is added to his commitment-set at that move. A persuasion dialogue is one type of dialogue, but there are many other types of dialogue, like the inquiry, the quarrel, and the negotiation.[2] A critical discussion (Van Eemeren and Grootendorst 1984) is a type of persuasion dialogue where the goal is to resolve a conflict of opinions.

The goal of each participant in a persuasion dialogue is to prove his thesis (conclusion, point of view) by logical inferences from the commitments of the other party. In the simplest type of persuasion dialogue, there are two participants, usually called the *proponent* (or *asker)* and the *respondent* (or *opponent),* although more neutral, or symmetrical names may be Black and White.[3] The concept of the presupposition of a question is very important in persuasion dialogue. A *presupposition of a question is* defined as a proposition that the respondent becomes committed to in giving any direct answer to the question. The *respondent* here means the participant in dialogue to whom the question was posed.

1   Hamblin *(1970: 257),* and Harrah *(1980: 210).* During *1987-88,* the author colloborated with Erik Krabbe at the Netherlands Institute for Advanced Study in the Humanities and Social Sciences on a project entitled *Commitment in Dialogue.* A monograph is in progress.

2   Walton *(1989)* lists these types of dialogue.

3   See Van Eemeren and Grootendorst *(1984)* for these roles described.

The notion of burden of proof is also very important in persuasion dialogue. In a critical discussion (Van Eemeren and Grootendorst 1984), language users put forward their theses and make arrangements for their division of roles in the opening and confrontation stages. The concept of *burden of proof* as a kind of balancing device furnishes the practical possibility for a persuasion dialogue on a controversial subject to come to a definitive closure, with one side winning and the other side losing its case . [4] Burden of proof is a matter of degree. It can be relatively heavy or light. Each side in the persuasion dialogue has a burden of proof in relation to his global thesis to be established, in a complex dispute. In a simple dispute, one party has the burden of proving his thesis, while the other party has a *negative burden* of casting doubt on the first party's proof by asking critical questions. The pair of global theses in a complex dispute defines the *issue* of the dialogue (also sometimes called the *question).* But at a local level of dialogue, a participant also has a burden to prove any proposition he is committed to, at that stage, if the proposition is challenged or questioned by the other party.

In Walton (1984), it was shown how games of persuasion dialogue have win-loss rules, and therefore that the participants have certain types of strategies for trying to win out in an argumentative discussion. Many examples of questioning and answering strategies are presented in Reder (1987) and Walton (1989). However, strategies also require tactics. In this paper, the concept of fallacy will be linked to *argumentation tactics,* characteristic patterns of attacking and defending sequences of speech acts that function at the local level in a particular case of an argumentative discussion.

Interpreting argumentation tactics presupposes the identification of a *speech event,* or culturally recognized social activity in which language plays a role, e.g. teaching in a classroom, or participating in a church service (Levinson 1983: 279). Ideally, the speech event for studying fallacies should be one where the speakers are constrained by some rules or conventional norms that restrict their permissible moves, at least to some extent. The criminal trial is a good source of cases; for example, see Woodbury (1984). However, in this paper, the cases for study are drawn mainly from parliamentary debates in Question Period. In Question Period, the rules are relatively loose and non-technical. Yet they definitely rule out some kinds of questions. However, the rules are permissive enough to include some very interesting examples of argumentative questions that provide excellent case studies.

Of course, there are many types of argumentative dialogue, other than persuasion dialogue - see Mann (1988). For example, in political discussion, the context of dialogue may shift from a persuasion dialogue to a quarrel.

The quarrel is a type of dialogue where the aim of each participant is to `hit out' verbally at the other. The quarrel is a purely *contentious (eristic)* type of dialogue where the participants try to get the best of each other by any means,

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[4] Walton *(1988)* describes burden of proof.

fair or foul - it could be described as a kind of verbal fight to the death (Woods and Walton 1982: 2-6). Quarrels characteristically involve an atmosphere of high emotions, exaggerated claims and threats, where both participants have a truculent attitude. In a quarrel, unlike a critical discussion, there is no willingness of a participant to change his point of view, even when presented with highly convincing argumentation.

Quarrels are not always wholly useless. They can have a valuable cathartic function of releasing violent emotions by a means other than physical fighting. The quarrel provides a setting for the expression of powerful but deeply held-in feelings which would not have an appropriate context for release in normal conversation.

One has to be careful that there can often be a dialectical shift from a critical discussion to a quarrel, or from a debate to a quarrel. This type of shift to the quarrel is typically accompanied by the presence of the *argumentum ad hominem¸* the tactic of personal attack in argumentation. In political debates, for example, a careful critic of argumentation needs to be alert to detecting this type of dialectical shift. The shift itself is not necessarily fallacious, but it can signal the presence of a fallacy.

1. The fallacy of many questions

A *loaded question* is one where the respondent is not committed to the presupposition (or some part of the presupposition) of the question. In a stronger sense, a question may be said to be *loaded* where the respondent is committed to the opposite of the presupposition, or some part of it. To specify this latter sense, we may say that a question is *strongly loaded.* A *complex question is* a question containing a multiple presupposition, i.e., more than one commitment is involved. There is nothing wrong (erroneous, fallacious) *per se* with loaded or complex questions. There is even nothing (necessarily) wrong with a question that is both complex and loaded.

Case 1.0:
Are Frans and Rob both planning to be in Amsterdam during the last week of August and, if so, can all of us in the project arrange a research conference during that period?

This question, for example, could be both complex and loaded relative to a particular context of discussion, [5] but it is not one of a sort that would

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[5] At least, we can presume that it can be loaded, for the purposes of the example, without specifying further context of discussion. The concept of loaded question is not as entirely respondent-dependent as it may seem here, because what counts as a respondent's commitment has to be determined by the rules of discussion appropriate for a particular case. See Walton

normally be considered fallacious, or cited as an example of a fallacy of a logic textbook. Of course, there can be difficulties with complex questions - for example, when one bill in a legislative assembly is tacked onto another bill - but it does not follow that all complex, loaded questions are fallacious. In many instances, it is perfectly proper, and conducive to the goals of good dialogue, to ask loaded, complex questions.

The fallacy of many questions, also often called the fallacy of complex question, 6 is typified by the notorious spouse-beating question.

Case 1.1:

Have you stopped beating your spouse?

Why is this question thought to be a fallacy? The basic problem with it seems to be that whichever way the hapless respondent tries to give a direct answer - 'yes' or `no' - he or she concedes having beaten his or her spouse. This commitment is, of course, highly incriminating, and would, in some contexts of dialogue where the question in case 1.1 was used, put the respondent on the losing side of the dialogue, to be sure.

On the other hand, the reader should note that in other contexts, the question in case 1.1 could be a perfectly reasonable (non-fallacious) one to ask. Suppose, for example, that the context is that of a criminal trial where the respondent freely admits spouse-beating in the past. The cross-examining attorney's question in case 1.1 above could be non-objectionable, and the respondent might answer `yes' or `no' with no cause for complaint or objection about the question.

It seems then that it is somewhat inaccurate and misleading to say that the question in case 1.1 is a fallacy, or is a fallacious question. For it is not the question that is inherently fallacious per seAt is more accurate to say that a fallacy can arise where the question in case 1.1 is used in a particular context of dialogue in a problematic way that is open to criticism in relation to that context.

We could sum up our approach to the question in case 1.1 by saying that it is a question that can be used fallaciously in some instances and also non-fallaciously in other instances. When it is alleged that this type of question has been used fallaciously, there should be an obligation on the critic who has made this criticism to back it up by textual and contextual evidence concerning the goals, rules and procedures of a normative model of good dialogue appropriate as a pragmatic setting for the use of the question in the case at issue.

Even so, a general account of the typical kind of context and situation in which the question in case 1.1 has been used fallaciously can be given, showing how this question can function as an argumentation tactic.

Walton (1981) describes the historical-philosophical background.

When the question in case 1.1 is used fallaciously, it is generally because the proponent (the asker) is trying to use the question as a tactic to browbeat the respondent into admitting spouse-beating in lieu of doing a proper job of meeting the burden of proof required to establish that the respondent has in fact engaged in this practice at some time. The proponent's strategy is both to try to achieve closure of the dialogue by preventing the respondent from raising the appropriate critical questions in reply to the question of case 1.1, and at the same time to short-cut and alleviate the need to establish the presupposition of the spouse-beating question by asking the proper sequence of questions in the prior dialogue. The proponent has `balled up' a proper sequence of questioning into one coercive and pre-emptive single question which is really a kind of trap in the dialogue.

Analyzing the question in case 1.1 as a fallacy therefore involves the pragmatic task of reconstructing a normative model' of the proper sequence of questions and answers in a context of dialogue, and showing how the spouse-beating question is being used in a particular case to close off, pre-empt and distort the proper sequence as a tactic to defeat the respondent's side of the case unfairly.

Previous analyses of the fallacy of many questions have diagnosed it as an invalid kind of reasoning in erotetic logic. This semantic approach is outlined in Walton (1989: 42-48).

The fallacy is not a purely semantic failure, but a violation of rules of fair persuasion dialogue that should require a proponent to properly meet a burden of proof, and should allow a respondent to reply with appropriate critical questions. In effect the question in case 1.1 is like an assertion, in an important respect, because it is a yes-no (closed) question, and at the same time, has important presuppositions, or at least, presuppositions that would be highly significant in the context of dialogue where it would usually or normally be expected to occur as a speech act.

Scott Jacobs (1989: 34) has analyzed case studies of question-reply dialogue that are similar in interesting respects to case 1.1, as indirect speech acts used to get argumentation "on the floor" without explicitly putting the speech act forward as an argument. In these kinds of cases, according to Jacobs, the aggressive questioning, under the surface, really functions as a kind of assertion, for there is nothing open-ended or uncertain about the question. Jacobs (p. 34) writes of such questions: "Their question-like character comes only from their intonational contours". They are characteristic of indirect speech acts that have a discrepancy between their surface form and illocutionary force.

The spouse-beating question is not totally closed, like an assertion. But it is structured in a tricky way as an attacking tactic of argumentation so that the only options ostensibly left open for the respondent are replies that leave the

[7] **See Van Eemeren and Grootendorst** *(1984)* and *(1987).*

respondent open to subsequent defeat in the discussion. By answering either way, the respondent makes damaging concessions that leave him (or her) extremely vulnerable in the dialogue.

The presupposition appears to be safe. Indeed, it is a tautology of the form 'A or not-A' (Either you have stopped beating your spouse or not) at the semantic level. But there is a deeper pragmatic level of analysis at which the presupposition is far from safe. At this level, the incriminating proposition `You have beaten your spouse' is attributed to the respondent, no matter how he directly answers the question.

The essence of the fallaciousness of the spouse-beating question lies in an ambiguity of use (or misuse). Semantically, the question has the structure of an interrogative with a safe (tautologous) presupposition, but pragmatically the question is deployed in a context of dialogue in such a way that any attempt made by the respondent to answer it will be highly dangerous to the respondent's side of the dialogue. Hence the name of the fallacy is really a misnomer. It is not the multiple or complex nature of the question that is (in itself) fallacious. It is the use of this multiplicity, along with the loaded aspect of the question, and other factors, to pose an unduly aggressive and improperly warranted question in the context of a dialogue, that makes this type of question fallacious.

It is well to note again here that the spouse-beating question could be non-fallacious in the context of a trial where the respondent has freely conceded his spouse-beating activities in the past (Walton 1981: 309). In this context, for such a respondent, the question would not be loaded. As Woodbury (1984: 220) puts it, "Such a question is acceptable if there has been previous testimony that the witness beats his wife, but not otherwise". Hence, this question is not always a fallacy. It is its deployment in a particular context of dialogue that makes it fallacious (or rather, its misdeployment).

It is the coercive nature of the question that typically lies at the bottom of its fallaciousness. This question is rightly judged fallacious when it has been used by its asker as part of a systematic tactic of trying to defeat the respondent by trapping him in an untenable situation. Note that the criterion offered here is not the psychologistic one of the speaker's actual intentions. Rather, following Hamblin (1970), Van Eemeren and Grootendorst (1984) and Walton (1989), the speaker's commitment-set functions as a profile of his position or *persona* of beliefs. To see what the tactic amounts to, in a specific case, you have to reconstruct the prior and subsequent lines of dialogue. Instead of asking the prior questions, `Do you have a spouse?' and `Have you ever beaten her?', the questioner may be trying to pack in the presumption of affirmative answers. This way, in all lines of possible subsequent dialogue, the respondent is trapped into responses that entail loss of the game of dialogue for him.

It is because it is designed as an unfairly coercive tactic, to prevent the

respondent from giving a reply that fairly represents his point of view, that the spouse-beating question should be judged to be a fallacy. Or rather, the question is a fallacy when it is so used, and otherwise not.

   One might reply that this question is not inevitably fallacious, and is therefore not really the trap that calling it a `fallacy' makes it out to be, because you don't *have to* answer it directly. You could always reply to it with another question: `Do I have a spouse, and have I ever beaten that spouse in the past?' Or you could even reply more strongly, by rejecting the offending presuppositions. However, to call the question fallacious is not to require that the respondent has to fall into the trap of giving a direct answer. Rather, it is to say that the question is designed as a trap or trick, in a context of dialogue. And indeed, the best opposing strategy to deal with this type of fallacious question is to reply to it with a question, or with a repudiation of its presupposition.

2. The black and white question

   A special case arises when the semantic form of the question is disjunctive, and we get the *black and white question (fallacy of false dichotomous questions),* illustrated by this question which, according to Fischer (1970: 10) is the title of a work published by a professional historian:

Case 1.2:
Napoleon III: Enlightened statesman or protofascist?

This type of problem can also occur in non-interrogative speech acts, as the following case from Engel (1976: 72) illustrates. The case cited is Bertrand Russell's argument in the debate over `Better red than dead' in 1948.

Case 1.3:
Either we must have war against Russia before she has the atom bomb, or we will have to lie down and let them govern us.

One can easily appreciate why these questions are labelled black and white questions, but is it right to accept the presumption that such questions are fallacious?

   Once again, care should be taken to recognize that many claims that a question is fallacious should be more accurately paraphrased into a criticism that the question has been used inappropriately in a context of discussion.

   The question in case 1.2 was a book title, and book titles are often designed by the author to be provocative, in order to catch a potential reader's interest.

So interpreted, question 1.2 could be an indirect speech act which is not being used to simply convey the assertion that either Napoleon III was an enlightened statesman or a proto-fascist. What is really being conveyed, indirectly, by the title is the message, `This book is a discussion of the controversial issue centering around the two points of view expressed in the title'. The reader who is somewhat familiar with this controversy can presumably recognize that the author is purposely being provocative to convey the idea that the controversy is a lively and interesting dispute to read about.

In a suitable context of dialogue then, the question in case 1.2 need not be used fallaciously. Similar comments can be made about case 1.3. In retrospect, the advice offered in this , disjunctive assertion no doubt seems open to criticism as simplistic. But was the dichotomy posed so inappropriate to the historical issue that it should rightly be called fallacious? Answering this question requires a careful look at the evidence from the text and context of dialogue.

In these types of cases, it is not just the exclusive aspect of the disjunction that is fallacious in itself, and there are gradations in the seriousness of objections that can reasonably be made to disjunctive questions. The seriousness of the objection should depend on how appropriate the exclusive disjunction is to the subject-matter of the issue in the context of dialogue. The most common, and also often the most serious problem with dichotomous question fallacies is that they may embody a tactic in dialogue of trying to force a respondent into an unfairly restrictive choice of required answers.

The use of a dichotomous question as a tactic of attack in political debate is well illustrated by case 1.4 below, taken from *Hansard: Manitoba Legislature: Debates and Proceedings,* 31 (January 20), 1984, p. 5610.

Case 1.4:

Mr. Speaker: Question.

Mr. G. Filmon Mr. Speaker, my question for the Minister is: Is this 53 percent increase that he is proposing in Workers Compensation fees ...?

Mr. Speaker: Order please, order please.

Mr. G. Filmon: Mr. Speaker, is the massive increase in Workers Compensation fees that his department is considering at the moment necessitated by the new carpets and the redecorating that were done in the offices of the Workers Compensation Board, or the large increase in senior staff at high salaries, the high severance pay settlements that they had to make when they fired senior people in the Workers Compensation Board, or the additional perks and automobiles and so on that their senior staff are getting as a result of this government's initiative?

Hon. G. Lecuver: Mr. Sneaker. i n answer to that question. I suppose one

would be led to say, none of the above. Basically, I guess, Mr. Speaker, the truest answer or the closest answer I could give, that is, that the Compensation Board today is giving, under this government, better treatment to the workers than they ever did.

Mr. G. Filmon: Mr. Speaker, if all of these inappropriate payments and additional costs that were added as a result of this government's actions are not being paid for by the Workers Compensation fees, where are they being paid from?

Hon. G. Lecuyer: I have a two-part answer to that, Mr. Speaker. First of all, I would like to know what are the inappropriate costs the Leader of the Opposition is referring to. As far as the second part, we will be coming forth when we decide on an assessment rate, an appropriate assessment rate for 1984. We'll be making a statement to that effect and perhaps I could state, like the Leader of the Opposition, "sometime on a Friday morning we'll make a statement".

Mr. G. Filmon: Mr. Speaker, we're a little short for good answers across the way, so I'm sure that any answer sounds good in that group over there.

Here, the black and white question receives a reasonable rebuttal, followed however, by an evasive reply. Mr. Filmon, still on the attack, poses another loaded question. Clearly, Mr. Lecuyer is losing ground in these exchanges, and Mr. Filmon's aggressive tactics are working quite well to shift a burden of proof onto the government party, making them appear to be guilty of misconduct.

   Mr. Filmon's use of the term `inappropriate' to refer to government costs is an instance of the aggressive use of guilt-implying language that is so often characteristic of questioning tactics in political debate. In effect, the words are used as weapons. In this sort of hostile exchange, for example, one's own side may be referred to as `freedom fighters', while the opposition is described using a 'vituperative term like `terrorists'.

   In case 1.4, Mr. Lecuyer is alert enough to question Mr. Filmon's use of language. In the subsequent dialogue below (case 1.40) however, Mr. Filmon's attack is relentless.

Case 1.40:

Mr. G. Filmon: I'll repeat for him the inappropriate payments that I listed earlier: one was the expensive redecorating of the offices of the senior staff of the Workers Compensation Board; the second was the additional perquisites and other things that were added to the workers; the third was the settlements that they had to make for severance of staff who they have fired over there. Those are the inappropriate payments I was talking about. My question to the

Minister is when will he and his government stop adding additional payroll costs to employers, who are already overburdened by this government, and start looking for ways in which they can save the employer's money so they can add staff so that they can create employment and not kill employment in Manitoba as they are?

Hon. G. Lecuyer: I suppose that some of the improvements that the Leader of the Opposition is referring to have no (... inaudible ...) consulted before, when it came to striking the assessment rate, and this is the first time they ever were. We are consulting with them to try and arrive at the rate which is the fairest, which meets the cost, and yet gives the fairest treatment for the worker.

Mr. Filmon's final question is very much like the spouse-beating question in its structure and tactics, and even more complex. While it is not easy to say whether it should be called a fallacious question, until more is known about the specifics of the case, this use of the question shows how it can be the vehicle of a highly effective attack.

   Was Mr. Filmon's long question in case 1.4 fallacious? To properly address this question we have to consider the speech event of which case 1.4 is a part. The dialogue of case 1.4 occurred in the Question Period of the debate, where the opposition is allowed to ask reasonably short questions for the purpose of eliciting relevant information from the appropriate government representative, or for the purpose of pressing the government for action on an important matter. Mr. Filmon's question is ostensibly a request for information, but clearly it is an attack on the government for having done something `bad', and the method of attack is the black and white question.

   We do not in fact know whether the government was guilty of the acts attributed to them by the allegations made in Mr. Filmon's question. And so we are not really in a good position to show definitively that Mr. Filmon's use of the dichotomous question is fallacious in this instance or not. But we do not have to go that far to say something useful, of a critical nature, about case 1.4. It is enough for a respondent to know that he doesn't have to fall into the trap set by the question, and that he can reply by questioning the structure of the question.

   And indeed, that is exactly what Mr. Lecuyer did in his response in case 1.4. The problem for Mr. Lecuyer was that because he did not respond strongly enough, his reply would seem to acknowledge guilt in the eyes of the audience of the debate.

3. Shifting of presumptions in questions

Where a loaded and aggressive question is asked, and the respondent fails to

challenge the presumptions of the question strongly enough in reply, the respondent can lose ground in the argument. The reason is that a loaded question shifts a burden of proof onto the respondent to rebut the presumption, or otherwise the presumption stands. This type of problem has too often been erroneously identified with the fallacy of begging the question, in logic textbooks. However, the use of aggressively loaded questions is, in many instances, not a bad enough fault to be properly called `fallacious'. And the fallacy of begging the question is not properly a question-asking fallacy. „ It is the misuse of circular argumentation as a tactic to avoid fulfilment of the requirement of burden of proof, in a context of dialogue where such a requirement is appropriate. 9 Genuine cases of the fallacy of begging the question tend to be longer chains of argumentation which, although they often involve questions, require argument reconstruction and the filling in of missing or tacit premises. See Walton (1985a) and Walton (1989) for case studies of this sort, and the more extensive analysis in Walton (1991).

Most of the workaday critical problems of argumentation in dealing with questioning are not fallacious questions, but cases of questions that are unfairly one-sided or biased. These questions should be open to criticism and correction - in fact, they are often best replied to with questions - but they are not so bad that they should be totally refuted, or rejected as fallacious. This type of over-reaction would itself be a kind of fallacy. Also, such questions are best looked at carefully in their context of dialogue, rather than portrayed as `one-liners'. A good source of material is the Question Period in parliamentary debates.

In Commonwealth countries, a portion of time in parliamentary debate is set aside for the so-called Question Period, where the opposition is free to ask the governing party any relatively brief questions they may care to on topics of genuine interest or controversy. As one might expect, the questions asked are sometimes purposely quite aggressive, posing real problems for the respondent who wants to give an informative and reasonable reply. However, the government official (minister) is obliged to answer the question, or give a reason why it cannot be answered.

In many cases however, a loaded and complex question can be replete with presumptions phrased in a manner to be aggressively damaging to the respondent's position through the use of offensive terms to describe that position. This sort of tactic is a classic political strategy in the Oral Question Period, and a classic example of it is the question of Mr. Fernand Robichaud below from Hansard (Canada: House of Commons Debates, Vol. 128, November 16, 1984, p. 301).

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§   Hintikka (1987) appears to take a contrary viewpoint on this question.
9   Walton (1985a) and (1989) provide background, and Walton (199,1) provides an analysis of the fallacy of begging the question.

Case 2.0:   [Translation]

NATIONAL PARKS

EMPLOYMENT AT KOUCHIBOUGUAC NATIONAL PARK, N. B.

Mr. Fernand Robichaud (Westmorland-Kent): Mr. Speaker, my question is directed to the Minister responsible for national parks and concerns employment in New Brunswick's Kouchibouguac national park during the summer of 1985. This past summer, 230 people were employed in the park. According to some press reports, the Kouchibouguac national park operating budget will be cut down considerably, to the extent that employment in 1985 will be reduced by some 100 person-years. Since the policy of this government is to eliminate jobs, can the Minister confirm the bad news and explain in unequivocal terms why my constituents are the target of such savage and unacceptable cut-backs?

Hon. Suzanne Blais-Grenier (Minister of the Environment):   Mr. Speaker, it is true that the Department of Environment is reducing person-years. I want to say to my colleague that nobody has yet been sent a dismissal notice and we will do our best to ease the situation, help retrain employees who can be given other duties and proceed as humanely as possible.

   It stands to reason that cuts hurt everybody and it is obvious as well that the cutbacks made by my department will be spread throughout Canada; we are talking about 305 fewer person-years out of a total public service work force in excess of 10,000 people.

The antecedent of Mr. Robichaud's question is based on the assumption (using the word `since' to indicate that the assumption holds) that the policy of the Government is to eliminate jobs. This presumption is so politically unacceptable for any respondent to accept in current politics that it is almost offensive to current standards of political decency to build it into a question. At any rate, having packed this antecedent presumption into his conditional question, Mr. Robichaud then poses two parts of a conjunction as the consequent. The one part asks the minister to `confirm the bad news'. The other asks for an explanation of what are described as the `savage and unacceptable cutbacks' used to `target' the questioner's constituents. Here then is a conjunction within a conjunction: the cutbacks are both. `savage' and ‚unacceptable'. So this is a complex and aggressive question, where each part is filled with heavily loaded presumptions that define the respondent's position in negative language inimical to her side of the argument.

   In face of such a heavy assault deployed in the question, the answerer appears to give a limp and inoffensive reply. Without denying any of the drastic accusations implicit in the question, she merely concedes that her Department is reducing 'person-years', and trying to proceed humanely in

doing so. She does concede that `cuts hurt everybody', but by not replying to the accusations in the question by rebutting its presuppositions that the cuts are `savage and unacceptable' and so forth, the answerer in this case may be damaging her party's credibility. For by not challenging the presuppositions of the question, she in effect concedes that these presumptions could possibly by justified. By not denying them, she appears to go along with the presumption that these presuppositions can be allowed to stand.

Presumption is a kind of speech act where one party (the proponent) puts forward an assumption, requesting that the other party (the respondent) should concede it. Conventions of politeness require that the respondent should accept the presumption unless she can present sufficient evidence to rebut it. Thus presumptions are defeasible (rebuttable) - they do not require evidence to be presented, in order to be accepted, but they do require withdrawal should evidence to the contrary arise in subsequent discussion. Presumptions are inherently temporary and tentative - they hold provisionally in a dialogue, either to the end of the discussion (unless refuted) or to some agreed-upon point. Presumptions are inherently pragmatic - their function is to facilitate action, and in particular very often, to permit the continuance of a discussion even though sufficient knowledge is lacking to conclusively confirm or refute a supposition.

Presumption is strongly influenced by burden of proof in a dialogue. *Burden of proof is* an allocation of weight of argumentation, ideally set at the confrontation stage of a dialogue, which sets the requirement for a participant to successfully prove his thesis in the dialogue. Burden of proof is a species of *obligation* in dialogue, meaning the task of fulfilling your goal as a participant in a dialogue.

One tricky thing about questions is that although they may seem harmless, they can be used very effectively to create presumptions that appear to shift a burden of proof.

This case shows how questioning is typically used in political argumentation as a tactic to try to get the best of the opposition by shifting presumptions, often with a good deal of success. In most cases, these questions are not fallacious.   The problem is more subtle than that. The question is not outrageous, or obviously wrong. Such questions are more likely to be loaded and complex questions that are highly argumentative. Therefore, the respondent who does not have the critical skills to deal with them adequately will be put on the defensive, losing ground in the dialogue. The respondent typically cannot (and should not) give a direct answer to the question. Instead, he should question the presuppositions of the question that are inappropriate, restructuring the question to permit the giving of as helpful an answer as the situation permits.

The context of dialogue in these cases is somewhat subtle - see section 5 below. The responsible minister for the area of the question is obliged to give

an oral answer to the question immediately in the Open Question Period, and the proceeding is televised. Hence, as one might well imagine, both questions and replies are often less informative than argumentative. *Hansard,* the written record of the debates, is therefore an excellent source of relatively short and self-contained argumentative question-reply exchanges for the student of questionable questioning tactics.

   The critical evaluation of these questions requires a pragmatic and dialectical point of view. You have to look at the reply in relation to the question, and look at this pair of speech acts in relation to the larger context of dialogue. A critic needs to pay close attention to the global burden of proof in the dialogue, in relation to the presumptions in the local segment given in the text of discourse of the case study.

4.   Judging the answer in relation to the question

There is always a strong temptation to condemn any reply that does not give a direct answer to a question as a reply that commits a fallacy of irrelevance (evading the question). But we have already shown that, in some cases, a non-answer that questions the question is actually the best and most reasonable type of reply. Hence judgment is needed in evaluating these cases.

   The case below occurred in *Hansard (Canada: House of Commons Debates,* June 10, 1982, p. 18304). The topic was the government's position on unemployment.

Case 3.0:

Hon. Flora MacDonald (Kingston and the Islands):   Madam Speaker, my question is also directed to the Minister of Finance. I would like to say to him that his policies are directly responsible for the fact that 1,185 more Canadians are without jobs every single day, 1,185 more Canadians with families to feed and mortgages to pay. How long is the minister prepared to condemn 1,200 more Canadians every day to job loss and insecurity because he is too stubborn and too uncaring to change his policies?

Hon. Allan J. MacEachen (Deputy Prime Minister and Minister of Finance):   Madam Speaker, I do not accept for one moment the statement in the hon. member's question that the policies of the government are responsible for the recession which is taking place, not only in Canada but also in every industrialized country in the world. I am surprised that the hon. member, considering her experience, would make such a foolish statement in the House of Commons.

Miss MacDonald   The Minister's answer is appalling.

Any direct answer to this question could only consist of a statement of a length of time. However, the question has multiple presuppositions: (1) the minister has condemned and is condemning 1,200 Canadians every day to job loss and insecurity, (2) the minister is too stubborn and uncaring to change his policies, and (3) unemployment is due to the minister's policies. Mr. MacEachen replies by denying the claim presupposed in the question that his policies are responsible for the unemployment. He proposes instead that there is a world recession that has affected the economies of all industrialized countries.

Now Mr. MacEachen did provide a response to the question, but it is clear that he did not give a direct answer. As one would have expected, he has tried to defuse or rebut the accusation made by the question. In effect then, he rebutted or challenged the presuppositions of the question, instead of answering it.

Was his reply unreasonably evasive, or was it a reasonable reply, given the aggressiveness and loaded aspects of the question? To evaluate the dialogue, we might look at the question first. It is similar to the question, `How long are you prepared to continue beating your spouse?'. In other words, it is a trap question, designed to get the answerer to commit himself to something prejudicial. The answer should be evaluated in that light. If it is not a direct answer, that in itself does not mean that it is an unreasonable, incorrect, or irrelevant reply.

On the other hand, we are generally not willing to let an answerer be too evasive. And what is quite likely to happen if the questioner feels that an answerer is being too evasive is that the questioner will demand the answerer stop being so evasive, and answer the question. And very often, we do feel that this type of demand is reasonable.

It will be interesting here to consider another example of parliamentary debate from Question Period that occurred two years after the one above. In this case, the shoe is on the other foot. The Conservative party is now the government, and Miss MacDonald is now in the position of being called on to answer for the government, instead of being the questioner, as before. Case 3.1 below occurred in *Hansard (Canada: House of Commons Debates,* November 20, 1984, p. 412). The topic of this debate was unemployment insurance and, in particular, employment of extra officials.

Case 3.1:

Mr. **George Baker** (Gander-Twillingate):   Mr. Speaker, my question is directed to the Minister of Employment and Immigration. The Minister has announced that $ 200 million will be saved through intensified interviews with unemployment insurance recipients. Since the average UIC payment in Canada is $155.88 per week, and since the average period for drawing

unemployment insurance benefits is 26 weeks, then in order to save $ 200 million the Minister would have to knock 50,000 people off the the UIC rolls. How many extra staff members will the Minister's Department hire to persecute, prosecute, or prevent these 50,000 people from drawing unemployment insurance?

Hon. Flora MacDonald (Minister of Employment and Immigration): Mr. Speaker, contrary to what the Hon. Member thinks, the objective of claimant interviews is to ensure that we are doing everything that we possibly can to help people find jobs.

Some Hon. Members: Hear, hear!

Miss MacDonald: I would like to give an example of this to the Hon. Member. Just the other day the President of the Canadian Federation of Independent Business said that there were 170,000 jobs that were going unfilled. We want to find out where those jobs are, and we want to match them to those people who are unemployed so that they will be put back to work again. This will reduce the amount of money that is being paid out of the unemployment insurance fund.

Mr. Baker: Mr. Speaker, the Minister did not answer my question. I wanted to know the number of people who would'make up `Flora's heroes'.

Case 3.0 was a `How long?' question. Case 3.1 features a `How many?' question. And it is just as loaded as the last question, the one asked by Miss MacDonald. Mr. Baker's question includes the following notable presuppositions: (a) that Miss MacDonald's Department will hire extra staff members to knock 50,000 people off the unemployment insurance rolls, (b) that these staff members will persecute these unemployed people, (c) that these staff members will prosecute these unemployed people, and (d) that these staff members will prevent these 50,000 unemployed people from drawing unemployment insurance.

How does Miss MacDonald reply to this complex, loaded, and aggressive question? She replies by denying the questioner's presumption that the purpose of the additional interviews is to `knock 50,000 people' off unemployment insurance. She replies that the purpose of these interviews is to help these people to find jobs.

This response is, of course, not a direct answer, or even an answer to the question. It is a reply that rebuts a main presupposition of the question, instead of answering it. Miss MacDonald then follows up by giving an example to back up her contention made in her reply.

However, in this instance, the questioner is not satisfied. He retorts that Miss MacDonald did not answer his question. He insists that he still wants an answer to his `How many?' question. He even adds a sarcastic edge to his

question by referring to a group of persons as `Flora's heroes', where presumably this phrase is an ironic way of referring to the new staff members that will be hired to `persecute' those drawing unemployment insurance.

In this sequence of dialogue, we see the following pattern of question and response.

COMPLEX, AGGRESSIVE LOADED QUESTION	REPLY INSTEAD OF ANSWER TAKEN AS EVASIVE	ATTEMPT TO FORCE DIRECT ANSWER

Fig. 1.

The first dialogue showed us that it is acceptable for an answerer to rebut a presupposition instead of answering the question. But the second dialogue showed that it may still be acceptable for the questioner to try to force the other party to give a direct answer, even after the rebuttal. So our problem for reasonable dialogue is posed. What degree of latitude should the answerer be permitted to avoid answering the question, especially if the question itself is not altogether a fair or reasonable one to require a direct answer to? To evaluate this question in relation to a particular case of dialogue, we have to judge the answer in relation to the question. If the question is loaded and complex, an aggressive attempt to pre-empt the answerer's reasonable range of replies, then the answerer may not be guilty of a fallacious evasion if he does not answer the question. Sometimes, in other words, the reasonable reply is not to answer the question. For any direct answer to some questions would automatically cause the answerer to lose the argument without being fairly able to defend his side of it. Therefore, not every refusal to give a direct answer is fallacious or objectionable.

On the other hand, if the question is reasonable, it may be quite reasonable to criticize the answerer for failing to answer it by trying to quibble, or change the subject. Clearly, much depends on the nature of the question itself. Questions that are complex and loaded, like the spouse-beating question, must always be handled with care. Giving a direct answer may not be the reasonable response.

5. Use of questions for personal attack

Questions are often used as effective vehicles to advance the *argumentum ad hominem,* or argument against the person. This type of argumentation is known traditionally as a fallacy. [10] Although it is not always fallacious, or even erroneous or inappropriate, it can certainly be used as an illicit tactic of

10 Brinton (1985) and Walton (1985b) outline the argumentum ad hominem.

argumentation, with powerful effect. The so-called `abusive' or purely personal *ad hominem* argument questions an arguer's moral character, or (in particular, often) his character for veracity (Brinton 1985 and Walton 1985b). The circumstantial *ad hominem* argument cites a pragmatic inconsistency between a speaker's argument (what he says, or advocates) and his personal circumstances, i.e., his actions, previous commitments, or situation (ibid.). The two variants are connected, because the allegation of pragmatic inconsistency may be used to impugn a speaker's integrity. Charges of hypocrisy are often made, for example. The classic case (Whately 1836: 196) is called the *Sportsman's Rejoinder,* paraphrased below:

Case 4.1:
A hunter accused of barbarity for his sacrifice of innocent animals for his own amusement or sport in hunting replies to his critic: `Why do you feed on the flesh of harmless cattle?'

Here, the hunter tries to refute the critic by referring to the critic's own special circumstances (being a meat-eater).

There is a good deal to say about this case. For one thing, the question could be analyzed as an indirect assertive. But one of the most important things to be said is that the parallel, alleged by the hunter between his own actions and that of the critic, fails. As DeMorgan (1847: 265) neatly put it: "The parallel will not exist until, for the person who eats meat, we substitute one who turns butcher for amusement". This shortcoming involves a species of *ad hominem* fallacy: the critic is not inconsistent, or not as close to inconsistency in what he practises *versus* what he preaches, as the hunter's rejoinder appears to imply. There is a logical gap between conceding eating meat and conceding barbarity for sacrifice of innocent animals for amusement.

The hunter is trying to shift the burden of proof in his question in case 4.1. Because his attack is in the form of a question, however, perhaps it should not be judged to contain a fallacious *argumentum ad hominem* as it stands. Nevertheless, the question is highly argumentative, and the argument it contains should be judged weak, precisely because of the failure to show a pragmatic inconsistency. The failure of parallel cited by DeMorgan exposes the weakness of the argument. Certainly then, the question exhibits an interesting failure of argumentation that is on the edge of being fallacious. We return to this distinction between a weak argument and a fallacious argument in section 6 below.

Packing an allegation of pragmatic inconsistency into a question is a form of *ad hominem* attack that gives a sharp edge to questioning. This type of question is a kind of trap or no-win situation, similar to the spouse-beating

and black and white questioning tactics. The dialogue in case 4.2 below from *Hansard (Canada: House of Commons Debates,* April 11, 1986, p. 12132) illustrates how it is used in political argumentation.

Case 4.2:

FIREARMS
IMPORTATION TO CANADA

Ms. Sheila Copps (Hamilton East): Mr. Speaker, my question is directed to the Prime Minister. Given his stated concerns this morning about increasing terrorism, and given recent moves in the United States to relax its gun control laws, could he tell us why, in his Government's Budget, he made it cheaper to import rifles and shotguns into Canada?

Hon. Barbara McDougall (Minister of State (Finance)): Mr. Speaker, this had to do with a Tariff Board ruling on sportsmen's rifles. It was a regulatory change which was made before, and this was brought into line with other regulations.

GOVERNMENT POLICY

Ms. Sheila Copps (Hamilton East): Mr. Speaker, my supplementary question is directed to the Prime Minister. Is he not concerned about the kind of signal which this sends out? On the one hand he is expressing concern about increasing terrorism. On the other hand his Government is making it cheaper to bring high-powered shotguns and rifles into the country. Does he not think this sends out a mixed message to Canadians?

Hon. Barbara McDougall (Minister of State (Finance)): Mr. Speaker, I think it is a little unfair to deal with Canadian sportsmen in the same breath as dealing with terrorism.

Case 4.2 is similar to case 4.1 in that the connection between the action and the speech act cited is not very substantial in relation to proving pragmatic inconsistency. Ms. McDougall's reply, in effect, makes this point. Her reply accords the question the degree of seriousness it deserves.

Case 4.2 is also a personal attack, and it can also be analyzed as an indirect assertive, like case 4.1.

The device of using the circumstantial *ad hominem* as a way of giving a dramatic edge to a question can become an addictive habit with some people. While it is an effective tactic if used sparingly, and when appropriate, this type of questioning loses its edge when over-used. A week later, we find the same questioner using the same tactic in *Hansard (Canada: House of Commons Debates,* April 17, 1986, p. 12373).

Case 4.3:

ROLE OF MINISTER OF JUSTICE

Ms. Sheila Copps (Hamilton East):   Mr. Speaker, the Minister responsible says that an examination has begun. I was told by Canada Post this morning that the material is all right because it is not pornography, but only an ad for pornography. What kind of signal does this send out when, on the one hand, the Minister of Justice is talking about stopping the spread of pornographic material and, on the other hand, Canada Post is aiding and abetting the spread of this kind of garbage?

Hon. John C. Crosbie (Minister of Justice and Attorney General of Canada):   Mr. Speaker, the Minister responsible for the Status of Women has already brought this complaint to my attention.

Ms. Copps   Why has nothing been done?

Mr. Crosbie: I do not know how the Hon. Member got on this list as well. We are checking this with Canada Post. In addition, Mr. Speaker, we will be introducing suggested legislation to deal with the problem of pornography in general in the next few weeks.

In response to the *ad hominem* attack, Mr. Crosbie replied in kind by suggesting that Ms. Copps may have herself been receiving pornographic materials in the mail. Although intended as humor of a sort, the reply does illustrate that it is not uncommon to use an *argumentum ad hominem* as a reply to an *ad hominem* question. The danger in such cases is a shift of dialectical context from a debate to a personal quarrel.

6. The context of dialogue

In evaluating question-answer dialogue in realistic cases like political debates, much depends on what we take the purpose of the dialogue to be. This means identifying the speech event that is Question Period. In the rules for parliamentary exchanges in Canada (Beauchesne), [11] certain requirements are stated. The purposes of Question Period are twofold: to allow the opposition to seek out information from government members on the issues of the day, and to allow the opposition to press for action on things that should be done. Long questions, and unduly argumentative questions are specifically excluded. However, it is up to the Speaker of the House to interpret and enforce these

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[11]   The expression `Beauchesne' refers to: Beauchesne's Parliamentary Rules, Alistair Fraser, G.A. Birch and W.F. Dawson, Toronto: The Carswell Co. Ltd., 1978 (5th ed.). This book gives the rules of parliamentary debate in Canada and is commonly referred to as Beauchesne.

rules. This is not easily done however, for the questioners and respondents often give in to the temptation to 'speechify', especially when they know that dramatic exchanges may be televised in the evening news.

Question Period, as an example of dialogue, can only be fairly evaluated once we determine what the purpose or objectives of the dialogue are, or should be.[12] It may seem that the purpose of Question Period is to provide information on government policies and political developments. However, the participants may not see it that way. The opposition may see Question Period as a unique opportunity to discredit the governing party in front of a mass public audience, and to make its own position popular. If the governing party takes a similar win-at-all costs adversarial attitude, then the purpose of dialogue has become the waging of political warfare. So construed, the goal of the dialogue is to beat down and discredit the opposition, even if that means committing fallacies and appealing to emotion rather than to logical arguments. However, there is good dialogue and worse dialogue, to be sure. There can be a gap in practice between what Question Period should be, ideally, and what Question Period is taken to be by the participants.

In short then, before an answer is criticized or condemned as fallacious, one ought to look carefully at the question it was supposed to answer. One should judge any question or answer as part of the context of dialogue in which it has occurred. In political debates, like Question Period, the rules of dialogue are highly permissive, and allow virtually any exchanges short of name-calling or other directly abusive allegations. This is because political debates in legislatures and congresses are meant to be openly adversarial in nature. The idea seems to be that in democratic institutions, there is an expectation that useful knowledge will come out if the debate is allowed to be relatively free and unregulated. However, this faith that informative arguments and insights will tend to come out in free debate may be overly optimistic, given that adversarial debaters so often deploy fallacious arguments like the *ad hominem* and loaded multiple presuppositions in question-asking so effectively. Unfortunately, they are often quite successful in using these tactics to choke off reasoned dialogue and get the best of the other party in the argument. Party politics creates strong pressures to win.

In reasonable dialogue, a questioner must have the freedom to ask informed and probing questions, and the answerer must be constrained to give reasonably direct answers and not be overly evasive. But the specific context and objectives of the dialogue must determine how liberal or constricting the rules of asking and answering questions should be. It is not hard to see that political debates too often fall short of this ideal model of fair and reasonable dialogue. Nevertheless, truly reasonable dialogue should have normative rules that reflect, the logical ideal that questions and answers should be informative,

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[12]   See Goffman (1981) where the multi-functional nature of argumentative discourse is explicated.

and not overly evasive or aggressive. It is for this reason that a responsible participant must constantly be alert to criticizing specious tactics of questioning whenever these logical lapses can be pinned down, identified, or criticized, in a context of dialogue.

The use of case studies of texts of discourse set out in a context of dialogue, like the last three cases above, is a preferred method over the use of the brief (one-liner) `howlers' so often used by the texts as examples.

In recent years a significant shift in the theory and methods used to study question-asking fallacies can be observed. The earlier semantically based theories of Agvist (1965), Hintikka (1976), and Belnap and Steel (1976), have given way to the pragmatic methods of Barth and Krabbe (1982), Van Eemeren and Grootendorst (1984), and Krabbe (1985), that see logical reasoning in a rule-governed context of interactive dialogue.[13] It is a shift from a monolectical logic of propositions, truth-values, quantifiers, etc., to a dialectical logic of assertion, questioning, commitment, challenge, and burden of proof. In the author's view, both types of methods are needed. But in the purely semantic framework which dominated logic for so long, the study of fallacies remained peripheral. It languished as an incidental, non-serious, and non-methodical branch of logic. With the advent of the pragmatic approach to the evaluation of argumentation however, the systematic study of fallacies at last has a theory that can do the subject justice. Informal logic is beginning to flourish in this more healthy atmosphere, as a practical discipline to support the application of normative, pragmatic models of dialogue to case studies of argumentative discussion.

7. Rules and obligations in dialogues

A problem with the Hamblin formal Dame of question-answer dialogue (H) is that the respondent is given *carte blanche* to reply `No commitment' to any question that asks for his commitment (Hamblin 1970: 265-270). In effect, a respondent can always `filibuster' by never granting requests for commitment, thereby hindering the discussion from fulfilling the purpose of the game. Such a player would never lose the game, and the other player could never win.

The games **CAVE** and **CAVE+** in Walton (1989:296-301) address this problem by the technical device of dividing the commitment-sets of both players into two sides - a dark side and a light side. The light side represents the explicit commitments of a player - commitments a player and his opponent can clearly see or definitely know as being in that set. The dark side represents the set of commitments that exist in a player's commitment-set, but are not definitely seen or known to be commitments of that player (by either party).

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[13] The history and evolution of the logic of questions as a subject is comprehensively outlined in Harrah *(1984).*

The sixth commitment rule of **CAVE** is stated as follows (Walton 1989: 298): if a player moves `No commitment **A**' (for some queried propositions **A**), and **A** is on the dark side of his commitment set, then **A** is immediately transferred to the light side. In **CAVE** (and **CAVE** +), it is not so easy to avoid commitment in reply to questions as it was in (**H**).

How would one deal with the spouse-beating question and the other tricky questioning attacks posed in the case studies above in a formalistic game of question-reply dialogue like **CAVE** or CAVE + ?

The usual approach is to try to add some rules to the game in order to contend with these types of questions. As noted in Walton (1989: 316-320)   , there are three kinds of rules of this sort representing various plausible approaches.

The first approach is to formulate a rule like (**Ql**) below that eliminates the asking of all loaded questions.

(**Q1**)
A question may not be asked unless every presupposition of the question is a commitment of the respondent.

The problem with this rule is that it severely restricts the questioner's ability to ask probing and controversial questions where the questioner does not already know in advance that the respondent is committed to all of the presuppositions of the question. This can be a severe limitation in many kinds of dialogue, and especially in critical discussions. Of course, the question can proceed by breaking each complex question down into smaller questions, but such a process could be inhibiting and tedious in some cases. Another problem is whether dark side commitments should be allowed to count in rule (**Ql**) or not.

An alternative approach is to waive (**Q1**), giving the questioner more freedom, and impose a rule that would restrict the respondent, like rule (**Al**) below.

(**Al**)
A respondent does not have to answer a question if he is not committed to any one or more of the presuppositions of the question.

Some would say that (**Al**) does not go far enough, and that a positive burden to challenge overly aggressive questions should be placed on the respondent, by adopting a rule like (**A2**) below.

(**A2**)
A respondent who is not committed to any presupposition of a question is obliged to question that presupposition.

Rule (**Al**) seems to be reasonable enough generally, but it does not contend with the problem - common, in many of the cases above - that not replying to a question at all can imply evasiveness, guilt, impoliteness, or other damaging consequences for the respondent's side. However, rule (**A2**), while often appropriate, may in some cases require a fractiousness that might be too tedious and literal-minded for smooth dialogue.

   After discussing the advantages and disadvantages of these rules, it is concluded in Walton (1989: 350-351) that precise and explicit rules like the three mentioned above do not cover all situations and all types of dialogue equally well. As a more general formula for dealing with fallacies and other abuses of questioning and answering, two sets of conditional obligations are formulated.

Obligations on the questioner

(1) To. ask relevant questions. This obligation means asking questions that come within the range of topics set by the agenda or by the issues to be discussed.
(2) To ask questions in an order that corresponds to a logical order of priority for responding.
(3) To ask probing questions that move the dialogue along and help to bring the respondent's underlying position to light.
(4) To ask questions that are not too complex for the context of dialogue. Complex questions are not always bad, but a questioner should not make a question more complex than is necessary.
(5) To refrain from asking questions that are overly aggressive, e.g. that engage in unwarranted personal attacks.

Obligations on the respondent

(1) To give a direct answer if possible. This obligation is conditional on the presumptions that the question is reasonable, appropriate, and directly answerable.
(2) To give reasons, if the respondent cannot reasonably give a direct answer to a question.
(3) To give relevant answers. If a direct answer is not given, it may still be possible to give a relevant reply or answer to the question.
(4) To correct questions where it is useful to do so, or even to rebut questioning that is unduly aggressive.

These obligations apply, in different permutations and combinations, to many kinds of dialogue. They are especially important in a critical discussion. They give the reader a general idea of the kinds of obligations that are important in

question-reply argumentation. Fallacies and other violations of rules of
reasonable discussion can often be analyzed as sophistical attempts to subvert
or hinder one or more of these rules in order to get the best of an opponent in
argumentation.

8. The nature of fallacies

As Hamblin (1970: 12) noted, most accounts since Aristotle have defined a
fallacy as an argument that seems valid, but is not. This definition is no longer
adequate. Three reasons can be cited.

   First, as our study of the fallacy of many questions has indicated, not every
fallacy is a fallacious argument. Evidently, questions can be fallacious. True,
these are argumentative questions - but they are questions, rather than
arguments *per se*.

   Second, deductive invalidity is of the only, or even the typical type of
argument failure that is a sign of a fallacy. The form of argument `**A**,
therefore **A**' is deductively valid, for example, yet arguments of this form
often commit the fallacy of begging the question. The study of fallacies clearly
needs to cleave less rigidly to semantic conceptions of argument, and move
more towards the pragmatic. Accordingly, Van Eemeren and Grootendorst
(1984: 189) define *fallacy* as: "[a]nyviolation of any of the rules of the code of
conduct for rational discussants by whichever party at whichever stage of the
discussion ...". This shift towards the pragmatic has provided a much more
promising basis for serious research to go ahead on the fallacies.

   Third, the psychological requirement of seeming-validity is not useful in
defining the concept of fallacy. Whether an argument seems valid to any
particular individual or group at any particular time may be interesting for
psychologists or sociologists to study, but it is no criterion of whether the
argument is fallacious or correct.

   Even so, there is an element in the idea of seeming validity worth preserv-
ing. A fallacy is a characteristic type of argumentation tactic that can be used
effectively by one participant in a context of dialogue to unfairly get the best
of another participant. Thus fallacies are violations of rules of reasonable
dialogue. But some violations of rules of reasonable dialogue are merely
blunders, or other kinds of errors ‐ not fallacies. A fallacy is a particularly
serious kind of rule-violation. It is a systematic tactic of deception in
argumentation that fails, and is open to serious criticism, because it is a
systematic type of tactic used illicitly or unfairly to subvert goals of reasoned
dialogue, and thereby to try to get the best of an opponent deceptively.

   But the idea that a fallacy is a clever tactic of contentious argumentation, a
deceitful tactic that can be used to unfairly get the best of someone in a
reasoned discussion is an excellent one that can be clearly modelled in

normative-pragmatic models of dialogue. Every type of dialogue has a goal, and there are rules or procedures for fulfilling the goal. Sometimes the goal is not easy to realize, however, especially in a contestive type of dialogue like a critical discussion, where one party succeeds if and only if the other party fails. Strategies are needed, and also, argumentation tactics for adapting these general strategies to the particulars of a given situation and respondent. Tactics are routine ways of arguing that have generally proven to be successful in particular types of situations that arise in argumentative discussions. But they can be used fairly, to promote goals of reasoned discussion, or unfairly, to subvert or hinder these goals in a tricky way.

The underlying philosophy behind this new conception of fallacy is that a fallacy is a particularly serious kind of breach of the rules of reasonable dialogue. To say that someone `committed a fallacy' or that his argument or other speech act is `fallacious', are quite severe (almost impolite) forms of criticism which demand a vigorous reply. This kind of strong refutational criticism is quite different from milder criticisms, like saying that an argument is weak, or unsupported, or that some of its assumptions are open to critical questioning.

To understand an alleged fallacy as a fallacy, we have to be able to pinpoint it as an instance of a characteristic sequence of moves in a context of dialogue, a sequence that is being used (or misused) in a way that reveals it to be a certain type of argumentation tactic, used badly or erroneously to win despite the rules.

One longstanding problem is that many of the examples of traditional fallacies cited in the logic textbooks are arguments or argumentation tactics that are not necessarily fallacious as presented. They are kinds of argumentation that could be quite reasonable, as used in some contexts of dialogue, even though they could be justifiably called fallacious or erroneous in other contexts of dialogue. The problem, in the past, at any rate, has been that typically, not enough context of dialogue was given in the text of argument, as presented, to enable a critic to have enough evidence to back up his classification convincingly, one way or the other.

One case in point is the *argumentum ad hominem*. Quite clearly, personal attack is often used as a major argumentation tactic for sophistical trickery by dragging a discussion down to the level of a quarrel in order to evade a burden of proof or conceal a weak argument. However, some kinds of personal attack, in the appropriate context of discussion, can be legitimate arguments for questioning an arguer's sincerity, objectivity, or commitment to truth and good reasoning. For example, if an arguer shows real evidence of personal bias, or of inconsistency in his personal commitments on an issue of discussion, it can be quite a legitimate kind of criticism to point this out and to use it as a rebuttal of his argumentation on the issue.

Another case in point is the so-called fallacy of many questions traditionally exemplified by case 1.1 in the texts.

9. Conditional nature of criticisms of argumentation

The fallaciousness of the fallacy of many questions and the fallacy of false dichotomous questions can sometimes be documented and proved, as they apply in particular cases, by reconstructing the prior and posterior sequences of dialogue that justify the claim that these tactics have been used as devices to violate rules of a dialogue. But one always has to look closely at the text, and context, of a particular case to determine whether an allegation of fallaciousness is really merited, or whether the fault should be subject only to some weaker form of criticism. In many cases, it is best to conclude that there is not enough textual or contextual evidence given, in order to decide decisively, one way or the other. In such cases, criticisms have to be conditional, e.g. based on assumptions like, `If this is what the speaker presumed ...', and so forth.

   In case 1.4, and its continuance, case 1.40, we observed that Mr. Filmon's last question, in particular, looked a lot like the spouse-beating type of question. But since, in fact, we can't say definitively, from the given evidence of the text, whether the government expenditures were appropriate or inappropriate, it is best to stop short of a categorical conclusion that Mr. Filmon's question is fallacious. Even so, the fact that Mr. Filmon's tactics so closely resemble those characteristics of the fallacy of many questions is very reveal-ing in enabling a critic to go about criticizing Mr. Filmon's line of argumenta-tion. Mr. Filmon's questioning presupposes that the government spending was inappropriate, but the evidence he gives for this claim is quite weak. Such a claim would appear to be quite difficult to firmly substantiate, once you start to think of how it might be done, and what a serious charge it is.

   Case 2.0 is worse than cases 1.4 and 1.40, because Mr. Robichaud's question contains the outrageous and completely unacceptable presumptions that the policy of the government is to eliminate jobs and that the people have been the `target' of `savage and unacceptable cutbacks'. No government minister responding to this question could accept these presumptions without virtually conceding guilt on a scale that would lead to resignations, defeat at the polls, or other intolerable consequences. Mr. Robichaud has no chance of proving these presumptions, and we all know it. Given the entrapping and complex structure of his question, in this context, a stronger case could be made out for calling this instance of the questioning technique fallacious.

   Cases 3.0 and 3.1 also have the characteristic *modus operandi* of entrapment of the fallacy of many questions. These complex questions contain so many presumptions of guilt that they verge on *ad hominem* attacks. The respondent is forced to reply with a strong counterattack in order to shift the burden of proof away from presumption of his guilt. Any other response would quickly lead to defeat, because the attacker could easily follow up with a sequence of similar questioning tactics.

With cases 4.1, 4.2, and 4.3, we come to even more dangerous and aggressive tactics. In these cases, the personal attack has become explicit, and the participants are pressed towards the precipice of a personal quarrel. Even so*, ad hominem* arguments have to be considered on the merits of each individual case, for the *ad hominem* argument can be non-fallacious (Walton 1985b).

In case 4.1, the fault of the hunter's question is somewhat subtle, and his tactic of replying with this burden-shifting question is a highly effective one. Cases 4.2 and 4.3 illustrate how this effective tactic of making a question into an *ad hominem* attack can easily become a habit of verbal aggression. Indeed, in political debate, the *argumentum ad hominem* appears to be by far the most common of all the traditional informal fallacies (ibid.). It has been a subject of worry in recent times that the rising tide of *ad hominem* argumentation in political debating, and in media reporting of political controversies, is a sign that democracy is in serious trouble.

In May 1987, *Newsweek* reported that the media was struggling with the question of whether a candidate's personal sexual conduct should be considered a relevant subject for political reporting.[14] In particular, the `character' issue arose out of rumors about the sexual morality of Gary Hart, once he had become a potential candidate for the presidency. Once `character' became accepted as a legitimate issue, however, a flood of `negative ads' (personal attacks on the opposing candidate as election tactics)[15] and `ethics inquiries' into suspected personal (especially sexual misconduct) of candidates dominated political news for the next two years. In November 1989, George L. Will commented in *Newsweek* that the `character issue' has led to the John Towerization of public life - any mudslinging can be used to assault an opponent, according to current standards of what is acceptable, on the grounds that concern about `character' makes it 'relevant'.[16] The danger is one of turning political debate into a form of public entertainment on the level of soap opera, while important issues and decisions are not discussed.

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[14]   Jonathan Alter, `Sex and the presidency', *Newsweek,* May 4, *1987,* p. 26.
[15]   George F. Will, `So much cash, so few ideas', *Newsweek,* November 10, *1986,* p. 96.
[16]   George F. Will, `The pollution of politics', *Newsweek,* November 6*, 1989,* p. 4.

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