

# Plausible Deniability and Evasion of Burden of Proof

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## INTRODUCTION

This article examines the normative structure of certain distinctive types of arguments that use techniques of plausible deniability to evade fulfillment of legitimate requirements of burden of proof. Understanding how such techniques are used in everyday argumentation is shown to be crucial to gaining insight into how informal fallacies work as effective tactics of deception when two parties reason together. The techniques use an indirect form of putting forward a proposition that a target respondent (or audience) is meant to accept, while building in a defense to shield off the need to respond to any request to justify (or give evidence to support) the proposition queried by the respondent.

Jamieson (1992, p. 84) cites a technique of "veiled attack" used in recent political campaigns where a "double message" buries a "taboo" proposition in a socially acceptable surface (coded) text of discourse. The goal is to achieve "plausible deniability," as illustrated by the following case (Jamieson, 1992, p. 84):

*Case 1:* As Congress struggled to unravel the Reagan administration's arms for hostages deal known as Iran-Contra, a new exculpatory phrase entered the American political lexicon. Vice Admiral John Poindexter described the concept in his testimony to the congressional committee studying Iran-Contra. "I made a deliberate decision not to ask the President," said Poindexter, "so that I could insulate him from the decision and provide some future deniability for the President if it ever leaked out." When veiled attack succeeds, it accomplishes its end without endangering its creator. It is plausibly deniable.

This factor of plausible deniability is very important in helping us to understand how the major informal fallacies actually work as credible tactics of deception in everyday argumentation. Our focus in this paper is on normative and structural questions, particularly, in judging how arguments that use the strategy indicated in case 1 evade or detect reasonable, and appropriate requirements of burden of proof.

## COMMITMENT, PRESUMPTION, AND ASSERTION

In dealing with *ad hominem* arguments, and other common types of, argumentation associated with the informal fallacies, one often wonders why such arguments are so powerful and effective as tactical moves in everyday argumentation exchanges. For viewed in the cold light of logic, these arguments often appear to be extremely weak, in the sense that they are very far from fulfilling reasonable requirements of burden of proof.

By pairing previously disconnected images, television advertisements can suggest connections that prompt the viewer to make presumptions and draw conclusions from these presumptions. The most famous ad in the history of the use of ads in political campaigning is the one produced by the Democrats in 1964 to suggest that Barry Goldwater, the Republican candidate for president, was trigger-happy. This ad suggested that Goldwater was dangerous, because he might use a nuclear bomb to destroy civilization. The following description of the ad is given by (Jamieson, 1992, pp. 54-55).

*Case 2:* In 1964, the Democrats and Republicans demonstrated that they understood television's power to use visual association to evoke audience inferences. The Democrats juxtaposed a child plucking the petals from a daisy with the explosion of a bomb as Lyndon Johnson extolled the value of loving one another. A young girl is picking daisies in a field. "Four, five, six, seven," she says. An announcer's voice (actually the voice used to count down the space launches at Cape Canaveral) begins an ominous count. "Ten, nine, eight . . ." At zero the camera has closed on the child's eye. A nuclear bomb explodes. Lyndon Johnson's voice is heard: "These are the stakes. To make a world in which all of God's children can live. Or to go into the darkness. We must either love each other. Or we must die." Until the tag line appears, that ad has no explicit partisan content. "Vote for President Johnson on November 3. The stakes are too high for you to stay at home."

This argument was an *ad hominem* attack on Goldwater (as well as being a use of appeal to fear) that suggested that Goldwater was an untrustworthy person, even an unstable person, who lacked good judgment skills. The conclusion suggested was that Goldwater was not a suitable candidate for president. But as Jamieson shows in her analysis of the ad, the ad is based on suggestions cued by images juxtaposed with ominous warnings. No explicit *ad hominem* argument is verbalized, in a way that makes definite assertions that would carry with their a burden of proof. One may wonder why *ad hominem* arguments of this type are so effective.

One reason is that these arguments are frequently put forward as suggestions, in the sense that the speaker is only seeking some sort of provisional or tentative acceptance of the conclusion by the hearer. For example, in the "guilt by association" subtype of *ad hominem* argument, a claim is refuted by arguing that the claimant is associated with some discredited group, and therefore cannot be trusted to tell the truth (Toulmin et al., 1979, p. 173). But traditional logic, of the deductive and inductive sort usually emphasized, has not been very useful in helping us to understand these .

suggestions and tentatively offered ways of proposing an argument that are so common in popular speech (Walton, 1992, chapter 5).

To attempt to remedy this traditionally neglected area, and to give some theoretical basis for coming to understand and evaluate the kinds of arguments associated with fallacies, Hamblin (1970, pp. 256-257) defined the concept of argument as an exchange of moves between a speaker and a hearer in the framework of a dialogue (dialectical system). As a participant makes moves in a dialogue, propositions are inserted into or deleted from her *commitment set*, defined by Hamblin (p. 257) as a set of propositions that operates approximately as if it corresponds to the *persona* or beliefs of an arguer. The commitment set represents the propositions accepted by a participant in a dialogue exchange of argumentation, defined by the assertions and other kinds of moves (now called speech acts) that she contributed to the dialogue (as judged by the recorded text of the exchange).<sup>1</sup>

In everyday argumentation, propositions are often brought forward as suggestions or provisional hypotheses, rather than as outright assertions. In many instances of argumentation, especially in practical deliberations, the evidence for or against a particular proposition may be insufficient to categorically deny or assert it as true. However, if, at any particular point in a dialogue, there is no overwhelming evidence against the proposition, and there is some small weight of evidence put forward in favor of it, a speaker may propose the proposition as a suggestion, and the hearer may provisionally accept it on that basis.

When suggestions are put forward, they are accepted tentatively rather than wholeheartedly (in Hamblin's sense). This means they are accepted provisionally, i.e. they are accepted as presumptions holding at that point, and for some subsequent points in the dialogue, but they may later be given up or rejected.<sup>2</sup>

There are two importantly different types of acceptance or commitment in argumentation that need to be distinguished. One is the type of acceptance that carries with it an obligation to defend the proposition accepted. The other is mere acceptance for the sake of argument, without implying that one personally believes the proposition, in the sense implying that one is willing, or obliged to justify its acceptance, when challenged by a critical questioner.<sup>3</sup> The second type of acceptance is hypothetical, in that the proposition is being accepted as an assumption or hypothesis, in order to see where it leads, or to carry the argument further along.<sup>4</sup> But this type of provisional acceptance is different from the type of commitment to a proposition that implies that one is willing or obliged to justify it if challenged.

The key difference between these two types of acceptance lies in the requirement of burden of proof. Assertion has a burden of proof, while assumption does not. However, there is a third type of speech act mid way between the two called *presumption*, that has only a negative or indirect

burden of proof. If I ask you to presume that a proposition, *A*, is true; it is not necessary for me to meet the burden of proving *A* if you question the acceptance of *A*. But if, then, or at any later point in the conversation, you (the hearer) come up with good evidence against *A*, or reason not to accept *A*, then I (the speaker) have to either agree to giving up *A* as a presumption, or fulfill the burden of successfully countering this evidence against *A*.<sup>5</sup> A presumption then, is half way between an assertion and an assumption.

This type of presumptive inference pattern often plays an important role in the *argumentum ad ignorantiam*.<sup>6</sup> In the following case, a couple are talking about two thousand dollars of their savings and investment money. Should they put it into their savings account, or in some other fund?

Case 3: **Helen**: It might just as well go into our savings account.

**Bob**: Well, sure if you think so.

**Helen**: I don't see that there's any reason why it shouldn't.

Helen argues from the negative premise, "I don't see that there's any reason why it shouldn't," by use of the *argumentum ad ignorantiam* to the positive conclusion (on balance of considerations), "It might just as well go into our savings account." Bob makes no objection, so she goes ahead to justify her presumptive conclusion to go ahead with her proposed (provisional) course of action. Since there is no evidence, or good reason known, to show that the proposition is false, the presumptively based conclusion that it is true can be drawn.

#### DEFLECTION OF BURDEN OF PROOF

One often notices in the study of fallacies how plausible deniability is preserved by ambiguity, and other deceptive or confusing techniques that enable an arguer to keep the back door open, should one's argument be directly confronted or challenged. A good example is the *ad baculum* argument,<sup>7</sup> a form of sophistical technique that typically takes the form of an indirect speech act, e.g. "I would stop advocating that policy if I were you, because the last person who persisted in advocating it wound up on the bottom of the river in a cement coating." When confronted with having made a threat, the *ad baculum* arguer replies: "That wasn't a threat. I was only giving you some good advice - this is a dangerous city!" Here the use of the indirect speech act leaves the fallacy committer a back door open for plausible deniability. Threats tend to be highly contextual, and it has proved to be a legal problem to pin them down with evidence in specific cases.

In this type of *ad baculum* case, the ambiguity or shift is pragmatic in nature. It is a shift from a warning to a threat. The speech act overtly, or on the surface of the dialogue exchange, has the form of a warning - a

species of argument from consequences used to give advice. However, under the surface, in context, both speaker and hearer would recognize this utterance as a threat. The distinction between a speech act's surface form and subsurface form can be illustrated by the classic case of an indirect speech act "Can you pass the salt?" On the surface a yes-no question, this speech-act, under the surface, functions as a request to pass the salt.

In other cases, of an even more common and pervasive type in the world of fallacies, a proposition is brought forward on the basis of reported say so - for example, in the form of gossip or rumor - yet there is an implication that the speaker who brings it forward is using it to make an allegation. *Ad hominem* arguments often trade for their plausibility and effectiveness on this technique. The core of the technique lies in its leaving a mark - "Where there's smoke there's fire." - while deflecting off any requirements of burden of proof. Again, the fallacy of "guilt by association" is a familiar example.

One important technique of deflection of burden of proof, *attribution to a secondary source*, has the following general form as a speech act: I (the speaker) am bringing forward proposition *A* into the dialogue, and my basis is that someone else (i.e. someone other than the speaker) asserted that *A* is true. The clever thing about this form of speech act is the ambiguity of 'bringing forward.' Is the speaker asserting that *A* is true, thus incurring a burden of proof to justify *A* if challenged? Or is the speaker merely reporting that someone else asserted *A*, in which case she (the speaker) has no burden of proof to support *A* if challenged? Is the speaker asserting *A* or merely reporting the assertion of *A* by someone he heard? On the latter interpretation, there is no burden of proof for the speaker.

The technique of attribution to a secondary source is often combined with another clever technique that can be used to definitely remove the burden of proof. This takes the form of denial of personal commitment by the speaker with respect to a proposition, at the same time the assertion of that proposition is attributed to another speaker who was heard to have said it. This technique, which could be called *attribution combined with denial of commitment*, takes the following form of speech act: I (the speaker) heard someone else assert proposition *A* is true, but I am not personally committed to *A*. A stronger form of the same technique is to replace the second clause with a denial (a negative assertion) of the form, 'I (the speaker) deny that *A* is true.' Such techniques of attribution are not fallacious or sophistical in themselves, but can be combined with other techniques to produce sophistical arguments.

A perfect illustration of how the technique works was given (in an ironic form) by Andy Rooney on *Sixty Minutes* (March 24, 1991). Rooney was commenting in reply to an allegation by Senator Alan Simpson that a CNN reporter was a "sympathizer" of Saddam Hussein, because the reporter had continued to report from Baghdad all during the Gulf War. Simpson subsequently apologized to the reporter, on the grounds that his allegation

could not be proved. Rooney commented that, in the same spirit, he would like to apologize to Simpson.

*Case 4:* Senator Simpson did go to Baghdad to see Hussein last April 13th and at that time, he comforted Hussein for things being written about him in our newspapers by saying that American reporters were "pampered and haughty." That's why I've been calling Senator Simpson "Saddam Hussein's friend." Well, now I feel sort of bad about it. I shouldn't have done that. Senator Simpson says that *The Wall Street Journal* has suggested he's a racist, too. I certainly wouldn't suggest he's a racist because I simply don't know. I've heard rumors that, if he could, he'd repeal the 1st Amendment guaranteeing freedom of the press. I've heard rumors that he's one of our dumbest senators. It would be unfair of me to repeat those rumors because I'm not sure they're true. I've never even met him. Neither, can I prove that Senator Simpson is a friend of Saddam Hussein. It is not certain that they're friends and, unless the facts prove otherwise, I apologize to him for having said they are friends. I hope you take this apology in the spirit in which it's intended, Senator - unless you can prove otherwise.

This ironic apology illustrates perfectly the use of the technique of deflection of burden of proof by passing on reports, allegations, or rumors attributed to a third party who is not named. The technique is to disavow that one is personally asserting the proposition in question - or even to state overtly that one personally does not accept this proposition as true - thus removing the requirement of burden of proof. Yet, at the same time, the proposition is brought forward as an allegation that has been made (by somebody else). So it has a tendency to stick.

Part of this technique is use of *innuendo* or suggesting that a proposition may be true without explicitly claiming that it is true (in the sense requiring a burden of proof), where the suggestion implicates the proposition as true to the hearer or audience. As case 4 above indicates, sometimes denial, or explicitly claiming the opposite of the designated proposition, is the method of suggesting by innuendo that the proposition is (or may be) true. A classic case is the story of the ship's captain who had made many entries of the proposition, "The first mate was drunk today." in the logbook. To get revenge, the first mate wrote in the logbook, "The captain was sober today." The making of this statement as a single entry in the logbook implies by innuendo that the captain was normally not sober, i.e. drunk.

Innuendo typically works by exploiting normal expectations and routines as the basis of a warrant licensing an inference from one proposition to another. The warrant, which is often non explicit, associates two events, and postulates one as a premise. The principle of how it works is summed up in the expression, "Where there's smoke there's fire." That is, the respondent is meant to draw the implicature that if smoke is cited by a proponent in a given case, then by the warrant above, so must fire (likely) be present. If somebody made the allegation that smoke is present, then it may be true also that fire is present. As shown in section one above, this principle is based on a type of argumentation associated with the traditional

*argumentum ad ignorantiam*. If there is no evidence that fire is *not* present, then given smoke, it is best to call the fire department.

#### ANONYMOUS SOURCES

One fairly straightforward method of deflecting burden of proof is the use of anonymous sources. According to (Levine, 1994, p. A21), reporters and writers used to follow the practice of naming the persons they quoted as sources, but this accepted practice began to change in the late fifties. As an example of the new practice, Levine (p. A321) cites the case of a controversial book, *On the Take: Crime, Corruption and Greed in the Mulroney Years*, in which the author, Stevie Cameron, alleges many details of corruption and questionable political deal making attributed to the former Prime Minister of Canada, Brian Mulroney.

*Case 5:* Ms. Cameron offers no documented evidence to back up her accusation, saying only that her information comes from some "well-placed sources in Montreal." In fact, a lot of the information in her book is from anonymous sources: "well-placed businessmen," "a knowledgeable source" and "intimate friends." She claims that many of these people are members of the Conservative Party: senators, fund-raisers, campaign managers. "Most of them cannot be named," she writes in the book's preface, "but they know I am grateful." From a journalistic perspective, the allegation that a fund was set up is clearly more significant than the fact that the sources of the accusation remain nameless. But why have Ms. Cameron's sources refused to identify themselves? Is Brian Mulroney a threat to them? If so, how reliable are they? What biases do they hold toward him? What axes do they have to grind? And what deals, if any, did Ms. Cameron have to make with them to use their comments but not their names?

The critical problem with the book, according to Levine, is that readers do not get the answers to the above questions, and can only guess at them. Thus, the only evidence available to the reader, to judge whether the allegations are supported or not, is the credibility of the journalist. Yet we know all too well from the rising practices of tabloid journalism, under pressure to compete by getting the most exciting and newsworthy stories, journalists are increasingly printing stories that come from questionable sources, who are sometimes even paid for volunteering information.

The practice of using anonymous sources is controversial among journalists. Many journalists condemn it as a bad practice, but others would justify it, in cases where the only way to get important information is on this basis.

In the following case (Stein, 1992), eight unidentified women accused U.S. Senator Brock Adams of sexual harassment, causing him to drop his re-election campaign. The story appeared in the *Seattle Times* and the *Seattle Post-Intelligences*, as summarized by (Stein, 1992, p. 10):

*Case 6:* According to the Times, the eight women spoke out on condition that their names not be published. Seven, it was reported, signed statements acknowledging they could be required to testify in court should Adams sue the Times. Their allegations range from

"aggressive sexual harassment to rape and include stories of Adams plying women with a mixture of drugs and alcohol," said the story by staff reporters Susan Gilmore, Eric Nalder and Eric Pryne, and Times city editor David Boardman. "Obviously, it would have been better to have published the names of the women but this was the only chance we had." Fancher told *E & P*, "We've been chasing this story for three-and-a-half years in an effort to be responsive to the people."

According to Stein (p. 10), Adams is said to have replied: "This is the saddest day of my life. I have never harmed anyone." By going ahead with the story, based on anonymous sources only, the newspapers, in effect, reversed the burden of proof. Adams would have to go to court if he wished to argue that he was not guilty of the allegations.

One of the worst known abuses of anonymous sources reporting was the Janet Cooke case where reporter Cooke of the *Washington Post* won a Pulitzer Prize for a moving story about a child drug addict. When it was found out that the child did not exist, Cooke resigned from the *Post* and gave up the prize. Despite cases like this, and the rising tide of tabloid journalism, Blankenburg (1992, p. 17) argues that anonymous journalism is "integral to news gathering in a variety of settings and vital in some circumstances." The description of the techniques of anonymous journalism given in (Blankenburg, 1992, pp. 11-12) indicates how common this practice currently is:

The extent of anonymous attribution is substantial. In *Time* and *Newsweek*, about 80 percent of international stories were found to contain anonymous attribution. Another study found anonymous quotes in 33 percent of stories in a variety of newspapers.

Anonymous attribution takes many shapes. Consider the possible combinations of the nouns "source," "aide," "observer," "official" and "expert" with the modifiers "usually reliable," "well-known," "diplomatic" and "knowledgeable." Sometimes identity is muffled by the passive voice: "It was learned today that . . ."

As Blankenburg puts it (p. 17), "Prohibitions fail because anonymity works." This remark indicates how deeply entrenched anonymous attribution currently is in the media.

The use of anonymous sources is very dangerous, if conjoined with the tactic of innuendo exemplified in case 4. A proponent who wants to use innuendo against a respondent can report to the media (or anyone who will spread the rumor) that he has heard that proposition *A* is true, according to an anonymous source, where proposition *A* states that the respondent is a bad person (or says something unfavorable about the respondent). The proponent can even state that he himself does not believe that *A* is true, and if questioned would deny that *A* is true. But if the name of the accuser is not available to the third-party target audience of the innuendo, they can neither verify nor refute the claim made by the accuser that *A* is justified as an assertion. In effect the proponent has a license to spread gossip.

## IMPLICATURE AND INNUENDO

Another method of evading the burden of proof is to have your respondent draw an unstated presumptive conclusion by Gricean implicature. In Gricean implicature (Grice, 1975, p. 67), participants in a conversational exchange (talk exchange) recognize a common purpose or at least a "mutually accepted direction" which enables one participant to draw out an unstated or non explicitly stated conclusion from something said by the other. For example, suppose Professor Black is writing a letter of reference for a student, White, who has applied for an opening in a graduate school, and has asked Black to write a letter on his behalf. Black's whole letter, in its entirety, reads as follows:

*Case 7:* White is always punctual for class, is very attentive as a listener, and has pleasant manners. His spelling is very good.

Here, Black has not said anything negative, at least explicitly. But it is what he does not say that is significant. Normally, in a letter of reference of this sort, one would expect praise of the student's outstanding qualities of originality, excellent scholarship, promise for a bright future in the field, and so forth. Since Black mentions none of this, the reader wonders why, and draws the implicature that White is not a good candidate. The implicature is drawn because both parties (the reader and the writer) are aware of the purpose and normal expectations of the kind of talk exchange represented by a letter of recommendation for graduate school.

The use of implicature in case 7 is the basis of an innuendo. Because of normal conversational expectations about how a letter of reference is used as a type of communication, the reader draws a conclusion on the basis of what has not been stated in the letter. Again it is based on the principle of inference exemplified by the expression, "Where there's smoke, there's fire." Since no mention is made by the writer of the important characteristics of a good candidate, the reader is suggested to operate on the presumption that the person cited in the letter may not be a good candidate. In making selections for graduate school entrants, the reader is being cautioned to have reservations about this particular candidate.

From our point of view here, the tricky thing about implicature is that in many cases, like the one above, the conclusion of the inference has not been stated explicitly by the proponent. Here if he is questioned later, he has left open a route for plausible deniability. And it is difficult for anyone to prove, beyond reasonable doubt, or very definitely, that he has made a negative evaluation, or said something negative about White.

Apparently this sort of case has become a subject of controversy in recent years because there have been lawsuits by students to the effect that referees have prejudiced their chances by making remarks taken to be unfair or unwarranted by the student, once he has seen the letter. Thus if a referee finds herself in the position of having to write something, she may opt for

a defensive strategy of avoiding saying anything that could be overtly construed as negative.

The interesting thing about this type of case, from our point of view, is that it functions as a convenient device for evading burden of proof. It is possible to put forward a proposition without explicitly asserting it, in a talk exchange, by omitting to say it. Given the purpose and direction of the type of conversation, however, the respondent will read off the proposition as one the proponent is committed to, and means to advocate as something the respondent should accept (on the say so of the proponent) as well. But since the proposition in question has not been explicitly asserted by the proponent, he can later deny that he was committed to it, or that he was advocating it to the respondent. And there is no "black letter" textual evidence of assertion to back up any claim to the contrary.

The danger here is that implicature serves as the basis for innuendo. And innuendo has frequently been recognized in logic textbooks as either a fallacy or a source of sophisticated argument, Damer (1980, p. 19) defines *argument by innuendo* as "directing one's listeners to a particular, usually derogatory, conclusion, by a skillful choice of words, or careful arrangement of sentences, which implicitly *suggest*, but do not *assert*" a conclusion. Michalos (1970, p. 100), in a similar vein, defines the *fallacy of creating doubts*, as the spreading of false rumors designed to make people *suspicious*.

How innuendo works as a device to shield off burden of proof is by creating a presumption, by bringing forward an allegation based on no evidence but someone's say so, thus suggesting by implicature that since someone made the allegation there may be something in it (given that there is also no presently available evidence against it). Innuendo is not inherently fallacious but the dangers in it have been made clear above. The chief danger is the shielding off of the obligation to fulfill requirements of burden of proof by the devices cited above.

#### CONCLUDING REMARKS

The traditional concept of an argument centrally emphasized in both logic and speech communication is the kind of case where a speaker puts forward a set of premises to support a conclusion and (a) the speaker is committed to the conclusion, and to the premises, as propositions she accepts, and (b) the speaker has the goal of getting the respondent (audience) to accept the conclusion, by means of using the premises as evidence.<sup>8</sup> In this central paradigm of what an argument is, the speaker is asserting the conclusion; and is offering the premises in fulfillment of the burden of backing up or justifying the conclusion (burden of proof).

However, as we have seen, many of the subtle arguments associated with the traditional informal fallacies do not correspond to this central paradigm.

And because they deviate from it, that in itself does mean that these arguments are fallacious. But seeing exactly how the deviations work has turned out to be very informative in helping us to understand how these fallacies involve deceptive tricks of persuasion that are commonly used in everyday argumentation.

Burden of proof is generally a reasonable requirement of an assertion made in a dialogue (conversation, talk exchange) where the purpose is to prove a proposition, or resolve a conflict of opinions by bringing evidence (or proof of some designated kind) to bear. However, when the argument does not take the form of an explicit assertion, but instead uses one or more of the techniques analyzed above, a deflecting shield to evade burden of proof is built in. It is a kind of anticipatory safeguard against possible critical questioning or demands for supporting evidence.

Many problems remain to be resolved on the issue of whether innuendo is a distinct fallacy in its own right, and on the issue of whether the rumor that is the basis of the innuendo has to be false for a fallacy to be committed (in a given case). Our tentative assumption, based on the cases studied in this paper is that innuendo is not, in itself, fallacious.<sup>9</sup> However, what we have seen is that several of the major fallacies depend for their plausibility as tactics of persuasion on innuendo, and are closely associated as fallacies with the use of techniques of innuendo to evade proper requirements of burden of proof.

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#### NOTES

<sup>1</sup> Walton and Krabbe, 1995. See also van Eemeren and Grootendorst, 1984 on speech acts in argumentative discourse.

<sup>2</sup> Walton, 1992.

<sup>3</sup> Walton and Krabbe, 1995.

<sup>4</sup> Fisher, 1988.

<sup>5</sup> Walton, 1992, pp. 55-58.

<sup>6</sup> Walton, 1995.

<sup>7</sup> See Wreen, 1988. There is a difference of opinion in the literature on whether the *ad baculum* is an argument. See the discussion of this point in Wohlrapp, 1991, who does not think the *ad baculum* is an argument (contrary to the more traditional view that it is a type of argument).

<sup>8</sup> This central paradigm is expressed in the definition of pro and contra-argumentation given by van Eemeren and Grootendorst, 1984, pp. 43-44. But see also the critical comments in Jacobs, 1989, pp. 353-360 and Walton, 1992, pp. 174-177.

<sup>9</sup> Much depends here on how the concept of a fallacy is generally defined. See Walton, 1995a.

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