

Two Kinds of Arguments from Authority in the *Ad Verecundiam* Fallacy

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ABSTRACT: In this paper, an argumentation scheme for argument from an administrative authority is formulated along with a matching set of critical questions used to evaluate it. The scheme is then compared to the existing scheme for argument from expert opinion. The hypothesis is explored that it is the ambiguity between the two types of authority that is the best basis for explaining how the fallacy of appeal to authority works.

KEYWORDS: administrative authority, argument from authority, argument from expert opinion, *argumentum ad verecundiam*, Bocheński, deontic authority, epistemic authority, Locke

1. INTRODUCTION

There is now a considerable literature, both in argumentation studies generally and in artificial intelligence research on argumentation, on argument from expert opinion. This form of argument was traditionally categorized as an informal fallacy by the logic textbooks, but in recent years a revolution has taken place, and it is now regarded as a legitimate argument. It is nevertheless a dangerous one that can go wrong in some instances and be quite deceptive as a rhetorical tool for strategic maneuvering in argumentation. Hence we have the problem of distinguishing between the fallacious and non-fallacious cases. When this form of argument is legitimate, it is important to recognize its defeasible nature. It provides the user only with presumptive reasoning for accepting the conclusion, subject to further investigations and to critical questioning. Through the studies of this form of argument in the recent literature, we now have a pretty good idea of how it works as a defeasible argument, and we even have formal and computational argumentation systems that have been built in artificial intelligence and that can accommodate argument from expert opinion as a standard form of argument.

Given that it is widely recognized that this type of argument can also be fallacious however, there remains more work to fully explain the fallacy or fallacies involved in it. What has been suggested is that the fallaciousness is linked with the notion of authority, since the argument from expert opinion has long been traditionally linked to the notion of

authority and textbook treatments of the fallacy, and a few authors, as we shall see, have distinguished between argument from an expert opinion, and argument from appeal to authority of a different sort, resting on a notion of deontic or administrative authority.

In this paper, an argumentation scheme for argument from an administrative authority is put forward along with a matching set of critical questions that can be used to evaluate it. This scheme is then compared to the existing scheme for argument from expert opinion, and the hypothesis is explored that it is the ambiguity between the two types of argument that is the best basis for explaining how the fallacy of appeal to authority takes place.

2. THE SCHEME FOR ARGUMENT FROM EXPERT OPINION

The most basic version of the argumentation scheme¹ for argument from expert opinion is given (Walton, Reed & Macagno, 2008, p. 310) as follows.

Major Premise: Source *E* is an expert in subject domain *S* containing proposition *A*.

Minor Premise: *E* asserts that proposition *A* is true (false).

Conclusion: *A* is true (false).

An argument from expert opinion should be evaluated by the asking of six basic critical questions.

Expertise Question: How credible is *E* as an expert source?

Field Question: Is *E* an expert in the field *F* that *A* is in?

Opinion Question: What did *E* assert that implies *A*?

Trustworthiness Question: Is *E* personally reliable as a source?

Consistency Question: Is *A* consistent with what other experts assert?

Backup Evidence Question: Is *E*'s assertion based on evidence?

If a respondent asks any one of the six critical questions, the original argument defaults unless the question is answered adequately. Once a question has been asked and answered adequately, the burden of proof shifts back to the questioner to ask another question or accept the argument.

The explanation for the traditional informal fallacy of the *argumentum ad verecundiam* given in (Walton, 1997) is that it is hard for a layperson in the field of knowledge to critically questioning an expert, or the opinion of an expert brought forward by a third party, because a claim based on expert opinion is so powerfully supported by this form of argument that in fact it may be hard, or even appear inappropriate, for a questioner or to raise doubts about it. Thus the clever sophist who appeals to argument from expert opinion in a forceful way may be abusing what should be regarded as an

¹ For the conditional version of the scheme see e.g. Walton & Reed (2002, p. 2) and Walton (2010). For a variety of contemporary (computational) methods of evaluating arguments from expert opinion see also (Walton, 2014).

essentially defeasible form of argument that should always be open to critical questioning, collection of further evidence and potential revision.

Any discussion of arguments from authority must take as their starting point the passage on this subject from Locke's *Essay Concerning Human Understanding* quoted in Hamblin (1970, pp. 159-160). This passage is widely taken to be the origin of the recognition of the informal fallacy called *argumentum ad verecundiam*, and it offers an explanation of why and how arguments from authority can be fallacious. Locke starts from describing a general mechanism of establishing authorities in the social sphere:

The first is, to allege the opinions of men, whose parts, learning, eminency, power, or some other cause has gained a name, and settled their reputation in the common esteem with some kind of authority. When men are established in any kind of dignity, it is thought a breach of modesty for others to derogate any way from it, and question the authority of men who are in possession of it (Locke, 1836, p. 524).

We may here observe that the idea of associating *ad verecundiam* fallacy with the broader notion of authority (which is definitely not restricted exclusively to fallacious arguments from expert opinion) is not only well rooted in the philosophical tradition, but it may constitute the rationale for the systematic study of arguments basing on authorities. Since Locke clearly points to a variety of authorities involved in the *ad verecundiam* technique, we may note that one should not tailor the study of *argumentum ad verecundiam* to arguments from expert opinion. On the contrary, by claiming that 'some kind of authority' may be related to 'learning, eminency, power', Locke is rather pointing to the broader social mechanisms of employing authorities related not only to 'learning' (cognitive or epistemic authorities), but also to 'eminency' and 'power' (deontic or administrative authorities). It may be a matter of some interest that this original broad notion of authority related to *ad verecundiam* arguments was – to some extent – left aside in the study of argumentation which focuses mostly on only one aspect of *argumentum ad verecundiam*, i.e. on the fallacious appeals to expert opinion (Copi & Cohen, 1990, pp. 95-96; Hurley, 2003, pp. 130-132).

In what follows in this much quoted passage, Locke explains that when a man has a reputation showing that he is high in the common esteem and is recognized as an authority, any other man who does not readily yield to the opinion of this man is looked upon as insolent. Anyone who backs his argument with the pronouncement of such an authority thinks the opinion cited ought to be final, and considers anyone who questions it to be impudent.

This explanation of why arguments from authority, especially the ones classified as arguments from expert opinion, can so easily and so often be fallacious. A fallacy can be defined as deceptive argument used as part of strategic maneuvering by means of which one party in argumentation is employing a clever tactic to get the best of his or her speech partner party unfairly. But what kind of strategic maneuvering is involved in the fallacious use of expert opinion? Moreover, it seems possible that there can be other kinds of argument from authority than specifically argument from expert opinion type of appeal. Could somehow the fallacy be linked with the ambiguity or confusion between two different types of argument both coming under the general heading of authority?

3. TWO KINDS OF AUTHORITY

One theory offered to explain how the traditional informal fallacy of *argumentum ad verecundiam* (appeal to authority) works is that of Walton (1997, pp. 252-52). *Verecundia* literally means modesty, but it is linked to authority through the idea of intimidating an opponent by citing a respected authority. According to the Walton theory (1997, p. 250), the fallacy resides in the confusion between two different types of appeal to authority. One is the appeal to a cognitive authority in which an argument from expert opinion is put forward, while the other is that appeal to a different kind of authority, for example in a case in which one might cite a religious authority, or the authority of an administrator who makes decisions about public policy. The second kind of authority is called administrative authority in (Walton, 1997, p. 76), in contrast with the other type of authority called cognitive authority. It can be easy to confuse these two kinds of authority. For example a physician may make a claim based on his or her medical knowledge and knowledge of the circumstances of the case in offering a patient advice on which kind of medication is appropriate, or on conveying factual medical knowledge to the patient. This kind of case is classifiable as an argument from expert opinion. However the same physician might reach a decision that an elderly person is no longer fit to possess a driver's license because of some medical condition that she has that prevents her from being a safe driver, and therefore revoke this person's driver's license. This kind of case is an instance of the exercise of administrative authority, because it is the professional standing of the doctor as a licensed physician that makes his ruling authoritative. That doesn't mean his ruling cannot be questioned, but nevertheless it does mean that it has a certain authoritative basis backing it up. It is not difficult to see that in cases such as these kinds, it is very easy to conflate the two types of appeal to authority together, and therefore it can also be used in some cases to get them mixed up, with results that relate to the fallacy of *argumentum ad verecundiam*.

It is helpful in this regard to revert to a distinction made in (Bocheński, 1974, p. 71), where two types of authority were distinguished. An epistemic authority is said to be an expert in a field of knowledge. Deontic authority is typified by the kind of military case in which a superior commander gives orders on what should be done in specific circumstances. To illustrate the ease with which these two types of authority blend together in specific cases, Bocheński (1974, p. 71) offers the example of the professor who is an epistemic authority for his student, but is at the same time a deontic authority concerning the procedures governing the operations of a laboratory.

On this basis it is useful to draw broad distinction between two types of authority, each of which has different kind of justification. The cognitive or epistemic type of authority is invoked where the agent making the claim is an expert in a field of knowledge. It is on the basis of her mastery of this field of knowledge, given her justified title of being an expert in that field, that her pronouncement has greater authority than that of someone who is not an expert in that field. The ultimate justification supporting an argument based on this kind of authority is that the expert has knowledge in the field of her pronouncement, and therefore if she puts forward a claim, it is supported by that knowledge.

The difference between the two types of authority can only be brought about precisely by interpreting how each of them is used as a speech act in a dialectical

exchange between two parties. Budzynska (2010) has shown the basis for this distinction by describing the speech acts appropriate for the use of argument from administrative authority as follows. Putting arguments from administrative authority into the speech act framework results in the following argumentation scheme:

X performs $F(A)$
 X is authorized to perform $F(A)$

 A

Since the sources of this authorization do not lie in cognitive skills or knowledge, there is a need of seeking for a proper model which would describe and explain most typical communication phenomena related to such arguments.

The problem here is that the administrative type of appeal to authority typically seems like it should be less open to critical questioning than the epistemic type of appeal to authority. Therefore if there is some confusion about which category a given appeal to authority should fall into, it may be easy to treat an argument from expert opinion as though it were based on an administrative appeal to authority. Hence there is a normal tendency for the recipient of the argument to be overly intimidated by it, and to presume that it would be inappropriate to raise critical questions about it. So the fallacy in such a case resides in the reaction of the recipient to such an argument, but it may also arise from the way the proponent of the argument puts it forward. The proponent may presume, or even state explicitly, that the respondent has no right to question the argument from authority at all. In the most characteristic instances of the *argumentum ad verecundiam* (Walton, 1997) the person to whom the argument was directed is intimidated by what he takes to be the apparent authority of the speaker. Hence the hypothesis put forward in (Walton, 1977, p. 252) is that one of the most common kinds of cases in which an appeal to authority is fallacious is one in which the appeal to administrative authority is put forward in such a way that it appears more conclusive, and hence less open to critical questioning, than can be justified by the circumstances of the case. It is also noted in (Walton, 1977, p. 252) that this particular fault often co-occurs with cases where an appeal to epistemic authority is confused with an appeal to administrative authority.

4. THE SCHEME FOR ARGUMENT FROM ADMINISTRATIVE AUTHORITY

Administrative authority is a more difficult to specify with precision than the authority of expert opinion, but we can lay out the basis of its justification as follows. Let's consider the example of the minister, or some civil official authorized to conduct the marriage ceremony, who makes the pronouncement that a particular couple are now officially married. Once he makes this pronouncement, the couple are at that moment legally married, subject to certain exceptions. For example if it is found that one of them was already married, that would nullify the standing of the present pronouncement. Another example is the pronouncement of a judge who has arrived at a decision on the outcome of a trial, let's say a criminal trial or civil trial. Such a decision is final in some ways. For

example in a criminal trial there is double jeopardy, meaning that the same defendant cannot be tried for the same crime twice. Even so, the finding of a criminal trial is subject to review in some cases, and a retrial can be ordered, for example if it was found that certain evidence was overlooked in the first trial that might have made a significant difference to its outcome.

Let's say then that we can define the notion of administrative authority clearly enough so that we can recognize one when we are confronted with what seems to be one. On this basis we can define a form of argument that is not characteristic of argumentation in epistemic reasoning, where the premises are put forward to support the claim that the conclusion is true or false. Instead, they argument from administrative authority is a practical kind of argument used in deliberations on deciding what to do in a situation requiring a choice. In this framework of use, the following argumentation scheme can be advanced to represent a form of argument from administrative authority.

δ is an administrative authority in institution Ω .

According to δ , I should do α .

Therefore I should do α .

One could now ask whether this general scheme is indeed capable of explaining the mechanism of arguing by means of directives. In order to give an answer to this question, let us discuss an example of directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (18.07.2008). The point 27 states that:

Implementation of the provisions on the interoperability of the rail system should not create unjustified barriers in costbenefit terms to the preservation of the existing rail network of each Member State, but must endeavour to retain the objective of interoperability.

When reconstructing the general mechanism of arguing by means of directives we may point to the following scheme:

Premise 1: The EU official is an administrative authority in EU.

Premise 2: The EU official says: The EU directive 2008/57/EC should be obeyed by each Member State.

Premise 3: The EU directive 2008/57/EC states that the rail system should not create unjustified barriers to the preservation of the existing rail network of each Member State.

Conclusion: The rail system in your country should not create unjustified barriers to the preservation of the existing rail network of each Member State.

Matching the scheme is a set of basic critical questions that can be used by the person to whom the argument is directed as a device to raise doubts about whether the argument holds a given instance.

CQ1: Do I come under the authority of institution Ω ?

CQ2: Does what δ says apply to my present circumstances C ?

CQ3: Has what δ says been interpreted correctly?
CQ4: Is δ *genuinely* in a position of authority?²

These are not the only critical questions that can be asked, but they are useful ones that can provide guidance to someone who is presented with an argument from administrative authority, and has doubts about it, but can't think of a suitable reaction on the spot.

Now we are in a bit of a pickle, because it seems from our earlier remarks that the best hypothesis might be best to classify both the epistemic type of argument and the deontic or administrative type of argument as two subcategories of the more general category of appeal to authority. But the term 'authority' is specifically mentioned in the argumentation scheme for argument from administrative authority, and in the first and the fourth critical question as well.

The above initial list of critical questions for arguments from deontic authority may be further developed by discussing some more specific problems and ideas related to the notion of authority. In what follows, we propose some more detailed critical questions which point specifically to the need of distinguishing epistemic and deontic authority in argumentation.

Let us think of a situation where someone (e.g. a principal or commander) is definitely not an epistemic authority for the employee (e.g. because of his or her lack of knowledge in a given field), but he or she wants to be an authority for the employee. Hence, he or she gives such orders which are aimed at stressing the relationship of (deontic) authority. This example points to the need of asking a kind of critical question which could turn out to be instructive for identifying possible confusions of two main types of authority: epistemic and deontic. For instance, such an ambiguity of 'authority' or 'authorization' may be noticed in the case of arguments which are in line with the scheme discussed in (Koszowy, 2013; Koszowy and Araszkiwicz, 2014):

δ is authorized to perform directives.

δ says A.

A belongs to assertives.

A should be accepted.

This example shows that the next two critical questions could be added to our list:

CQ5: Is δ deontic rather than epistemic authority?

CQ6: Did δ perform a directive rather than an assertive?

Another problem related to the distinction between epistemic and deontic authority concerns unjustified transitions from epistemic to deontic authority. Since epistemic authority does not have to entail any competence to formulate directives

² Thanks are due to Dale Hample for pointing out the need of including a critical question which would play a controlling role in distinguishing genuine and apparent authorities.

(Bocheński, 1974, p. 263), the typical fallacy rests on extrapolating authority from the set of assertives to the set of directives. Hence we may formulate the next critical question:

CQ7: Does someone claimed to be an authority utter assertives or directives? (Koszowy and Araszkiwicz, 2014, p. 292).

As we may notice, these additional critical questions (CQ5-CQ7) point directly to the need of elaborating such procedure for evaluating arguments from authority which would take into account (i) the distinction between appeals to deontic or epistemic type of authority (CQ5), and, consequently, (ii) the distinction between the two domains of authority, i.e. assertives and directives (CQ 6 and CQ 7).

In our view, the set of critical questions proposed in this section should be rather treated as an open list which may be further enriched by some other detailed considerations regarding procedures for evaluating arguments basing on deontic authority. However, it may serve as a general framework for developing such procedures. Once this list of critical questions determines the main criteria which would allow us to identify fallacious arguments which correspond to the scheme for argument from administrative authority, we may now turn to the question regarding their fallacious nature.

5. WHY ARE ARGUMENTS FROM AUTHORITY FALLACIOUS?

Locke made no attempt to define the concept of authority. A later writer, Richard Whately, in his *Elements of Logic*, did distinguish between two senses of the word 'authority'. To illustrate the meaning of this word used in its primary sense, he offered (1870, p. 194) the example of correcting a reading in a book on the basis of an ancient manuscript, based on the authority of the historian. This meaning of the term authority seems like it mainly referred to expert opinion, but it could also partly refer to the authority of tradition. Whately (1870, p. 194) also refers to another sense of 'authority' when the word is employed as equivalent to the word 'power', for example when we speak of the authority of the magistrate. He writes that this kind of appeal to authority is a claim to obedience. It would appear that Whately is distinguishing between two senses of authority, an epistemic kind of authority typical of appeal to expert opinion, and an administrative kind of authority, which commands obedience and represents and exercise of power, for example judicial power, institutional power or military power.

However, one interesting aspect of it for our purposes here is that it introduces the notion of deference. Authorities command deference, on this analysis, and this psychological phenomenon that people confronted with appeals to authority tend to defer to them, not only ties in with Locke's analysis of the fallacy, but seems like it should be part of a good explanation of why this kind of argumentation becomes fallacious in some instances. The proponent of such an argument expects deference, and may often or even normally be expected to get it, so that if the respondent to the argument tries to question it, he may find that his critical questions are simply dismissed, either by the proponent or by the wider audience following the argumentation. What is clearly brought out in Hansen's explication (2006, p. 326) of Whately's remarks on deference in the *Elements*

of Rhetoric is that deference is a psychological notion that depends on personal feelings. Such a remark ties in with recent work on the power of appeal to authority in the social sciences, which has emphasized that a certain type of personality is prone to accepting the pronouncements of a source who seems to be authoritative without questioning them. This psychological analysis could help to explain why appeals to authority of any kind, whether epistemic or administrative or both, tend to have such a strong power, and can tend therefore to be associated with fallacies. If the respondent to an argument has a tendency to defer to it, that certainly may be the main reason why he or she fails to critically question it in a situation where critical questioning would be appropriate and useful.

6. CONCLUSION

The recognition of argument from administrative authority as a distinctive type of argumentation scheme in its own right provides some support for the hypothesis of (Walton, 1997) that the fallacy arises from the ambiguity and confusion between the two types of argument, the argument from expert opinion and the administrative appeal to authority. Moreover, the administrative appeal to authority is an important form of argument in its own right, and it will prove useful to have an argumentation scheme representing this type of argument. But still the question of why either of these kinds of arguments are fallacious in some instances has not been entirely answered. Even though in logic textbooks the most common cases cited as instances of the fallacy of *ad verecundiam* are overwhelmingly instances of argument from expert opinion, in some instances the argument from administrative authority could potentially be fallacious in its own right. However, it is not too hard to see why this kind of argument is hard to question in many instances, and is therefore susceptible to fallacious misuse. Obviously, there are penalties for failing to obey a command made by an administrative authority who has power over you, such as your boss or a representative of the police or the government (Goodwin, 1998).

It is interesting to note that some of the classic cases of argument from authority combine argument from expert opinion with argument from administrative authority. One of the classic kinds of cases is that of a patient who visits her doctor and who has difficulty critically questioning the information or advice that the doctor is giving to her. She is not an expert, and because she is somewhat intimidated by physicians, and worried about her situation, and therefore having to rely on physicians, she has difficulty not only trying to ask the right questions but even remembering the information the doctor is trying to transmit to her. Some classic cases of this sort were studied in (Walton, 1997). In this case there is a mixture of the two different kinds of authority. The physician as a medical doctor is required to have a certifiable degree of medical knowledge appropriate for the case, but she or he also has the administrative power to tell the patient what to do or what not to do in certain circumstances, and this power often carries with it an administrative justification for actions and advice given. In studying cases, the problem here may be to differentiate between the roles of the two types of authority in the argumentation and its outcomes.

It is a promising hypothesis to conjecture that both forms of fallacy may be due simply to undue deference, even though the argument from expert opinion type of fallacy may also be due to confusion between the two types of argument. Further research could test this hypothesis on examples on each form of argument, and in cases where an ambiguity between the two types of argument could be involved.

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