

Argumentum ad baculum

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Literally, ‘an argument to the stick’, the *ad baculum* is an argument which turns on a threat or reference to dire consequences. Contemporary writers such as Carney and Scheer (1980, p. 390) characterize it as the blunder of concluding the truth of a proposition on the basis of an appeal to force, for it is the ‘fear of force [which causes] acceptance of a conclusion’. Much the same view can be found in Copi and Cohen (1990, p. 130).¹ ‘The argument *ad baculum* [. . . is] the appeal to force to cause the acceptance of a conclusion’ and is, they say, ‘the abandonment of reason’.

Other contemporary writers offer different interpretations. According to the pragma-dialectical approach of van Eemeren and Grootendorst, the fallacy is an inherently dialectical mistake, namely, an attempt to discourage one’s interlocutor from stating his opinion or advancing an argument for it (van Eemeren and Grootendorst, 1987, p. 285). Wohlrapp (1991) approaches *ad baculum* in a similar way. In his more recent writings, Douglas Walton is inclined to something like the same view. For him, the *ad baculum* is also an essentially dialectical, or two-person, affair, in which there is an element of threat, force or coercion. For the *ad baculum* to be fallacious, Walton proposes that it must seek to employ these very factors for the purpose of subverting the legitimate goals and practices of the form of dialogue in which the perpetrator and his addressee are currently engaged (Walton, 1992, p. 185). Brinton too conceives the *ad baculum* as necessarily a two- (or more) person exchange in which the factor of threat must be present (Brinton, 1992). Writers such as Keilkopf (1980) and Woods (1987, 1995) see the *ad baculum* as a two-person exchange, but they emphasize the prudential character of such arguments. They are arguments in which the addressee’s compliance with what the auger proposes is made attractive to the addressee’s interests by the scale of the costs of noncompliance. Against these views are those of Wreen, who does not see the *ad baculum* as either necessarily a two-party exchange, or as a violation of a rule of discourse or dialogue, or as inherently prudential or as necessarily threatening or coercive (Wreen, 1995 and references therein).

The *ad baculum* seems to have first been recognized by the Port Royal logicians, though not under that name. In *The Art of Thinking* (1662), Arnauld and Nicole list twenty-seven fallacies or, as they call them, sophisms (chapters XIX and XX of Part II). They are subdivided into those that exemplify Ways of Reasoning Incorrectly and those that are Faulty Arguments Advanced in Public Life and Everyday Affairs. These subdivide in turn into Sophisms of Self-Love, of Intellect and of Passions and Sophisms Arising From the Objects Themselves. These latter, of which there are seven, are all said to involve ‘external matters’. Arnauld and Nicole seem to mean by this arguments made faulty by factors other than the arguer’s state of mind. They cite hasty generalization as an example, and appear to have it in mind that a generalization to the proposition, e.g., ‘All women are bad drivers’, is contradicted by the ‘external’ fact that some women, indeed most, are not bad drivers.

What we call the *ad baculum*, is a subcase of Arnauld’s and Nicole’s sophism of authority, and the *ad populum* is a second subcase, although here too it is not called such (*The Art of Thinking*, Part III, chapter XX). For the Port Royalists a fallacy of authority is the fallacy of deferring to the opinions of persons of a higher social rank and, in the *ad baculum* version of it, it is the fallacy of deferring to the opinions of those of superior rank for fear of offending them and landing oneself in difficulties. To contemporary ears, the authority-fallacy seems to be the *ad verecundiam*, which is often characterized simply as the fallacy of illicitly appealing or deferring to authority. The term ‘*ad verecundiam*’ was first introduced by Locke twenty-eight years later in *An Essay Concerning Human Understanding* (1690).

‘*Verecundiam*’ means ‘modesty’, and the *ad verecundiam* is committed by

... whoever backs his tenets with such authorities [and] thinks he ought thereby to carry the cause, and is ready to style it impudence [hence immodesty] in anyone who shall stand out against them (BK IV, CH. XVII).

Thus, for Locke, the *ad verecundium* is an argument in the form, ‘It would be immodest of you not to accept the opinions of such authorities’. But Locke does not mean by ‘authorities’ what Arnauld and Nicole mean. Their authorities are persons of superior social rank. Locke’s authorities are

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 (idem).

Such men are ‘approved authors’ and ‘learned doctors’. Although Locke leaves it open that a person of high social or political rank might also be an authority, it is never the case that he is so merely on account of his social or political standing. Arnauld and Nicole also recognize this Lockean con-

ception of authority, but they do not invoke it in their treatment of fallacious authority. They reverse it instead for their analysis of fallacies ‘of manner’, a separate issue (see below).

Although the Port Royalist’s *ad baculum* bears a superficial resemblance to Locke’s *ad verecundiam*, it is in fact quite a different thing; and its being so helps explain why Locke does not call his *ad verecundiam* a fallacy, whereas Arnauld and Nicole do call their argument from authority a fallacy.

It is easily appreciated, in any case, how different is the Port Royalist’s conception of the *ad baculum* from various contemporary treatments of it. There is no difficulty in representing the Arnauld-Nicole *ad baculum* as an invalid argument, as in the following hypothetical example:

- (1) As all the nobles of our great nation affirm with a confidence entirely appropriate to their rank, land reform would be a bad policy.
- (2) Therefore, land reform is a bad policy.

But our argument gives no explicit recognition to the element of threat or, for that matter, of fear, and this might be said to be a respect in virtue of which this *ad baculum* differs from the present day conception. Even so, if the argument is placed in its appropriate historical or social context, it becomes apparent that it is made against the background of the common understanding that nobles will if necessary hold their power, including the presumption of having their opinions deferred to by their inferiors, by force. We can also see that in this social context, the maker of this argument is making it with the end in view that the person to whom the argument is directed, whether to himself or to another, accept the conclusion out of fear of offending his betters.

However, it would do violence to the *argumentative practice*, which Arnauld and Nicole are keen to discredit, to represent it in such a way that practitioners of it are shown up as cringers and cowards. It is better to see their *ad baculum* as a form of argument in which the element of threat and fear are disguised or sublimated. Thus one way in which a person may evade the cowardice that attaches to his accepting a claim or opinion out of fear or reprisal, is by coming sincerely to believe it to be true or to believe that it is fully rational to defer in matters of opinion to his betters. It is precisely this latter that he will believe if he also believes that the basically feudal structure of which he is part is a sound reflection of how things really are and ought to be. In particular, he will believe that social rank is a measure of reliable opinion, the higher the rank, the closer to God, and the closer to God, the closer to truth. These reflections enable us to solve a puzzle which has troubled some commentators. How, they wanted to know, could people as clever as Arnauld and Nicole waste their time, and their readers’ time, in railing against a practice which was so transparently fallacious? The answer is that in the France of the time it was not at all seen as transparently fallacious, but as something perfectly in order. It is interesting, then, that *ad baculum* arguments such as (1)–(2) are not

only invalid arguments, but in Arnauld's and Nicole's day were not seen as invalid by a great many people. So they are fallacies in Aristotle's sense: bad arguments which appear not to be bad.

Let Σ be any argument in which there is 'an appeal to force to cause the acceptance of the conclusion'. On any reasonable interpretation of 'appeal', Σ will exhibit something like the following general structure:

1. If you do action A, then consequence C, which lies in my power to exact or which will come about from other factors pertaining to your situation, will also occur.
2. The occurrence of C would be sufficiently contrary to your interests to make it reasonable for you not to do A.
3. Therefore, it is reasonable for you not to do A.

It is clear at once that for certain interpretations of A and C the present argument form admits of pathological instantiation. With the likes of 'see proposition p to be true' and 'believe fully and sincerely that p is true' for A and such as 'I will insult your sister' and, 'I shall give you a good thrashing' for C, pathological instantiability is scarcely to be denied. A person who argues in these ways is doing something wrong; – stupid, even. But the wrong lies less in the failure of the premisses to support the conclusion, than in the *psychological impossibility* of what the conclusion calls for. Sincere conviction, after all, cannot be summoned by the will, even by a terrified will. Argument-instances of this particular sort are not, in any case, fallacies in Aristotle's sense or in the sense of Arnauld's and Nicole's sophism.

For appropriate interpretations of A and C, our argument form also produces instances of rational prudential arguments – hence arguments that hardly could be regarded as fallacious. Such instances include arguments that arise from taking A as 'give me your wallet' and C as 'I'll shoot you with this pistol', or A as 'don't quit smoking' and C as 'endanger your health'. This second case is a matter of dispute. Theorists such as Walton (1998, p. 165) distinguish between arguments from negative consequences and arguments in which the element or threat or dire consequence is represented as within the power of the arguer to exact. Those who reserve the name of *ad baculum* for arguments of this second kind are more likely to find that 'the trouble with *ad baculum* is more often moral than logical' (Brinton, 1992, p. 90, attributing the view to Wreen. Wreen confirms the attribution in (1995, p. 326). In the opinion of the present author, it is theoretically more fruitful to allow the extension of the *ad baculum* concept to cut across this distinction.

Except for those instances bizarre enough to qualify their proposers as stupid, *ad baculum* arguments are arguments from prudence. Arguments from prudence are certainly not fallacious as such. They may be more or less weak, and more or less persuasive. If the concept of fallacy is to have a theoretically interesting application to such arguments, it is possible that it will be at the level of disguised or muffled threat. Indeed, in the case

we are presently reviewing, the threat is fully explicit and the fear it is meant to occasion is psychologically ‘front and centre’.

Examples of the Port Royal sort are by no means restricted to the latter days of feudal France. They abound in any context in which veiled intimidation is a factor. An interesting example is formulated by Copi (1986, p. 128).

Gentlemen, I am sure that if you think it over you will see that my suggestion has real merit. It is only a suggestion of course, and not an order. As I mentioned at our last conference, I am planning to reorganize the whole business. I still hope, however, that it will not be necessary to curtail the operations of your department.

Clearly an intimidating argument, it is scarcely credible that the intimidation is veiled to any very significant degree. What one could say is that in a pure case of a Port Royal *ad baculum* the intimidation is deeply veiled by the sincere belief of those concerned that it is not at all intimidating, but that in the present case the intimidation is transparently ‘there’ and yet is offset by a ‘face-saving’ presentation of it. There are, it may appear, two arguments at work here. One is the *surface argument* which carries the suggestion that the Chairman’s suggestion, if acted on, will redound to the objective good of the managers’ departments. The other we might think of as the *deep argument* in which the Chairman’s thrust is, ‘Implement my suggestions, or I’ll slash your budgets’. Since there are two arguments in the offing, an acquiescent manager could accept the deep argument while affecting to accept the surface argument, and in so doing he could immunize himself against criticism, and self-criticism too, as a cringer and a coward. This suggests a general structure for arguments from veiled intimidation.

(VIA): An argument Σ is a *veiled intimidation ad baculum argument* for an addressee X if and only if Σ is a surface argument which is not expressly intimidating, Σ is interpretable as a deep argument Σ' , Σ' is expressly intimidating, X accept Σ' while *affecting* to accept Σ .

In some cases where the use of intimidation is especially subtle, X’s acceptance of Σ' might be only tacit. That is, if asked whether he accepted Σ' he might with perfect sincerity, but nonetheless inaccurately, report that he did not. In such situations, we might say that X’s over-all response to the argument is a case of self-deception with respect to his acceptance of the deep argument Σ' . Of course, it is very likely that many of the ‘pure’ Port Royal cases would also qualify as self-deceptive veiled intimidation-arguments in this sense. If so, we would have a further reason to say that such arguments are fallacies in Aristotle’s meaning of the term. So they would be, but with an interesting wrinkle. Aristotle thought that a bad argument that looks good is a fallacy. Where our surface argument doesn’t look good, we might still have a situation which captures the Aristotelian flavour of fallacy. Although the surface argument isn’t good and doesn’t look good, it is a significantly better argument than the deep argument.

Where an addressee deceives himself about his acceptance of the deep argument, he confuses the argument he in fact accepts, which is a very bad argument, with the argument which he affects to accept, which though bad, is conspicuously less bad than the other.

It is interesting that our present case also nicely captures the idea of fallacy in a more modern sense. In *The Elements of Logic* (1826 Bk. III), Whately characterizes fallacies in such a way that all weak arguments are fallacies, at least at first blush. In fact this is not so. A weak argument is a fallacy only if it is weaker *than it seems to be*. It is a characterization which seems to be tailor-made for what we have been calling the self-deceptive, veiled intimidation-*ad baculum*.

The question now arises as to whether there might be arguments whose gross structure is that of (1)–(2) which are, nevertheless, good arguments and are so *because* the elements of threat and fear are so transparently exposed in them. On the face of it, it could hardly be so. But before entrenching this judgment, we would do well to consider what may well be the most celebrated *ad baculum* ever yet advanced. It is known as Pascal's Wager, after its inventor Blaise Pascal in *Pensées* (1656, p. 64). Pascal imagines himself to be addressing the Christian skeptic and only him. 'Skeptic' here means what we presently mean by 'agnostic' or 'atheist'. Someone is a skeptic in Pascal's sense with respect to the doctrine of Christianity if and only if he does not believe those doctrines (though he may but needn't disbelieve them either), and yet he accepts them as 'real possibilities.' Real possibilities resemble what William James was to call 'live options' in *The Will to Believe* (1896, p. 89). James himself presents a version of Pascal's Wager in that same book. Something is a real possibility for someone when it is not just a logically consistent proposition, and not just compatible with everything he presently knows or believes, but (a) is a proposition for which he is prepared to concede that a case can be made, and (b) that it is a case which he could look upon approvingly enough also to grant that a rational person of his own general cultural orientation could come to accept it. Thus the proposition that Christ died on the cross to redeem man's sins is a real possibility for the Christian skeptic, never mind that he strongly disbelieves it; whereas some (for him) abstruse proposition from, e.g., Druidism, would not be a real possibility for the Christian skeptic, although it might be for the Druidism skeptic. Pascal's argument proceeds as follows:

- (a) Christian doctrine is either true or false.
- (b) If true, then anyone not believing it is condemned to infinite and eternal suffering after his death. For this is what Christianity teaches, and if Christianity is true, this particular teaching is true.
- (c) If Christianity is false, then for anyone believing it, the cost of this belief is a life made difficult by the rigours and anxieties of Christian moral theology.
- (d) Since Christianity is a real possibility for the Christian skeptic, he is

not prepared simply to dismiss it out of hand, to ‘pay it no mind’. Therefore if he believes it, he risks the cost of an unnecessarily austere personal life, should it happen to be untrue. And if he doesn’t believe it, he risks infinite and eternal suffering, should it happen to be true.

- (e) No rational person would put himself at risk of infinite and eternal suffering, when the cost of avoiding that risk is at most a life of unnecessary rectitude.
- (f) Therefore, any Christian skeptic who is also rational will try to recover his lost belief in Christianity. That is, he will alter his behaviour and his circumstance in ways that conduce to the reacquisition of Christian belief.

There are a number of points to make about his argument even before we attend to its *ad baculum* character. For one thing, Pascal’s Wager is not a proof or attempted proof of the existence of God, as some have suggested. Nor is it a proof or attempted proof that Christianity is true. Neither is its conclusion a call upon the skeptic to believe that Christianity is true. Pascal knows as well as anyone that belief cannot be commanded, that it is not a creature of the will. Pascal’s point is that since the Christian skeptic would be better off if he were not a skeptic, that is, if he did sincerely believe the teachings of Christianity, then these are teachings that he should believe if he can. But not even that is the conclusion of his argument. The argument concludes with a recommended strategy, namely, to do those things calculated to induce the reacquisition of sincere belief, and hope for the best – a kind of behavioural modification programme. These things the skeptic certainly can do. He can resume the devotions of Christianity, he can restrict his company to that of practising Christians, and so on. Nor does Pascal think that his Wager is for the Christian only and that it shows Christianity as a more plausible religion than its rivals. Pascal would concede that any religion whose doctrines attach unbearably high costs to unbelief is a perfectly successful Pascalian Wager, constructible for anyone who is a skeptic concerning that religion, a skeptic in Pascal’s technical meaning of that term. In general, a skeptic is a skeptic with respect to only one religion. But there may be cases (think of the person raised piously in a religiously mixed marriage) in which he is a skeptic with regard to two or more. Where the religions in question are strict rivals of one another, that is, when at least some of their central doctrines are logically incompatible with each other, then no Pascalian Wager is rationally constructible for such a person. For, if it were, then the Wager would bid the skeptic to reacquire sincere belief in logically inconsistent propositions. And it *might* be said that no prudent agent could bind himself to follow such counsel.

Suffice it to say that when circumspectly applied, it is far from obvious that Pascal’s Wager is a bad argument. In the form in which we’ve presented it, it is not deductively valid, but this is not to say that on a fuller formulation it could not turn out to be valid. There is room for disagreement about how good or bad an argument it is. Some people find it to be

very good. Others think it weakly good. Others still find it weakly bad. As for a judgment of 'extremely bad', it would seem that one could make a case for such a view only with considerable difficulty. In any event, what this argument certainly seems *not* to be is a fallacy. Yet if *ad baculum* arguments are fallacies as such this is precisely what it is. The elements of threat and fear are transparently formulated in Pascal's argument and, in fact, the argument would collapse if they were suppressed. Hence, it would appear that no argument is fallacious because it is an *ad baculum*.

Before we pronounce Pascal's Wager a non-fallacious *ad baculum* argument, we would do well to reflect on its prudential features. A prudential argument is an argument about what should be done. Its conclusion is or has the force of an imperative sentence, rather than a declarative sentence. Prudential arguments are very often arguments which present cost-benefit analyses of various strategic or tactical options. Their conclusions select one option over its rivals as the better or best of the lot. Each option is represented as a course of action tied to the addressee's interests in ways that qualify for cost-benefit attention. It is easy to see why prudential arguments are sometimes called 'arguments from self-interest'. Whether bad or good, they are always so relative to the interests of the addressee, whatever we might think of them. It is possible to produce very good prudential arguments for Hitler in relation to his perfectly appalling interests. But it would be a mistake to infer from the awfulness of his interests that any prudential argument suggesting options that best conform to those interests is an awful argument. It might be an awful thing to make such an argument, since doing that would facilitate his awful interests. But this is a reason to withhold the argument and not a reason to think it a weak or fallacious argument. We may by now be more than ready to exempt a large class of *ad baculum* prudential arguments from the charge of fallacy. If this is what is decided, we need to return briefly to the question of arguments from veiled intimidation. In the example from Copi, we had been supposing that the deep argument, the argument which threatened managers who didn't implement the Chairman's suggestion with budget cuts, failed as a defence of the objective correctness of the Chairman's suggestion. In fact, as we now see, the Chairman's deep argument is a *prudential* argument and, given the likely interests of department managers, a perfectly good one. We also see that, on its most natural reading, the Chairman's *surface* argument is also a prudential argument having the following thrust:

Since the Chairman's suggested policy will materially assist the company's departments to increase their productivity in ways compatible with the fundamental interests of all stake-holders, it follows that the policy is an objectively sound one. Since it is objectively sound, it should be implemented.

The surprising fact is that the surface argument is the weaker argument of the two, for why else would the Chairman avail himself of the deep

argument, albeit in a veiled way? This requires us to change our analysis of the veiled intimidation type of argument. We said previously that the veiled intimidation argument was the fallacy of confusing the argument that one really accepts, which is a bad argument, with the argument that one affects to accept, which is a better argument. As it now appears, the deep argument is the good argument and the surface argument the much less good argument. Affecting to accept the less good argument may be a silly or unfortunate thing to do, but it hardly qualifies as fallacious. Rather it is simply a device for saving face, for the culturally or contextually approved pretense of not yielding to a threat when this is precisely what one is doing. The give and take of diplomacy is rife with this kind of ritual face-saving, never mind that its participants are hardly unaware of the conventions that underwrite their entirely compliant reciprocal pretense. There may be various aspects of diplomatic argumentation which offend the sensibilities of those not bound to engage in it. But it seems a serious overstatement to call it intrinsically fallacious.

Not all authors are satisfied with the view that the *ad baculum* is always prudential. As was remarked above, van Eemeren and Grootendorst take it to be a dialectical violation – interference with free enquiry – which owes nothing to its having the form of a prudential argument. Wreen also rejects the prudential analysis. As Brinton sees it, Wreen's view is that 'not just a prudential "ought" but any variety of "ought"s – moral, legal, aesthetic, etc. – could figure in the conclusion of an . . . *ad baculum*' (Brinton, 1992, p. 326). The present author demurs from this view. It is true that in an *ad baculum* argument the consequence-condition C can be interpreted as Wreen suggests: 'you will be guilty of a despicable act', or 'your action would violate the Criminal Code' or 'doing so would be singularly unattractive', and so on. It is clear, however, that if addressees of *ad baculum* arguments on such interpretations are indifferent to or at least compliance-resistant, then the arguments are ineffective. They are ineffective because the persons to whom they are directed fail to attach to the consequences of non-compliance costs sufficiently high as to command acquiescence. Moral consequences, legal consequences, aesthetic consequences, and the like are so much *ad baculum* inertia if unattended by the appropriate cost-benefit sensitivities. And what is this to say except that *ad baculum* arguments are inherently prudential?

There is a class of cases in which the element of threat is not at all disguised, though it is subject to various kinds of insincerity. Such cases are exemplified by the institution of collective bargaining, as discussed in Woods (1995). Collective bargaining negotiations have the following general characteristics.

- (a) They are reciprocal minimax strategies in which each party seeks an outcome which minimizes the worst (hence maximal) disadvantage that the other party is capable of exacting. In most cases, the worst disadvantage that management can exact is lockout or closure, and the worst

that lies within the power of labour to exact is a strike. Although it is rarely the case that parties to collective bargaining will expressly threaten the imposition of maximal disadvantage, it is known by all concerned that, if care is not taken, one or other or both of those maximally disadvantaging situations could occur.

- (b) For all the air of menace that hangs over the collective bargaining process, it is also important that bargainers are held to standards of rational case-making. That is, they are expected, and often required by law, to proceed on a merits of the case basis, and to produce reasons for accepting each other's positions independently of prudential considerations which inhere in reciprocal threats. Let us call this requirement the 'Merits-of-the-Case' condition.
- (c) Also required to be met is the 'Good Faith' condition. By this condition it is understood that a settlement must carry a cost for both parties, these costs, in turn, being mirror image benefits for the other party. In particular, a party's opening offer cannot be his closing or final offer. For in opening with an offer that turns out to be a settlement-producing offer, the negotiator makes no compromise with his opposite number, and so pays no cost attaching to a retreat from his opening position. In many jurisdictions this is a violation of law and is said to constitute bargaining 'in bad faith'.

It is striking that the three factors of collective bargaining – the fact that negotiators are minimaxers, bound by the Merits-of-the-Case condition and Good Faith Condition – are factors which commit both parties to ritual lying and systematic misinterpretation of each other's positions. It may strike us that collective bargaining is an irrational, and perhaps fallacious, enterprise as such. How could an enterprise not be irrational if, by its very nature, it requires ritual lying and other forms of insincerity? But, in fact, collective bargaining is constrained by the overall goal of avoiding maximal damage to either side. However this is managed in detail, parties must try to coordinate their moves in such a way that neither party is made to capitulate outright in the face of the other party's maximal threat, hence the fundamental importance of the Good Faith condition. If it is essential that the parties split their differences, they must indeed have differences to split. Thus, if the real position of the one party is also the real position that the other party would settle for, both parties must disguise this fact, lest they have no differences to split.

Collective bargaining types of argument may not win the outright approval of the armchair theorist, but it can hardly be denied that both in industrial settings and in the less structured precincts of real-life conflict resolution, they are commonplace and as natural as breathing. It would be odd if fallacy theory had to pronounce them fallacious. It is fortunate that fallacy theory need not take so forbidding a stance. In general, parties to arguments of the collective bargaining kind are well aware of two things.

One is that they are *ad baculum* prudential arguments designed to produce a settlement with least net cost to the parties. The other is that where ritual lying and other forms of insincerity are required of arguments of this sort, it is well understood what they are by the parties concerned, and also understood that these very features are designed to facilitate the least costly outcome for the two parties jointly. It follows that such arguments do not commit the *ad baculum* fallacy. They are not, as expressly presented, arguments which seem valid. Hence they do not qualify for the status of fallacy in the traditional sense of that term deriving from Aristotle. Of course, there is no compelling reason for supposing that Aristotle has a permanent lock on the meaning of the word 'fallacy'. Different senses of the word have evolved since Aristotle's day, and some of them are theoretically interesting. One of the more attractive alternative conceptions derives from an alternative conception of Aristotle himself. Fallacies he thought of as arguments of a kind which appear not to be of that kind. But he also recognized a derivative category of fallacies. They are sophisticated refutations, that is, refutations that are made bad because they incorporate a fallacy in the primary sense of an inapparent invalidity. We might speak of this derivative category as dialectical as opposed to logical fallacies.

Recent and contemporary writers have drawn attention to a particular type of dialectical fallacy, as we have seen. Fallacies of this type are thought of as violations of principles which characterize which might be called 'sincere and cooperative inquiry'. Undoubtedly, paramount among such principles is the requirement that in making their contributions parties must not lie or mislead. Violations of this principle can be called 'cooperation fallacies'. Although not fallacies either in Aristotle's primary sense or in his derivative, dialectical sense, they are interesting, and are worthy claimants to the status of fallacy in some further sense of the term. On the face of it, collective bargaining negotiations abound in cooperation fallacies. As we saw, the Good Faith condition virtually guarantees that both parties will deliberately misdescribe their respective opening positions. Once it is called to mind, however, that such behaviour is ritualistic, that is it not intended to deceive (and if otherwise, certainly does not in fact deceive), it would appear that although fallaciousness inheres in this kind of argumentation, it too is ritualized and well-recognized to be so, in any real way. We could say that it is a requirement of rationally prosecuted collective bargaining negotiations that parties routinely commit cooperation fallacies against each other. But since they know this, and since doing so is recognized as making a net, and indispensable, contribution to a jointly advantageous outcome, it emerges that such fallacies are more feigned than committed, and that they facilitate a mutually desired outcome. Call them fallacies if we will – they would not be fallacies that any theory should disapprove of.

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NOTE

¹ The example of the intimidating company Chairman is drawn from the 7th edition of Copi's *Introduction to Logic*, 1986.

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