

Relevance in Argumentation



Douglas Walton

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For Karen, with love

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Preface

The purpose of this book is to present a method that can be used to assist a user to critically evaluate arguments, and other moves in argumentation, for relevance. The aim is to enable a critic to judge whether a move can justifiably be said to be relevant or irrelevant. The method is based on case studies of argumentation in which a criticism has been made that an argument, or part of an argument, is irrelevant. The method is also based on a new theory of relevance that incorporates techniques of argumentation theory, logic and artificial intelligence.

One of the best entry points to studying relevance is through irrelevance, because objections on the basis of irrelevance in argumentation are, in some instances fairly clear and pointed, in specifying what is objectionable. The book begins by reviewing some ordinary examples, many of them taken from the textbook accounts of the traditional fallacies of irrelevance. By beginning with gaining some understanding of how the negative criticism “That’s irrelevant!” works in a context of argumentation, light is shed on the kind of evidence that is needed to support the claim that something is objectionable because it is irrelevant in an argument. The book uses these cases as a basis to move forward and develop the new theory of irrelevance and relevance. For example, a prosecuting attorney in a murder trial goes on and on arguing that murder is a horrible crime. His argument is criticized as irrelevant to proving the guilt of the accused party. A legislator, during a debate on a particular housing bill, launches into a long-winded argument for the proposition that all people deserve decent housing. His argument is said to be irrelevant in the debate on whether the bill at issue is a good piece of legislation or not. These are typical of the kinds of cases cited as instances of fallacious irrelevance by the logic textbooks.

Chapter 2 is a historical study of the development of the concept of relevance in argumentation starting with its roots in Greek logic and rhetoric. The idea of the fallacy of irrelevance has been incorporated into teaching manuals on logic since the time of Aristotle. There has been one central fallacy, and various related fallacies of irrelevance. Beginning with Aristotle’s account of the central fallacy of *ignoratio elenchi* (misconception of refutation), the idea of irrelevance as a logical fault is traced through the middle ages and into the early modern period. But the most important source of material on how relevance is part of argumentation comes from Greek rhetorical manuals.

Chapter 3 presents a survey of the treatments of the main fallacies of irrelevance in the modern logic textbooks, from 1878 to 1995. The leading treatments are selected, summarized and commented on. A main focus of interest here is the examples they used to illustrate fallacies of irrelevance. The idea is to get a practical grasp of relevance by studying textbook examples,

useful in formulating and testing out the new theory of relevance developed in chapters 4 and 5. The central part of the book is chapter 6, where a practical method of judging relevance and irrelevance in argumentation is presented. The method can be applied to cases to give objective evaluations of criticisms of irrelevance, based on the evidence furnished by the case. In chapter 7, the different specific kinds of fallacies of irrelevance are classified into species and subspecies. Once these faults are pinpointed, and their practical importance made clear, a way of dealing with fallacies of irrelevance is recommended.

Chapter 8 deals with relevance judgments in two special contexts of argumentation, political debate and evidence law. The theory is developed so that it can successfully apply to these contexts, even though procedural rules specific to an institution need to be taken into account. In the legal example cited above as a common textbook case, the prosecuting attorney's argument was put forward in a court of law. So to really understand the basis of ruling on relevance in a case of this sort, procedural rules in the law of evidence would have to be taken into account. In the Anglo-American law of evidence, relevance is a fundamental concept on which the rules of evidence are based. And similarly, there are procedural questions in dealing with the legislator's argument about housing. In a legislature, there are rules of debate. The moderator of the debate, or "Speaker", may invoke rules of relevance to declare the legislator's digression "irrelevant". From a logical point of view, it could be said that the general tactic used is that of red herring or diversion. But such a logical judgment clearly depends on an institutional context in which there may be definite procedural rules governing relevance. These legal and debate cases are so contextually rich that they seem almost beyond the bounds of what can be encompassed by any logical theory of relevance. But still, in chapter 8 it is shown that the new theory of relevance can throw some light on argumentation in them from a critical standpoint.

Cases are shown in the book to raise fundamental questions of relevance and irrelevance that have never before been answered. How can relevance be clearly defined in a sense required to support or refute the claims that arguments are defective because they are irrelevant? How can the supposed defect in arguments that commit the so-called "red herring fallacy" be identified, analyzed and evaluated in particular cases? And how could it be proved, or reasonably judged on the basis of objective evidence, that these arguments are irrelevant? The history of the subject of relevance chronicled in the book shows that previous attempts to answer these questions have not been successful. The book presents a clear account of the technical problems in the previous attempts to define relevance, including an analysis of formal systems of relevance logic, and an explanation of the Gricean notion of conversational relevance.

The theory of relevance offered in the book is meant to be a logical theory. It is meant to resolve outstanding problems in logic, like the vague, conflicting and unconvincing accounts of fallacies of relevance one finds in the

current logic textbooks. But it is logical in a broader or more applied and practical meaning of the term. In a word, the aim of the new theory is dialectical. This word means that the theory looks at relevance in a framework in which two parties take turns making moves in an orderly goal-directed conversation. Because of its dialectical structure, the theory also has power as a normative model that can help to analyze and evaluate real cases of natural language argumentation. The theory is designed to apply to a natural language chunk of discourse in which some judgment of relevance has been or could be made. For this reason, the theory has empirical uses. It also has rhetorical uses, because it examines sequences of argumentation used by one party in a dialogue with the aim of persuading another party. Because of its structure, the theory is also amenable to modeling by current methods of automating reasoning used in artificial intelligence. It is also a theory that can be applied to teaching, for example, by helping students to invent relevant arguments to support a thesis in an essay or composition, and to critique irrelevant arguments.

Thus readers in many fields will use the techniques developed in the book for their various purposes. But to grasp the central thrust of the new theory of relevance and irrelevance developed in the book, one has to realize that it is meant to be contribution to the field called dialectic, an old field that goes back to Platonic and Aristotelian roots, but that was quiescent for a long time until it was revived by Hamblin (1970). A dialectical theory views an argument as used in a verbal exchange in which two parties attempt to reason together for some common purpose. Something is properly judged to be irrelevant, according to the new dialectical theory, if it delays or interferes with the progress of dialogue, instead of contributing to its movement forward towards its goal. Thus the new dialectical approach is a development of Grice's pragmatic project of judging irrelevance as a failure to contribute to a collaborative conversational exchange. Grice did not try to define relevance or irrelevance however. By doing so, this project takes a next very important step forward. In the new theory, it is made clear how the objection of irrelevance is used as a kind of threshold or gatekeeping device to keep time-wasting useless speech from delaying a purposeful conversation.

The new dialectical theory of relevance has striking implications for a broad variety of important fields, like multi-agent systems in computing, rhetoric, and pragmatics in linguistics. The implications for debate theory and for evidence law are also quite striking and fundamental. The Federal Rules of Evidence, based on Wigmore's conception of legal evidence, has relevance as its central concept. Relevance is central to understanding the core structure of rules of argumentation in Anglo-American law of evidence. Another field much affected by relevance is library science, where this concept plays a key role in how information is organized and searched. All fields that have to do with thinking, like cognitive science, informal logic and argumentation theory, are areas where relevance is of central importance. For these fields, relevance is a

kind of Holy Grail. It is something that has not been clearly modeled in a useful way yet, but once it is, the impact on all these fields will be fundamental and sweeping. The new theory of relevance provides just the right sort of dialectical structure for modeling relevance that it is useful for analyzing and evaluating argumentation in all these fields, and for dealing with fallacies of irrelevance.

Acknowledgments

The research that culminated in this book began many years ago. I had undertaken an analysis of relevance in argumentation some time ago (Walton, *Top. Rel.*, 1982), but I was unsatisfied by the largely negative outcome of this research. Its positive results could certainly not be described as a systematic theory of relevance, and the negative results concluded that formal semantic methods of logic were of limited usefulness in yielding a concept of relevance applicable to cases of argumentation in everyday discourse. Relevance remained a central problem, perhaps the central problem for argumentation theory, especially as applied to evaluating fallacies and critical faults of arguments.

In 1990, a collaborative research project with Frans van Eemeren and Rob Grootendorst was started at the Netherlands Institute for Advanced Study (NIAS) with the object of investigating the possibility of developing a pragmatic theory of relevance, as applied to arguments. This project got to the stage of resulting in some very promising discussions among the three of us, enabling us to draw up some outlines for research. Unfortunately, however, it never got beyond this beginning point, due to administrative burdens and interruptions posed by other projects that had more immediate deadlines. Eventually it became apparent that no progress had been made for several years. Meantime, academics and practitioners in many fields who had heard about the project kept contacting me, to ask for help on matters of relevance related to their research or practical concerns. Very graciously, Frans and Rob gave me permission to go ahead and attempt to do something on relevance myself. After some years, this project has finally come to fruition in the present book. Although the book expresses my own views, and represents my own line of thinking on the problem of relevance, the pragma-dialectical orientation of the Amsterdam School will be clearly evident to the reader. The beneficial effects of my association with members of that School show clearly in the many references to their works and views.

Another very helpful discussion forum that has shaped my views on relevance was the conference 'Relevance in Argumentation,' held in June, 1991, at McMaster University. Among the participants with whom I discussed the problem of relevance at the conference I would especially like to thank Frans van Eemeren and Rob Grootendorst again, Scott Jacobs and Sally Jackson, Chris Tindale, John Woods, Tony Blair, Jim Freeman, David Hitchcock and Erik Krabbe. For support in the form of a Research Grant in 1994-1997, and another one in 1999, I would like to thank the Social Sciences and Humanities

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Examples of Irrelevant Arguments

To begin to investigate the concept of relevance, one should examine how it is used, or how it is useful, in everyday argumentation. What function does relevance have as a tool to help promote goals of rational argumentation? This question initially appears to be vague and abstract and, therefore, hard to answer. One can make it more specific by concentrating on the negative side of it, posing it in a different way as follows. What function does the objection “That’s irrelevant” have in argumentation? This question is easier to answer because one can focus on specific kinds of criticisms that are found in common examples and are fairly concrete. This negative way of putting the question in terms of irrelevance immediately links it to common examples of argumentation where irrelevance has been perceived to be a problem and where steps have been taken to solve the problem. Examination of these practices can give insight into why irrelevance is a problem in argumentation and what means have been devised to attempt to deal with it. Chapter 1 introduces the reader to some classic examples of this sort.

An important source of examples is the traditional part of logic concerned with informal fallacies. Irrelevance itself has often been categorized as a fallacy. But other fallacies have also been traditionally recognized that focus on certain specific kinds of problematic and fallacious irrelevance. The logic textbooks are full of examples of such arguments that offer clues on why irrelevance should be taken to be problematic in rational argumentation. Whereas a detailed survey of the textbook accounts is given in chapter 2, a few classic examples of irrelevant arguments from those accounts are presented in chapter 1 to help the reader grasp how the tradition of fallacies is important for understanding irrelevance as an objection.

One type of example often cited in the textbooks illustrates irrelevance in legal argumentation. In court, a lawyer arguing for one side in a trial can often be observed to object to an argument, question, or other move made by the lawyer for the other side by saying, “That’s irrelevant.” Irrelevance is taken to be a serious matter in court, and rules of evidence are very carefully devised to exclude or remove any argument or question deemed to be irrelevant.

Another type of example often cited occurs in political argumentation. The rules governing irrelevance in political debates tend to be looser, less precise, and less strictly enforced than those in legal argumentation. But such rules do exist in parliamentary and legislative debates, and the objection “That’s irrelevant” has some force in them.

Still another source is the history of rhetoric. Ancient Greek rhetorical writers were particularly concerned with irrelevant emotional appeals, for example those used in legal or political arguments that could sway an audience or a jury. Examination of these historical sources can cast light on relevance and irrelevance in argumentation, but aside from brief mention in chapter 1, historical matters will be treated in the integrated survey of chapter 2.

1. THE EXCLUSIONARY FUNCTION

The main function of the concept of relevance, as used in debates, discussions, and meetings, is to keep the discussion within productive boundaries. Used for this purpose, relevance fulfills what can be called a gatekeeping or exclusionary function in argumentation. Using the criticism “That’s irrelevant!” is a way of keeping the argumentation from straying off into less productive lines of reasoning that would not contribute to the resolution of the problem or conflict of opinions posed in the discussion. The problem in many such cases is that time for the meeting may be limited, and yet the problem to be solved may be urgent. In other cases, having a lengthy debate may be very costly. Hence, in order to solve the problem within the given constraints of time and money, it may be useful, or even necessary, to draw boundaries of relevance.

A good case in point is the example in Walton (*Inf. Log.*, 1989, p. 71) where a meeting of a university library committee has the issue on its agenda of whether library hours should be extended on Sundays. The Student Association has made a proposal to extend them on Sundays from eight hours to ten hours. Part of the dialogue in the meeting runs as follows:

- Case 1.1: Harry:* Not only should the library remain open longer so that students can have a place to study, but student tuition fees should be lowered as well.
- Pam:* Hold on, Harry. The topic of this meeting is the proposal for the extension of library hours. What does the topic of tuition fees have to do with it? I don’t see the relevance of that issue.
- Harry:* Well, if students didn’t have to pay so much tuition, they could afford better lodging, and therefore better facilities to study at home. I mean it’s all connected because many factors are responsible for not providing students with adequate facilities for studying. Therefore my point is relevant.

The problem in this case is to decide whether Harry’s argument is relevant or whether Pam’s objection to it on grounds of its irrelevance is reasonable.

The first thing to be noted in this case is that Harry's line of argument is at least potentially relevant. As his reply shows, there is a legitimate connection between the question of student tuition fees and the issue of library hours. But is it the kind of connection that justifies the claim that Harry's argument on tuition fees is relevant to, and ought to be included in the discussion in the library committee meeting? In an actual case, this is the question that would have to be determined by the chairman of the library committee or whoever is chairing the meeting of the committee that day.

The practical problem confronted by whoever is chairing the meeting is that the issue of how long the library should be open on Sundays needs to get a proper hearing so that all concerned parties can express their views. But the time that can be given for this purpose may be fixed. It is important, before a vote is taken, that the participants in the meeting should take all the relevant considerations into account if the discussion is to provide a good basis for deliberation on the issue. If the discussion gets sidetracked and spends too much time on one narrow side issue, then other, perhaps even more important considerations, may not be taken into account. If so, too much discussion on one limited side issue may block off the possibility of taking time to discuss main issues. This blocking-off effect may mean that the purpose of the discussion fails to be fulfilled.

The ultimate instance of this blocking-off effect is the use of the tactic called the filibuster in debate. For example, in a congressional or parliamentary debate, one participant may read from the Bible, or any book available, simply to fill enough time to prevent the other side from taking their turn. This tactic can be used to block debate on a bill, for all intents and purposes, by preventing the opposition from saying anything at all. In such a case, we can clearly see how the real purpose of the dialogue is blocked by this tactic of irrelevance. The reading of the Bible, or whatever document is used, contributes nothing to the argumentation in the discussion of the bill at issue. Its only function is to block out any arguments that might be used by the other side. The tactic is similar to the case of a football team that is not trying to score a goal, but simply to hang on to the ball long enough to maintain their lead until the few minutes left in the game have elapsed.

But it is a problem, at the initial stages of a dialogue, that it is difficult to tell which directions the argumentation may take in the subsequent discussion that will be productive. When the objection "That's irrelevant!" is made, a participant may reply, "If you will take my word for it, you will see later how this point will become relevant in the line of argument I will develop." So one who uses this criticism of irrelevance may also have to show some latitude and judgment in exercising the exclusionary function. The chairman will have to evaluate how well the discussion has succeeded at the particular point reached when Harry's argument was introduced, and judge how further discussion of

this issue will contribute to or block the argumentation needed to resolve the problem of extending library hours on Sundays.

2. IRRELEVANCE IN A POLITICAL DEBATE

Copi's textbook, *Introduction to Logic*, has now gone through eleven editions, and was the most popular introductory logic textbook in the western world (and perhaps in the whole world) for the first forty years or so it was in print. Copi treated irrelevance in argument under the heading of fallacies, as many logic textbooks have done. Copi (1968) divided fallacies into two broad categories: fallacies of relevance (a total of ten) and fallacies of ambiguity. Among the various fallacies of relevance (Copi, p. 72), the fallacy of *ignoratio elenchi* (*irrelevant conclusion*) is said to be "committed when an argument purporting to establish a particular conclusion is directed to proving a different conclusion." The case cited here is from the third edition (1968), but it is very close to that of the first edition (1953) and similar in outline to that of the ninth edition (co-authored with Carl Cohen, 1994):

Case 1.2: For example, when a particular proposal for housing legislation is under consideration, a legislator may rise to speak in favor of the bill and argue only that decent housing for all the people is desirable. His remarks are then logically irrelevant to the point at issue, for the question concerns the particular measure at hand. Presumably everyone agrees that decent housing for all the people is desirable (even those will pretend to agree who do not really think so). The question is: will this particular measure provide it, and if so, will it provide it better than any practical alternative? The speaker's argument is fallacious, for it commits the fallacy of *ignoratio elenchi*, or irrelevant conclusion (p. 72).

Copi's commentary provided a readily understandable version of the *ignoratio elenchi* fallacy for modern readers by explaining it as a failure to present evidence of the kind needed in a debate. As Copi explained it (p. 72), the fallacy is committed by the legislator's argument because it has failed to meet the requirement of providing evidence "capable of establishing the truth of the conclusion" to be proved (p. 72). The reason the argument in this case is said to be a fallacy of *ignoratio elenchi* is that the legislator should be confining his arguments to matters that are relevant to the specific housing bill under consideration in the debate. Instead, he argues in a rhetorically rousing manner for the proposition, 'All people should have decent housing.' But this general proposition is something that everyone accepts. Nobody in the debate, on either side, disputes it. Proving or disproving it is not relevant to settling the issue of

the debate—namely the particular housing bill being considered. Hence, the senator's rousing rhetoric is dismissed (Copi, 1968, p. 72) as a fallacious *ignoratio elenchi*.

One problem with this analysis is that the legislator's proposition, 'All people deserve decent housing' is relevant to the housing bill under consideration in a clearly definable sense. Both propositions are about housing. There is some subject-matter overlap between the two propositions. One is topically related to the other. Hence, the senator's argument for the proposition 'All people deserve decent housing' is relevant, in one sense, to the issue of the particular housing bill being debated. But if it is relevant, how can we say that a fallacy of *ignoratio elenchi*, or failure of relevance, has occurred? This apparent contradiction is a problem for the traditional textbook treatment of the *ignoratio elenchi* as a fallacy. One step toward a solution to this problem is to invoke a distinction between topical and material relevance. The first step in approaching the problem is to concede that the senator's proposition, 'All people deserve decent housing' is topically relevant to the issue of the debate on the housing bill. However, as indicated above, it does not seem to be materially relevant. But even taking this step presents another problem. The senator's argument could be more than just topically relevant. It could also be relevant to the issue of the housing bill, in the sense that, potentially, it could be part of some sort of argument, yet unidentified, that could be used as part of a sequence of argumentation to give evidence to support the bill being debated. We could say that it is potentially relevant evidentially, as well as topically, to the issue under consideration. In this sense, it could be relevant, depending on the details of the case the senator might be trying to make. At least it might be premature to declare that his argument is irrelevant.

But is potential relevance enough, in this case, for us to conclude that the senator has not committed a fallacious *ignoratio elenchi*? Perhaps not, if the distinction between potential and material relevance can be clarified. The senator's rhetorical flourish may be potentially relevant. But is it materially relevant? In other words, is it relevant in a sense that makes it a really useful contribution to the debate the participants are supposed to be engaged in? It can be argued that it is not, because it is not materially relevant to the resolution of the dispute on the housing bill. Let's say that the debate on the housing bill is limited to a certain time in the Senate. The purpose of the debate is to bring reasonable arguments to bear that might swing a significant number of the senators one way or the other. By looking at the arguments on both sides, a senator can come to a reasoned decision to vote for or against the particular bill being debated. This bill could be any specific bill—let us say it is about government subsidies proposed to help first-time house buyers to finance their mortgages. The two sides in the Senate might be locked in disagreement on whether to vote for this bill or not. Let's say, for example, that they disagree about the costs of the proposed legislation, whether its benefits outweigh its

costs, what its consequences are likely to be, whom it will really benefit, and so forth. An argument is materially relevant in the context of this debate on this particular bill if and only if it will bear strongly enough on one or more of these arguments so that it may shift the balance of considerations in the vote one way or the other. Otherwise it is not materially relevant in this particular context. It is on this basis, then, that the senator's argument for the proposition, 'All people deserve decent housing' could be rejected as not materially relevant. The failure of material relevance is a failure to be a strong enough argument to significantly influence the argumentation in the dialogue one way or the other.

This case shows a number of interesting things about irrelevance. One is that it is considered a fallacy by logic textbooks. Another is that irrelevance occurs in political arguments like legislative debates and can be an important problem in them. Another is that the problem apparently relates to the exclusionary function described in the previous section. If an arguer goes on and on with irrelevant arguments, the danger is that it could prevent relevant arguments from being heard, thus defeating the purpose of the debate.

Another thing shown by this case is the difficulty of dealing with irrelevance. The Speaker of the Senate is supposed to prevent this kind of problematic rhetorical digression from ruining a debate. But it may not be easy to do that in some cases. For, as we have seen, several different kinds of relevance are involved. The senator can argue that even though his argument is not relevant in one sense, it may still be relevant in another. There are rules of relevance for specific kinds of political debates, as will be shown in the next chapter. But if it is even difficult to define relevance, or to distinguish between different kinds of relevance, it may be difficult to identify irrelevance clearly and definitively in a given case.

Finally, there is one more lesson to be drawn from this case. It suggests a danger of irrelevance in argumentation, over and above the problem posed by the exclusionary function. This danger is that the senator might give such a crowd-pleasing speech on how all the people deserve decent housing that a majority of the senators are persuaded to vote for the bill. The danger is that the crowd-pleasing argument, even though it is materially irrelevant, might be psychologically successful in persuading the senators to go along with it. According to Copi's analysis of the fallacy in case 1.2, the speaker tries to evoke an attitude of approval for himself so this attitude can be transferred to his conclusion by "psychological association." But it is not logically relevant because he has not proved that the bill is in the public interest (p. 72). It is not logically relevant, in Copi's sense, because (as things stand, in the case) it is incapable of establishing the truth of the conclusion. The danger is associated with what some might call the prejudicial power of the argument. The argument could appear to be relevant to an uncritical audience, even though it is not, in some sense, logically or materially relevant.

This argument is an example of a political debate. In this case, a legislator argued that decent housing for all people is desirable. Copi judged the argument to be fallacious because it fails to establish the conclusion that the particular bill being debated will provide better housing for the people. But is this failure enough to warrant the evaluation that the legislator's argument is irrelevant? Could it be that the legislator may be moving toward making a connection in his speech between decent housing for all people and how the particular measure being debated will provide it? Shouldn't the legislator be given enough time to make this connection and show his argument is relevant?

The answer to this question depends on certain factors relating to the forum of the political debate on the housing legislation. We are told very little about this—about whether it was a Senate debate of a particular kind, subject to certain procedural rules of relevance or not, and so forth. We are not told what stage the debate had reached. About all that can be presumed is that it was a legislative debate on a particular proposal on housing. Presumably then, the debate on this bill was put forward in some political assembly, and it would have been subject to rules of debate and moderated by a Speaker. Presumably also, because the debate was on a specific piece of legislation, a Speaker would limit time for debate. Not too much wide-ranging broad discussion of issues not directly bearing on the legislation in question would be permitted.

Once this context of the debate format is filled in, it is not too hard to see why the legislator's bringing in of arguments about decent housing for all the people could be ruled irrelevant, say by the Speaker. For arguments about decent housing for all the people are not likely to have much direct influence in changing anyone's vote in the Senate on a particular housing bill being considered. So by hastily sketching in all these background particulars of the setting of the political debate, we can grasp and appreciate in general outline why Copi would classify the argument in case 1.2 as an instance of the *ignoratio elenchi* fallacy. We can see why he evaluates the argument as an irrelevant appeal. The problem is that the example is so brief. Many background particulars of the institutional setting of the argument have to be filled in, by presumption or conjecture, to give enough information to yield the basis for even a conditional evaluation of irrelevance, and a tentative one at that. What would happen if such a sketchy notion of relevance was applied to, say, cases of political debate where a more extensive and detailed account is given, both of the text of discourse of the case and of its institutional and social setting? Could such a case be properly evaluated for irrelevance of arguments from a logical and critical point of view of the kind that has generally been attempted by the logic textbooks, even though institutional rules of relevance might be applicable to the case?

One persistent and central problem in attempting to evaluate relevance of arguments used in legal trials and political debates is that judgments of relevance in these contexts are bound by specific rules that are localized to juris-

diction or setting. There are legal rules of relevance applicable to a trial, and there are rules of relevance in handbooks that give rules governing political debate in an assembly. Hence, this question is posed: What right do we have as critics, who are, say, participants in a class or research group in logic or critical thinking—who are in fact not lawyers or elected office-holders—to criticize and judge such legal or political arguments as relevant or irrelevant? The idea that critical thinking is specific to a discipline has been advocated by McPeck (1981), and there seems to be something to be said for this idea. Much the same sort of limitation could be stated regarding arguments in a political debate or legal trial, where rules of procedure are applied by a Speaker or judge. Hence, it seems to follow that we, as critics, have really no right or basis in logic to judge an argument in a legal trial or a political debate as irrelevant from our own externalized and abstracted viewpoint.

On the other hand, if we take this discipline-bound (or institution-bound) point of view on judging relevance seriously, it follows that we, as citizens or observers, have no right or justifiable basis for criticizing the shortcomings of legal or political arguments from a logical point of view. But this restrictive view seems extreme, even absurd, in a democratic political system where a citizen is supposed to make reasoned judgments of political and legal arguments and use critical thinking to decide how to vote or which policies and arguments to support. This sort of use of logical thinking to weigh the arguments is precisely the function of a jury, and it is certainly an important ingredient in the justification of democracy as a political system. It is intelligent and independent critical thinking and evaluation of arguments that are supposed to make the system work. Consequently, a dilemma is posed, and it appears to require the opening up of a middle way between these two extreme positions. On the one hand, we should feel free to make critical comments on relevance, and other critical matters of a logical sort, in evaluating political and legal arguments. But on the other hand, we need to be careful and circumspect in making such judgments and realize that they are conditional on certain factors that are particular to an institutional setting.

3. MURDER IS A HORRIBLE CRIME

The prejudicial power of the irrelevant argument has appeared to be even more dangerous in legal argumentation than it is in political argumentation. Anglo-American law has seen it this way, at any rate. For it is a notable fact of evidence law that irrelevance has become quite carefully excluded by the rules of evidence. One of the main rationales for these exclusions is the worry that irrelevant arguments might tend to prejudice the jury. Chapter 8 will explain these rules and show how they are used in trials to try keep irrelevant arguments out. However, to introduce the reader to how irrelevant arguments can arise in a

trial, and be significant in persuading a jury, it is best to begin with a simple but typical case. Once again the classic case is found in Copi (1968, p. 72), as well as in many other logic textbooks:

Case 1.3: In a law court, in attempting to prove that the accused is guilty of murder, the prosecution may argue at length that murder is a horrible crime. He may even succeed in proving that conclusion. But when he infers from his remarks about the horribleness of murder that the defendant is guilty of it, he is committing the fallacy of *ignoratio elenchi* (p. 72).

Much the same kind of analysis of the prejudicial power of the irrelevant argument of case 1.2 is applied by Copi (p. 73) to case 1.3:

If the prosecution has given a sufficiently moving picture of the horribleness of murder, the jury may be so aroused, such horror and disapproval may be evoked in them, that they will bring in a verdict of guilty more swiftly than if the prosecutor had “merely” proved that the defendant had committed the crime.

One can see Copi’s point, but there are some complications involved in evaluating this kind of case. If the prosecutor is describing the horribleness of murder, perhaps it is because he is trying to show that not many people would be able to carry out such a horrible crime. If the defendant is a particularly aggressive or ruthless person, as the jury has been shown, then the conclusion the prosecutor could be trying to get the jury to infer is that this defendant, unlike many other people, would be capable of carrying out the crime of murder. If so, the prosecutor’s premise that murder is a particularly horrible crime would be logically relevant, in Copi’s sense, to the conclusion that the defendant is, or may be, guilty of the crime he was charged with.

Of course, in a real case of this sort, the judge would have to rule on whether the prosecutor’s argument was relevant or not. The judge has the obligation to stop the prosecutor’s line of argument if he seems to be getting off track with regard to fulfilling his burden of proof. As noted, this task would require some judgment and some grasp of where the prosecutor’s argument seemed to be going. If the defending attorney charged that the prosecutor’s argument was not relevant, the judge would have to make a ruling one way or the other. But if the prosecutor asked the judge for a little time to show how his argument about the horribleness of murder was relevant, the judge might grant this request or might not.

In fact, there are rules of relevance that are applicable to court cases. Certain kinds of arguments—those that might tend to bias the jury, for example—are ruled irrelevant, depending on the kind of trial in progress and the

rules applicable in different legal systems and jurisdictions. Legal rules of relevance are outlined in chapter 8. To sketch out how relevance is defined in evidence law, the following account may be helpful. According to Choo (1993, p. 115) an item of evidence is legally relevant where it has *probative value*, meaning that it renders a fact in issue more probable than it would be without this evidence. But legal relevance is not just based on probative value. To be considered legally relevant in a trial, an argument must have enough probative value to outweigh such possible contravening considerations as “prejudice to the defendant, the introduction of collateral issues, delay, confusion of the jury, and so on” (Choo, 1993, p. 116). Even this initial exposure to legal rules of evidence on relevance indicates that legal relevance and logical relevance are not the same. A judge has to decide what is relevant or irrelevant in a trial, based at least partly on the trial rules.

Thus, evaluating case 1.3 introduces the special problem posed by the fact that the context of this case is that of a trial, meaning that relevance will need to be judged in relation to legal rules of procedure and evidence, as applicable to the case in point. This problem poses all kinds of complications of dealing with judgments of irrelevance in trials in relation to the rules of evidence that guide a judge on how to determine relevance in court. These problems will be studied in chapter 8. Similar complications arise in connection with case 1.2. In this case, the legislator is arguing in the context of a political debate, presumably in some congressional or parliamentary meeting. Here too, there would be rules of relevance that are supposed to be interpreted and enforced by the Speaker. These problems are also studied in chapter 8. So both cases 1.2 and 1.3 are somewhat problematic to present to introductory logic students as instances of the fallacy of irrelevant conclusion. They are good cases to illustrate the importance of fallacies of relevance, but they throw open unanswered questions about how relevance should be determined in special contexts.

4. PROBLEMS IN JUDGING AN ARGUMENT IRRELEVANT

There are some other problems with evaluating case 1.3 as well. The premise ‘Murder is a horrible crime’ could be relevant if the prosecuting attorney was trying to prove that the defendant’s motive was consistent with the committing of an unusually horrible crime. Also, the premise of this inference is topically relevant to the conclusion because both propositions contain the term *murder*. There is a subject-matter overlap between the two propositions. The problem posed by these observations is that it cannot be entirely excluded that the premise could be relevant to the conclusion. Another problem with attempting to evaluate relevance in this case is that the prosecutor’s argument is being used in the context of a legal trial. In fact then, in such a case, the presiding judge

would have to determine whether the prosecutor's argument was relevant or not. Such a judgment would be based on how the argument was being used in a trial, in light of the charge against the defendant, and as determined by the rules of evidence applicable in that jurisdiction. However, in a logic textbook, we are presumably not dealing with legal relevance as a technical or legal judgment, but with logical relevance generally. This presumption poses a problem. Could the same argument be legally relevant but not logically relevant, or vice versa? Students in a logic class are in no position to pronounce on or judge whether an argument is legally relevant or not. But it hardly seems realistic or defensible to exclude legal factors determining relevance from the evaluation of the case altogether. For the case is a legal trial, where the prosecuting attorney is accused of using an irrelevant argument (committing *ignoratio elenchi*).

So this case has a number of subtle complications that make it difficult and problematic to use as a leading example of the fallacy of *ignoratio elenchi* in an introductory logic textbook. The problem is that the students do not appear to be given, or even to have access, to the resources or methods needed to evaluate whether the argument really is relevant in the given case. On the other hand, case 1.3 is an important kind of case in which judgments of relevance or irrelevance need to be made and which logic students, as citizens, should know about.

Relevance in political and legal argumentation was recognized as important in ancient manuals of rhetoric, designed to be used in cases of legal and political argumentation. Hermagoras of Temnos (fl. 150 B.C.) is widely credited with having developed the so-called *stasis* theory, which identified an argument as relevant if it addressed the issue of a controversy (Hohmann, 2001, p. 741). Hermagoras was on track (as shown in chapter 5) when he designed his concept of relevance in argumentation to center on the persuasiveness of arguments on "proposed political questions," meaning anything that involved a citizen, including deliberations, ethical discussions, and pleading in a court. But surely the standards for evaluating relevance in these different types of discourse will change significantly, depending on the purpose of the conversation, its institutional setting, and the particular rules and codes applicable to that setting. In a legal case, in particular, the setting being that of a trial, a conventional institution carefully defined and circumscribed by special legal rules as noted above, evaluating the relevance of an argument needs to take into account certain key factors of this setting. It might be better to start with everyday arguments that do not have these special complications.

Still, basic problems arise not just in legal cases, or in cases of political debate, but in examples of everyday argumentation. An excellent case illustrating some of the problems posed by textbook accounts of *ignoratio elenchi* can be found in an early logic textbook (Hibben, 1906). Hibben (p. 163) describes the fallacy of *ignoratio elenchi* as committed by "any argument which does not squarely meet the point at issue in a dispute," especially where the

argument is used as a “subterfuge which withdraws attention from the point at issue.” The following example is used to illustrate the fallacy:

Case 1.4: Suppose a student should be urged to spend more time upon his Latin or Greek, and he should excuse his negligence by insisting that in after life he would never find any practical use for his classics (p. 163).

One’s first reaction to this case is to reply that the student’s argument is relevant, precisely because it has a practical bearing on the professor’s argument. The student’s premise that he would not find a practical use for classics in “after life” (life after school) could be used to support a practical conclusion indicating some appropriate course of action. For example, it might be argued that the student could drop Greek and Latin and study subjects perceived to be more useful on the job instead. From this perspective, the student’s contention that he would not find any practical use for classics is a relevant argument, or part of a relevant argument, against the professor’s practical argument that he ought to spend more time studying Latin or Greek.

On the other hand, much appears to depend on the context of case 1.4. Suppose the situation is that it is too late for the student to drop his classics courses, and he is already committed to seeing these studies through to his examinations. In this version of the case, it could be argued that the student’s reply is relevant to the general issue of the practicality of taking classics courses, but it is not materially relevant to the specific issue at hand, namely, passing this particular Latin or Greek course or failing it. The student’s trying to rationalize his negligence by claiming that he will not find a practical use for classics after university is, in some sense, not a materially relevant argument. It may be based on a true, or arguably true, premise, but it is not materially relevant to the practical matter at hand, namely, the need to pass an exam or successfully complete a course of studies.

This case illustrates the ambivalent aspect of using this kind of example to illustrate the *ignoratio elenchi* fallacy. The student’s argument can be seen as relevant, according to one way of construing the context of the case. Certainly it is topically relevant to the issue of the case. However, when the case is construed another way, and this way also appears to be a permissible interpretation of it, the student’s argument is materially irrelevant. Once he has enrolled in the Latin or Greek course, and, presumably, when withdrawal is no longer an option, his argument, in Hibben’s words, “does not squarely meet the point at issue” (p. 163). So there seems to be a contradiction implicit in the case, depending on how you interpret the word *relevant* as applied to it.

5. MATERIAL RELEVANCE

A recurring problem posed by all the cases considered so far is the distinction between relevance generally and material relevance. To get a better practical grasp of this distinction, it is useful to examine a case in which there is a failure of material relevance, even though there is general or non-material relevance. Such a failure of material relevance is well illustrated in the following case:

Case 1.5: Mr. Smith, who is a patient in an intensive care unit and has an untreatable cancer of the pancreas, informs his physicians he wants to be taken off life-support systems. His wife disagrees and feels he should be kept in the intensive care unit. The physicians, staff, and family form a committee to discuss the problem, in order to try to arrive at a decision on how to proceed. Should Mr. Smith be taken off the life-support systems or not?

During the discussion, Dr. Jones, one of the attending physicians, starts to discourse on the general economic questions posed by this type of patient, saying, "It costs, on average, over thirty thousand dollars to maintain this kind of patient in intensive care. We have a growing national debt in this country. Can we, as a nation, really afford to maintain this expensive kind of treatment, when the money could be more usefully spent on things like preventative medicine? I think we need to reconsider our priorities in health care spending."

At this point in the meeting, another physician, Dr. Brown replies, "Financial questions of this sort are not really all that relevant to our present discussion of the specific problem we face here. Let's get back to the question of what we propose to do. Our problem is whether to keep Mr. Smith in the unit, or to release him to a medical ward, according to Mr. Smith's own request."

The economic argumentation advanced by Dr. Jones in this speech is relevant, in some sense, to the general issue being discussed in Mr. Smith's case. But would the other participants in the discussion be inclined to think that it was really relevant to confronting the specific problem of deciding whether to take this patient off the life-support systems or not? The participants in the committee meeting might well feel that this argument is not relevant because no matter which side you take on that issue, it is not going to decide what should be done in the case of Mr. Smith.

It could be quite reasonable to rule that Dr. Jones's argument is not materially relevant, from the point of view of the particular committee that has to decide what to do in Mr. Smith's case; such general financial considerations do not decide this issue. This is a bedside decision, which needs to be made in

the context of limited time if it is to be meaningful. Going into the larger question of how the different sectors of medicine are granted financial allocations in the country will not, in any way, materially affect the outcome of the particular case of Mr. Smith. In this case, there appears to be a contradiction, because Dr. Jones's argument is relevant, but it is not relevant (in another sense). To resolve the contradiction, we need to clarify the distinction between something that is generally relevant in a discussion and something that is materially relevant.

Here Dr. Brown might not be denying that financial considerations are relevant to the general issue under discussion. But he might be right that they are not materially relevant because the committee is not dealing with this larger economic problem within the framework of their present discussion. These larger economic issues, although generally relevant, are still not going to affect the outcome of this decision, one way or the other, in any practical way.

In this case, the type of conversation the participants are involved in is that of a committee meeting, formed for the express purpose of arriving at a decision on what to do in Mr. Smith's case. This type of conversation could be described as deliberation. The purpose is to decide on a course of action by letting all the involved parties say what they think about the issue and then trying to formulate the most important arguments for and against the various possible options. The goal would be to arrive at some sort of rationally based consensus—a reasonable course of action that all can agree to as the best way to proceed. Thus, the discussion in this case is a practical one and is a matter of some urgency. Delay and protracted argumentation will mean that, in effect, Mr. Smith will be kept in the intensive care unit against his expressed wishes. So even a failure to do or to decide anything results in a definite line of action—more accurately, an omission or failure to act—that has definite consequences.

Material relevance depends on the specific facts of a case. How can these be judged? Surely the facts of case can vary, as new evidence comes in. In some cases, like those above, all the facts of the case may not be known. How much factual knowledge of a case should a judgment of material relevance rest on? These questions suggest even deeper ones. What does it mean to say that an argument, as used in a case, according to a particular interpretation of the facts in that case, is not materially relevant, or, to put it another way, “does not squarely meet the point at issue”? In this context, an argument (or other speech act) is *materially relevant* in a conversation if it bears directly or strongly on the issue so that it is worth prolonged or detailed consideration in relation to the specific problem or issue that the conversation is supposed to resolve. As case 1.5 illustrates, an argument can be generally relevant, or relevant in some other sense in a conversation on an issue, but not materially relevant. For example, Dr. Jones's argument on the costs of intensive care in the national health care budget is typically relevant to the issue of whether Mr. Smith should be removed from the intensive care unit or not. But it is not materially relevant, in

the sense that it does not bear directly on the decision of what to do in the case of Mr. Smith.

Whether an argument is materially relevant in a given case depends on the context of conversation in which the argument is located. It depends on the purpose of the discussion. There is another factor to be taken into account. Dr. Jones's argument may be worth mentioning, as one generally relevant factor that applies to this kind of case. But the time allotted for the committee meeting would clearly have to be limited by practical factors. Too much time spent on discussing the general issue of health care economic policies would have a bad effect on the quality and success of the deliberations in the committee meeting on the case of Mr. Smith. Thus the exclusionary function comes into play, just as shown in cases 1.1 and 1.2. In this new kind of case, however, there would be no rules of relevance and other highly codified legal rules of procedure, as there are in a legal trial or other legal proceedings. The committee would feel a practical need to limit digressions because of the limited time available to the participants and because of the urgency of the decision. However, these same practical factors of time and expense would bear on a legal trial. The judge would interpret rules of relevance more strictly where costs and other practical matters would limit the time allotted for a trial.

So far, our best bet in trying to work toward an answer to these questions is to look at examples of perceived irrelevance and try to diagnose the problem. To proceed further in this direction, the best thing is to examine some other cases where irrelevant arguments have been perceived to be problematic.

6. OTHER FALLACIES OF IRRELEVANCE

Logic textbooks generally treat relevance within the part of the logic course devoted to informal fallacies. Many treat a certain specific subset of the fallacies as being fallacies of relevance. Four particular fallacies are most typically classified as belonging to this subset. *Argumentum ad hominem* is the use of personal attack by one party in a dispute to attack the other party's argument by alleging that this other party has a bad character, for example, a bad character for veracity, so that he lacks credibility as a spokesman for his argument. *Argumentum ad misericordiam* is the use of appeal to pity by one party to try to get another to accept a conclusion or policy, or to make a concession. *Argumentum ad baculum* is the use of appeal to force, or the threat of force, or to fear generally, to try to get a respondent to accept a conclusion or go along with a recommended course of action. *Argumentum ad populum* is the use of appeal to popular opinions or feelings to accept a conclusion or course of action. In some textbooks, all four types of appeals are treated as inherently fallacious, primarily on the grounds that they are irrelevant in a serious argument where objective evidence is supposed to be given to prove a point. Other textbooks

leave room for the possibility that such arguments may not be fallacious in some cases. They then inform their readers that these four types of argument are fallacious whenever they are used in an irrelevant way.

However they treat this group of fallacies, the textbooks most often explain their fallaciousness as a failure of relevance. For example, in the widely used textbook *Introduction to Logic*, Irving Copi and Carl Cohen (here the eighth edition is cited, 1990, p. 103) classify the *ad populum*, *ad misericordiam*, and *ad baculum* together under the heading of appeals to emotion. They diagnose the common fault as failure of relevance.

These three fallacies, although common enough, are also so evidently fallacious as to require little explanation here. In each case the premises are plainly not relevant to the conclusion, but are deliberately chosen as instruments with which to manipulate the beliefs of the listener or reader.

Clearly, for Copi and Chohen, the presumption is on the side of these arguments being fallacious.

Although the *ad hominem* has distinctive features in its own right as a separate type of fallacy, it is also strongly associated with appeal to emotion and with failure of relevance, by many textbook accounts. Hence, the four fallacies—*ad hominem*, *ad misericordiam*, *ad baculum*, and *ad populum*—are often treated as the four main fallacies of relevance. Yet, there is also a longstanding tradition to cover a broader range of the fallacies under the general heading of fallacies of relevance. Copi and Cohen (1990, p. 93) cover twelve fallacies under this heading. Hurley (5th ed., 1994), another widely used logic textbook, treats eight fallacies under it (p. 116).

Each of the various fallacies treated under the heading ‘fallacies of relevance’ is, to a greater or lesser degree, explained as a fallacy because it involves a failure of relevance. Yet each of the individual fallacies treated has its own special features that make it a fallacy distinct from the others. One fallacy that is frequently singled out as being a pure failure of relevance, without any of the distinctive or special features of one or more of the other fallacies being involved is the so-called *ignoratio elenchi* (misconception of refutation) or “irrelevant conclusion” fallacy. Copi and Cohen (1990, p. 105) write that this fallacy is committed when an argument “misses the point” or is used to prove some conclusion other than the one it was supposed to prove. The idea is that this fallacy is the use of the tactic of digression or distraction to throw an opponent off the subject or off the line of argument supposedly being discussed. Many textbooks use the expression *red herring* to convey the idea of this familiar tactic of argumentation. According to Engel (1976, p. 97), for example, “To sway a red herring in an argument is to try to throw the audience off the right track onto something not relevant to the issue at hand.” Engel explains (p. 97) that the name *red herring* derives “from the fact that escapees sometimes