

Whately on Arguments Involving Authority

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Abstract: Richard Whately's views of arguments involving authority are very different in his *Elements of Rhetoric* and his *Elements of Logic*. This essay begins by documenting these differences and wondering why they are. It then proceeds to take a broader and more historical view of Whately's discussions of authority and finds him occupying an important developmental ground between his predecessor Locke and contemporary views of the argument from authority. In fact, some of the things we now think are important in a good argument from authority are anticipated by Whately.

Résumé: L'opinion de Richard Whately sur les arguments dans lesquels on fait appel à une autorité est très différente dans *Elements of Rhetoric* et dans *Elements of Logic*. On commence cet essai en décrivant ces différences et en se demandant pourquoi elles existent. Ensuite on prend une approche plus large et plus historique de ses discussions d'autorité et on découvre que Whately occupe une place importante, entre son prédécesseur Locke et les notions contemporaines, dans le développement des perspectives sur les arguments d'autorité. En effet, ce que l'on considère important dans un bon argument d'autorité a été anticipé par Whately.

Keywords: *ad hominem*, *ad verecundiam*, argument from authority, administrative authority, dignity authority, epistemic authority, expertise, Jean Goodwin, Douglas Walton, Richard Whately.

1. Introduction

The British academic and churchman, Richard Whately (1787-1863), might well be thought of as the father of modern argumentation theory. His widely read (and still in print) companion books, *Elements of Logic* (1826) and *Elements of Rhetoric* (1828), influenced the development of two of the main components of argumentation, and his work on fallacies, a mainstay of the argumentation theorist, together with his missionary zeal for good and fair argumentation, sets him apart in terms of breadth from everyone before him since Aristotle. Among what are thought to be his novel contributions is his treatment of the *ad*-arguments, first identified as a kind by Locke nearly a century-and-a-half before. Whately thought that such arguments had both correct and fallacious uses. Unfortunately, his enviable reputation is inversely proportionate to the amount of actual analysis of the *ad* arguments with which he has left us. This is plainly so with regard to the first item on Locke's *ad*-argument list, the *argumentum ad verecundiam*. It is mentioned but only indirectly discussed in the *Logic* and not mentioned at all in the *Rhetoric*. The *Rhetoric* does, however, include a discussion of the concepts central to the

argumentum ad verecundiam, especially ‘presumption,’ ‘authority,’ and ‘deference.’ Why did Whately not combine these insights with his observations about the *ad verecundiam*?

To propose an answer to this question passages in both the texts will be examined. From the investigation it will emerge that Whately contributed to two different kinds of arguments from authority, and that he pioneered distinctions useful to our present understanding of such arguments.

2. The *argumentum ad verecundiam*: Locke and Walton

We must begin with the *cause célèbre* of our investigation. It is found in Locke’s *Essay Concerning Human Understanding* published in 1690, in the fourth book titled “Of knowledge and opinion,” and the seventeenth chapter, “Of Reason.” The subject of the chapter is to outline the importance and capability of reason in the establishment of knowledge. In this passage Locke is speaking of kinds of arguments that are used not to establish knowledge claims but to get others to agree with us or, failing that, to at least “silence their opposition.”

The first [sort of argument] is, to allege the Opinions of Men, whose Parts, Learning, Eminency, Power, or some other cause has gained a name, and settled their Reputation in the common esteem with some kind of Authority. When Men are established in any kind of Dignity, ‘tis thought a breach of Modesty for others to derogate any from it, and question the Authority of Men, who are in possession of it. This is apt to be censured, as carrying with it too much Pride, when a Man does not readily yield to the Determination of approved Authors, which is wont to be received with respect and submission by others: and ‘tis looked upon as insolence, for a Man to set up and adhere to his own Opinion against the current Stream of Antiquity; or to put it in the balance against that of some learned Doctor, or otherwise approved Writer. Whoever backs his Tenets with such Authorities, thinks he ought thereby to carry the Cause, and is ready to style it Impudence in any one who shall stand out against them. This I think may be called *Argumentum ad Verecundiam*.

...

It argues not another man’s opinion to be right, because I out of respect, or any other consideration, but that of conviction, will not contradict him.

Authority is the central notion in this kind of argument. However, it is interesting that Locke says “some kind of authority.” This intimates that he may have thought that there was more than one kind and it raises the question of which kind he might have had in mind in connection with the *ad verecundiam*.

Fast-forwarding three centuries, we find Douglas Walton using Locke’s *ad verecundiam* as a point of departure for his own larger study in his book, *Appeal to Expert Opinion*. He begins by reviewing various senses of ‘authority’ that others have proposed and then settles on a distinction between cognitive and administrative authority. These two broad kinds of authority, thinks Walton, are

. . . basically different in function, import, and logical structure in argumentation. The *cognitive (epistemic, de facto)* type of authority is a relationship between two individuals where one is an expert in a field of knowledge in such a manner that his pronouncements in this field carry a special weight of presumption for the other individual that is greater than the say-so of a layperson in that field. The cognitive type of authority, when used or appealed to in argument, is essentially an appeal to expertise, or to expert opinion. By contrast, the *administrative (deontic, de jure)* type of authority is a right to exercise command or influence, especially concerning what should be done in certain types of situations, based on an invested office, or an official or recognized position of power. (Walton 1997a, 77-78)

Walton believes that the *ad verecundiam* argument can be used to exercise both kinds of authority; nevertheless, he makes cognitive authority primary in his study, and thus comes to consider the *argumentum ad verecundiam* predominantly as an appeal to expertise (Walton 1997a, 78). I prefer the term ‘epistemic authority’ to ‘cognitive authority’ and will use it in the paragraphs below. Appeals to an epistemic authority can make for a reasonable argument given that certain conditions are met; however, one of the ways such an appeal can get into fallacy-trouble is by being mixed up with the administrative sense of authority (Walton 1997a, 252). This can happen if we accept a knowledge claim on the basis of someone’s administrative rather than epistemic authority. Even if the given administrative authority also happened to be an epistemic authority in the relevant area, accepting the knowledge claim on the basis of administrative authority would be a fallacy. In this essay I will not be able to pursue the logical and epistemic conditions that a good argument from authority or expertise must satisfy, but Walton and others have advanced that discussion considerably.¹

3. Whately and Goodwin on authority

In his historical survey of work on appeal-to-authority arguments, Walton neglects considering Whately’s views. In the *Elements of Rhetoric*, Whately wrote of a “strict sense of authority” (ER, 118) and for clarification of what he meant by that phrase he directed us to the Appendix of his *Elements of Logic* where two senses of ‘authority’ are distinguished.²

AUTHORITY.—This word is sometimes employed in its primary sense, when we refer to anyone’s example, testimony, or judgment: as when, *e.g.*, we speak of correcting a reading in some book, on the Authority of an ancient MS.—giving a statement of some fact, on the authority of such and such historians, &c.

In this sense the word answers pretty nearly to the Latin “Auctoritas.” It is a claim to *deference*.

Sometimes again it is employed as equivalent to “Potestas,” Power: as when we speak of the Authority of a magistrate, &c. This is a claim to *obedience*.

[...]

Authority again in the sense of *Auctoritas* (claim to *deference*) may have every degree of weight, from absolute infallibility, down to the faintest presumption. On the other hand, “authority” in the sense of “legitimate power” does not admit of *degrees*. One person may indeed possess a *greater extent* of power than another: but in each particular instance, he either has a rightful claim to obedience or he has none. (*EL*, 293-4)

One of these senses of ‘authority’ is about judgments, the other about power. The meaning of ‘authority’ “in the strict sense” is given extensionally: example, testimony, judgment, or statement of fact. The other kind of authority Whately identifies is judicial, ecclesiastical, or military. One of his examples is the church’s authority in matters of faith (*ER*, 293-94) but we can easily add examples of our own such as the authority of a train conductor, a sheriff, or an academic dean. Thus Whately’s distinction turns out to be very much the same as the one that Walton settled on between epistemic and administrative authority and we need not introduce new terminology here. Whately’s ‘authority’ in the strict sense (epistemic authority) is “a claim to deference”; his ‘authority’ demanding obedience is administrative authority. Epistemic authority, according to Whately, unlike administrative authority, admits of degrees. Thus one’s epistemic authority in a field may range with qualifications and years of experience whereas the extent of a dean’s administrative authority, for example, will be fixed: either she has or she has not the right to do X.

Table 1: Whately’s two senses of ‘authority’

<i>Kind of Authority</i>	<i>exemplified by</i>	<i>...is a claim to...</i>	<i>how they differ</i>
epistemic (<i>auctoritas</i>)	example, testimony, judgment	deference	admits of degrees
administrative (<i>potestas</i>)	judicial, institutional, military	obedience	does not admit of degrees

It is tempting to think that epistemic authority is concerned only with the realm of thought and ideas and that administrative authority is restricted to the realm of action. This is not so.³ We must distinguish between the kind of authority that someone has and the area in which the authority might be exercised. Epistemic authorities can advise on courses of action just as well as they can give us reasons to believe something that is beyond our experience. Similarly, although administrative authorities are most often thought of as compelling us to satisfy certain standards of action, they can also insist that certain dogmas should be believed. When Peirce decries the method of authority he describes in “The fixation of belief” his worry is that an administrative kind of authority should usurp the function of an epistemic kind of authority (Peirce, 1877).

Goodwin—who also neglects Whately—finds the same distinction in the literature between two kinds of authority as did Whately and Walton. She calls the one ‘authority of command’ and the other ‘authority of expertise.’

It seems intuitively plausible to distinguish two broad clusters of phenomena, which I will call the authorities of command and the authorities of expertise. Commanders, roughly speaking, give orders and back them up with the possibility of punishment. Experts, again roughly, give advice and one will be better off following it. We say that the commander is *in* authority, while we speak of the expert as *an* authority. (Goodwin, 268)

This distinction between command- and expertise-authority matches up very well with the distinction drawn by Walton and Whately (between administrative and epistemic authority). However, Goodwin goes on to identify a third kind of authority.

Table 2: Goodwin’s three senses of ‘authority’

<i>Type of authority</i>	<i>Appropriate response</i>	<i>Failure to follow</i>	<i>Penalty</i>
Command	obedience	disobedience	punishment, loss of position
Expertise	prudence	imprudence	things will turn out badly, loss of cooperation
Dignity	deference	impudence (showing lack of respect)	shame

Whately based his distinction between the two kinds of authority on the kinds of responses that are appropriate to each. Goodwin’s approach is ingeniously different. She distinguishes “each type of authority by the reaction that *a failure to follow it* ordinarily evokes.” (Goodwin, 273; my italics). Those who fail to obey the authority that commands are disobedient and they are eligible for punishment by their commanders. Those who disobey the expertise authorities are imprudent, and their imprudence brings about its own disadvantages. To these two senses of ‘authority’ Goodwin adds a third sense which she finds in Locke’s *ad verecundiam*. Part of Locke’s observation was that failing to heed authority is shameful, a breach of modesty, insolent and impudent. Impudence and insolence being different from both disobedience and imprudence, Goodwin is led by her principle—that the kinds of authority that there are may be distinguished on the basis of the different results that come to those who fail to heed them—to identify a third kind of authority. This one is associated with the concept of dignity or eminence, and she calls it ‘dignity authority’. Interesting it is that although Locke tells us what some of the inappropriate responses to dignity authority are, he does not say what the appropriate response should be. Goodwin suggests that it should be *deference* and

leaves us with the hypothesis that Locke did not use that word in connection with the *ad verecundiam* because it was only just then coming into circulation in the English language (Goodwin, 274).⁴

4. Whately on presumptions and deference

Whately's thoughts on deference are found in his historically important and larger discussion of presumption and burden of proof which he developed in successive editions of the *Elements of Rhetoric*.⁵ The passages that deal with deference were included for the first time in the seventh and last edition (1846) and become paragraphs 20-33 of the 52 paragraphs that make up Whately's discussion of presumption and burden of proof. He observed that authority was just one source of presumptions among others yet he devoted more space to authority-based presumptions than he did to the origin of other kinds. Moreover, Whately saw deference as the appropriate response to authority before Goodwin did, but he did not explicitly anticipate her distinction between expertise and dignity-authority.

Presumptions are propositions that occupy a privileged position in our epistemic folds. They are to be accepted until sufficient reasons have been brought to expel them. Whately began by identifying some particular presumptions and burdens; for example, he pointed out that originally there was a presumption against Christianity and later there was one in favour of it; and there was once a burden on "the authors of the Reformation," as there once was a presumption against "the Science of Logic" (*ER*, 116, 125). Interestingly, Whately also gave rough guide lines for how to identify presumptions by listing "a few of the cases in which it is important, though very easy, to point out where the presumption lies." (*ER*, 114). There are presumptions, thought Whately,

- (1) in favour of every man's innocence until he is proven guilty (*ER*, 112-13);
 - (2) in favour of ownership of that of which a person or corporation is in actual possession (*ER*, 113);
 - (3) in favour of existing institutions (*ER*, 114);
 - (4) in favour of the harmlessness of any given book (*ER*, 115);
 - (5) in favour of the opinions of people who have authority (*ER*, 118);
 - (6) in favour of received opinions (against paradoxical claims) (*ER*, 115),
- and
- (7) against every change (*ER*, 124).

It is important to decide at the outset of a discussion, both for yourself and your interlocutor, "on which side the presumption lies, and to which belongs the burden of proof" Whately wrote (*ER*, 112). In explaining why it is an advantage to have the presumption in argumentation, he offers a military metaphor: an army defending a fort may well be able to turn back any assault, but should the army go "into the open field to encounter the enemy," they might be defeated. Thus, the function of identifying presumptions is to give an initial structure to argumentation,

viz., that the side enjoying the presumption has the advantage of having to give arguments for its side only if good arguments are presented against its position; if no such good arguments are forthcoming, then the side with the presumption ‘wins’ the argument by default. For Whately, presumptions and burdens are correlative: to assign presumptions is to assign burdens of proof at the same time: “the *Burden of proof* lies on the side of him who would dispute [a presumptive proposition]” (ER, 112). Whately’s connects this general view of the function of presumptions with authority:

The person, Body, or book, in favour of whose decisions there is a certain Presumption, is said to have, so far, “Authority”; in the strict sense of the word. And a recognition of this kind of Authority,—an *habitual* Presumption in favour of such a one’s decision or opinions—is usually called “Deference.” (ER, 118)

Either a person, or a body of people, or a book, according to Whately, can be objects of deference. That he includes books in his list is an indication of the great respect that his predecessors and contemporaries had for classical texts such as, perhaps, the works of Plato or Aristotle, or the *Bible*. It is also possible, in Whately’s view, to defer to a body of people such as commissions, courts, or parliaments (ER, 123).

It appears that Whately’s interest in deference was primarily practical. In the *Rhetoric* he was aiming to help the student of rhetoric determine which side in a dispute had the presumption and which the burden (ER, 113). This could be done, he thought, by observing who or what, was treated as an object of deference. The object of deference, it may be inferred, is perceived to have authority, and with authority goes presumption. He points out that deference may be unconscious on the parts of both the subject and object of deference, and that it is “apt to depend on feelings.” Thus, from an observer’s point of view, Whately sees that a person, *A*, may defer to another, *B*, because (i) *B* is especially vigorous in defence of *B*’s claim, or (ii) *B* has a soothing and submissive manner, or (iii) *B* defers to *A*, or (iv) *B* never defers to *A*, or (v) *B* is an author of antiquity (and *A* refuses to defer to any of his contemporaries), or (vi) *B* is one of those nearest to *A*,⁶ or (vii) *A* has affection for *B*. It is also possible, observes Whately, that (viii) *A* may not defer to *B* if *A* has affection for *B*, and—a paragraph further on—that (ix) *A* thinks he should defer to *B* but nevertheless does not do so. In writing that deference is an *habitual presumption* in favour of authority, Whately suggests that it can be an automatic or unthinking mode of behaviour developed over time, not a considered response. As helpful that having this knowledge may be to a rhetor, it nevertheless poses a more philosophical question, viz., When *should* a person defer to another (or to a book, or to a body)? Whately anticipated this question, for he goes on to clarify the meaning of ‘deference’ by comparing it to related concepts.

Concurrence and deference are not the same. *To concur* is to hold the same opinion as another, not by accident but for reasons, possibly the same reasons as the other person has (ER, 119-20); one would hold the opinion in question even if

the one with whom one is in fact concurring did not happen to hold it. In contrast, when one defers to another on some issue, one accepts his or her view only because, or mainly because, the person to whom one is deferring has that view—that is, one has no reason, or only slight reason, of one’s own for holding the opinion. Nor is deference exactly the same as *admiration* and *esteem*. One way in which they are dissimilar has already been mentioned: unlike admiration, deference may originate in feelings rather than understanding. “Admiration, esteem, &c.,” Whately writes, “are more the result of judgment of the *understanding*, (though often of an erroneous one;) “Deference” is apt to depend on *feelings*;—often, on whimsical and unaccountable feelings.” (ER,120) So, although we are liable to mistakes in both our expressions of admiration and deference, our misplaced deference is more likely to issue from our feelings than our understanding.

Another way in which deference and admiration differ concerns the personal qualities they appropriately recognize. One has admiration for someone because of his or her *virtue*, character or accomplishments whereas the deference extended to someone should rest on the recognition of his or her *authority* in a subject. This seems right because it is possible to admire someone yet disagree with them but not possible to defer to someone on a given question and disagree with them on that question. “[T]he degree of deference felt,” Whately wrote, “ought to depend not on our feelings but on our judgment” (ER,121). In Whately’s view, however, feelings cannot be controlled by the will any more than certain bodily activities can be so controlled.⁷ Thus, we are apt to mistake our belief based on involuntary feelings of deference towards a person with a reasoned belief that we should defer to him. Hence, although admiration and deference have different personal qualities as their objects (ER,119), both *should* stem from the understanding, since the understanding, unlike the faculty that originates feelings, can correct a mistaken judgment (ER,181).

Before going further we must recognize a difficulty that presents itself when considering Goodwin’s and Whately’s views together. Whereas Goodwin maintains that deference is the right response to dignity authority, we find Whately holding that it is the right response to, for the most part, epistemic authority. He speaks of physicians and bailiffs, of persons with ability and knowledge, and he intimates that it would be appropriate to defer to all of them. This is consistent with his Appendix entry in the *Logic* where he associates ‘the strict sense of authority’ with testimony or judgment. Nevertheless, Whately also writes that it would be “not unreasonable, to pay more Deference” to councils, assemblies, parliaments and throne speeches than to individuals. This remark presses us to search for Whately’s meaning: either (i) his view expressed in the *Logic*’s appendix had not changed and he thought that councils, assemblies, etc. had epistemic authority in addition to administrative authority and so they too could be proper objects of deference, or (ii) since the Appendix in the *Logic* his view had evolved to the extent that deference (not just obedience) was due to administrative authority as well.

Although Goodwin identified deference as the appropriate response to dignity authority, it follows not from this that deference as well as prudence are not both the right response to an epistemic authority. What Goodwin's argument shows us is not that deference is the appropriate response only to dignity authority, but that there is a kind of authority—dignity authority—which calls for deference even though it is not epistemic authority. However, Whately did not make Goodwin's distinction and his use of 'deference' agrees with modern usage where deference is the appropriate response more so to an epistemic superior, than to a social one. We defer to both those with dignity and expertise authority albeit perhaps for different reasons.

By Whately's list of examples, and the trouble he takes to distinguish it from concurrence and admiration, and his insistence that it should depend on understanding and not on feelings, it is evident that he thinks that deference is sometimes misdirected or inappropriate. Indirectly, then, we can summarize his positive views as follows:

- (S1) A should defer to B on question in field F if
- (a) B is an authority in field F;
 - (b) A is not an authority in field F;
 - (c) A recognizes that B is an authority in field F;
 - (d) A's recognition that B is an authority is based on understanding, not feeling.

5. Whately on the *argumentum ad verecundiam*

Given Whately's familiarity with Locke's *Essay*, it is strange that the extensive discussion of authority and deference in the *Rhetoric* makes no mention at all of *ad verecundiam* arguments. It is in the *Logic* that, in a few remarks tagged on to a discussion of the *ad hominem*, we find Whately's entire discussion of this kind of argument. Here is most of the passage in question.

[T]he "*argumentum ad hominem*," they say, "is addressed to the peculiar circumstances, character, avowed opinions, or past conduct of the individual, and therefore has reference to him only, and does bear directly and absolutely on the real question, as the '*argumentum ad rem*' does:" in like manner, the "*argumentum ad verecundiam*" is described as an appeal to our reverence for some respected authority, some venerable institution, &c. [. . .]

It appears then (to speak rather more technically) that in the "*argumentum ad hominem*" the conclusion which actually is established, is not the *absolute* and *general* one in question, but *relative* and particular; *viz.* not that "such and such is the fact," but that "*this man* is bound to admit it, in conformity to his principles of reasoning, or in consistency with his own conduct, situation," &c. Such a conclusion it is often both allowable and necessary to establish, in order to silence those who will not yield to fair general argument; or to

convince those whose weakness and prejudices would not allow them to assign to it its due weight. . . . [T]his, . . . is perfectly fair, provided it be done plainly, and *avowedly*; but if you attempt to *substitute* this partial and relative conclusion for a more general one—if you triumph as having established your proposition absolutely and universally, from having established it, in reality, only as far as it relates to your opponent, then you are guilty of a Fallacy of the kind which we are now treating of; your conclusion is not in reality that which was, by your own account, proposed to be proved. The fallaciousness depends upon the *deceit*, or attempt to deceive. The same observations will *apply* to “*argumentum ad verecundiam*,” and the rest. (EL, 237-38)

In order to see what these ‘same observations’ are that apply to the *ad verecundiam*, we should briefly review Whately’s view of the *ad hominem*.

Whately holds that the conclusions of *ad hominem* arguments are relative to the person to whom the arguments are addressed and therefore they are particular propositions rather than general and absolute propositions. The conclusion of such an argument addressed to Smith would take the form, for example, that

(1) You [Smith] are bound to admit that God exists

but not that

(2) God exists

Such *ad hominem* arguments may be used against those who are immune to ‘fair general argument’; that is, against those who fail to appreciate the strength of direct (*ad iudicium*) arguments for a proposition such as (2). But if in an *ad hominem* argument one deceitfully attempts to substitute a general or absolute proposition like (2) for the relative and particular proposition to which he or she is entitled such as (1), they commit a fallacy. Perhaps this can be brought into sharper relief by considering a very general form of the *ad hominem*.

(S2) By your practice and/or principles you are committed to *p*;
You must be consistent;
Therefore, you are bound to admit that *p*.

We, Smith’s interlocutors, commit a fallacy if we conclude that *p* is the case rather than that *Smith is bound to admit that p*. But how might an argument of this kind be able to silence anyone? If it happens that Smith is arguing for *not-p* and he is then faced with an argument of the above form then he is immediately put on the defensive. Either (i) he must with embarrassment admit his inconsistency and thereby reveal himself as a confused participant in the discussion,⁸ (ii) he must deny the major premiss, or (iii) he must take time and effort to explain that the alleged inconsistency is merely apparent.

We might be tempted to think that a Whatelyan *ad verecundiam* models itself on the *ad hominem* by identifying an inconsistency between one person who is an authority with view *p* and another person who doubts or denies *p*. This seems to be the way that Locke understood the *ad verecundiam*. But this was not Whately’s

analysis. On his view the *ad verecundiam* was like the *ad hominem* in that it charged an arguer with an intra-personal inconsistency: it does not compare an arguer's present view to his principles of reasoning, his past conduct or his circumstance (as the *ad hominem* does), but it points to an inconsistency between his present view and his "reverence for some respected authority, [or] some venerable institution." It is as if the one addressed is asked, How can you hold *p* when your respect for *A* should lead you to *not-p*? So, in Whately's view, the *ad verecundiam* is a lot more like the *ad hominem* than it is like the modern argument from authority which involves an inter-personal relationship between an authority's view and an arguer. The *ad verecundiam*, according to Whately, involves an intra-personal relationship between an arguer's position and his or her reverence for an authority.

Such arguments, if the similarity with the *ad hominem* is extended, may be fairly used to silence those who are immune to direct argument, and they will be used fallaciously when an absolute conclusion is deceitfully substituted for the ones relative to the obstinate debater. If, as before, we let *p* be the proposition "God exists" and Smith the addressee, the conclusion of the argument will be "Smith is bound to admit that God exists". It would be a fallacy to conclude that God exists—that is, to leave off the particularizing and relativizing phrase, "Smith is bound to admit that . . .". For Whately, *ad verecundiam* arguments will take this shape:

- (S3) You revere (or venerate or esteem) *X*;
 X holds that (or is committed to) *p*;
 You must be consistent;
 Therefore, you are bound to admit that *p*.

How do Whately's *ad hominem* and *ad verecundiam* differ, apart from the difference between holding principles and having reverence for another? The *ad hominem* is dialectically effective because the addressee is caught in an intra-personal intentional or pragmatic inconsistency which is self-incriminating: *you accept p and you do not accept p*. The argument makes the inconsistency plain to the addressee and pressures him to eliminate it. Whately may have thought that the *ad verecundiam* was equally effective in argumentation. But we should see the inconsistency it involves as less severe than what is associated with the *ad hominem*, even though it is still intra-personal. This is because to revere or esteem someone, or admire them, does not imply that we share their beliefs or attitudes. Thus, there is no logical inconsistency in the following conjunction: *A holds that not-p & A reveres B & B holds that p*. But what can happen if all three factors come to light, is that *A* will be in a difficult position. He will have to explain how it is that he can both revere *B* and also disagree with him. Such disagreement would need justification if *A* recognized *B* as an epistemic authority and revered *B* for that reason. However, if the kind of authority that *B* has is dignity authority then what is violated is not an epistemic requirement but a social one as in, for example, failing to thank a generous

benefactor, or refusing to bow when presented to the Governor General. Dignity authority demands a public display of deference and when that deference is absent what is needed is an apology, not a justification.

It has been widely taught in the last 100 years that Locke's *ad verecundiam* is the prototype of the argument from authority, a sometimes reasonable sort of argument that can be used to support knowledge claims, especially in the sciences. Whately's cursory characterization of *argumentum ad verecundiam* "as an appeal to our reverence for some respected authority, some venerable institution, &c." (*EL*,237) is very similar to Locke's portrait of the *ad verecundiam*. But consider what Locke actually said of the three kinds of *ad* arguments he grouped together (the *ad hominem*, *ad ignorantiam* and *ad verecundiam*). Their use is to prevail upon others for "their assent, or at least so to awe them as to silence their opposition." Whately's view of the *argumenta ad hominem* and *ad verecundiam* as arguments that at best yield conclusions for their addressees and whose function is "to silence those who will not yield to fair general argument . . . [or] . . . to convince those whose weaknesses and prejudices would not allow them to assign to it its own due weight" (*EL*,238) is very similar, and we must take him to be developing Locke's view. Locke went on to contrast these three kinds of *ad* arguments with the *argumentum ad iudicium*, "the using of proofs drawn from any of the foundations of knowledge and probability" (*Essay*, IV.xvii, 22). Whately again appears to be following Locke when he contrasts the *ad* arguments that could be fallacies with "*argumentum ad rem*;" or, according to others (meaning probably the very same thing) "*ad iudicium*." Part of the contrast, then, is between arguments that can lead to knowledge and those that cannot: *ad iudicium* arguments can, and other *ad* arguments can't. This contrast is reinforced by the kinds of conclusions associated with each category of argument. The conclusions of *ad iudicium* arguments are of the form that such-and-such is the case ('*p*'), whereas the conclusions of the other *ad* arguments take a (non-truth-functionally) complex form, e.g., "you should not resist *p*" (in Locke) or "you are bound to admit *p*" (in Whately).

In Whately's hands the *ad verecundiam* is at best an argument-stopper addressed to a vexatious dialoguer, at worst a fallacy. And for Locke, and apparently Whately too, arguments from authority would not be "proofs drawn from any of the foundations of knowledge and probability;" hence, they are not *ad iudicium* arguments. How then can there be reasonable arguments from authority?

6. Whately and the emergence of the argument from authority

In contrast to the discussion of the *ad verecundiam* in the *Logic* there is in the *Rhetoric*, after the discussion of deference, a number of passages that may be seen as forming the outline of what we now recognize as the argument from authority.

[T]here is . . . a presumption, (and a fair one,) in respect of each question, in favour of the judgment of the most eminent men in the department it pertains to;—of eminent physicians, *e.g.* in respect of medical questions,—of theologians, in theological, &c. (*ER*,128)

This passage is also reminiscent of Locke’s characterization of the *ad verecundiam*; terms like ‘respect’ and ‘eminent men’ suggest this.⁹ But, unlike the account in the *Logic*, the discussion here takes a different direction. First, Whately does something that Locke did not do: he gives examples of learned men (medical doctors and theologians; later he adds lawyers); secondly, and more importantly, he states that there is a *presumption* in favour of the learned men’s judgments. Even though the passage¹⁰ makes no mention of authority, this seems plainly to be a characterization of reasoning involving people who would be thought to have epistemic authority and, as we noted earlier, Whately recognizes a presumption in favour of the opinions of people who have authority “in the strict sense”(*ER*,118). Hence, in Whately’s view, an argument from authority establishes its conclusion presumptively. This is not to say that the conclusion is relative or particular (as are the conclusions of the *ad verecundiam* arguments), but that they have a tentativeness about them—they can be withdrawn or overridden if new information comes to light. This is in sharp contrast to a conclusion being particular and relative to an individual arguer or being an absolute or general proposition (Whately’s classification). Hence, the kind of reasoning or argument thought of here is markedly different from both *ad verecundiam* and *ad iudicium* arguments.

Whately’s discussion of arguments stemming from authority is part of a discussion concerning the question of shifting the burden of proof. His discussion of transferring burdens is in the service of some issues dear to his heart, namely some church issues, and also the overcoming of the presumption that, according to him, had existed against logic since Bacon’s and Locke’s criticisms of the syllogism. This latter issue preoccupied him to such an extent that large parts of the text that deal with this in the *Rhetoric* (*ER*,125-127) occur as well as in the Preface to the *Logic* (xvi-xviii) where they have the appropriate reference back to the *Rhetoric*, and the comment that they illustrate a not unreasonable presumption being rebutted by a counter-presumption.¹¹ Whately believed that there had until the 1820s been a presumption against logic, *i.e.*, against its utility, but that the presumption had been overcome by a recent revival of interest in logical studies and a wide public acceptance of his own work, first the article on logic in the *Encyclopaedia Metropolitana* and then its enlargement into the *Elements of Logic*. Thus, a counter-presumption that logic was useful which rebutted the original presumption against logic came into being and, we may assume, the presumption is now for the utility of logic and the burden is on those who would dispute it. This somewhat self-serving bit of history on Whately’s part is meant to illustrate a larger and more general theme about the genesis of counter-presumptions.

When any science or pursuit has been unduly and unwisely followed, to the neglect of others, and has even been intruded into their province, we may

presume that a *re-action* will be likely to ensue, and an equally excessive contempt, or dread, or abhorrence, to succeed. And the same kind of re-action occurs in every department of life. (*ER* 126)

This is a way that counter-presumptions may be born and Whately thinks that examples are found of this in the history of science, medicine, and the Reformation. It is a somewhat Hegelian-sounding generalization about the genesis of presumptions and Whately thinks it may affect the judgments of the learned as well. There may be, he thought,

. . . a counter-presumption, arising from the circumstance that men eminent in any department are likely to regard with jealousy any one who professes to bring to light something unknown to themselves; especially if it promise to *supersede*, if established, much of what they have been accustomed to learn, and teach, and practice. (*ER*, 128)

This observation is reminiscent of Kuhn's view that "scientists normally [do not] aim to invent new theories, and they are often intolerant of those invented by others" (Kuhn, 24). How might one reply to this counter-presumption other than to maintain that the authority in question was pronouncing in favour of the best theory, she was not self-interestedly pushing her own view? There was another reason to treat the pronouncements of authorities with a grain of salt, thought Whately:

. . . they are prone to a bias in favour of everything that give the most palpable *superiority* to themselves over the uninitiated, [. . .] and affords the greatest scope for the employment and display of their own peculiar acquirements. (*ER*, 129)

This counter-presumption against the learned is that they, anxious to show their erudition or special skills, will take up causes or views just because doing so will allow them to parade their abilities.

Notice that both these counter-presumptions against the credibility of authorities are rooted in human nature: the first one remarks on our self-interestedness, the other on our vanity. These are two factors that can affect our judgments. However, contrary to Whately's earlier promise that "a moderate portion of common-sense" would allow anyone to determine on which side the presumption lay, there seems to be no general rule or method to determine on which side the presumption does lie in a controversy involving the learned and eminent and those who would rely on them. In fact, since Whately gives us no inkling that there are replies to these counter-presumptions against the learned, we are left with the impression that the burden invariably rests with the learned, and the presumption with those who question them—a perplexing result.

7. Reconstructing Whately's argument from authority

We, in our day, hold that there are good arguments from authority. By what other means than through experts do we know that Jupiter is further from the sun than is Mars or that global warming is caused by the creation of green-house gases? With the rise of science and its increasing specialization since the early-modern era, most of our scientific knowledge comes to each of us ultimately from epistemic authorities. Religious authority having been called into question by Bacon, Descartes and Locke, it would have been with a measure of caution that anyone would propose again that there could be good arguments based on the knowledge of epistemic authorities. Maybe in a round-about way Whately was struggling to arrive at a model or standard for good arguments from authority, something that would go beyond arguments merely calling for deference or agreement. He may have been trying to move in the direction of something like this.

- (S4) There is a presumption for p if
- (a) B is an authority in field F; and
 - (b) B says that p ; and
 - (c) p belongs to F.

This argument schema is similar to contemporary characterizations of the argument from authority.¹² (It is also nearly indistinguishable from S1 in section 3.) As we know, there are ways that such arguments can fail to live up to their expectations. We might learn, for example, that on the occasion of B's uttering p , B was drunk or under hypnosis, or that she only said p because her astrologer advised her to do it. Such undermining conditions would indeed be unusual and idiosyncratic moments in the life of an authority. However, when Whately identified two counter-presumptions against the learned he was reminding us of frailties that—although they may visit everyone—are especially likely to affect the authorities. In Whately's terms he was pointing to counter-presumptions; in more modern terms he was adding further conditions to the argument schema (S4) to the effect that in good arguments from authority the authorities should be motivated by neither self-interest nor vanity. We may be led to add further conditions to S4 to prevent the possibility of succumbing to spurious arguments from authority. One way to do this is to develop a set of critical questions that can be addressed to tokens of the argument from authority type, as Walton has done.¹³

It is possible, then, to give a more positive reading to Whately's view of arguments from authority and the defeating counter-presumptions to which they may give rise. In trying to guard against careless acceptance of arguments from authority, Whately began to identify some of the necessary conditions for the acceptance of an authority's views. In this way he began to lay the groundwork for the means of distinguishing strong appeals to authority from weak ones. Importantly, however, Whately sees the conclusion of arguments from authority as taking the form, *presumably p*—not simply the form p and not the form *you are*

bound to admit that *p*. They are thus unlike both *ad iudicium* and *ad verecundiam* arguments.

8. Discussion: Two kinds of arguments involving authority

With hindsight we can see that Locke's celebrated passage about appealing to authority has spawned rival siblings. The first sentence in the passage speaks of men's *parts*—which means their talents or abilities, acquired or natural, or their learning. This fits with the epistemic sense of 'authority' and we can understand why some read Locke's passage as being about expertise. But the language in the following sentences which mention dignity, lack of modesty, and excessive pride, incline us toward thinking that Locke may have had in mind the kind of authority Goodwin identified as dignity authority. This kind of authority—when not supervening on epistemic authority—has no epistemic sway. The ambivalence in Locke's passage may be read into Whately's work. There is, on the one hand, the attempt in the *Rhetoric* to recognize a kind of argument based on authority that establishes its conclusion presumptively. In the *Logic*, on the other hand, there is the development of the *ad verecundiam*, used to deal with bothersome arguers who cannot or will not follow an argument from evidence. One way to diffuse such recalcitrant arguers is to confront them with dignity authority (this may impress those of their ilk more than epistemic authority) and this can be done by means of the *ad verecundiam* as Whately conceived it. These two aspects of Locke's *ad verecundiam* were separated by Whately but they have been melded into each other again by recent writers.

Deference is an appropriate response to epistemic authority. It involves a transference of one's own responsibility for knowledge to someone else. One defers because he recognizes that another knows better than he does and, at the same time, there is no practical possibility of concurrence; i.e., it is either not worth our while or not within our abilities to be on equal footing with the authority. Thus, although we transfer our epistemic responsibility to an authority, in doing so we incur new responsibilities that cannot be transferred, viz., to take reasonable steps to make sure that the one to whom we have deferred really is an epistemic authority and is acting responsibly as an authority. In this way the reasonableness of our deference comes back to us in terms of a presumption in favour of what the authority pronounces.

In social deference none of these conditions obtain. We do not transfer our epistemic responsibilities to another. We merely choose not to be disagreeable to someone else out of respect for their station or their past accomplishments. This may lead us to temporarily veil our own doxastic inclinations. Advisable and required as this kind of deference may be, it does not repay us within any presumptions. Hence there is a great difference between arguments based on epistemic authority and arguments based on dignity authority. The one kind can lead to positive knowledge claims; the immediate effect of the other kind is negative.

In addition to ranking experts in a given field against each other in terms of their ability, it is also possible to rank the various areas of expertise against each other socially. The social prestige attached to being a plumber or a bartender is less than that connected with being a medical doctor, a judge, or an international relations expert. Hence, some epistemic authorities whose abilities are valued highly by society may have some share in dignity-authority as well, giving them a compound epistemic and dignity authority, a formidable force in argumentation. But just as it is possible to have epistemic authority without dignity-authority, so it is possible to have considerable dignity-authority without having any epistemic-authority (perhaps some royal people are like that). Arguments from dignity-authority—uncommingled with epistemic authority—give us reason to adapt our behaviour in a social setting and to allow others to engage in face-saving behaviour, but they give us no epistemic reasons—not even *prima facie* ones—for adopting a belief or pursuing a certain course of action.

Table 3: Two authority-based kinds of argument due to Whately

	<i>Argument from authority</i>	<i>Argumentum ad verecundiam</i>
<i>authority invoked</i>	epistemic authority	dignity authority
<i>nature of conclusion</i>	presumption for a claim	relative and particular to an individual
<i>function</i>	establish (tentative) knowledge	silence those who fail to appreciate fair arguments

Earlier we noted that Walton thought a fallacy of authority could arise if an epistemic claim was backed up by an administrative authority rather than an epistemic one. We can now add that another fallacy of authority will consist in an epistemic claim being advanced on the basis of only dignity authority.

I disagree, however, with one of Walton’s readings of Whately. He thinks that “Whately’s program was to analyze all six of the arguments *ad* as fallacies that create presumptions and shift burden of proof” (Walton 1992, 10). I am unconvinced of this claim for two reasons. First, leaving aside *ad rem* (also called *ad iudicium*) arguments since it is the contrast to the other *ad* arguments, Whately mentions only four *ad* arguments, the two we have been discussing plus the *ad populum* and the *ad ignorantiam*. True, he does indicate that there are more *ad*-arguments by use of “&c.”, and Whately may have had in mind the list of such arguments to be found in Watts’ *Logick* (1724) (the four just mentioned plus *ad fidem*, an argument addressed to our faith). But even this generous interpretation gives us only five *ad* arguments. The sixth kind Walton has in mind is the *argumentum ad*

miserordiam (appeal to pity) and as he notes elsewhere, it is not recognized by Whately and is not identified as an argument kind until 1929 (Walton 1997b, 36-37). So there seems to be some exaggeration in Walton's claim.

Walton's argument for the claim rests on a celebrated footnote ('the Sportsman's rejoinder') that Whately attached to his discussion of the *ad hominem*, saying it "will often have the effect of shifting *the burden of proof*, not unjustly, to the adversary" (ER,238). Given Whately's view that presumptions and burdens are correlative, Walton appears to have reasoned that *ad hominem* arguments create presumptions since they can shift burdens and, furthermore, since Whately clearly indicates that we may take his analysis of the *ad hominem* as a model for the analysis of the *ad verecundiam* "and the rest" (ER, 239), there is reason to think that all the *ad* arguments Whately mentions can be presumption-creators and burden-shifters.

Attractive as this line of argument is, I am not convinced that it is true to Whately's thinking. Notice first that Whately writes that the *ad hominem* "will often have the effect of shifting the burden of proof" (my stress). In other words, it doesn't always happen. But more important here is that Whately may have blurred the distinction between a burden of proof and a burden of rejoinder.¹⁴ That would explain his curious phrase, "have the effect of shifting"; that is, the *ad hominem* can manage the same result as shifting the burden of proof without really being a shifting of the burden of proof. The review above of Whately on the *ad hominem* (section 4) did not suggest that he took it to be a presumption-creating argument, which it would have to be if it could be used to shift a burden of proof; nevertheless, we did observe that when one was the object of an *ad hominem* he was put in the position of having to make some reply or clarification, a situation that could fairly be called *having the burden of rejoinder*. But (i) having the burden of rejoinder is not the same as having the burden of proof, and (ii) by satisfying a burden of rejoinder one doesn't necessarily gain a presumption for one's view. Hence, my second reason for not accepting Walton's claim is that it is more consistent with Whately's account of the *ad hominem* to understand the footnote as pointing out that such arguments can create burdens of rejoinder—duties to make clarification—in the ones to whom they are addressed than it is to read it as implying that such arguments lay an epistemic burden of proof upon their addressees to produce evidence. If we are to extend this interpretation of the footnote to Whately's view of the *ad verecundiam*, then it implies that *ad verecundiam* arguments create a burden of rejoinder in the ones to whom they are addressed (not a burden of proof). And this seems right: Tell me why you disagree with the president when you revere him so?

The extent of my disagreement with Professor Walton should not be exaggerated. I do not disagree with him that many of the *ad*-arguments can be used to establish a claim presumptively, or to shift a burden of proof, but I demur from the view

that Whately thought so too. He only went so far as to associate arguments from authority with presumptive conclusions and burdens of proof,¹⁵ and his account of these connections is found in his *Rhetoric*, not his *Logic*.

9. Why the accounts in the *Rhetoric* and the *Logic* are so different

Let us then return to our initial question of why the treatments of arguments involving authority are so different in Whately's *Logic* and *Rhetoric*.

One possibility is that Whately thought that different things were important to understand from the points of view of rhetoric and logic and it is therefore that the two treatments highlight different aspects of the argument from authority. This has some plausibility. Yet the several cross-references between the two books show that Whately did not think the two subjects were entirely independent of each other and so we wonder why he didn't do more to co-ordinate the two accounts.

There is another possibility. The dates of composition of the two relevant passages are different.¹⁶ The passage about the *ad verecundiam* in the *Logic* dates from the late 1820's or perhaps earlier, whereas the paragraphs on deference are inserted in the last edition of the *Rhetoric* in 1846, more than fifteen years later. Explaining the difference between the two accounts this way supposes that Whately came to see a positive role for authority in the last edition of the *Rhetoric* that he had not anticipated in the early editions of the *Logic*. If this is so, it may explain why Whately treats the subjects of deference and authority with considerable patience in the *Rhetoric* whereas the discussion of the *ad verecundiam* in the *Logic* is brusque and dismissive.

It may also be that the accounts of the two kinds of arguments are so different because of the different contexts in which they are developed. In the *Rhetoric* the discussion of authority is part of a larger positive account of presumptions and burdens, whereas in the *Logic* the discussion of the *ad verecundiam* is part of a long discourse on fallacies. (Book III of *Elements of Logic* is titled "Of Fallacies.") The *ad*-arguments, when they are fallacies, belong to one of four sub-groups Whately classified as variants of *ignoratio elenchi*. These in turn constitute a category under the main subdivision, non-logical (or material) fallacies. Perhaps Whately thought that from the point of view of logic, the *ad* arguments weren't very interesting. As new-comers to the fallacy-fold and not admitting of analysis in terms of traditional logic, Whately may have viewed the *ad*-arguments as more of a nuisance than a boon. Even though subsequent scholars have found Whately's treatment of the *ad*-arguments to be significant, Whately himself seems to treat them all with disdain and is only marginally interested in them. In sum, Whately appears to have thought that the importance of the concepts of authority, presumption and deference are more usefully brought out by rhetorical theory than by logic, and that the analysis of fallacies belongs more to logic than it does to rhetoric.

I favour this last explanation, especially when we add to it our earlier observation that, for Locke, good arguments from authority could be neither *ad judicium* arguments nor *ad verecundiam* arguments (section 4). The characterization of good arguments from authority had to await the introduction of the concepts of presumption and burden of proof into argumentation theory, an achievement Whately is celebrated for.

In summary, we can find in Whately (i) an early distinction between epistemic and administrative authority, (ii) the development of two different kinds of arguments based on these two kinds of authority, (iii) the idea that a good argument from epistemic authority establishes a proposition presumptively, and (iv) the idea that such a presumption is cancelled if the authority in question somehow fails to meet certain standards.¹⁷

Notes

¹ Walton 1997a. See also, for example, Johnson and Blair 1977.

² This is one of the three overt references Whately makes that will tie his discussion of the *ad verecundiam* in the *Rhetoric* and *Logic* together.

³ Goodwin (1998, 269) makes a similar point.

⁴ To add support to Goodwin's claim that deference may be the kind of response Locke would have thought appropriate to the *ad verecundiam*, we suppose that Locke was well acquainted with Arnauld and Nicole's *Port Royal Logic* which first appeared in 1662. In the last chapter of Part III of that work, entitled "Fallacies committed in everyday life and in ordinary discourse," unwarranted bows to authority are discussed. The latest translator of this work is happy to use 'defer' as a translation of '*rapportent*' in the following passage.

We must admit, however, that false judgments are not so common in the arts, because those who know nothing about them defer (*rapportent*) more readily to the views of more informed people. (Arnauld and Nicole 1662, 215.)

Shortly after that passage the word '*déférant*' occurs, and is then translated as 'to defer'.

It is true that if there are pardonable errors, they are those that lead people to defer (*déférant*) more than they should to the opinions of those deemed to be good people. But there is an illusion much more absurd in itself, although quite common, which is to believe that people speak the truth because they are of noble birth or wealthy or in high office. (*Ibid.*, 221-222)

Noble birth, wealth and high office are the kinds of trappings that give dignity to a person. If, then, the *Port Royal Logic* was well known to Locke (as there is good reason to think it was), and it influenced his conception of the *ad verecundiam*, then that the kind of authority he had in mind was to be associated with deference as the appropriate response, is borne out, and more support is added for Goodwin's conjecture that Locke's sense of 'authority' was, as she says, distinct from the two other traditional senses of the term.

⁵The dates of the seven editions are 1828, 1829(?), 1830, 1832, 1836, 1841, and 1846. See Sproule (1976).

⁶ Although Mill does not attempt an inventory even as rudimentary as Whately's, in *On Liberty* he makes an observation very similar to Whately's.

Absolute princes, or others who are accustomed to unlimited deference, usually feel this complete confidence in their own opinions on nearly all subjects. People more happily situated, who sometimes hear their opinions disputed, and are not wholly

unused to be set right when they are wrong, place the same unbounded reliance only on such of their opinions as are shared by all who surround them, or to whom they habitually defer: for in proportion to a man's want of confidence in his own solitary judgment, does he usually repose, with implicit trust, on the infallibility of "the world" in general. (*On Liberty*, Ch. ii, para. 4)

⁷ ". . . the Feelings, Propensities, and Sentiments of our nature, are not, like the Intellectual Faculties, under the direct control of Volition. The distinction is much the same as between the voluntary and the involuntary actions of different parts of the body. One may, by a deliberate act of the Will, set himself to calculate,—to reason,—to recall historical facts, &c. just as he does, to move any of his limbs: on the other hand, a Volition to hope or fear, to love or hate, to feel devotion or pity, and the like, is as ineffectual as to will that the pulsation of the heart, or the secretions of the liver, should be altered. Many, indeed are, I believe, (strange as it would seem,) not aware of the total inefficacy of their own efforts of volition in such cases: that is, they mistake for a *feeling* of gratitude, compassion, &c. their voluntary *reflections* on the subject, and their *conviction* that the case is one which *calls for* gratitude or compassion. A very moderate degree of attention, however, to what is passing in the mind, will enable any one to perceive the difference." (*ER* 181)

⁸ In other words, Smith admits the minor premiss.

⁹ Whately shows his familiarity with Locke's *Essay* in other places e.g., in the *Logic*, Bk I, where he discusses the history of logic.

¹⁰ Also dating from the 6th edition of the *Rhetoric* (1846).

¹¹ This is another of the overt inter-book references.

¹² Cf. Walton 2006, p. 87; Salmon 1984, p. 98.

¹³ Walton 2006, pp. 84-90.

¹⁴ The distinction has been made most recently in Pinto 2007.

¹⁵ Perhaps a case could be made that Whately thought that arguments from popularity establish their conclusions presumptively as well since he says there is a presumption against paradoxes, i.e., views at odds with popular opinion. See *ER*, 115.

¹⁶ Correspondence with R. McKerrow, February 2007.

¹⁷ I am grateful to my Windsor colleagues for encouraging work on this project and to two anonymous referees for the journal who suggested many ways in which the project could be improved, most of which were, regrettably, beyond my reach.

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