

Critical Thinking and the Law
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NAME: _____

Study the following arguments carefully. Then decide which of the following logical fallacies each represents. Here again are the first seven types of fallacies. The answers to the first three have been done for you. Exercise 2 will test you on the remaining types.

- ad hominem argument
- false cause
- post hoc, ergo propter hoc
- begging the question
- either-or fallacy (false dilemma)

Yesterday I forgot to take my vitamins, and this morning I woke up with a cold. Now I know that taking vitamins really does prevent colds.

I'm not going to vote for Senator Snortum in his re-election bid even if his proposal to improve the state's transportation system seems sensible. Last year his wife accused him of having an affair, and now I hear their marriage is rocky.

Detergent ad: "If you want miraculously white clothes, use Soapy detergent. It's a washday miracle!"

An item from L.M. Boyd's "Grab Bag" newspaper column submitted by a nurse: "People who don't relate well to other people are the ones with high blood pressure. I'm sure of it. No, I have no documented data. But as a lifelong nurse, I've taken countless blood pressure readings. The loners run high."

Why single out welfare recipients and cut off their measly benefits when the rich get tax breaks that allow them to shelter huge chunks of their income from the IRS?)

Bill Clinton's proposal to curb cigarette advertising was a bad idea. Whether to smoke or not is a personal decision, one the government shouldn't interfere in. Besides, Clinton's record--

from his failure at reforming health insurance to his appointment for Surgeon General--was poor.

One critic of the Clinton administration wrote in an editorial highly critical of Clinton's first two years in office, "That Mr. Clinton's reign as a national leader was to be a disastrous one was, after all, clear very early--well before he took office." (Dorothy Rabinowitz, "Requiem for the Clinton Presidency," The Wall Street Journal, February 6, 1995.)

[In Wyoming, ranchers and the government have been feuding for years about reintroducing wolves into the areas around Yellowstone National Park. The ranchers contend that the wolves kill their livestock; the government argues that the wolves play an important role in the area's ecology.] Bumpersticker seen in Wyoming: Wolves, not cows!

Letter to the editor (paraphrased): San Francisco Mayor Willie Brown promised during his campaign to do something about the homeless. After a month in office, the homeless problem was worse than ever!

The prosecuting attorney asks the defendant, who has been accused of spousal abuse: "So . . . when did you stop beating your wife?"

In May 1996, it was revealed that a clothing line using Kathie Lee Gifford's name was being manufactured by women in Central American sweatshops toiling in appalling conditions and for very little pay (at least by American standards). Gifford pledged to pressure companies to take their business away from manufacturers who exploit Third World workers. One often-heard argument against Gifford's position went like this: The impact of Kathie Lee's crusade will drive businesses from Central America, eliminating jobs and making living conditions for the poor even more miserable. Sweatshops are better than no shops at all.

School districts should not provide day care centers for their unmarried female students with babies. If girls want to go out and get themselves pregnant, they should just drop out of school and take the consequences of their actions.

From an essay by Susan Faludi titled “Blame It on Feminism” in her book, Backlash: “Law enforcement officials and judges, too, have pointed a damning finger at feminism, claiming that they can chart a path from rising female independence to rising female pathology. As a California sheriff explained it to the press, ‘Women are enjoying a lot more freedom now, and as a result, they are committing more crimes.’”

The President of XYZ Corporation states: “The recent settlement between management and the labor union was a huge mistake. Giving in to the union’s demands for a wage increase has resulted in the lowest production figures in almost a decade!”

Sweden is a socialist country, and it has one of the highest suicide rates in the world. It’s obvious that socialism causes suicide.

Prosecuting attorney to the jury: “Does it make sense to release this murderer so that he can just go and commit the same atrocities again?”

Study the following arguments carefully. Then decide which of the following logical fallacies each represents. Here again are the remaining fallacies. The answers to the first three have been done for you.

- false analogy
- oversimplification
- non sequitur
- two wrongs make a right
- red herring
- rationalization
- slippery slope

1

So what if I take home a few rubber bands and boxes of paper clips from my office desk drawer? These items are small, and no one will miss them. Moreover, my boss makes the company pay for his golf club dues, and no one questions his ethics!

2

Student to English Department Chairman: "I'm upset that I didn't do well on my English placement essay. I'd like to request another chance because I'm sure I belong in a higher-level class."

Chairman: "I'm sorry, but that's impossible. You're allowed to write only one placement essay. After all, if your chest x-ray showed that you have tuberculosis, you wouldn't ask for a second x-ray to be taken, would you?"

3

Pine Valley should round up all the homeless sleeping on the streets and make them live in shelters; otherwise, the city will just be a magnet for all destitute people from all over the country. They will flock to our town and eventually overwhelm our municipal social services.

4

John received a D in chemistry. When his parents asked him about his poor performance, he explains: "I really couldn't study very hard for that course. Professor Gates was so incredibly boring that it was all I could do to keep my eyes open during class. He really didn't inspire me to read the textbook carefully or to study very hard for the quizzes and exams."

5

A full-page advertisement in national newspapers for J. P. Morgan Financial Services showed a large pile of soil, underneath which was this caption: "Soil can erode at the rate of up to one inch per year. Now a word about financial assets."

6

When the U.S. Senate was evenly divided between Democrats and Republicans (after the 2000 national elections), several senators proposed true bipartisan sharing of power on congressional committees. One proposal, made by California's two senators, Dianne Feinstein and Barbara Boxer, was that all committees be split equally in representation or have alternating chairs. In response to this proposal, Senator Don Nickles, a Republican senator from Oklahoma, said, "It's very hard to drive a car if two people are controlling the wheel at the same time." (Quoted in Louis Freedberg, "As Congress Reconvenes, GOP Wants to Keep Grip on Power," San Francisco Chronicle, December 9, 2000.) [redacted]

7

Concerning the question of whether the Miss America Pageant should retain the swimsuit segment of the annual competition, one swimsuit-enthusiast posted a message on the pageant's Internet bulletin board saying that the swimsuit competition should be retained because it allowed judges to determine if a contestant was healthy. [redacted]

8

A restaurant owner in San Jose, California, agreed to pay \$60,000 after a court found him guilty of selling pork and calling it veal. The owner admitted substituting pork tenderloin for veal in veal parmigiana and veal scaloppini "because pork was a superior product." (Quoted in San Francisco Examiner, April 23, 2000.) [redacted]

9

After the 1999 massacre at Columbine High School, an argument was put forth that if teachers and school administrators had been armed, the massacre would never have happened. Larry Pratt, Executive Director of Gun Owners of America, was quoted in the New York Times (April 26, 1999) as saying, "We're saddened that there were not teachers and principals who had access to a gun, who might have been able to stop the mayhem." Later in the article, Pratt says, "One is advised to buy house insurance when one's house is not burning down, and you hope it never does burn down, but you're certainly not going to be able to buy it during or after the fire." [redacted]

10

The government's proposal to ban cigarette advertising altogether is a bad idea. When the government begins to tell us what to do, we lose our freedoms. States are already forcing people to wear seatbelts. Pretty soon government officials will be peeking in our bedrooms and dictating how we can make love! [redacted]

11

Letter to the editor written during the 2000 presidential campaign (paraphrased): George W. Bush keeps trying to tarnish Al Gore's reputation by linking him with Clinton's lying and his sexual escapades. It's true that Gore received \$5,000 from some Buddhists, which was apparently against the law, but isn't it much worse that Bush and Cheney have received many

millions of dollars in contributions from big oil, weapons, and tobacco companies?

[redacted]

12

Prisons are overcrowded because of the three strikes laws adopted by many states. Judges are weak-minded and let career criminals off with lenient sentences. [redacted]

13

I don't see why everyone thinks plagiarism is so bad. After all, whom does it hurt?

[redacted]

14

During the White House sex scandal in early 1998, President Clinton had been accused of having an affair with a 21-year-old White House intern and then persuading her to lie about her involvement. During the investigation conducted by special prosecutor Kenneth Starr, the Treasury Department was notified that Secret Service agents (whose job it is to protect the president) would be subpoenaed to testify about any improper activity they might have observed. According to a news report, the Treasury Department responded that it would fight any subpoenas seeking testimony from its agents, arguing that "the agents' ability to stay close to the president would be imperiled if they could be forced to disclose what they see and hear." (New York Times, January 29, 1998) [redacted]

15

In 1993 the U.S. Government agreed to pay \$20,000 and to make an apology to each Japanese-American who had been sent to internment camps during World War II. Some people criticized the government's offer as too little, too late. Others, however, had a different view, like this person: "I'm sick and tired of all these people complaining about the internment camps and about the way Japanese-Americans were treated during the war. What caused all this, anyway? The Japanese attacked the U.S. at Pearl Harbor, and our leaders knew that the Japanese constituted a threat to our national security and our military's policies." [redacted]

16

The right-to-die initiative should be defeated by the voters in the next election. Although the proposition involves people only with terminal conditions, eventually cooperative doctors will stretch the definition to include chronic conditions, like Alzheimer's or multiple sclerosis. Pretty soon we won't have any control over who lives or who dies. It will be just like ancient Sparta, where babies who did not have the potential to be great warriors were left outside to die. [redacted]

17

In 1996, when former Massachusetts governor William Weld signed a bill requiring tobacco companies to reveal the additives in cigarettes, particularly those that boost nicotine delivery, Peggy Carter, a spokeswoman for RJR Nabisco, the parent corporation of its subsidiary, R.J.

Reynolds Tobacco Co., responded: “They wouldn’t ask Coke, Pepsi or the Colonel to divulge their soft-drink or chicken recipe, so why should we be deprived of trade-secret privileges? (Quoted in Barbara Carton, “State Demands List of Contents For Cigarettes,” The Wall Street Journal, August 2, 1996.)

18

Do corporate executives deserve extra medical insurance? According to a recent article, labor unions and rank-and-file workers say no, but some businesses are promoting “executive health plans” that provide such perks as freedom from making co-payments for doctors’ visits, deductibles, and limits on the choice of a physician, features that are nearly universal in ordinary workers’ health insurance policies.

Defending these perks, Tom Gathers, vice president for human resources at Uno Restaurant Corporation, which operates a chain of pizza restaurants throughout the U. S., “Our executives are very busy people . . . They’ve tended to ignore their own health. Obviously, for continuity and for good business, you want people to be healthy.” (Quoted in “Employee Health Benefits May Be Fine, But Look at What Some Executives Get,” The Wall Street Journal, October 25, 1994)