

The Fallacy of Many Questions: On the Notions of Complexity, Loadedness and Unfair Entrapment in Interrogative Theory

DOUGLAS WALTON

*University of Winnipeg
Department of Philosophy
515 Portage Avenue
Winnipeg, Manitoba R3B 2E9
Canada,*

ABSTRACT. The traditional fallacy of many questions, also known as the fallacy of complex question, illustrated by the question, "Have you stopped sexually harassing your students?", has been known since ancient times, but is still alive and well. What is of practical importance about this fallacy is that it represents a tactic of entrapment that is very common in everyday argumentation, as well as in special kinds of argumentation like that in a legal trial or a parliamentary debate. The tactic combines the use of loaded questions with the complexity of the question. A key notion is that of the presupposition of the question. How to deal with such questions is a point of departure for interrogative theory, and for any attempts to construct formal dialogues of a kind that can be used as normative models of argumentation.

KEY WORDS: argument tactics, debate, fallacies, horns fallacy, interrogation, loaded questions, multiple-choice questions, multiple questions, questioning, tricky questions

The fallacy of many questions, sometimes also called the *fallacy of the complex question*, occurs in a kind of case where a complex question - that is, a question having several parts, is asked in such a way that, if the respondent answers it directly, he is trapped into conceding something that would cause him to lose the argument, or otherwise be unfavorable to his side. The type of illustration usually given is a question like, "When did you stop cheating on your income tax returns?" The question is a when-question, so, in order to give a direct answer, the respondent has to indicate some particular time like, for example, December 2nd, 1976. However, in this case, if the respondent does give such a specific time as answer, then it is clear that he has become committed to having cheated on his income tax returns and, presumably, this is a proposition which generally he would not be want to concede, or at any rate, would be prejudicial, or not in his interest to concede.

The most important thing about the question, in this kind of case, is that it is an entrapment, because it narrows the respondent's options to a

single type of direct answer or a small number of such possibilities of direct answer, all of which would compromise his side of the argument very sharply in a context of conversation. In this case, if we presume that the answerer is not guilty of having cheated on his income tax returns, or, at any rate, wants to claim that he's not guilty, then the question doesn't leave him the option of trying to make a case for this response. The reason is that, as soon as he gives any specific time as a direct answer, then it will be implied that he has stopped, at that point, cheating on his income tax returns. Such an implication, once drawn, will, in turn, imply that he did, in the past at some previous times, cheat on his income tax returns. So, presumably, he might want to give the response that there never was such a time. But note that the structure or form of the question does not permit this form of response as a direct answer. We should be clear to note that it is not just the complexity - the complex nature of the question - that makes it fallacious. What accounts for the fallaciousness is that the question is an entrapment which does not allow the respondent sufficient room to give a reply that he might reasonably want to make in some cases.

But, before we go on to consider the complex nature of such a question, let's briefly make the point that, in some contexts of conversation, the income tax question could be used in a non-fallacious way. Suppose that, during a court inquiry, the respondent had previously conceded cheating on his income tax returns in the past. Then the cross-examining attorney asks him the question, "When did you stop cheating on your income tax returns?" In this context, the very same question - that is, the question, "When did you stop cheating on your income tax returns?" - could be quite reasonable. In this context, the asking of the same question is not a case of the fallacy of many questions. So we need to qualify our account somewhat by saying that this question, "When did you stop cheating on your income tax returns?" is not inherently or generally fallacious. But it certainly could be fallacious in many cases where we would normally presume that it is being used, or could be used, to prevent a respondent from giving a reasonable answer that would support his side of the case.

Next, let's go on to look at the notion of a complex question. A question is complex if it has several parts, but, we can define this concept of complexity even more precisely if we define the prior notion of presupposition of a question. There is a good deal of controversy in the literature about how the concept of presupposition should be precisely defined. But in Walton (1989, p. 28), a *presupposition of a question* is defined as a proposition that is presumed to be acceptable to the respondent when the question is asked, so that the respondent becomes committed to this proposition when he gives any direct answer. So, in the income tax question considered in the case above, it would be fair to evaluate this question by saying that a presupposition of it is the proposition that the respondent has cheated on his income tax returns at some time or other in the past. Now, a *complex question* can be defined as one that has a presupposition

that is complex, meaning that the presupposition is a conjunctive proposition, a disjunctive proposition or a conditional proposition, or perhaps another type of proposition that contains some logical connective in a way that makes it have several parts that are component propositions - see Belnap (1963; 1969) and Aqvist (1965). The following would be examples of complex questions in this sense:

Is Linda wearing a red hat today or a green hat?
 Will you pick up Fred and deliver him to the university at three o'clock?
 What will you do if Carl doesn't pay you the money by Thursday?

These three questions are all complex questions in the sense defined above. But, of course, they are not fallacious questions, at least as they would be generally used in a normal conversation. And they are certainly not the kinds of questions that would be featured in a logic textbook as examples of the fallacy of many questions. We conclude, then, that there's nothing inherently fallacious about complex questions. Such a question only commits the fallacy of many questions if the complexity is somehow used in the characteristic way indicated above, to entrap the respondent unfairly.

If you look at transcripts of parliamentary debates, for example, you will see that politicians often ask questions that are highly complex (Walton, 1989). Such questions may be long-winded and pompous, but, that in itself does not necessarily imply that the question is fallacious. On complex matters of public policy, it may be necessary to ask complex questions and, if we didn't have the capability of asking such complex questions in many contexts of conversation, it would sharply inhibit our ability to communicate very effectively in many cases. But when a question in political debate is both complex and loaded, the respondent may need to be wary. Towards the end of a town meeting discussing the topic "Race In America", when a participant argued that the issue was not affirmative action but "racial preferences", the moderator, President Bill Clinton, responded by asking the participant, "Do you favor the United States Army abolishing the affirmative-action program that produced Colin Powell? Yes or no?" (*Newsweek*, December 15, 1997, p. 35).

Finally, a word about loaded questions. A *loaded question* is one that has a presupposition that the respondent is not committed to. Part of the problem with the income tax question above, when we judge it to be fallacious, is that it is a loaded question. That is, presumably the respondent does not want to concede having cheated on his income tax, in the kind of case where we consider such a question as fallacious. But the question's being loaded is not the whole story of what makes such a question fallacious. The income tax question is difficult to deal with not only because it is loaded, but because it is the loaded nature of it that limits the respondent's options in answering to it.

But there is another dimension to the income tax question as well. It is not only a loaded question, but also a complex question, and these two

features are combined to give the question its full aspect of trickiness that makes us judge it to be fallacious. We see then that the fallacy of complex question has a number of dimensions. One dimension is the complex aspect of the question. In the case cited, it contains the word "stop" which gives the question a complex nature. Another dimension is the loaded aspect of the question.

However, it is important to add that not every question containing a presupposition that the respondent is not committed to should be judged to be a fallacious question. As we saw in the case of the income tax question, the context of the conversation is very important in determining whether such a question is used in a particular case is fallacious or not. Such a question is fallacious when it is used as a sophistical tactic to interfere with the respondent's ability to retract commitment to allegations made by the other party who is asking the question.

The use of loaded questions to unfairly limit a respondent's options in answering is a tactic used in interrogation. In a case outlined in a 20/20 report (ABC, March 30, 1995), a tape recording was played of a police investigator interrogating a young retarded man who had been arrested for the murder of an elderly woman. The investigator asked the young man highly loaded questions with restrictive options, like "Where did you hide the murder weapon, in the field or the chimney?" It later became clear that the young man had never been near the scene of the crime at the time of the murder. And an incarcerated criminal also later confessed that he and a friend (not the young man being interrogated) had committed the crime. However, the young man, under interrogation, wanting to be compliant, and under pressure to answer the question, replied that he had hidden the weapon in the chimney. When the police searched the chimney, they found nothing. Later, the young man admitted that, under pressure, he had simply given one of the designated answers to please his interrogator.

This case indicates how the fallacy of many questions works in a context of dialogue. Instead of allowing a respondent to answer a connected sequence of questions in a proper order, so that the respondent can reveal his real commitments, the use of the complex questioning technique limits the respondent's options so that he is forced to accept propositions that he is not really committed to, and would disavow, if given a reasonable chance to do so.

Of course, in a normal conversation in everyday discourse, a respondent is free to reply, "I don't accept all the presuppositions of the question, and would like to reply by questioning the question." But there are some circumstances where this option is systematically disbarred by the structure of the context. For example, on a multiple-choice question in an examination, the option "None of the above" may not be allowed - see Owen (1985). The best one may hope to do is try to challenge the examination at some later point, if such a challenge is allowed. Another well-known case of this type is that of riders on bills in a parliamentary

vote, where a member has to vote on several distinct bills at once - yes or no.

It is noteworthy that the traditional example of the fallacy of many questions in the logic textbooks used to be "Have you stopped abusing your spouse?". Recent cases have revealed the difficulty of responding to false accusations of this kind where, at a particular time, popular pressure and the judicial system are stacked towards a presumption of guilt, and the wrecking of a reputation merely by the raising of the question is a powerful form of attack. In this kind of context, the power of the tactic used in the fallacy of many questions is readily evident.

Many readers of this journal will be aware that the fallacy of many questions was known as a sophistical tactic in the ancient world. Eubulides, a contemporary of Plato, was known as the inventor of many fallacies. According to Diogenes Laertius (*Lives of Eminent Philosophers*, II.108), he was "Eubulides the Eristic", who "propounded his quibbles about the horns" (and other clever arguments). The fallacy of the horns was known in the ancient world as being identified with the question, "Have you lost your horns?" - the trick being that no matter which way you answer, yes or no, you concede that you either have horns, or had them. For more on the ancient history of the horns fallacy, see (Schulthess, 1996). This same fallacy was also expressed in ancient times using an example more like the spouse-abuse question of the modern texts. According to Diogenes Laertius (*Lives*, II.135), Alexinus of Elis, a member of the Eristic School of Eubulides, was said to have asked another philosopher whether if he had stopped beating his father. The answer was said to have been: "I was not beating him and have not stopped". Alexinus is said to have insisted that he clear up the ambiguity by a plain "yes" or "no". In this small dialogue, it is made evident that the Greek philosophers were clearly aware of how to use the tactic of many questions as a sophistical trick, and were aware of at least the rudiments of how to deal with it.

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