Epistemic and Deontic Authority in the *Argumentum Ad Verecundiam*


Abstract:

The aim of this paper is to elaborate tools that would allow us to analyse arguments from authority and guard against fallacious uses of them. To accomplish this aim, we extend the list of existing argumentation schemes representing arguments from authority. For this purpose, we formulate a new argumentation scheme for argument from deontic authority along with a matching set of critical questions used to evaluate it. We argue that clarifying the ambiguity between arguments from epistemic and deontic authority helps building a better explanation of the informal fallacy of appeal to authority (*argumentum ad verecundiam*).

Key Words: administrative (deontic) authority, fallacious argument from authority (*argumentum ad verecundiam*), argument from expert opinion, critical questioning.

1. Introduction

The work in this paper is part of a wider research project on analyzing and evaluating arguments from authority and arguments from expert opinion. The project aims to provide a model that will enable us to evaluate such arguments, and in particular to devise conditions that will help analysts of cases in natural language discourse to judge whether an *ad verecundiam* fallacy (an appeal to respect by referring to authorities) has been committed.¹ Thus far, on the one hand, very little has been written in the field of pragmatics in linguistics on how to disambiguate between two forms of argument: the argument from expert opinion, and the closely associated type of argument often associated with arguments from authority, viz., the deontic type of argument used by an administrative authority of the kind that has the power to issue directives on policies, laws or actions.

By contrast, on the other hand, a good deal has been written about this problem in the field of philosophy, especially in studies of informal logic, but key linguistic aspects have been ignored here or treated superficially, as we will show. Mainly these latter studies suffer from shallowness and ambiguity in defining the key terms ‘expert’ and ‘authority’ and ignore the pragmatic aspects of arguments based on expert opinion vs. authority. For the needs of society generally, in an age of fake news, it has turned out to be important to solve this problem. The pragmatic analysis of these forms of arguments that is provided in the present article can help users of the new tools of computational linguistics to employ machine learning in order to identify these distinctively different types of arguments in databases of natural language texts. The current literature on arguments from authority in informal logic and argumentation theory is centrally concerned mostly with arguments from expert opinion. Although, curiously, “philosophers generally assume that authority applies only to the political domain and do not even mention epistemic authority” (Zagzebski 2012, 99), argumentation theorists are mostly concerned with epistemic factors that the quality of arguments from expert opinion depends on,

---

¹ Some interesting partly visual examples of media ads that illustrate questionable appeals to authority can be found on this site: [http://www.appealtoauthority.info/home/media-examples](http://www.appealtoauthority.info/home/media-examples)
such as the expert’s knowledge in a certain field and the truth/or falsity of the expert’s judgments (e.g. Walton 1997; Wagemans 2011).

In this paper we will argue that building on our inquiry into the complex phenomenon of arguing from epistemic authority, a systematic study of arguments from deontic authority is also to be undertaken. Deontic authority is a different kind of authority. It is about actions that are permissible or obligatory (see the set of definitions of different kinds of authority at the end of section 4). The general motivation for proposing this line of inquiry comes from an observation that arguments from deontic authority are powerful social instruments that may influence people’s beliefs and actions (e.g. Goodwin 1998; Araszkiewicz & Koszowy 2016). Another motivation for developing this line of inquiry stems from the fact that arguments from expert authorities also have a deontic dimension since experts’ knowledge in a given field may constitute an important justification for making claims about future actions. In other words, if the expert is right in saying $A$, this assertion may be treated as a basis for undertaking appropriate action. Hence there is a need for distinguishing epistemic and deontic components of arguments from authority. Thus this study also requires us to analyse deontic aspects of arguments from expert opinion.

2. Deference and Respect

Locke’s remarks in his *Essay Concerning Human Understanding* (quoted by Hamblin 1970, 159-160) seem to connect the gap between the two kinds of authority in his description of the *argumentum ad verecundiam*.

The first 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, it is thought a breach of modesty for others to derogate any way from it, and question the authority of men who are in possession of it (Locke 1836, 524).

The way Locke includes a variety of kinds of authorities at work in the *ad verecundiam* type of argument suggests that the study of *argumentum ad verecundiam* should not be restricted to arguments from expert opinion. When he states that authority may be related to ‘learning, eminency, power’, Locke is including social mechanisms of employing authorities related not only to ‘learning’ (epistemic authorities), but also to ‘eminency’ and ‘power’ (deontic, including administrative authorities).

This passage from Locke is often cited in the informal logic literature as giving us insight into the mechanism of the *argumentum ad verecundiam* by linking it to the notions of dignity and respect. But in our opinion it is also helpful for explaining the nature of this fallacy to look into the notion of deference in the remarks of (Whately 1846, 118) in his comments on the notion of authority. Whately drew a distinction between two senses of the term ‘authority’ comparable to the distinction we presented above of between administrative and epistemic authority. But he also described argument from administrative authority as a claim to deference, which he defined as an appeal to ‘a habitual presumption’ (p. 118).

Whately (1870, 194) even went so far as to claim that “many instances may be found in which writers have unconsciously slipped from one sense of the word to another, so as to blend confusedly in their minds the two ideas.” These remarks suggest an analysis of the *ad verecundiam* fallacy that is consistent with our theory of section 6 needs to take into account the
confusion between the two types of authority in the transitioning in arguments from authority from the one type of authority to the other.

For the purpose of this paper, deference will be defined as submission by one party to the opinion or command of another because of the respect of the first party for the second party. This approach might serve to link deference to Locke’s notion of modesty. But the term ‘modesty’ is out of date, and is problematic to make sense of in our era. We will show in this paper why it is better to link deference to respect in trying to explain the *ad verecundiam* fallacy.

2. The usefulness of argumentation schemes

Although the study of argumentation schemes can be traced back to its origins to the writings of Aristotle, especially his *Topics*, systematic work that began to identify abstract logical forms of reasoning associated with individual schemes began in the second half of the 20th century (Hastings 1963; Perelman and Olbrechts-Tyteca 1969; Kline and Warwick 1992). Textbooks and scholarly writings in communication studies and informal logic began to make an effort to identify specific kinds of arguments commonly used in everyday conversational argumentation practices. Gradually there came to be recognition (Hamblin, 1970; Johnson and Blair, 1983) that such arguments were not always fallacious. There was a recognition that although these forms of arguments were subject to errors and could sometimes rightly be classified as fallacious, sometimes they were reasonable even if defeasible forms of argument, that could properly shift evidential weight from a set of premises to support a conclusion (or to attack a claim).

The idea of associating the fallacy of *argumentum ad verecundiam* with arguments from authority may lead to an impression that arguments from authority are (mostly) conceived as fallacious. This impression however would be against the common social communication practice according to which numerous arguments from authority are not only a reasonable, but also an indispensable means of social communication. Indeed everyday argumentation, legal argumentation, and even scientific argumentation, would not be possible without the possibility at least in some instances, of relying on arguments from authority. Hence the most urgent task is to disentangle fallacious and non-fallacious uses of arguments from authority. During this phase, the work began to identify specific argumentation schemes in a systematic way (Hastings 1963; Kienpointner 1992; Walton 1996; Grennan 1997). From that point onward it began to be recognized that the argumentation schemes were the most useful tools to help students identify the most commonly used arguments that they needed to know about, in order to give them the capability of specifying the premises and conclusions of these arguments in a systematic way. The aim was to put students in a position to critically examine individual cases, fitting such argument forms in order to enable them to analyze and evaluate them in a way that is distinctive for each scheme. The aim was to enable a student, or for that matter an argument coder trying to identify specific kinds of arguments fitting real arguments in a given text, to critically question each type of argument in a distinctive way by asking standard critical questions matching each scheme. The critical questions have a practical function of enabling a user to at least have a starting point for probing into the weak points in that particular type of argument (Walton 2012). They were also found to be useful in work on argument mining (e.g. Lawrence & Reed 2015). An illustration of employing argumentation schemes in argument mining is that argument corpora created for the purpose of argument mining contain some specific types of inferential structures that have been taken directly from argumentation scheme theory. Among such
schemes are: argument from expert opinion, argument from example and argument from positive consequences.²

A later development was that empirical work in the field of education started to confirm the hypothesis that schemes could be practically useful in helping students develop and improve their argumentation skills (Duschl 2008; Nussbaum 2011; Kim et al. 2012; Rapanta et al. 2013). Evidence was found supporting the hypothesis that there are certain sorts of errors that students typically make that are associated with the traditional informal fallacies studied in the logic textbooks. For example they might mix up different types of appeals to authority, confusing arguments from expert opinion with deontic types of appeals to authority such as those based on administrative authority.

The literature on the ad verecundiam fallacy has concentrated centrally on arguments from expert opinion (Walton 1997). This way of beginning the task has been appropriate and useful. The basic argumentation scheme³ for argument from expert opinion (Walton, Reed and Macagno 2008, 310) is a relatively simple form of argument (a heuristic).

Major Premise: Source E is an expert in subject domain S containing proposition A.
Minor Premise: E asserts that statement A is true (false).
Conclusion: A is true (false).

This simple argumentation scheme can be expanded in several ways. One of these ways is to add a conditional or warrant premise stating that generally, but subject to exceptions, that if an expert states that a statement A is true, then A can tentatively be accepted as true (Walton and Reed, 2002, 2; Walton 2012).

Historically, argumentation schemes trace back to the list of topics in Aristotle’s Topics, further significantly developed by Cicero. The Ciceronian scheme called the locus ab auctoritate (topic from authority) can be associated with the maxim unicuique experto in sua scientia credendum est (see Petrus Hispanus 1972, 76) translated by Scholz (2009, 188) as “Any expert is to be believed in his science”. This topic corresponds to the modern argumentation scheme for argument from expert opinion. This maxim, or general rule, is a way of representing the warrant (conditional premise) of the argumentation scheme. In the case of scheme for argument from expert opinion, the warrant is the following conditional: if source E is an expert in subject domain S containing proposition A, and E asserts that A is true (false), then A is true (false). This conditional, or rule as it is called in computing, should be seen as defeasible, for the purpose of its use in the scheme for argument from expert opinion.

The defeasible aspect of the scheme for argument from expert opinion is acknowledged by its being subject to defeat by the asking of appropriate critical questions. Six of these basic critical questions are accepted as standard (Walton, Reed and Macagno 2008, 310) based on the study of many examples.

Expertise Question: How credible is E as an expert source?
Field Question: Is E an expert in the field F that A is in?
Opinion Question: What did E assert that implies A?
Trustworthiness Question: Is E personally reliable as a source?

---

² See e.g. argument corpora created using the OVA+ tool elaborated by the Centre for Argument Technology (ARG-tech): http://corpora.aifdb.org/.
³ For the conditional version of the scheme see e.g. (Walton and Reed 2002, p. 2) and (Walton 2010).
Consistency Question: Is A consistent with what other experts assert? 
Backup Evidence Question: Is E’s assertion based on evidence?

If a respondent asks one of these critical questions, the original argument defaults, even though it can be restored to acceptability once the question has been answered adequately. A burden of proof shifts back and forth as arguments, counter arguments and critical questions are put forward during a critical examination of an argument based on expert opinion.

It has been shown by the analyses of many real examples of argument from expert opinion (Walton 1997) that these are not the only critical questions which can be posed in response to an argument from expert opinion. It was shown that there are subquestions of each of these six main critical questions and it was shown how arguments from expert opinion can be critically examined and attacked by a sequence of such questions and sub questions that form a tree structure. The purpose of the critical question is to help students or other users of argumentation technology by providing them with a list of critical questions that can be used to suggest more powerful criticisms and counter arguments. Through the study of numerous examples in (Walton 1997), and through the experience of using the scheme for argument from expert opinion as a device to help enhance their skills of critical argumentation, these six questions proved to be of especially significant practical importance.

A list of sets of identification conditions for twenty-four of the main argumentation schemes has been given in (Walton 2012, 58-61). This list includes the following set of identification conditions for argument from expert opinion: (1) proposition A is subject to doubt and the arguer is looking around for some reason to support the claim that there is some evidence to think that A is plausibly true, (2) the arguer has some reason to think that agent a has access to evidence on whether A is true or not, and (3) his reason for (2) is that E is an expert who has knowledge in the field F (Note that condition 3 has been modified). A fourth condition added here is that this is an epistemic type of argument.

The conclusion of this type of argument is the claim that a proposition is true. Hence as required by the fourth condition, it fits under the classification of being an epistemic type of argument. This form of argument will be contrasted with the scheme for argument from a deontic authority, presented in section 8, which will be shown to have a different form.

4. The two main kinds of authority

It has been recognized in the literature on the *ad verecundiam* fallacy that the term ‘authority’ is ambiguous. A distinction has been drawn between the epistemic type of argument from authority, essentially an argument from expert opinion, and another kind of argument from authority that has been named or defined in different ways in the literature. Bocheński (1974) drew a distinction between epistemic and deontic (or ‘deontological’) authority. Wilson (1983) drew a distinction between cognitive and administrative authority. However Wilson did not define cognitive authority in relation to argument from expert opinion, even though he emphasized that having authority is different from being an expert (Wilson 1983, 13). De George (1985) drew a distinction between epistemic and executive authority. He defined authority as a relational property in which the authority stands in relation to someone else as a superior stands to an inferior, setting up an imbalance of freedom between the two parties (De George 1985, 14).

4 These and other distinctions are listed e.g. in (Goodwin 1998, p. 278).
Our approach is different, because we see cognitive authority as based on argument from expert opinion, and we define argument from authority as a contrasting type of argumentation.

It needs to be emphasized that on our view arguing from expert opinion is not just a simple case of arguing from epistemic authority. It is rather the case that arguments from expert opinion contain both components: epistemic and deontic. Although argumentative appeals to the authority of the experts are based on expert’s knowledge in a given field, the argument from expertise also contains a deontic component, since expertise usually tells us what should be done on the basis of what expert knows. Despite this complexity, the current literature on arguments from expert opinion typically exposes only the epistemic dimension. An illustration of this approach is given in this paper in section 2. Note the ‘argument from expert opinion’ argumentation scheme presented there contains such expressions as ‘E is an expert in subject domain S…’, ‘E asserts that…’ and ‘A is true (false)’.

Power is the capability of an agent to have and exercise control over the capability of other agents to refrain from or to carry out actions. The notion of authority concerns the right to exercise power. The notion of authority implies a claim of legitimacy whereby a right to exercise power is taken to be justified or not under certain conditions. Weber (1958) distinguished three kinds of authority. Legal authority is held to depend for its legitimacy on formal rules and established laws of the state. Traditional authority derives from long-established customs, habits and social structures. Charismatic authority is a kind of inspirational and personal authority by which leader claims that his/her authority is derived from a higher power, for example from God.

These three kinds of authority are associated not only with formulating statements (assertives) which are taken as true or false, but also with putting forward directives, i.e. speech acts which point to what should or should not be done. Using Weber’s terms, not only legal, but also traditional and charismatic authorities are deeply involved in social interactions (deontic powers) which establish mechanisms of formulating directives. But contemporary studies of the *ad verecundiam* fallacy do not pay particular attention to the deontic aspect of appeals to authorities. Hence we need a conceptual framework which would also be useful for analyzing and evaluating appeals to authorities in a social sphere.

Whately (*Elements of Logic*, 1870, 194) distinguished between two senses of the word ‘authority’. To typify the one meaning of the word he gave the example of correcting an interpretation of some wording in an ancient manuscript, based on the authority of a historian. This meaning represents the notion of an appeal to authority as an argument from expert opinion. But Whately (p. 194) also cited the authority of a magistrate to make a ruling as representing a different sense of the word ‘authority’, a sense that represents a claim to obedience.

A possible repository of conceptual tools that may be employed in such analyses is Bocheński’s theory of authority (1974). The key part of Bocheński’s account of authority is the distinction between ‘epistemic authority’ and ‘deontic authority’ which has been introduced in the previous section. This ambiguity of ‘authority’ is presented by Walton (1997, Ch. 3) as the

---

5 We owe thanks to Agnieszka Lekka-Kowalik for a discussion of the complex character of arguments from expert opinion.

6 For the sake of our further analyses it also seems worth noting that the observation of this common ‘deontic’ component of all those three kinds of authority distinguished by Weber is also in line with Searle’s claim that the deontic component (‘deontic powers’) is ubiquitous in performing those speech acts which aim at establishing rights, duties, and obligations (Searle, 1975, 2005, 2010; Witek 2013).
distinction between cognitive (\textit{de facto}) and administrative (\textit{de jure}) authority.\footnote{Amongst some other terms which are employed in marking this distinction we may also point to Wagemans’ label ‘argumentation from invested opinion’ as distinct from argumentation from expert opinion (Wagemans 2011, pp. 332-333).} According to Bocheński, the criterion for distinguishing these two kinds of authority is the \textit{domain of authority} – i.e. the specific set of utterances which constitute one’s area of competence. In case of epistemic authority, the domain of authority is a set of assertives, whereas the domain of deontic authority covers a set of directives.\footnote{Note that in his writings Bocheński employed various notions of deontic authority (Lechniak 2013, p. 21).}

Although we are aware of the need of introducing some subtle distinctions related to the notion of authority, in order to focus on proposing an argumentation scheme for appeals from deontic authority with the matching set of critical questions, we will concentrate on the basic distinction between \textit{de facto} and \textit{de jure} authority. Hence, by ‘epistemic authority’ we mean the authority of a person who possesses knowledge in a given field whereas ‘deontic authority’ refers to a person or institution which is authorized to formulate directives.

What we have here is a web of interrelated concepts that share number of connections. To make this potentially confusing web of concepts clearer and more easily applicable to the concerns of this paper, we offer the following definitions which we will adhere to for the remainder of the paper. The word ‘authority’ (derived from \textit{auctoritas}) is ambiguous, as shown above and there is first of all a need to distinguish for the purpose of this paper between two kinds of authority, which we call deontic authority and epistemic authority. We herewith propose the following definitions.

\textit{Expertise} is knowledge of a scientific field, other academic discipline, or knowledge based on practical skills acquired by experience and training. Following Bocheński’s approach (1974), expertise in this sense of the term always has a domain. The domain is identified with a set of propositions, consisting of what is currently called a knowledge base in computing.

\textit{(i) Epistemic authority}

\textit{Epistemic authority}, through which expertise in a domain of knowledge is attributed to an agent that can be a human or an artificial agent, gives the pronouncement of that agent in a domain special status that carries more evidential weight than that of the same pronouncement by a non-expert in that domain. Another term often used for this type of authority is ‘cognitive authority’ (Wilson, 1983; Walton 1997). This term appears to be equivalent to epistemic authority in philosophical usage, but we prefer the term ‘epistemic authority’ for use in this paper because we define it in terms of knowledge, in a way comparable to that of Zagzebski (2012) who treats authority as an epistemological concept. Our definition of ‘epistemic authority’, however, meant for use in logic, fits the Bocheńskiian structure above, as a triadic relation composed of two agents, who Bocheński (1974, 59) calls the ‘bearer’, the ‘subject’, and the ‘domain’. In epistemic authority the domain is a set of assertives expressing propositions.

\textit{(ii) Deontic authority}

In the exercise of \textit{deontic authority} an authority in a different kind of domain is attributed to an agent that states that the other agent is obliged, permitted or forbidden from carrying out a designated action. The proposition stated by the agent special has a status that carries more
weight than that of the same pronouncement on how to act stated by a non-authority. Here the term ‘deontic’ is meant in the sense of deontic logic.

(iii) Administrative authority

Administrative authority, as defined in this paper, makes assertions about what can or must be done or not by giving commands, policies, rules, and other directives that enforce obedience given to the state, as invested in institutions such as government offices and the courts by agents such as government officials, police officers, and so forth.

We classify administrative authority as a species of deontic authority. We take what we call administrative authority as equivalent to the expression ‘de jure authority’, sometimes used to contrast epistemic authority with deontic authority. The deontic kind of authority is called administrative authority in (Walton 1997, 76), in contrast with the other type of authority called cognitive authority. The contrast that is fundamental for the purposes of this paper is that between epistemic and deontic authority, but it is necessary to relate these fundamental terms to the other related ones above to avoid terminological confusions.

5. The argumentum ad verecundiam fallacy

To give the reader some idea of how the fallacy of appeal to authority (also called the ad verecundiam fallacy or the argument from authority) is defined in sources on informal fallacies widely available, such as introductory logic textbooks, here we offer a very small survey of such a list of definitions. Our aim in this section is to give an illustration of the common research tendency that relies on associating the ‘appeal to respect’ fallacy almost exclusively with fallacious arguments from epistemic authority. Whereas such an approach would significantly reduce the inquiry into the structure of fallacious appeals to authority, the survey undertaken in this section will be a point of departure for introducing some balance into the study of arguments from authority by postulating a systematic exposition. Hence our aim here is not to give a complete overview of textbook and encyclopedia accounts of argumentum ad verecundiam, but only to discuss some representative samples.

A website on informal fallacies (www.nizkor.org/features/fallacies/appeal-to-authority.html) defines the appeal to authority as a fallacy that takes the following form as an argument.

- Person A is (claimed to be) an authority on subject S.
- Person A makes claim C about subject S.
- Therefore, C is true.

On our analysis, this form of argument is not fallacious, but it is ambiguous because on our account, there are two schemes that can represent this type of argument. The main problem is that this analysis of the form of the appeal to authority as a type of argument fails to distinguish between the expert opinion type of appeal to authority and the deontic type of appeal to authority. Another problem is that it appears to presume that the argument from authority is an epistemic type of argument about the truth or falsity of the claim. An even worse problem, on our view, is that it claims that all arguments from authority of any sort are fallacious.

The same problems are inherent in the definition of the term ‘argument from authority’ offered in the Wikipedia article (https://en.wikipedia.org/wiki/Argument_from_authority) on the subject. This article offers the following account of the logical form of argument from authority:
“An argument from authority (Latin: *argumentum ad verecundiam*),\(^9\) also called an appeal to authority, is a logical fallacy that argues that a position is true or more likely to be true because an authority or authorities agree with it”. This definition fails to distinguish between different kinds of authority. It appears to only represent the epistemic type of appeal to authority. Also, just like the previous definition above, the fails to countenance the possibility that some arguments from authority can be non-fallacious.

Hurley (2003, 34), a leading logic textbook, defines an argument from authority as “an argument that concludes something is true because an expert or witness has said that it is”. This definition is wider than that of argument from expert opinion, because it also includes arguments based on witness testimony, arguments where the person making the claim is not an expert. However, it does not include arguments from deontic authorities. Hurley (2003, 130) defines the *argumentum ad verecundiam* as the appeal to unqualified authority, said to be a variety of the argument from authority where the cited authority or witness lacks credibility. This definition of the *argumentum ad verecundiam* is different from ours for two reasons. First, it is narrower than ours in that it does not specifically include appeals to deontic authority. Second, it is wider than ours in that it includes arguments from witness testimony where the witness is not an expert.

Copi and Cohen (2005, 142), another leading logic textbook, takes *argumentum ad verecundiam* as equivalent to the fallacy of appeal to an inappropriate authority, defined as arising “when the appeal is made to parties having no legitimate claim to authority in the matter at hand.” This account makes no specific mention to deontic authority, as contrasted with the type of argument from authority based on an appeal to expert opinion. However it does allow that an argument from deontic authority could commit the *ad verecundiam* fallacy if the party claimed to be an authority has no legitimate claim to epistemic authority in the matter at hand.

6. Transitioning from the one type of authority to the other

By proposing to introduce these general notions of epistemic and deontic authority, we aim to show that the characteristic feature of the current state of the art in the study of *argumentum ad verecundiam* misses an important deontic component. Hence, in order to propose a method for analysing *ad verecundiam* technique which may be further employed in identifying fallacious appeals to authority, in this paper, an argumentation scheme for argument from deontic authority will be put forward along with a matching set of critical questions that can be used to evaluate it. This scheme is then compared to the existing scheme for argument from expert opinion, and the hypothesis is explored that it is the ambiguity between the two types of argument that is the best basis for building an explanation how the fallacy of appeal to authority takes place and why it is such a powerful rhetorical tactic. The transition from the one type of authority to the other will turn out to be important for our explanation of how the fallacy works.

It can be easy to confuse these two kinds of authority. For example a physician may make a claim based on his or her medical knowledge and knowledge of the circumstances of the case in offering a patient advice on which kind of medication is appropriate, or on conveying factual medical knowledge to the patient. This kind of case is classifiable as an argument from expert opinion. However the same physician might reach a decision that an elderly person is no longer fit to possess a driver’s license because of some medical condition that she has that prevents her

---

\(^9\) *Argumentum ad verecundiam* literally means ‘argument appealing to respect’ as it is based on intimidating the opponent or audience by referring to the respected authority (see e.g. Goodwin 1998).
from being a safe driver, and therefore revoke this person’s driver’s license. The physician has the authority to pronounce that an action is permitted or forbidden.

On the basis of this example we can reconstruct a more complex example of an argument based on deontic authority. Imagine that a third party (not a physician) argues as follows: “as your physician said, your current medical condition prevents you from being a safe driver, and since anyone who may not be a safe driver is not allowed by a physician to keep her driving license, you should not use your driving license.” This kind of case is an instance of the exercise of both kinds of authority, because it is the professional standing of the doctor and his medical knowledge as a licensed physician that makes his ruling authoritative. That doesn’t mean his ruling cannot be questioned, but nevertheless it does mean that it has a certain authoritative basis backing it up. It is not difficult to see that in such cases, it is quite typical to conflate the two types of appeal to authority, and therefore it can also be used in some cases to get them mixed up, with results that relate to the fallacy of argumentum ad verecundiam. The main reason why this confusion may take place is that the very same person may be the bearer of two types of authority: the one involving knowledge (epistemic authority) and the other involving deontic authority.

![Figure 1: Knowledge Presupposed by Prescriptive Action](image)

On this basis it is useful to refer to our distinction between two types of authority, each of which has different kind of justification. As specified in the list of definitions above, the cognitive or epistemic type of authority is invoked where the agent making the claim is an expert in a field of knowledge. It is on the basis of her mastery of this field of knowledge, giving her
justified title of being an expert in that field, that her pronouncement has greater authority than that of someone who is not an expert in that field. The ultimate justification supporting an argument based on this kind of authority is that the expert has knowledge in the field of her pronouncement, and therefore if she puts forward a claim, it is supported by that knowledge. We may here observe that even in some cases which at first glance seem to be clear instances of an appeal to expert authority, the two types of authority also may blend together in a similar manner as in the superior commander example discussed above.

The problem illustrated by this example can be shown with the argument diagram shown in figure 1 representing the semantic structure of the reasoning from the physician’s claim that smoking may cause lung cancer to the ultimate conclusion consisting in the deontic directive to the person in the example that he or she should give up smoking. Here we reconstruct the sequence of the argumentation by identifying an unexpressed premise, indicated by the dashed border around its text box. The bottom argument, with its three premises, is an argument from expert opinion, as indicated by the notation +e. The plus symbol indicates that it is a pro argument supporting the conclusion that smoking may cause lung cancer. The letter e indicates that the argument fits the scheme for argument from expert opinion. The top rounded node is an instance of argument from negative consequences, indicated by the notation +n.

The problem is that if we look at the sequence of argumentation from a semantic point of view, as represented in figure 1, the nature of the transition between the argument from expert opinion at the bottom and the subsequent connected argument at the top that is deontic in nature, having to do with advice and prudent action suggested by that advice, may not be appreciated or understood by someone confronted with the argument. To bring out the nature of the transition from the one type of authority to the other, it is necessary to recognize that interpreting authority depends on the circumstances and the conditions of a speech act (Bach and Harnish 1979).

Modeling the transition in such cases needs to take into account the circumstances and the condition of the speech act. This can be done by considering the approach of relevance theory to conversational implicature (Moeschler 2006). On this approach (Carston 2002; 2004) you can say that a physician’s advice can be ambiguous at an illocutionary level, and that you need explications (high level explicature) to reconstruct the speaker’s meaning. In this case, a piece of advice is relevant to the implicit patient’s request (making a shared decision on what to do for his own health) whereas a strong directive (command) would not be relevant to shared decision-making. To draw this distinction we need to take into account how the argumentation can be represented as a dialectical exchange containing speech acts. This requires a pragmatic approach that takes the conversational context of dialogue into account.

The difference between the two types of authority can be brought about precisely by interpreting how each of them is referred to as a speech act in a dialectical exchange between two parties. An approach that allows us to capture this difference was proposed by Budzynska (2010), who elaborated the model for interpersonal (IP) argumentation. Budzynska conceives IP-argumentation as a particular argumentation type which directly addresses participants of communication, i.e. which refers to speech acts rather than to propositional contents. IP-argumentation contains statements that refer to speech acts such as “The expert asserts that global warming is a myth” or “The witness testified that the suspect was guilty” (Budzynska 2010, 135). Budzynska discusses some arguments from the IP-level that are recognized by argumentation theory, such as appeal to expert opinion, appeal to witness testimony and ad hominem arguments.
In spite of some traditional approaches to IP-argumentation, Budzynska’s proposal allows us to model these and other IP-arguments not only from the point of view of assertives (i.e. speech acts that describe states of affairs) but also by taking into account directives (i.e. speech acts that indicate what should or should not be done). The usefulness of this model for our particular study stems from the fact that the ‘directive’ approach to IP-argumentation allows us to describe the structural difference between argument from deontic authority (as an argument type that involves directives) from argument from epistemic authority (that is based upon assertives). Specifically, Budzynska proposed a scheme that generalizes the patterns of arguments from authority by referring in the scheme to elements of speech act theory (Budzynska 2010, 140):

Premise 1: \( \delta \) is authorized to perform \( F(A) \)
Premise 2: \( \delta \) performs \( F(A) \)
Conclusion: \( A \)

In this scheme, \( F(A) \) denotes a speech act which consists of an illocutionary force \( F \) and a propositional content \( A \). \( F(A) \) can be assertive or directive. Hence, ‘performing \( F(A) \)’ (see both premises in the scheme) may denote asserting or formulating directives. As a result, in the first case the scheme will be an instance of the pattern of argument from expert opinion, and in the second case – an instance of the pattern of argument from deontic administrative authority. Also, the authorization of the speaker shown in the first premise is warranted by the constitutive rules, distinguished by Searle (1969), which determine what constitutes a successful speech act. Since the sources of this authorization do not need to lie in the cognitive skills or knowledge, there is a need of applying a pragmatic model which would describe and explain most typical communication phenomena related to such arguments. Thus, the discussed ‘speech act’ scheme for arguments from authority constitutes an important motivation for proposing a matching inferential ‘argument from deontic authority’ argumentation scheme.

7. The scheme for argument from deontic authority

Deontic authority is more difficult to specify with precision than the authority of expert opinion, but we can lay out the basis of its justification as follows. Let’s consider the example of the minister, or some civil official authorized to conduct the marriage ceremony, who makes the pronouncement that a particular couple are now officially married. Once he makes this pronouncement, the couple are at that moment legally married, subject to certain exceptions. For example if it is found that one of them was already married, that would nullify the standing of the present pronouncement. Another example is the pronouncement of a judge who has arrived at a decision on the outcome of a trial, let’s say a criminal trial or civil trial. Such a decision is final in some ways. For example in a criminal trial there is double jeopardy, meaning that the same defendant cannot be tried for the same crime twice. Even so, the finding of a criminal trial is subject to review in some cases, and a retrial can be ordered, for example if it was found that certain evidence was overlooked in the first trial that might have made a significant difference to its outcome. The problem is one of interpreting the meaning of arguments about legal texts such as laws, contracts and statutes by identifying implicit assumptions based on legal principles and common knowledge (Azuelos-Atlas 2016; Walton, Sartor and Macagno 2016).

10 See also section 1 for the brief discussion of elements of speech act theory employed in this paper.
Let’s say then that we can define the notion of deontic authority clearly enough so that we can recognize one when we are confronted with a case of what seems to be one. On this basis we can define a form of argument that is not characteristic of argumentation in epistemic reasoning, where the premises are put forward to support the claim that the conclusion is true or false. Instead, the argument from administrative authority is a practical kind of argument used in deliberations on deciding what to do in a situation requiring a choice. In this framework of use, the following argumentation scheme can be advanced to represent a form of argument from deontic authority.\(^{11}\)

*Premise 1:* \(\delta\) is an administrative authority in institution \(\Omega\).
*Premise 2:* According to \(\delta\), I should (or I should not) do \(\alpha\).
*Conclusion:* Therefore I should (or I should not) do \(\alpha\).

One could now ask whether this general scheme is indeed capable of explaining the mechanism of arguing by means of directives. In order to give an answer to this question, we will discuss an example of directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (2008). Note that this and other directives are not argumentative themselves but they may be employed as parts of argument from deontic authority. Our example directive is employed in order to expose the key structural difference between arguments from epistemic authority (as discussed in section 2 in the context of expert opinion arguments) and arguments from deontic authority. Hence the example serves to illustrate the role of one particular directive (conceived here in terms of speech act theory as a speech act indicating what should or should not be done) in the argumentation scheme below.

In the said directive, the point 27 states that:

Implementation of the provisions on the interoperability of the rail system should not create unjustified barriers in cost benefit terms to the preservation of the existing rail network of each Member State, but must endeavour to retain the objective of interoperability.

When reconstructing the general mechanism of arguing by means of directives we may imagine that the EU official puts forward an argument in which the EU directive is treated as a justification for a particular way of modifying the rail system in a given member state. The structure of such an argument is shown in the following scheme:

*Premise 1:* The EU official is an administrative authority in the EU.
*Premise 2:* The EU official says: The EU directive 2008/57/EC should be obeyed by each Member State.
*Premise 3:* The EU directive 2008/57/EC states that the rail system should not create unjustified barriers to the preservation of the existing rail network of each Member State.
*Conclusion:* The rail system in your country should not create unjustified barriers to the preservation of the existing rail network of each Member State.

Note that the structural difference between this type of argument and arguments from epistemic authority lies in the fact that in this case the domain of deontic authority is a set of

---

11 This scheme may be interpreted in terms of the scheme discussed in section 5 (Budzynska 2010) in the following way: \(i\) performs directive \((a)\), \(i\) is authorized to perform directive \((a)\), therefore \(a\).
directives, i.e. speech acts indicating what should or should not be done (instead of a set of assertives, as in the case of arguments from epistemic authority).

Once we have considered the possibility of employing the new argument scheme in analyzing and evaluating *ad verecundiam* technique, we may now ask how some possible applications of this scheme are related to the current state of the art in the study of argumentation schemes. For instance, we may observe that apart from formal and computational argumentation systems that can accommodate argument from expert opinion as a standard form of argument (see the introductory section of our paper), in the rich literature devoted to trust and its role in designing AI systems there are also some significant attempts at modeling arguments involving the notion of authority which is in accord with the broader Lockean sense of ‘authority’ based on dignity and social powers. Such an approach is present in the recent study aimed at modeling computationally argument schemes for reasoning about trust (Parsons et al. 2014). Aside from determining argument schemes associated with trust based on expertise (If *B* is an expert in some domain of competence, then *A* may decide to trust *B*) the authors also determine ‘trust from authority’ argument scheme (If *B* holds a position in an organization that exercises powers of authority, then *A* may decide to trust *B*).

Now we have discussed the general argumentation scheme for appeals to deontic authority, the next step is to propose a matching set of basic critical questions that can be used by the person to whom the argument is directed as a device to raise doubts about whether the argument holds a given instance.

CQ1: Do I come under the authority of institution *Ω*?
CQ2: Does what *δ* says apply to my present circumstances *C*?
CQ3: Has what *δ* says been interpreted correctly?\(^{12}\)
CQ4: Is *δ* genuinely in a position of authority?\(^{13}\)

These are not the only critical questions that can be asked, but they are useful ones that can provide guidance to someone who is presented with an argument from deontic authority, and has doubts about it, but can’t think of a suitable reaction on the spot.

Parsons et al. (2014, 164) have offered two examples that help to distinguish between these two kinds of argumentation schemes. In the first example, an employee of the transit authority in the city can reasonably be taken as an expert source of information on subway operations, and could also be trusted as an authority, based on the job that he holds. However suppose this person changes jobs. Then even though trust from authority would no longer be warranted, the person could still be taken to have expert knowledge about train schedules in the subway system. In the second example, a university professor can be taken as an authoritative source to comment on the subject in which she is an expert. However the same professor could also hold an administrative role, and if asked about the subject such as requirements necessary for graduation, she could be trusted as a deontic authority to give a definitive answer. These examples show the need for distinguishing between schemes for reasoning about trust based on

---

\(^{12}\) The necessary condition of proper decision-making processes which involve arguments from authority is *δ*’s strong deontic position. Since *argumentum ad verecundiam* may involve some fallacious maneuvers which rest on building the apparent deontic position of the speaker, it seems commendable to discuss how a basic method of identifying such maneuvers could be conducted. We may here observe that an important assumption of evaluating arguments basing on deontic authority as legitimate ones is that *δ* has informed me that *δ* wants me to do *α*.

\(^{13}\) Thanks are due to Dale Hample for pointing out the need of including a critical question which would play a controlling role in distinguishing genuine and apparent authorities.
expertise and schemes associated with trust resting on the kind of authority based on the holding of an administrative position in an organization.

The need of distinguishing these two kinds of schemes stems from the different source of trust. In the case of trust from authority, this source lies in “the inherent power and knowledge associated with an individual based on their role in a particular type of organization, generally an organization that enforces rules” (Parsons et al. 2014, 163-164). These inherent powers are also stressed in ‘trust from organization’ argument scheme (A may decide to trust B because B is a member of some organization) (pp. 166-167). Note that the idea of identifying ‘authority trust’ and ‘trust from organization’ schemes and the idea of establishing an argument scheme for appeals to deontic authority presented in this paper have a common ‘institutional factor’ lying in the observation of social powers of institutions as the basis for determining particular argument schemes. This similarity might constitute a point of departure for a future systematic inquiry aimed at combining the study of appeals to authority in the ad verucundiam technique with the inquiry into argumentation schemes for reasoning about trust from authority.

A similar comparison might be done with regard to the study of argument schemes related to ethotic structures which are related to the speaker’s character and particularly to his credibility (Budzynska 2013). One of such structures which is associated with our scheme for arguments from deontic authority is the ‘ethotic argument scheme’ (i said A, i is credible, therefore, A should be accepted as more plausible) (Budzynska 2013, 3188; Koszowy and Budzynska, 2016). Since some sources of i’s credibility lie in deontic powers (what is also the case of the scheme for argument from deontic authority), it might be a matter of interest to study the relationship between two kinds of schemes.

8. Extending the list of critical questions for deontic appeals to authority

The above initial list of critical questions for arguments from deontic authority may be further developed by discussing some more specific problems and ideas related to the notion of authority. In what follows, we propose some more detailed critical questions which point specifically to the need of distinguishing epistemic and deontic authority in argumentation.

Let us think of a situation where someone (e.g. an administrator) is definitely not an epistemic authority for the employee (e.g. because of his or her lack of knowledge in a given field), but she wants to be an authority for the employee. Hence, she gives such orders aimed at stressing the relationship of deontic authority. This example points to the need of asking a kind of critical question which could turn out to be instructive for identifying possible confusions of two main types of authority: epistemic and deontic. For instance, such an ambiguity of ‘authority’ or ‘authorization’ may be noticed in the case of arguments which are in line with the scheme discussed in (Koszowy 2013; Koszowy and Araszkiewicz 2014):

Premise 1: δ is authorized to perform directives.
Premise 2: δ says A.
Premise 3: A belongs to assertives.
Conclusion: A should be accepted.

This example shows that the next two critical questions could be added to our list:

CQ5: Is δ a deontic rather than an epistemic authority?
Specifically, this example illustrates the problem of unjustified transitions from epistemic to deontic authority. Since epistemic authority does not have to entail any competence to formulate directives (Bocheński 1974, 263), the typical fallacy rests on extrapolating authority from the set of assertives to the set of directives. Hence we may formulate the next critical question which calls for a clarification that can be helpful for answering CQ5:

CQ6: Does someone claimed to be an authority utter assertives or directives? (Koszowy and Araszkiewicz 2014, 292).

As we may notice, these additional critical questions (CQ5 and CQ6) point directly to the need of elaborating such procedure for evaluating arguments from authority which would take into account (i) the distinction between appeals to deontic or epistemic type of authority (CQ5), and, consequently, (ii) the distinction between the two domains of authority, i.e. assertives and directives (CQ 6). The next task that might be accomplished within the search for appropriate critical questions for evaluating arguments from deontic authority could rely on identifying some communication phenomena related to deontic authority. For instance, we may pose such critical questions which would focus on identifying possible conflicts arising between two or more deontic authorities. This issue seems to be of key importance for evaluating arguments from deontic authority, since conflicts between various deontic authorities are common for social communication. We can easily imagine a conflict between two deontic authorities who are giving two different orders (directives). In order to identify possible conflicts of this kind, we may ask the question:

CQ7: Is a given deontic authority in conflict with some other deontic authority?

In search for some typical circumstances which might justify the need of asking this kind of a critical question we may for instance point to the domain of legal interpretation. The *Webster's New World Law Dictionary* (2006) defines ‘conflict of authority’ as (i) “a difference of interpretation regarding a point of law between two or more courts, often courts of equal importance or rank (such as the highest appellate court in two states)” or (ii) “a difference of opinion regarding a point of law between two or more legal scholars, especially on a point or in an area of law where there is little or no case law.” Notice that both cases of conflict are grounded in a difference of opinion between two authorities which have similar deontic powers and where the boundary between the areas of competence of each authority is vague. The solution to such conflicts relies on determining some contextual factors. When a clash between two deontic authorities is observed, the next critical question should point to the need of asking the following critical question.

CQ8: Are there – in particular circumstances in which the conflict between two or more deontic authorities occurs – any criteria, rules, norms or procedures which would allow us to accept the opinion of one authority and disregard the opinion of another?

In our view, the set of critical questions proposed in this section should be treated as an open list which may be further enriched by other considerations regarding procedures for evaluating arguments basing on deontic authority.
9. Supplying identification conditions

Here are the new set of identification conditions for argument from deontic authority: (1) an agent \( a \) is deciding what to do in a situation requiring choice and looking around for some reason to choose one way or another, (2) the agent \( a \) has some reason to think that agent \( b \) is in a position to make a binding pronouncement on what to do in such cases, and (3) his reason for (2) is that \( b \) is a duly appointed administrative authority or has some other sort of deontic powers about what should be done.

We conceive administrative authority as a subtype of deontic authority. Hence our terminological proposal – given at the end of section 4 – could be that although we are aware of the interchangeable use of ‘deontic’ and ‘administrative’, we would rather use the term ‘deontic’ in order to provide an argumentation scheme that would be capable of grasping the broader class of arguments from authority that are not arguments from expert opinion.

Now we have two sets of identification criteria, each of which is helpful for identifying a type of argument conforming to one or the other of the two main schemes involved, the one for argument from expert opinion and the one for argument from administrative authority. The reader will recall that definitions for these two types of arguments were included in this set of definitions clarified in section 4. In line with these definitions, arguments from expert opinion fall under the more general category of epistemic argumentation schemes, while arguments from administrative authority fall under the more general category of deontic argumentation schemes. Note that there will also be other argumentation schemes that fall under the general category of epistemic argumentation schemes but will be different from the category of arguments from expert opinion. See the argumentation scheme for epistemic argument from ignorance in (Walton, Reed and Macagno 2008, 328).

![Figure 2: Classification Graph for Types of Argument from Authority](image)

There is another problem that arises out of these attempts to build a classification system. We have presumed in our analysis of the concept of authority and the way we have defined it, that both the argument from expert opinion and the argument from deontic authority can fit
under the more general category of arguments from authority. But there may be some reservations to be discussed. Certainly the argument from administrative authority is a species of argument from authority, but is the argument from expert opinion also a species of it? We think that the answer to this question should be affirmative, because, as noted in section 3, we think that if a claim is made based on the sayso of a qualified expert, and the domain or field of the claim matches that of the expert, the claim needs to be tentatively accepted even though it is subject to critical questioning and counterarguments. So there is a sense in which the sayso of an expert is authoritative, or carries some limited authority, even though we have emphasized that such arguments are defeasible because it would be a great error to treat experts as infallible.

Given these considerations, we propose the tentative classification system shown in figure 2. The relation between the two types of arguments is emphasized in the diagram with a link between ‘Arguments from Expert Opinion’ and ‘Arguments from Authority’. This connection points to the fact that arguments from expert opinion also have a deontic component. Under the category of arguments from legal authority we place such examples as legal arguments put forward in a trial based on statutory interpretation of rules and regulations set out by a legislative governing body.14

These considerations lead us to another question which is somewhat perplexing. Should we have a further argumentation scheme representing the generic argument from authority which is a more general type of argument than either of its subspecies, the argument from expert opinion and the argument from administrative authority? This raises yet another question: are there arguments from authority that need to be evaluated as distinctive species of argument in their own right because in some instances, such an argument is neither an argument from expert opinion nor an argument from deontic authority? We leave this question as an open research topic for further investigation and discussion. So far, we have not been able to find an example of such an argument, and so this leads us to suspect that there are none, and draw the tentative conclusion that we do not yet need an argumentation scheme representing such arguments.

10. Conclusions

This paper has shown that the recognition of argument from administrative authority as a distinctive type of argumentation scheme in its own right is a necessary step towards supporting the hypothesis of (Walton 1997) that the fallacy arises from the ambiguity and confusion between the two types of argument, the argument from expert opinion and the deontic appeal to authority. Moreover, we have shown that the deontic appeal to authority is an important form of argument in its own right, and that it is useful to have an argumentation scheme representing this type of argument.

Our theory is that recognizing the fallacy should be based on five underlying factors: (1) the ambiguity between the two types of authority, the epistemic and deontic one, (2) the transitioning in arguments from authority from the one type of authority to the other, a transition that might easily passed unobserved without an awareness of the subtle matters of argumentation in it, as shown in section 6, (3) the confusion that might easily arise between the two types of authority in arguments in which such a transition occurs, (4) the unthinking and unquestioned transference of the deference properly attributable to the deontic authority, leading to acceptance of the epistemic authority, and (5) the overlooking of critical questions which may need to be considered in response to the argument from epistemic authority.

14 See the argumentation scheme for argument from rule in (Walton 1996, p. 92).
Even though in logic textbooks the most common cases cited as instances of the fallacy of *ad verecundiam* are overwhelmingly instances of argument from expert opinion, we have shown that in some instances the argument from deontic authority could potentially be fallacious in its own right. However, it has also been shown why this kind of argument is hard to question in many instances, and that this is an important reason explaining why arguments from authority are so susceptible to fallacious misuse. Obviously, to begin with, there are penalties for failing to obey a command made by an administrative authority that has power over you, such as your boss or a representative of the police or the government (Goodwin 1998). Thus the scope of critical questioning for this type of argument in a dialogue between two or more parties has to be seen to be fundamentally different from the scope of critical questioning that is permissible in an argument from expert opinion. Thus our approach is not only able to deal with inferential structures that involve authority, but also with dialogical structures that are beyond the scope of inferential argumentation schemes.

Acknowledgements

Marcin Koszowy would like to acknowledge that the work reported in this paper has been supported in part by the Polish National Science Centre under grant 2015/18/M/HS1/00620. Douglas Walton would like to thank the Social Sciences and Humanities Research Council of Canada Insight for Grant 435-2012-0104 (2012-2019), that helped to support the research in this paper.

References


