Bothsiderism

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Abstract

This paper offers an account of a fallacy we will call *bothsiderism*, which is to mistake disagreement on an issue for evidence that either a compromise on, suspension of judgment regarding, or continued discussion of the issue is in order. Our view is that this is a fallacy of a unique and heretofore untheorized type, a fallacy of meta-argumentation. The paper develops as follows. After a brief introduction, we examine a recent bothsiderist case in American politics. We use this as a pivot point to survey the theoretical literature on the fallacy. The most prominent theory is that bothsiderism is a case of dialogue-shifting. This view fails, we maintain, to explain how bothsiderism might be persuasive. We argue, rather, bothsiderism is a kind of meta-argumentative fallacy.

Keywords Fallacies · Bothsiderism · Fallacy of negotiation · Fallacy of middle ground · Dialogue shift · Meta-argumentation

1 Introduction

Imagine two friends, Xena and Hector, deeply arguing over the existence of gods. Hector is an Olympian, so he holds there are twelve (Zeus, Hera, Athena, Aphrodite, and the rest). Xena is an atheist. Her number of gods is zero. After a long discussion, and exasperated by Xena's calls for evidence (does the *Iliad* count?), Hector offers the following compromise:

For you, Xena, there are no gods. It's clearly unreasonable to expect you'll be entirely right in this assertion. After all, *I* believe there are twelve gods. Why don't we just split the difference and say there are six gods?

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Certainly, this result is absurd. You can't bargain down your beliefs, so it's unlikely that this strategy will yield actual conviction from either Xena or Hector (as noted in Godden 2016 and Godden and Casey 2020). Moreover, it should be clear that the matter of the number of gods isn't a negotiable issue, so finding a compromise middle here is not likely to track the truth of the matter. However, there is an epistemic rule behind Hector's argument, and there is a way a third person may make the inference. Onlooker Janus has heard Xena and Hector's loud argument from the other side of the Agora. He gathers there is some sort of disagreement about gods. Not an expert on theogony, but gifted with what he takes to be common sense, Janus concludes that the truth lies somewhere in the middle—so, six gods seems reasonable (or perhaps five and one demi-god). Janus is what we're going to call a *bothsiderist*, a term we borrow from the social media hashtag #bothsiderism (often called #bothsidesism). He's taken the disagreement between Hector and Xena as sufficient evidence to conclude something about the object of the disagreement. In this case, he imagines that there is much to say for both sides on the matter, and if that is the case, then the truth must be somewhere in the middle.

Janus is not alone in this general arc of thought. In 2017, former US President Donald J. Trump, in the wake of a violent confrontation between racist white nationalists and anti-racist protesters in Charlottesville, Virginia, remarked that there are good people “on both sides” of the issue. Trump's Ambassador to Canada, Kelly Craft, when asked about climate change, remarked “I think that both sides have their own results, from their studies, and I appreciate and I respect both sides of the science.”¹ Bothsiderism has appeal beyond beyond hot-button issues like climate change. A Texas high school teacher asked students to list the positives and negatives of American chattel slavery, in order to give a “balanced view.”² In parallel fashion there are regular calls for high school biology classes, when covering the topic of evolution, to “teach the controversy,” a phrase co-opted by creationists to give their pseudo-scientific views a veneer of plausibility as one part of a debate.³ Such moves, and lampoons of them, are depressingly common but hardly new.⁴

In the theoretical literature, Bothsiderism goes by many names: the Fallacy of Middle Ground (van Laar and Krabbe 2018; Sterling 2019), the Fallacy of Bargaining (Walton and Krabbe 1995), the Fallacy of Objections (Whately 1855) the Fallacy of (or to) Moderation, *Argumentum ad Temperantiam*,⁵ False Compromise,

¹ <https://www.cbc.ca/news/politics/us-ambassador-knight-craft-1.4366936>.

² (<https://www.cnn.com/2018/04/20/us/homework-assignment-slavery-trnd/index.html?sr=twCNN042018homework-assignment-slavery-trnd0951PMStory>).

³ <https://www.wired.com/2004/10/evolution-2/?pg=2>.

⁴ Unsurprisingly, the “both sides” argument is not new. Even Harriet Beecher Stowe, author of *Uncle Tom's Cabin*, satirized the idea of considering the merits of both sides of an argument concerning slavery: “O, there's a great deal to be said on both sides of the subject,” said a genteel woman, who sat at her state-room door sewing, while her little girl and boy were playing round her. “I've been south, and I must say I think the Negroes are better off than they would be to be free.” (p. 137).

⁵ We can find no source for the Latin phrase for the Middle Ground Fallacy. It bears repeating, by the way, that most of the Latin names famous in fallacy theory do not even originate in long-forgotten medieval translations of Aristotle, as some might imagine, but rather with Locke, and later. Indeed, current fallacy expositors (for example, Aikin and Casey, forthcoming) often invent Latin names to be funny,

the Golden Mean Fallacy, or the Gray Fallacy (Sterling 2019). One might also add Fallacy of Disagreement, given the salience of disagreement to the phenomenon. Though perhaps a source of frustration to the fallacy researcher, this wild assortment of names shows that more is at issue than finding a perfect compromise or a moderate view. Here we'll avoid the temptation to find a compromise name and stick with *bothsiderism* because it captures the functional problem represented in the fallacy: *that there are two (or more) sides*, and one must presumably give both sides their due. It is also broad enough to cover the variety of bothsiderist conclusions. "Middle Ground," "Golden Mean," for instance, represent one among several possible endpoints of the fallacious inference.

Let's return to Janus. What motivates Janus's conclusion that there must be six(ish) gods is a version of bothsiderism as a heuristic device. His attitude derives from the sense that argument is often an adversarial affair, and so (one supposes) disputants will skew facts in the direction of their favored position; Hector has probably exaggerated the number of gods while Xena has underrepresented them. It is wise, he surmises, to discount each side by some percentage and find a mean between them. But the heuristic version can also take the form of actively looking for controversy, even when an issue seems settled, thinking one must always hear "both sides" of the story and find "balance." Bothsiderism is also operative in how people distribute scrutiny in representing alternatives. Here again, the thought is that the truth is a mean between the two extremes of its representation, so scrutiny of one view ought to be balanced with scrutiny of an opposed position, however contrived the scrutiny or position may be. A close cousin to this is the common newsroom trope—call it journalistic bothsiderism—that coverage on any issue should be balanced between the positive and the negative,⁶ a bugbear of press critics across the land.⁷ In ancient philosophy, the bothsiderist posture to suspend judgment regarding a matter under dispute was the deliberate practice of the Pyrrhonian skeptics, precisely for the purpose of ridding themselves of beliefs of any kind.⁸ A related bothsiderist view lurks behind a form of cynicism about having views at all, since if the truth is a moderate position between the battling extremes, having a view at all is a kind of extremism on the issue. So, since the truth has no side, to take an affirmative position in a political dispute is in itself suspicious.⁹ Consequently, bothsiderist

Footnote 5 (continued)

e.g., *argumentum cum ferrum* for the Iron Man Fallacy. See Hamblin (1970: p.41) for the history of the development of the names.

⁶ A piece at FoxNews.com, for example, complained that the coverage of Trump wasn't balanced between the positive and the negative: <http://www.foxnews.com/politics/2017/05/22/its-not-your-imagination-study-finds-trump-coverage-overwhelmingly-negative.html>

⁷ Consider, for example: <https://talkingpointsmemo.com/edblog/bothsidesism-stalks-the-new-york-times>. For a deeper discussion of the "both sides" journalistic trope see: https://www.cjr.org/the_media_today/both-sides-impeachment-trump.php.

⁸ As Sextus Empiricus defines the skeptical strategy, it resides in opposing judgments in a way that, given the equality of their force, an inquirer is brought to a state of suspension of judgment (and then to a kind of mental peace) (PH 1.8).

⁹ This is the thought behind the 1940s Italian political movement known as *qualunquismo*. A *qualunquista* is someone who rejects partisan disagreements as in principle pernicious. See: <https://popula.com/2019/01/28/qualunquismo/>

reasoning also yields outright rejections of even continuing discourse. Bothsiderist reasoning in the cynical form runs that if both sides are equally valid but mutually exclusive, then both sides are actually equally invalid, too. Finally, a particularly pernicious form of bothsiderism lurks behind the oft-invoked practical principle that a good compromise leaves both sides unsatisfied.

Like many (if not all) fallacies, bothsiderism has virtuous instances, particularly in cases where there is evidence this a legitimate disagreement and uncertainty and moderation are appropriate. This is not particularly newsworthy. However, the issue is that the difference between good and bad versions of this reasoning is in terms of how well it assesses the reasoning in the debate and the debate's participants. What is worth stressing about bothsiderism, then, is that it is fundamentally *meta-argumentative*. This means it's a fallacy about arguments, in the plural, rather than a fallacy within an argument. To appreciate this difference, take the fallacy of hasty generalization, a common error of weak induction. This is errant reasoning *within* an argument as one may hastily generalize about Greeks, cats, bromides, or habits of other arguers. Bothsiderism, in contrast, is a fallacy that specifically regards one's uptake of *various arguments* precisely insofar as they are arguments.¹⁰ In this sense, Bothsiderism belongs to a class of other similar *meta-argumentative fallacies*, such as the straw man. One can commit the straw man fallacy only if there are other views and arguments to (mis)represent and evaluate. It is a fallacy one commits when one reasons about reasons.¹¹

What we will see with bothsiderist reasoning is, again, reasoning about reasons, so it is at its core a meta-argumentative fallacy. The defining features of bothsiderism are that of taking the fact of controversy on an issue to be evidence about the available evidence, the participants in the argument, and their performance with that total evidence. So, controversy is meta-evidence about the state of the evidence. Centrally, the reasoning is that, given the controversies, we have reason to believe that the evidence on the issue is conflicted or that what it supports is not clear, and so more modest cognitive and practical attitudes on the issue are required. The variety of that modesty's manifestations can range, as we've seen, from simple skepticism or suspension of judgment, to heightened inclusion of disparate perspectives, to attempts to split the difference between the various sides to find a mean between the extremes, to cynical refusals to even participate or consider the matter further since the debate is so badly run. Again, there are cases wherein some version of this moderation is appropriate, but there are others wherein the best explanation for the persistence of controversy is not the difficulty of the matter or the incompleteness of the evidence, but the bad faith or incompetence of the parties involved.

Our main aim is to describe the fallacy of bothsiderism. To this end, we begin with a few straightforward fallacious cases and we survey some variations. We discuss what makes bothsiderism fallacious in these instances. We then turn our

¹⁰ For the core idea of meta-argumentation as a site for unique norms and errors, see Cohen (2001), Finocchiaro (2013), Linker (2014), Plunkett and Sundell (2021), and Aikin and Casey (forthcoming).

¹¹ See Aikin and Casey (forthcoming), who account for straw man fallacy as a meta-argumentative fallacy, and Oswald and Lewiński (2014) who term it a 'meta-discursive' error.

attention to the few standing accounts of the fallacy's various descriptions in the literature. The leading analysis of the fallacy is that it is a form of dialogue-shifting, and we will show why this explanation is lacking. We will then turn to explain how the bothsiderist fallacy is a fallacy of meta-argumentation, that it is an error one makes when one reasons about controversies. We believe this approach to fallacy analysis allows both a clearer theoretical perspective on what the bothsiderist error is and a blueprint for criticism and correction of its instances.

2 The Structure of Bothsiderist Arguments

Our objective, first, is to present a clear picture of the phenomenon of bothsiderism for theoretical reflection. Fallacy theory, if it is to be relevant, must not only find cases of bad reasoning but show that the cases are tokens of types that are widespread and of significance. That's how informal logic gets to claim the mantle of 'applied epistemology.' In the spirit of that motivation, consider the following case:

2.1 Barrett on Global Warming

US Supreme Court Justice Amy Coney Barrett was nominated by former President Donald J. Trump in the waning days of his presidency, following the death of Justice Ruth Bader Ginsburg. By all accounts, Barrett embodied Trump's conservative judicial philosophy. One item in this philosophy is a reluctance to recognize the right of the government to regulate private industry, including carbon pollution, a main driver of global warming. A motivating thought behind this regulative reluctance is a rejection of the scientific consensus concerning causes of global warming. This topic came up in Barrett's Senate confirmation hearings, where Senator (now Vice President of the United States) Kamala Harris and Justice Barrett had the following exchange.

Senator Harris:

And do you accept that COVID-19 is infectious?

Amy Coney Barrett:

I think, yes. I do accept that COVID-19 is infectious. That's something of which I feel like we could say you take judicial notice of. It's an obvious fact, yes.

Senator Harris:

Do you accept that smoking causes cancer?

Amy Coney Barrett:

I'm not sure exactly where you're going with this, but the notice that smoking causes-

Senator Harris:

[crosstalk] Question is what it is. You can answer it if you believe it. Yes or no.

Amy Coney Barrett:

Senator Harris, yes. Every package of cigarettes warns that smoking causes cancer.

Senator Harris:

And do you believe that climate change is happening and it's threatening the air we breathe and the water we drink?

Amy Coney Barrett:

Senator again, I was wondering where you were going with that. You have asked me a series of questions that are completely uncontroversial, like whether COVID-19 is infectious, whether smoking causes cancer, and then trying to analogize that to eliciting an opinion from me that is on a very contentious matter of public debate. And I will not do that. It will not express a view on a matter of public policy, especially one that is politically controversial because that's inconsistent with the judicial role, as I have explained.¹²

Barrett here offers two reasons for suspending judgment on climate change. First, as a pragmatic and professional matter, she may have to serve as a judge in a case, and so she finds it imprudent to express an opinion. While it certainly is true that judges ought to preserve their neutrality on matters that may come before the court, this does not involve, or at least should not involve, questions of basic scientific fact, like the roundness of the earth or the bacterial theory of disease. Besides, in the present case, given Harris's line of questioning, Barrett's position is not all that convincing, for we might note the same hypothetical could be true of smoking, as that litigation is certainly not over.¹³ Barrett's second reason is a meta-argumentative one. Her argument is that the fact that it is a "very contentious matter of public debate" requires that she should have no settled opinion, since the fact that there are conflicted arguments about an issue is evidence about the extent to which the issue is settled. And since it is evidence that there is conflicted evidence, we should suspend judgment. This, again, was advice the skeptics used, in the classic forms of the argument from disagreement, to give to bring about suspending judgment, and Barrett's case on the matter is a form of what might be called *environmental bothsiderism*.¹⁴

The basic version of bothsiderism on display here has two moments. The first moment involves characterizing a matter as controversial. This means that the matter appears unresolved since, even if the disputants themselves believe the matter is clearly resolved, they have not convinced each other. The persistence of the controversy, then, is taken as evidence about the state of evidence on the matter—that it is insufficient to settle the disagreement. The second moment, then, draws a prescriptive conclusion from this unresolved controversy. In Barrett's case, the conclusion is a suspension of judgment on that question. However, as we've noted above, this is one among many conclusions in the broad class of 'epistemic and practical moderacy'. That class may range from keeping the conversation going by including far-flung views for serious consideration, to suspending judgment, to splitting the difference, to many others.

¹² <https://www.rev.com/blog/transcripts/amy-coney-barrett-senate-confirmation-hearing-day-3-transcript>

¹³ RJ Reynolds lost a 23.6 billion, yes billion, judgment in 2014. <https://www.cbsnews.com/news/r-j-reynolds-fights-widows-23-6-billion-wrongful-death-award/>

¹⁴ See Lawrence Torcello's (2012) account of 'pseudoskepticism' as a form of motivated reasoning to undercut determined action.

With the structure of bothsiderist arguments in mind, let's now consider what makes it pernicious. A first thing to notice is that bothsiderism poses epistemic risks, despite the *prima facie* goods to bothsiderist approaches in maintaining open-inquiry norms. In fact, these risks are occasioned by abuse of the norm of open inquiry. One risk is that it encourages arguers to hold their ground long after they've exhausted their chances of success. For, crucially, just staying around to argue is yet more meta-argumentative evidence to onlooking audiences. Another risk is that bothsiderism conveys an outsize tactical advantage to weak views. John Stuart Mill argued in *On Liberty* that "he who knows only his own side of the case knows little of that" (1978: 53). So, one understands an issue and one's take on it only by knowing the best arguments on all the sides. Therefore, it's incumbent on anyone who cares to know anything well that they ensure that all disagreement is taken seriously. For these sorts of reasons, people confer great value on considering dissenting views, however unpopular, because, if anything, they keep us honest. Consider the disproportionate presence of Climate Change Skeptics in the public discussion of climate change, anti-vaxxers on immunization policies, and those who believe the 2020 US Presidential election was fraudulent in discussions of voting rights.¹⁵ As Mill observed, "all silencing of discussion is an assumption of infallibility" (1978: 17). Given that we are not infallible, our defaults should be set on continued discussion. It is upon this social-epistemic policy that the bothsiderist preys, as merely continuing to dissent (regardless of the quality of one's case) is yet taken as sufficient to claim a right to be included in a critical discussion. Representatives of dominant views who exclude other perspectives are all-too-easily painted as blinkered dogmatists. And so, even when the matter is settled by reasonable standards of argument, representatives of outside views (again, even when they have no new evidential considerations) claim they should be included. This creates a phenomenon of what might be called *argumentative free-riding*, and bothsiderists are either those who take such rides or are those who give them. The primary currency of argument is that of reasons, and the free rider (to continue the metaphor) is someone who offers none or pays with forgeries. Finally, bothsiderist argumentative approaches incentivize arguers to stake out more extreme positions than they might otherwise. If the truth is in the middle, then partisans have motive to inflate their claims. Call this the argument overcharge problem (following Godden and Casey 2020). One way to see this could be in the discussion of the number of gods to open our essay, imagine that Hector is aware of Janus's bothsiderist reasoning with finding middle ground. Hector will then *claim* there are twenty-four gods, so that when Janus splits the difference with Xena's zero, there ends up being twelve (which is Hector's preferred outcome).

Aside from epistemic risks, bothsiderism has affinities with other fallacies such as weak manning and iron manning, two varieties of straw man argument (Aikin and Casey 2011, 2016 and forthcoming). Consider weak manning, which involves selecting the weakest part of a view for heightened scrutiny. To show that a case is

¹⁵ The outsize inclusion of strategically-motivated persistence in the global warming debate is surveyed by Torcello's account of inclusion problems and by his notion of 'pseudoskepticism' (2012).

not settled, it is sufficient to show the inattentive or otherwise biased listener that the case for one side isn't perfect, because doubts remain (with the weaker versions of the opposition's view). So (assuming this is the extent of one's evidence), the epistemically virtuous thing to do is suspend judgment, keep the matter open, or one of the other bothsiderist options. However, we can see how this weak mans a strong case, as it foregrounds problems for the weaker versions of an overall strong argument.

The case of iron manning with bothsiderism is very similar. An iron man fallacy consists in exaggerating the strengths of a weak case in order to deflect it from criticism. With bothsiderism, one needs only to exaggerate the significance of objections to draw a similar conclusion—the matter remains in dispute and non-experts are going to have to suspend judgment, or draw the conclusion that both sides have some merit. Barrett's attitude about climate change above is certainly exemplary of this attitude and tactic, as, by any fair reckoning, there really are not two equal sides to the climate change issue. Interestingly, fallacious weak and iron man arguments function by way of closing argument too soon, as they take the discussion to be completed with the evaluation of the distorted view. In this regard, bothsiderism is a mirror image of the argument-closing problem—instead, the argument that should be closed is kept open. That is, straw man arguments close arguments with their misrepresentations too soon, and bothsiderism works to hold dialogues open beyond when appropriate.

Additionally, bothsiderism bears resemblance to the *ad ignorantiam*, or argument from ignorance. Typically, the *ad ignorantiam* occurs when some conclusion is derived on account of the fact that no evidence shows it to be false. For example, imagine a conspiracy theorist reasoning that since no evidence shows that Martians have not taken over the government, we have reason to believe that they have. The reason to believe the Martians have taken over the government is the fact that no reasons are offered for its denial. Since no initial reasons are offered in favor of the view or for it being the default commitment, this is fallacious. One needs to make a positive case or make the case that it should be the default. If the positive case has no defeaters or if there are reasons for the commitment to be the default, then that's another story. The resemblance of Bothsiderism to the *ad ignorantiam*, then, lies in a reading of the general evidentiary situation as implying something in advance of the discussion. In the case of the *ad ignorantiam* the failure of someone to meet a burden of proof is *ipso facto* evidence of the satisfaction of evidence to the contrary. A similar line of reasoning is operative in bothsiderism. One way to capture the background assumption of defaults and burdens is that there is a burden of proof with the meta-evidence. The burden runs, then, that there not only be no evidence left out of consideration, but that there is evidence that no evidence is not left out of consideration. Persistent disagreement is taken as a defeater for any case for the meta-evidential commitment. And if the meta-evidential commitment is not justified, epistemically modest consequences follow. The problem, as anyone who has ever argued with a skeptic or conspiracy theorist knows, challenges to the meta-evidential requirement are easy and cheap to make. Debunking every crackpot who says that we are ignoring their evidence is too high a bar. Call any evidence that we have not met this meta-evidential standard *unhappy meta-evidence*.

We've argued that bothsiderist arguments have two phases. The first is the meta-evidential phase, the second is the prescriptive phase. The basic form of bothsiderism, then, comes with the following two constituent moves:

Meta-evidential phase:

There is persistent disagreement on issue X.

If there is persistent disagreement on issue X, then we have *unhappy meta-evidence* that: either evidence on X is inconsistent, incomplete, not clear what it supports, or the critical dialogue on the matter has been mishandled.

Prescriptive phase:

If there is unhappy meta-evidence on issue X, then we should be epistemically modest about X.

If we are epistemically modest about X, we should be practically modest about X.

If we are practically modest about X, then we should either suspend judgment and action on X, keep all voices in the conversation about X, avoid partisanship on X, or split the partisan difference on X.

The result of epistemic and practical modesty on the issue, then, yields continued discussion of the matter but little in the way of action on it. Skeptical arguments are inherently practically conservative. We change things only when we know something is wrong and we need to fix it (and that we have a plausible candidate for the fix). If any of those commitments are in doubt, then we stick with what we've got. The key, again, is that bothsiderist arguments work like *ad ignorantiam* arguments, because they are posited on shifting the burden of proof, but with bothsiderism it is not only an evidential burden of proof that is shifted, but a meta-evidential burden of providing a positive case. One must not only live up to one's first-order evidential burden, but one must also provide evidence that one has lived up to the meta-evidential burden. And persistent disagreement is taken as a defeater for that case as unhappy meta-evidence. The bothsiderist reasons: *if the evidence on the issue were clearly in favor of one answer, then why is there continued disagreement?*

3 What Kind of Fallacy is Bothsiderism?

So far we've offered a basic picture of Bothsiderism. In doing so, we've coordinated it among other roughly meta-argumentative fallacies and we've given a few examples. Now it's time for a deeper dive into what the theoretical literature on Bothsiderism has to say.

Let's start with Grant Sterling (2019), who sketches the basic form of what he calls the *Middle Ground Fallacy*:

(A) Two (or more) people have presented conflicting views on some subject.

(B) A third party assumes – without offering reasons – the truth regarding the subject must lie between the extremes presented by the conflicting views.

(367)

Sterling's account is brief at a page and a half, but he does note that the Middle Ground Fallacy involves at least three participants: two who disagree over some proposition *p* and another who draws conclusions about *p* on the basis of that disagreement alone. But this account is restricted to the notion that the fallacy consists in the options between the extremes of the disagreement, the *middle ground* in other words. This seems correct in rough outline, but we've already noted there are more bothsiderist options than that of finding the middle ground.

In the same volume on fallacies as Sterling, Andy Wible (2019) characterizes the *Fallacy of Inflated Conflict* as "the error of exaggerating the amount of disagreement in a field to invalidate claims in the field" (280). Wible's examples range from those who invoke outliers in climate science to undercut the consensus on global warming, to others who point to disagreement on evolution to undercut views on the age of the Earth. Wible argues that the move is a form of hasty generalization from a few cases to widespread disagreement. He then states the reasoning as: "[A]uthorities disagree on some topic, so we can say nothing about that field" (280). The important features of the argument, for our purposes, are that it starts with a survey of disagreeing views on an issue to a skeptical conclusion on the matter. Wible is right that the first part of the fallacy is based on an error of representative sampling, but the second problem is with the inference that the disagreements are meta-evidence that the evidence is too conflicted to have a view. The error, by our lights, isn't in the hasty generalization per se, but in the meta-argumentative inference about how the evidence stands on the basis of that generalization.

A different version of the fallacy is found in Jan Albert van Laar and Krabbe (2016a, 2018a; b). The Fallacy of Middle Ground, as they call it, arises in the context of participants in a critical discussion (persuasion dialogue) shifting to a negotiation dialogue.¹⁶ According to van Laar and Krabbe, the Fallacy of the Middle Ground "can be seen as a fallacy based on the illusion that a compromise equals a first-order resolution of the difference of opinion that prompted the parties to compromise" (2018: 346). They distinguish two variants of this view. The first is where a participant to a dialogue may "mislead oneself or others to accept a compromise Gamma as one's favorite policy choice, beguiled by the popular saying that the truth must be somewhere in the middle" (2018: 346). Crucially, they go on to note that this often takes the existence of a dispute as itself evidence that the truth is between two extremes. The second variant they call the "Fallacy of No Middle Ground," where, effectively, one rules out pragmatic compromises in principle (347). Notably, van Laar and Krabbe do not characterize the Fallacy of Middle Ground as involving three participants, one of whom merely observes the disagreement. Rather, for them, the Fallacy of Middle Ground is a hazard for the participants in a dyadic critical discussion, such that, with an argument having run its course, the arguers might be tempted to split the difference.

Douglas Walton and Erik Krabbe's "Fallacy of Bargaining" is another variation of the Fallacy of Middle Ground discussed by van Laar and Krabbe. Walton and

¹⁶ For discussion, see Godden and Casey 2020.

Krabbe have little to say about it and think it sufficiently covered by the following hilarious (but completely implausible) example:

A doctor recommends that her patient quit both smoking and drinking, giving medical reasons for the recommendation.

Patient: O.K., I'll quit smoking, as long as you allow a glass of wine once in a while. (1995, p.104)

We will return to this example later. Despite its brevity, a virtue of the Walton and Krabbe account is that it offers a systematic explanation of the fallacy. According to them, the mistake the patient in the example makes consists in illegitimately shifting from critical discussion to negotiation and attempting to trade an offer for an argument (p. 104).

Richard Whately's *Elements of Logic* contains a variation on this fallacy, which he calls the "Fallacy of Objections." As Whately describes it, the fallacy of objections is one that someone makes *about* debates:

Similar to this case is that which may be called the *Fallacy of Objections: i.e.*, showing that *there are objections* against some plan, theory, or system, and thence inferring that it should be rejected; when that which *ought* to have been proved is, that there are *more*, or *stronger* objections, against the receiving than the rejecting of it (1855: 241).

This fallacy as Whately describes it has a number of interesting features. In the first place, as Sterling also noted, the fallacy seems to involve at least *three* players: two discussants and an observer who commits the fallacy with regard to the debate. We will return to the matter of the number of participants again, with an addition of our own. On Whately's three-participant account, one of the discussants attempts to provoke the duped observer into the trap—merely by offering objections. The raising of objections alone won't have much force on the other discussant, who presumably understands that objections exist but currently thinks them to be inadequate.¹⁷ Whately notices in fact that this works when the audience is not particularly attentive. Along these same lines, as the norm in question is balance, the violation of the norm is *too much balance* rather than *too little*. So the bothsiderist aims to muddy the waters, or create the impression that the question at issue is less resolved than it might initially appear. They're not after, in other words, a decisive victory as much as a draw.

[B]ut their opponents have this decided advantage over them, that they can urge with great plausibility, "we do not call upon you to *reject* at once whatever is objected to, but merely to *suspend your judgment*, and not come to a decision as long as there are reasons on both sides:" now since there always *will* be reasons on both sides, this *non*-decision is practically the very same thing as a *decision*

¹⁷ Call this the effectiveness puzzle. Something similar is at work in the straw man. Few people are likely to accept the straw manned version of their own view (for discussion of exceptions see Stevens 2021). Rather, the straw man is effective on an onlooking audience of biased or uninformed people. See Aikin and Casey forthcoming.

in favor of the existing state of things. “Not to resolve, is to resolve.” The delay of trial becomes equivalent to an acquittal. (1855 p. 243–244 Italics in original).

So Whately notes something that no other students of fallacies, on our reckoning, have seen: a fallacious strategy does not need to be taken to be *conclusive* to be successful. Put another way, winning an argument is not the only thing; merely not losing by extending the game is a kind of winning. It is indeed a puzzling fact that continued argument characterizes the fallacious move. The *fallacy of objections* also underscores the fact that a not insignificant amount of argumentation is *meta-argumentation*. By this we mean that we’re called upon not merely to evaluate arguments in terms of the truth of their premises and the strength of the inferential connection with the conclusion. Rather, we often find ourselves having to adjudicate between multiple arguments about which we may know very little. In these cases, we’re not evaluating arguments so much as we’re evaluating arguings or the simple fact that there are even arguments. Crucially, *bothsiderism* is a meta-argumentative fallacy after this model, in that one achieves *bothsiderist* conclusions by encouraging one’s audience to attend to arguments, exchanges, and so on as instances of argument instead of attending to them as engaging the first-order issue.

Also salient is that, on Whately’s model, there are three participants to *bothsiderist* arguments on two levels, the two or more *discussants* and the *audience*. Again, Whately’s thought is that the fallacy can be committed on the *discussant level* by overplaying one’s objections and it can be made on the *audience level* by making an inference from disagreement to epistemic or practical modesty. However, as we’ve seen from Wible’s account, there can be a third level to the fallacy, that of who represents the debate for the audience, so there is the level of discussants and then those who *represent* the discussion, and then the audience for either the discussion or the representation. That is, one need not be a participant discussant in the first-order debate in order to represent the debate as contentious for an audience. So, using Wible’s terms, one may as a discussant *inflate* the strength or urgency of one’s objections to give the impression of deep and abiding controversy, or one may merely *report an inflated controversy*, or one may as an audience to the debate or representation, generalize from the disagreement the thought that the matter is far from settled. The first two moves are *strategic manipulations* of how the deliberations are seen by an audience, as one tries to give the onlooking audience reason to think that there is what we’ve called *unhappy meta-evidence*. The final, audience-level contribution is akin, as Wible rightly notes, to hasty generalization, but it is at an argumentative level, from disagreement to unresolved controversy. It is important, we think, to keep the roles played by the arguers and reasoners in *bothsiderist* arguments in mind as one approaches evaluations of the reasoning. And it should be clear that arguers can play multiple roles in the cases.

4 Discussion of the Variations in the Literature

It’s clear from these scattered accounts that *Bothsiderism* admits of some important variations. Starting with the most recent account (Sterling 2019), *Bothsiderism* is fallacy committed *by an audience* to a dialogue whereby they judge the existence

of diverse perspectives to yield what we'd called unhappy meta-evidence and then a particular modest practical result. This might be, in Sterling's case, a kind of splitting the difference or an attempt to compromise. There does not seem to be any reason, however, to identify this error with one of its results, namely "splitting the difference" or "bargaining" or "middle ground" or "compromise." In the case of Wible (2019), the error is made by an arguer representing an issue for an audience, as the case is made by *inflating* the significance, quality, and breadth of the disagreement. For Wible, again, the strategy of representing the debate is to provide select evidence for the audience to make a meta-evidential inference to epistemic modesty. Whately, whose view also embraces this basic form, shows that the same logical structure may produce further unwarranted results by the discussant's contribution, such as the production of unjustified skepticism or doubt in some argument. To these various perspectives we might add more general results, such as skepticism, relativism, or cynicism about the possibility of resolution *at all*.

Whately's account also differs from that of Sterling in the way it characterizes the locus of the error. For Sterling, it is clear that the error is committed by the observer. For Whately, in contrast, the "fallacy of objections" is a deliberate sophistry aimed at deceiving inattentive observers as with see with Wible's inflationary strategy. In this sense, Bothsiderism basically requires a deceptive person *and* a receptive audience. Whately's examples are telling: an adherent of a weak or unpopular view attempts to sow doubt about a more well-established view by creating the impression that the issues are subject to a lively debate. This is, again, akin to the move of many alleged climate change skeptics, who attempt to give the impression that there is a robust doubt within the scientific community over climate change. Inexpert listeners, then, take this as evidence that the claims about climate change are, at best, *not as strong* as they're alleged to be. And, crucially, since inaction on climate change is the *status quo ante*, this amounts to an acquittal, as it were, since the burden of proof lies with those recommending revision. A similar example can be found in the efforts of tobacco companies to undermine the public's confidence in the view that smoking is unhealthy (see, for example, *Merchants of Doubt* (2010), which highlights how the strategy of only raising questions about what the evidence supports impedes clarity on what it supports and slows action in light of those conclusions). The Whately view, then, is that Bothsiderism is a kind of one-two punch: a sophistical argument directed at observers to a dispute, who if convinced of its implicit cognitively modest conclusions, will then draw practically modest conclusions, too.

Given this, it seems that the Fallacy of Middle Ground in van Laar and Krabbe (2018) is of a different sort. For them, the worry is that *participants* in a critical discussion (rather than observers) attempt to find a negotiated solution to a critical discussion. So, A and B disagree about p, so the disagreement over p is used as evidence for compromising on p, for finding "middle ground." The mistake, according to van Laar and Krabbe, is that the view reached by compromise be treated as a view reached by critical discussion, by argument. Walton and Krabbe's (1995) "fallacy of bargaining" also concerns the participants (and not the observers) of a critical discussion. The fallacy of bargaining, they argue, is a species of the broader phenomenon of "trading an offer for an argument" (1995: 104). More precisely, "the fallacy of bargaining" is an illicit shift from critical discussion to negotiation. The same basic structure is also true

of arguments *ad baculum*: one exchanges an offer (roughly, withholding violence) in place of an argument in a critical discussion. We will have more to say about this below (see Sect. 5, below), but for the time being we remark that structurally the Walton-van Laar-Krabbe version of the Fallacy of Middle Ground is different; it's an error committed by one (or maybe two) participants in a critical discussion about the object of the critical discussion.

There seem, therefore, to be two main theoretical accounts of Bothsiderism. One (Sterling/Wible/Whately) is about, and so *external to*, the discussion; the other (Walton/van Laar/Krabbe) is internal to it as negotiation plays a role as a contribution to deliberation. The external version comes in two types. One locates the fallacy in the inference of the observer, where they mistake the mere presence of disagreement for evidence of some conclusion or another; the other locates the fallacy in a combination of inattentive observer and a confused arguer, where the participants (either as discussants or representers of the discussion) take the presence of a disagreement as a reason to offer or request concessions, instead of reasons for or against.

This survey of the literature on bothsiderism raises some important questions. The most obvious one at this point is whether the internal and external varieties are even the same phenomenon. A first glance might suggest that the offer to negotiate to end a critical discussion is a different kind of error from misjudging the strength of the dialectical context. One is a shift in a dialogue; one is not in a dialogue at all. It does not seem possible to collapse the second one into the first, so they would seem to be different.

Despite this initial incongruity, we think these are variations of the same error. First of all, there is a better explanation of the problem than dialogue shifting. In committing the internal version of Bothsiderism, someone can be more plausibly read to be taking persistent disagreement with their interlocutor as evidence about the evidence at hand, when it is not. They're not necessarily, therefore, trying to negotiate a conclusion to a disagreement so much as misreading evidential burdens incumbent upon people who disagree. Second, dialogue shifting as an account of this kind of fallacy attributes to arguers or listeners a significant level of conceptual error, one approaching incompetence. Walton and Krabbe's negotiating patient example is more a joke than a piece of explicit reasoning, and this presentation makes it hard to see how the result of the reasoning could yield conviction. Again, one cannot bargain one's way to belief, so how could the Walton-Krabbe explanatory approach yield anything more than a mere verbal result? What is needed is a representation of background reasoning from the controversy to yield positive results. We believe that only a meta-argumentative approach can do this. Before we make this positive case, we must explain the dialogue-shifting program in full detail in order to show this explanatory gap that we think the meta-argumentative program fills.

5 Dialogue Shift and Bothsiderism

One common way of understanding arguments, and logical fallacies, is to view them as abstract bits of discourse, as propositions collected together that imply some conclusion. This is the way many popular informal logic or critical thinking texts

discuss them. On this view, logical fallacies are patterns of reasoning that are in some way defective. To speak very generally, the defect is internal to the argument structure or scheme. An *ad hominem* for instance, is an argument form wherein one misdirects criticism to a person making an argument rather than the argument the person makes. It has long been understood that such treatments of arguments and fallacies in particular are inadequate (Hamblin 1970). In the first place, what may look like a fallacy in one instance seems, on closer reflection, completely reasonable in another circumstance. This means that it is inadequate to characterize informal arguments outside of the dialectical contexts in which they take place. The context is the dialectical tier wherein one anticipates and answers objections to one's views or cases to the contrary (Johnson 2000, p. 165). However one understands the dialectical tier of argumentation, it is very difficult to represent it schematically (van Eemeren and Grootendorst 2004 p.160). One prominent way to confront this difficulty is to represent the dialectical feature of argumentation as basically a kind of dialogue, as in pragma-dialectics or Walton's dialogue theory. While according to pragma-dialectics fallacies can be understood as wrong moves *in* a dialogue, according to Walton and Krabbe (1995) the concept of dialogical *shift* is the only way to achieve a deeper understanding of many informal fallacies (p.108).

Walton's concept of a dialogue is a normative one. But it is a normative program that takes into account how dialogues actually go and what their purposes are (Walton 1998 p. 29). Dialogues, as Walton and Krabbe (1995) discuss them, have three key elements. First, they have participants, often characterized as "proponent" and "exponent". Second, the participants verbally engage each other for some purpose. One such purpose is for one person to persuade another of the truth of some claim. This is a persuasion dialogue (also called "critical discussion."). There are (roughly) five other types of dialogue, as defined by their main purpose: negotiation, information-seeking, inquiry, deliberation, and eristic dialogue (which is an airing of grievances). But there are perhaps innumerable many kinds of mixed dialogue because each type of dialogue can involve others as sub-types. Third, formal dialogues are normative models, such that an exchange consists in a series of game-like moves (Walton 1998 p. 29).

Central to this idea is the dialogue shift. Since dialogues are normative models for conversation, i.e., for how conversations ought to go as defined by their purposes, errors will occur when participants illegitimately (i.e., without permission or warning) shift from one kind of dialogue to another. Since dialogues are modeled on the idea of a game, and games have rules, and different games have different rules, to shift in a dialogue, then, is like shifting from the rules of one game to the rules of another. To give a crude analogy, it would be like playing chess with someone who at some point decides to make their moves according to the rules of checkers (while claiming they're still playing chess). Chess and checkers require two players, they share the same board, involve pieces of differing value, and rules of movement. Naturally, such a shift would be completely legitimate, and only a little odd, if both players agreed to the change (Walton and Krabbe 1995: 102–103). But if that were the case, the game played would no longer be checkers or chess, but something else. Dialogue shifts are evaluated retrospectively based on a couple of key principles. First, the dialogue shift should be consistent with the original goals of the exchange.

To shift from chess to checkers, in the present case, maintains the objective of playing a board game. A shift is legitimate, in other words, if it provides another way of doing the same thing. A second, more critical, rule is that both participants need to recognize it and consent to it (Walton 1998 p. 205). By analogy, if one starts playing checkers during a game of chess without telling the opponent, then one has undermined the purpose of the exchange. Both of these considerations together show that we can mutually agree to undermine our purpose. If our goal is to play a game and we come to blows instead, we're not playing a game any longer.

Walton and Krabbe envision dialogue shifting as a model for characterizing informal fallacies (1995: 2). Traditionally, a fallacy is "an argument that seems valid but is not so" (Hamblin 1970 p. 12). This definition naturally raises the question of what makes an argument valid in the first place. For dialogue theory, this is answered by considering the dialogue types to be normative models. Like games, dialogues that follow the rules are valid.

A more difficult, and more persistent, question for fallacy theory is how to characterize the *seeming validity* of fallacious arguments. How is it, in other words, that they are not just silly? Walton and Krabbe cite two factors in answering this question. The first is that fallacy schemes are often legitimate in the appropriate context (as in the case of the ad hominem noted earlier). The second reason is that there is a dialectical shift (1995: 114–115). The first of these factors has given rise to the now standard view that fallacious arguments are context-dependent. Formally or structurally identical arguments can be interpreted differently depending on the context. To return to the example of the ad hominem, a person's personal conflicts can be relevant considerations in the right context, and so the charge of ad hominem may be mistaken. The second factor leverages the shifting context to explain the success of the fallacy deployment. Because moves are fallacious in one context but appropriate in another, an interlocutor may be duped into taking them to be valid because appropriately used in the proper context. Critically, in its fallacious use, the shift of contexts of dialogue is *covert, unilateral, or not agreed upon*. The heart of the deception, on this new account, is to shift the context of the argument in a way that the interlocutor doesn't notice. This feature—the deception feature—which is a central part of the traditional account, retains its place in this dialogical account.

To illustrate this let's first consider an example of licit shift in a persuasion dialogue. The main goal of a persuasion dialogue is to resolve a conflict of opinion by verbal means. In pursuit of this goal, each participant aims to persuade the other of their standpoint (Walton 1998 p. 37). In the course of such a discussion, it might be necessary for the participants to shift into another mode of dialogue, such as an information-seeking dialogue (where one participant questions the other) in order to serve the overall purpose of dispute resolution. A reason for this might be to discover what one participant takes their commitments to be. Two reasons show this shift to be licit: it is consented to and it serves the purpose of the original dialogue (to resolve the dispute by verbal means) in helping to define the dispute in the first place. One thing that makes dialogue shifts difficult to detect at times is that the various kinds of dialogues have overlapping purposes. As we've just seen, an information-seeking dialogue can share the purpose of dispute resolution, so it is not surprising when a dialogue shifts from persuasion to information seeking. Such a shift

might be illegitimate, however, if the inquiry is meant to trap the respondent into giving an embarrassing answer, as is the case with the fallacy of complex question. Such a move might be legitimate in another circumstance (for instance, interrogating a prisoner of war).

With this understanding of dialectical shift, or dialogue shift, we can see how this applies to Bothsiderism, where the concept of dialogue shifting would seem to be perfectly descriptive. As we've seen above, Walton and Krabbe call the "Fallacy of Bargaining" when one attempts "to replace an offer for an argument" (1995 p. 104). In a very general sense, the fallacy of bargaining occurs when a critical discussion or persuasion dialogue illicitly slips into a negotiation. As we've discussed, there is more than one way this can occur. Given a dialogical approach to fallacies such as that of Walton and Krabbe, the most direct way for this to occur is when one participant in a critical discussion demands of the other that they meet half-way, or compromise, on some standpoint.

The trouble, as we see it, is that this explanatory approach to the phenomenon is lacking an account of how someone would make the error. Consider Walton and Krabbe's example for the Fallacy of Bargaining: the doctor tells the patient that he must not drink or smoke, and the patient tries to bargain the recommendation down to quitting smoking and a few drinks here and there. The problem is that the example is better *as a joke* between doctor and patient based on the shift in dialogue—as we might see the number of gods going to splitting the difference as a kind of humorous tale, too. That the reasoning is good in the context of negotiation does not explain the fact that the shift from critical discussion to negotiation was not detected. This seems a harder error to explain, as (again) the fact that the doctor-patient case works better as a joke than as an example of fallacious reasoning.

A better explanation for the patient's reasoning in the case is one captured by a meta-argumentative approach. The doctor has given the patient some sobering news and a consequent directive, and the patient has indirectly given the doctor feedback on that directive—that it is not one he is likely to follow, given that it calls for total abstinence. A limit condition on advice is that the person who must take it can follow it, and the patient's feedback is that it's unreasonable to think that he will be able to take the advice of total abstinence. However the recommendation of cutting smoking out and reducing alcohol consumption is more plausible and in the spirit of the doctor's original directive. Read as such it is not a dialogue shift to negotiation. Or, if read as negotiative, it is only on the surface structure of the exchange, but its deep structure is one devoted to deliberation about an effective and practicable plan. The patient, with the joke on the level of a dialogue shift, has introduced the meta-argumentative reminder that doctor's orders must be ones the patient can follow. The patient's feedback, then, is that by his lights, the doctor's advice of abstinence is too extreme. And what makes the case fallacious, then, is not the dialogue shift, but whether the patient's counter-proposal accurately represents whether the doctor's reasons were for total abstinence only or there in fact was room for moderate alcohol use. If the reply is not attentive to the reasons for total abstinence only, then going meta-argumentative is only a diversion. And if the reply is attentive to the doctor's reasons and those reasons do have room for moderacy, then going meta-argumentative by invoking the role of practicability (through the surface structure of a shift to

negotiation) is actually argumentatively appropriate. Sometimes the joke of negotiation is a good meta-argumentative move, but not as negotiation but as communication about what has been proposed within the norms of that discussion. The result, then, is that the meta-argumentative approach here can not only explain why someone would make such a move (and think it is a good one), but it can also identify fallacious and inappropriate instances. In contrast, dialogue-shifting can function only as an explanation for why the move is illicit, but it cannot explain why someone would be motivated to perform it nor can it explain when it might be appropriate.

In summary, there are two main reasons the concept of dialogue shift cannot explain bothsiderism. The first is that bothsiderism is often not an error within dialogues, it is rather a misbegotten judgment *about* the dialogues of *others* or the dialogue *one is in*. It is a meta-dialogical or meta-argumentative error. The second reason is that shifting to bargaining fails to capture the deceptive feature of bothsiderism, because such shifts are both obvious to participants of the dialogue and their shifting must not be noticed in order to be successful. Dialogue shifting does not capture the fact that fallacies are deceptions. The deceptive feature of bothsiderism, we argue, is an epistemic one in that it mistakes the status of disagreements for meta-evidence of some kind about the subject of the disagreement. Bothsiderism is a failure of evidence management, or more precisely, that of taking evidence about the dialogue to be meta-evidence about the matter of the dialogue. The problem is that this shift seems more obvious to dialogue participants, and can function more plausibly as a surface structure shift and as indirect meta-argumentative feedback about the state or purpose of the dialogue. Dialogue shift is better read as communicating that something's gone wrong with the dialogue, so it's a meta-argumentative piece of feedback. Again, in the doctor-patient interaction, it is more plausibly read as the patient giving feedback on the objectives of the dialogue by jokingly making a dialogue shift. Once we see the meta-argumentative function of the humor of the case as a comment on the dialogue's frame, we can not only see why someone would use such an argumentative tactic thinking it good but we can also identify when it is appropriate and when it is inappropriate.

6 Conclusion

A frequent topic of discussion in and around academia nowadays is free speech. In some quarters, activists have taken to “deplatforming” people whose views they consider beyond the pale because giving them a forum, even if only to debate them, would legitimize their view. Many object that debate is always warranted, and that what is worse is not giving the person a platform. The abhorrent view will fester in darkness, and its proponent will imagine themselves an oppressed hero who must seek other means of making their point. Bothsiderism, as we have described it, takes advantage of this worry. The bothsiderist makes room to bring the disparate views in, makes sure that they are given hearings, and ensures that audiences appreciate the fact of the ongoing debate. Again, for Millian reasons, this should be the default attitude with matters of controversy and disagreement. The problem is that the policies of discursive inclusion have consequent presentations of meta-evidence for

onlooking audiences and participants. And the meta-evidence is that in light of continued controversy, we do not have sufficient reasons to call the matter closed. Either the evidence is conflicted, incomplete, supports multiple (and so no) sides, or the deliberative process has been mismanaged. This is what we've called unhappy meta-evidence. And in light of this meta-argumentative conclusion, modest cognitive and practical results follow. We should suspend judgment, continue to include disparate views in the discussion, and refrain from hasty actions based on one conclusion as opposed to others. Again, there are many matters for which this reasoning is appropriate, but there are others for which it is inappropriate. Including considerations in favor of chattel slavery is a failure to appreciate that the issue is closed. Including testimony from climate change deniers not only misrepresents the state of play in the critical discussion over the science, but it impedes decisive action in light of what those discussions have shown. Bothsiderist reasoning can occur both, as we've termed it, internal to (as a shift in dialogue type) or external to a critical dialogue (as an argument about the cases given). And the roles that can contribute to bothsiderist reasoning are those of the discussant who tries to portray the matter as more controversial than it really is by posing many objections and qualifications, the one who surveys and represents the discussion and in so doing inflates the significance of the controversy, and the audience who infers from the fact of disagreement that the issue is not closed by the evidence.

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