

## How to Make an Argument

As you are reading, pay attention to the way the authors make their arguments. Then, when you lay out your argument, be conscious of exactly how you are making your argument so that you can make valid claims and avoid the fallacies listed on the reverse side. You can make inductive claims by gathering examples (e.g. statistical data), reasoning to appropriate analogies, or by drawing inferences from authoritative sources (e.g. expert opinion). Deductive reasoning proceeds from valid premises to logical conclusions. IRAC is the form of deductive logic at the heart of legal reasoning. Dialectical reasoning seeks to integrate opposing claims. Develop your arguments by illuminating the strengths of different perspectives and acknowledging the limitations of your own claims.

### Inductive Reasoning

#### 1. Argument by Example

“Four out of five dentists surveyed recommend Trident gum and you should try it.”

#### 2. Argument by Analogy

“The Vietnam War was a guerilla war and we lost. Iraq’s a guerilla war and we’ll lose it too.”

#### 3. Argument from Authority

“Jesus loves me this I know, for the bible told me so.”

### Deductive Reasoning

#### 1. Modus Ponens

If **p**, then **q**. **p**. Therefore **q**.

“If Socrates is a man, then he is mortal. Socrates is a man. Therefore, he is mortal.”

#### 2. Modus Tollens

If **p**, then **q**. Not **q**. Therefore not **p**.

“If it is raining, then the grass will be wet. The grass is not wet, therefore it must not be raining.”

#### 3. Hypothetical Syllogism

If **p**, then **q**. If **q**, then **r**. Therefore, if **p** then **r**.

“If I ace the exam, I will get into law school. If I get into law school, then I will become a rich lawyer. Therefore, if I ace the exam, I will become a rich lawyer.”

#### 4. Disjunctive Syllogism

**p** or **q**. Not **p**. Therefore **q**.

“I’m either dead or alive. I’m not dead, therefore I must be alive.”

#### 5. Dilemma.

**p** or **q**. If **p** then **r**. If **q** then **s**. Therefore, either **r** or **s**.

“Voters are either Republicans or Democrats. If they are Republicans they voted for Bush. If they are Democrats they voted for Kerry. Therefore, voters voted for either Bush or Kerry.”

### Dialectic Reasoning

Thesis ——— Antithesis  
|  
Synthesis

“Invading Iraq killed thousands of people. The danger of WMDs put hundreds of thousands at risk. The costs of invading Iraq were justified by avoiding much larger potential losses.”

### IRAC

Issue, **R**ule, Application, Conclusion

“Is downloading music a crime? Taking the property of another without permission is a crime. Music is a form of intellectual property and downloading it without paying for it is a crime.”

## Fallacies

Two Great Fallacies (according to Weston)

- 1) Drawing conclusions from too little evidence
- 2) Overlooking alternatives

### Directory of Fallacies

ad hominem – attacking the person of the authority rather than their qualification

ad ignorantiam – arguing that claim is true just because it has not been shown to be false

ad misericordiam – appealing to pity as an argument for special treatment

ad populum – appealing to the emotions of a crowd

affirming the consequent – a deductive fallacy of the form:

If **p** then **q**. **q**. Therefore **p**.

begging the question – implicitly using your conclusion as a premise

complex question – posing a question or issue in such a way that a person cannot agree or disagree with you without committing to some other claim you wish to promote (e.g. “Are you still as self-centered as you used to be?”)

composition – assuming the whole must have the properties of its parts

denying the antecedent – a deductive fallacy of the form:

If **p** then **q**. Not **p**. Therefore not **q**.

division – assuming that the parts of a whole must have the properties of the whole

equivocation – using a single word in more than one sense

false cause – generic term for a questionable conclusion about cause and effect

false dilemma – reducing the options you consider to just two, often sharply opposed and unfair.

loaded language – language that appeals improperly to the emotion of the reader

non sequitur – drawing a conclusion that does not follow

persuasive definition – defining a term in a way which appears to be straightforward but which in fact is subtly loaded

petitio principii: Latin for begging the question

poisoning the well – using loaded language to disparage an argument before even mentioning it

post hoc, ergo propter hoc – assuming causation too readily on the basis of mere succession in time

provincialism – mistaking a local fact for a universal one

red herring – introducing an irrelevant or secondary subject and thereby diverting attention from the main subject

straw man – caricaturing an opposing view so that it is easy to refute

suppressed evidence – presenting only the part of a piece of evidence that supports your claim while ignoring the parts that contradict it

weasel word – changing the meaning of a word in the middle of your argument, so that your conclusion can be maintained, though its meaning may have shifted radically

One of the worst things you can do in making an argument is to provide an overly simplistic version of the opposing side. My goal as an attorney was always to make my opposition's argument more effectively than they did. By doing this and by showing that your position is still superior to the best version of their claims, you gain the confidence and trust of your audience and lead them naturally to concur with your position.