

ANALYSIS OF LAST ISSUE'S PASSAGE

In Vol. I, No. 1 we printed the following passage (from the final examination for our freshman Applied Logic course at the University of Windsor), and invited critiques from our readers.

Background: In the last year or so there have been many allegations and 'revelations' about the Royal Canadian Mounted Police (RCMP) and their activities. Against this background, the following letter was addressed to the Windsor Star (April, 1978) from T.P.:

Sir: For the past several months, we have been subjected to numerous articles and editorials castigating the RCMP for "searching premises under open warrant, wiretapping, opening mail, breaking and entering, and arson."

I have no doubt that most Canadians appreciate that these actions are necessary if we are to maintain our freedom and democratic way of life. Rest assured that if our security forces are denied the basic tools of their profession, we will soon be taken over by a totalitarian regime.

And once that happens, the police would be empowered to search our premises any time under an "open" warrant, tap our telephones, open our mail, break into our homes and offices, and burn our property. Surely no one would want to hamper the splendid work of the RCMP in saving us from such tyranny.

Here is the most probing critique we received:

The author of this letter to the editor is obviously writing tongue-in-cheek. He argues that, in order to save ourselves from a society in which the police are empowered to search our premises at any time under an open warrant, tap our telephones, open our mail, break into our homes and offices, and burn our property, we must empower our federal police to search our premises at any time under an open warrant, tap our telephones, and so forth. Since he gives no reason for wanting to save ourselves from such a totalitarian tyranny other than these excessive police powers, the contradiction is patent: the actions supposedly designed to save us from a totalitarian police state in fact constitute the objectionable features of a totalitarian police state.

The writer expects his or her reader to notice this contradiction and to conclude that the powers of the RCMP should be limited. He or she is offering a reductio ad absurdum of the position of those who defend the recent activities of the RCMP.

An initial difficulty with this strategy of arguing is that it is likely to go over the heads of most readers. The plausibility of the argument that one must give the police extraordinary powers to combat those who do not respect the ground-rules of democracy is likely to convince many readers to accept the ostensible conclusion of this letter. The author may persuade more people of the "wrong" conclusion than of the "right" conclusion.

This, however, is only a psychological comment. The crucial question is not whether the letter succeeds in convincing its readers, but whether it deserves to convince them. The strength of the letter is in highlighting a contradiction in one possible defence of illegal and otherwise questionable RCMP activities. Its weakness is that there may be other, much more circumspect defences which this reductio ad absurdum does not consider. If so, the author is guilty of attacking a straw man.

It is worth considering where one such circumspect defence might take us. Let us begin by assuming that, other things being equal, we prefer a society in which the police are prohibited from forcibly entering our homes, tapping our telephones or opening our mail--we value our privacy. It is reasonable to suppose that, if this privacy were absolute, the police would be severely hampered in their ability to detect crime and gather evidence to support a prosecution. These difficulties would occur particularly with respect to professional criminal activities --those of organized crime, or of terrorist or seditious groups. To avoid the undesirable consequences of a spread of such activities, therefore, we should be prepared to countenance some restrictions on our right of privacy. However, the opposite dangers of letting the police themselves determine when circumstances justify these invasions of privacy--namely, the inclination to abuse this power--dictate some independent control over their invasion of individual privacy. Such control can be provided by authorizing the police to search premises, tap telephones or open mail only in cases where they are able to convince an independent judicial authority that grounds exist for doing so. If they cannot convince such an authority, it is reasonable to believe that they do not need extraordinary powers in that situation.

This more circumspect position implies that none of the RCMP activities mentioned in the letter--some of which are legal, some not--should be allowed, except that there may be a case for allowing wiretapping and opening mail under warrant from a judge. I find it hard to conceive of a cogent argument for extending police powers further. Certainly the commonly heard argument that those who have committed no crime have nothing to fear from unrestricted police powers is a fatuous one. Policemen are no less inclined than other members of the population to harbour prejudices and to take sides on political issues and in labour disputes. Giving them unrestrained power to invade personal privacy opens the door to harrassment of law-abiding citizens who take an unpopular political position, belong to a stigmatized ethnic group or have the wrong hair style. The RCMP activities involved precisely such harrassment.

It goes without saying that a legal prohibition on unauthorized entry, wiretapping or mail-opening is otiose unless there is a penalty for its violation. The most extraordinary feature of the past several months' revelations of illegal police activities is that to date (August 3, 1978) there has been not one single prosecution launched.

NOTE: Informal logic texts generally ignore the ironical reduction to absurdity of an opponent's position, even though it is a common argumentative strategy in political debate, letters to the editor and editorials. Although rhetorically persuasive, the strategy suffers from the difficulty that, in order for the irony to be broad enough to be seen through, the position being attacked must usually be oversimplified to the point of distortion.

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#### EDITORS' COMMENT

We have only one note to add to Professor Hitchcock's analysis. His assumption that the letter's author was "obviously writing with tongue in cheek" required invoking the Principle of Charity in the interpretation of the letter. Taken at face value, the writer appears to contradict himself (or herself), as Hitchcock notes. Either the writer commits an elementary logical blunder, or else he deliberately contradicts himself in order to make his point. Charity requires attributing to him the latter intention.

We agree with Professor Hitchcock, but the point raises interesting and unresolved theoretical issues. What is the proper formulation of the Principle of Charity invoked here? What are the limits on its application? It would seem that not every logical mistake justifies interpreting the argument in which it appears in such a way as to remove the blunder, even where it is possible to do so.

#### ALTERNATIVE TO INDUCTIVE-DEDUCTIVE PARADIGM

Some of us who teach informal logic have been having some doubts about the adequacy of the old inductive-deductive paradigm and the idea that all arguments fit one or the other of these two paradigms. Professor Trudy Govier of Trent University was good enough to send along the following information:

"In an ethics course I am working through Carl Wellman's book, Challenge and Response. Wellman argues that not all sound arguments are deductive or inductive and that there is another form of argument which he baptizes conductive. Many moral arguments, he says, fall into this category. E.G.: "You should pay your rent since you promised to do so." Or: "Abortion should not be illegal, because making it illegal leads to backstreet abortions which are physically dangerous to the women who undergo them." What is characteristic about these arguments is that they cite something as a reason for the conclusion and not necessarily as an overwhelming or conclusive reason. Thus one may weigh pros and cons, or various reasons may cumulate."