The Doughnut Fallacy as Deliberative Failure

La falacia de la rosquilla en tanto falla en la deliberación

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Abstract: The Doughnut fallacy hypothesis posits that many debaters tend to support their arguments using collapsed generalities – such as "democracy" – with purported self-evident positive or negative qualities as philosophical grounding. This will leave an often unexamined hole in the middle of the debate which will stunt deliberative processes, as it effectively stops deliberation from proceeding to the "philosophical core" of the debate. The authors contend that the fallacy is particularly devious as analysis of individual arguments will not necessary detect it (and may in fact conclude that it is evidence of good deliberation) as the problem is only evident on the discourse level. It could be seen as an unexplored subgroup of the already noted Aristotelian fallacy of ambiguity. This piece will explore the fallacy, relate it to extant thinking, formalise assessment of it, and finally prepare the ground for future quantitative analysis of its deliberative impact (to be carried out on its own or as part of a larger effort, e.g., an index).

Keywords: Falacias, deliberation, debate analysis, congruity, glittering generalities.

Resumen: La hipótesis de la falacia de la rosquilla sostiene que muchos debatientes tienden a apoyar sus argumentos usando generalizaciones saturadas –tal como "democracia"- con cualidades negativas o positivas auto-evidentes en tanto filosóficamente garantizadas. Esto a menudo deja un vacío no examinado en el centro del debate que paraliza el proceso deliberativo, como efectivamente paraliza la deliberación cuando se procesa el "corazón filosófico" del debate. Los autores sostienen que la falacia es particularmente sinuosa en tanto análisis de los argumentos individuales y que

no necesariamente se detectará (y muchos, de hecho, concluyen que es evidencia de buen razonamiento), como si el problema fuera solo evidente al nivel del discurso. Puede ser vista como un subgrupo inexplorado de lo yo apuntado por Aristóteles como la falacia de la ambigüedad. Este trabajo explora la falacia relacionándola con el pensamiento estanco, su formalización y finalmente prepara el terreno para futuros análisis cuantitativos de su impacto en la deliberación (llevados a cabo en torno a la falacia misma o como parte de un esfuerzo mayor, por ejemplo, un índice).

Palabras clave: Falacias, deliberación, análisis de debates, congruencia, generalidad fastuosas.

1. Introduction

1.1. The Hypothesis and Aim of this Effort

The *Doughnut* fallacy hypothesis, simple as it is, posits that many debaters tend to support their arguments using collapsed generalities – such as "democracy" – with purported self-evident positive or negative qualities as philosophical grounding, and that such behaviour will leave an often unexamined hole in the middle of the debate which will harm or ruin deliberative processes – hence, slightly frivolously, "doughnut" fallacy. This piece will explore the fallacy, relate it to extant thinking, formalise assessment of it, and finally prepare the ground for future quantitative analysis of its deliberative impact (to be carried out on its own or as part of a larger effort, e.g., an index).

1.2. A Hole in the Middle of the Debate

Consider the following simplified exchange:

> Protagonist 1: "It is a threat to democracy if Internet Service Providers must provide detailed log information to private anti-piracy agents, as this would constitute an intolerable privacy breach".

> Protagonist 2: "I cannot agree. I realise that innocent people will sometimes be subjected to scrutiny by these private agents, making your argument about potential privacy breaches reasonable, but this risk can be minimised if we adopt procedural tweaks X, Y and Z. It is a demo-

cratic right to have thriving arts and if the measure props up copyright income, then I think the outstanding risks to privacy are a price worth paying, even if we outsource some of these processes to private agents".

The problem is the use of the generality "democracy" (and derivative forms), which provides normative underpinnings to both arguments, but is still left as an unexamined truth. The doughnut fallacy is particularly devious as the ill effects of this basically incomplete argument are only detectable when you situate it in a chain of reasoning between two or more protagonists. Text analyses where each instance is studied on its own may not register a problem at all if the generality is seen as a secondary (and quite possibly germane) support for the primary argument under investigation. Conversely, a deliberative analysis – which will of necessity situate the argument in a broader context – may well conclude that the exchange above is in fact successful in that extant arguments are picked up, managed civilly, and returned with some added value based on the personal (but again, possibly germane) take or focus on "democracy".

This final point is important. Unless they note and consider the doughnut fallacy, even two honest debaters are liable to prop up arguments with different characteristics of the collapsed generality, and thus fail to move deliberation to a required, more fundamental plane of thinking. After all, the differences that need to be resolved are just as likely to reside on the hidden philosophical level as on the readily visible one. In the above case the protagonists need to see that they are offering two different sets of democratic priorities, and proceed to discuss how they are best to be reconciled and/or weighed.

2. Formal Relation to Existing Theoretical Argumentation Analysis

The rhetorical antecedents of the doughnut fallacy can be traced back to the very origins of fallacy analysis – i.e., at least to Aristotle who listed seven formal language-independent fallacies and six language-dependent ones (*Sophistical refutations*). A constant stream of additions since then have greatly expanded the list of fallacies. Some are truly new (notably the Lock-

ean ad-fallacies), others constitute subsets of already known fallacies. In this effort, we will try to make the case that the doughnut fallacy is a particular ambiguity fallacy variant that, once formally recognised, will hone our analytical skills and help us see a genuinely important argument peculiarity that would otherwise likely be overlooked.

You could, of course, look at fallacies from a variety of viewpoints. From one angle, fallacies are nothing but specific ways to look at a given argument. It is analogous to varying grammatical etiquettes or figures of speech – or to the Aristotelian ethos, logos and pathos triad. There may be no ethoses walking the streets, but we can still look at any given communicative action from an ethos point of view. The perspective becomes the lens that determines what we will see, whether ethos, logos or pathos, or something else entirely.[1]

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[1] This relates to a more general caveat. We consider it an uncontroversial view that our choice of language will influence our perception of reality. A suitable metaphor in this context might be that words are maps of our reality. We could easily imagine a number of maps of a city: historical maps; weather maps, crime maps, maps of landmarks, drains, dendrological features, topography, demography etc. There is no one "real" map, as it depends on usage. Different words similarly highlight different aspects of our reality. "To the host it's half empty. To the guest it's half full" (commercial ad for Chivas Regal whisky adapting a famous proverb). Companies in the forestry sector do not really wish us to use terms with negative connotations such as "clear-cut area" or "deforestation", but prefer terms like "reforest" or "rejuvenation area". The demise of former Hamas leader Sheik Ahmad Yassin was variously described (on European radio and elsewhere) as a case of "murder", "assassination", "liquidation"; the Sheik was "neutralised", or "put out of action". *Something* clearly happened in the Gaza strip, but for us to be able to reflect on this event we first need a fitting map of words – and this map will influence our perception of what happened.

The study of the doughnut fallacy is a study of that which, in the words of Aristotle, "could be otherwise" (*Rhetoric* 1357a). We can look at the fallacy from a range of different perspectives, which will determine what we will see. We freely admit that there could be other ways that would be equally constructive, possibly more so. If we state something as the truth our related thinking will make us less inclined to notice alternatives. The word "truth" carries connotations of singular exclusivity. The old Greeks had two words for knowledge, *epistheme* and *doxa*. The former is the "true" knowledge – that which could not be otherwise; the latter is "contingent" knowledge – what we *believe* to be the truth, or to use Plato's framing "the truths held by the present audience" (*Gorgias*). The domain that could be otherwise (which, we repeat, includes the present study) includes our actions, what to do and what to choose to believe. And our actions are from one point of view neither true nor false other than in a metaphorical meaning; they are good or bad, constructive or destructive. If we believe that our choice of language will influence our perception of reality, to frame the study of scientific knowledge as *epistemology* will align us with Plato's essentialism and the search for the ultimate singular truth. Instead we propose the use of *doxology,* to show that we know that there could be other constructive perspectives on our object of study.

One of the Aristotelian language-dependent fallacies is the fallacy of ambiguity (amphiboli). His mooted example is "[there] must be sight of what one sees; one sees the pillar; ergo the pillar has sight" (Sophistical refutations, 166a). The ambiguity at stake here is semantic ambiguity (homonymy), although much of its elucidatory power is unavoidably lost in translation. A perhaps better example is "Science has proven that the Universe is governed by absolute laws. A law is always created by someone for a certain purpose. Science has thus proved that behind everything that happens in the Universe there is a rule-maker and that the natural laws are there to serve His purpose". An example of referential ambiguity, polysemy: "Union means cooperation, and cooperation is something good. Therefore we should join the European Union".

There are a number of sub-varieties of the ambiguity fallacy. A well-known example is the fallacy of unclarity (ven Eemeren et al, p. 303). Others include secundum quid, hasty generalisations, and fallacies of composition and division. Even irrelevant argumentation, ignoratio elenchi, could, depending on your outlook, be perceived as belonging to this group of fallacies.

The distinction between language-dependent and language-independent fallacies is not always clear-cut. An example of a language-independent fallacy is the 'many questions'. In frustration, the father-in-law of one of the authors once stated "But can you not just for once admit that you find it hard to change your mind?!". It is the actual formulation as a question that produces the fallacy.

To distinguish sub-groups under a well-known fallacy can sharpen our analytical tools and is thus a suitable task for argumentation researchers to take on. For the fallacy of many questions Douglas Walton for instance suggests a distinction between a "loaded question", a "complex question" and a "presupposition of a question" (Walton, The Fallacy of Many Questions, p. 380). The loaded question follows the pattern "Have you given up shop lifting?", with its intrinsic devious assumptions. The complex question uses a conjunctive or disjunctive clause, or a conditional one, to end up with complex paragraphs like "Can you pick up Eric at kindergarten today and leave him to me at work three o'clock?" or "Would it not be better if Linda wore a green or blue hat today?" The presupposition of a question, finally, contains assumptions that the receiver is supposed to accept: "Is it true

that the king of France is completely bald?". Walton's suggestion provides useful tools with which to diagnose communication problems – or opportunities depending on your outlook. As indicated, in this article we argue that the doughnut fallacy is a similarly distinctive ambiguity fallacy variant with a similar capacity to improve argumentation-analytical endeavours.

Now, the argumentative exchange we began with could have been analysed as an enthymeme – and thus understood as 'imperfect arguments' in the Boethian sense, or as a truncated syllogism, or as a stylistic twist in line with Isocrates' or Aristotle's wider understanding of that concept (cf. Jasinski, p. 206). One could further analyse it using presuppositions, synecdoche or other notions from the sprawling tradition of argumentation analysis. So why home in on fallacies? One reason would be plain preference, but another would be that fallacies actually hold an unusual potential, making study of them particularly tempting.

According to a commonly accepted "standard" definition, a fallacy is "an argument that seems valid but is not" (Hamblin, p. 12). To use the fallacy-focus when analysing argumentation is in other words to look for non-valid arguments. This sounds negative, and could end up being a pitfall for the protagonist as well as for the argumentation analysis itself. It is true that argumentative exchanges sometimes fail to fulfill their apparent communicative ambitions – and a fallacy analysis offers a way to help us understand how and why – but it does not necessarily follow that the actual outcome is always detrimental or undesirable. It is important for the disinterested analyst to remember Grice's cooperation principle (Grice), i.e., that we should try always to understand an argumentative exchange as constructively as possible. A way to study fallacies that abets this spirit of disinterestedness, is to regard them as topoi that could be used for storing and retrieving constructive and destructive argument aspects. All fallacy researchers, with the possible exception of truly hard-core logicians, agree that fallacies are arguments that look like good (in the sense of "reasonable") arguments, but in certain contexts are not. Having confirmed (as per the norm) that "fallacies are not always fallacious", Charles Willard goes on to state that "it is permissible to conceptualize the rules behind each fallacy more as topoi than restrictions" (Willard, p. 235). Douglas Walton defines a fallacy as a "technique of argumentation that may in principle be reasonable, but that has been misused in a given case" (The Place of Emotion in Argument, p.

18). These two quotations open for the possible use of fallacies to design constructive arguments as well as destructive ones.

The doughnut fallacy could for instance be a constructive instrument when preparing the ground for negotiations. We could easily imagine a situation in, say, Israeli-Palestinian talks where the primary ambition is less the reaching of a comprehensive agreement than the preparation of an acceptable starting point for further negotiations. In such a situation it might in fact be preferable to allow the parties to go home and relate different interpretations of the talks to get the process going. The doughnut fallacy becomes a help rather than a hindrance.

The doughnut fallacy is conceptualised as a special case of the fallacy of ambiguity, where it is situated in a recursive and reciprocal process of deliberation between two or more parties. Indeed, the fallacy cannot be properly (i.e., formally) detected unless you first consider the relational element between interlocutors. If we consider protagonist 1's statement (in the initial exchange) in isolation, it may well look like a complete and coherent argument. When it reaches protagonist 2, however, it suddenly becomes an incomplete argument, because the central term "democracy" goes from being axiomatic (on the individual level, and at the time of the delivery of the argument) to nebulous and contested on the inter-subjective level. In essence, the idea is just that: that we are facing an incomplete argument that leaves a problematic hole in the middle of the debate as the protagonist for whatever reason avoids a fundamental and required level of reasoning when trying to justify that the argument is in fact a sound one. "Required", at least when the argument is ostensibly offered as a deliberative-communicative contribution.

The classic take on an argument's justifiedness is that a "justified belief is one which was formed in an intellectually or epistemically responsible manner" (Steinhoff, p. 84). Fallacies generally undermine intellectual and epistemic rigour and generate unjustified positions. In the following, we argue that the doughnut fallacy – which seems to hover below the scholarly radar (cf. Liu, p. 43) – is particularly problematic because it blocks access to the philosophical core(s) of the argument, and thus corrupts deliberation – even, and we think this is important, between otherwise honest parties.[2]

[2] The fallacy also bears some resemblance to "bullshit" as outlined by Harry G. Frankfurt in his wonderful little philosophical exposition *On Bullshit*. Relating a meeting

3. Beyond Argumentation Theory: The Doughnut
   Fallacy and Deliberation

As we have seen, a doughnut fallacy may be a novel term, but is at heart hardly a new concept. This is no less true outside of formal theoretical argumentation analysis. In the late 1930s, the American Institute of Propaganda Analysis (IPA), identified glittering generalities, i.e., the reference to generic but unexpanded goods (such as "freedom"), as a central propaganda technique to be wary of (Sproule, p. 135; Marlin, p. 102). One, perhaps the, characteristic trait of such glittering generalities is the superficial consent they engender. A related term is "flatness(es)" which has been used by certain scholars as an analytical tool.[3] A "flatness" is an argumentative action that no one could reasonably question. An example might be "Our party supports reasonable taxes". No one would earnestly argue for unreasonable taxes. Without more information, the only way to understand the argument is to see it as a possible straw man fallacy: i.e., that there are others who propose unreasonable taxes. The same is true for "There should only be moderate compulsion in correctional programs". In her annual State of the University speech, a vice chancellor at a European seat of learning once affirmed that "it is important that students are given enough freedom in their studies". But as no one would argue for too much or too little freedom, her pronouncement conveys no real information. This offers another way to peer into the doughnut fallacy hole.

The study of the doughnut fallacy, and/or adjacent or overlapping fallacies, has been hampered by the highly variegated use of terminology. Douglas Walton puts it succinctly:

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between Fania Pascal and Ludwig Wittgenstein, Frankfurt observes that Wittgenstein gets "disgusted" when Pascal states that she feels "like a dog that has been run over" (Frankfurt, p. 24). She has just had her tonsils removed so the reader tends to sympathise, but Wittgenstein gets frustrated because "Pascal offers a description of a certain state of affairs without genuinely submitting to the constraints which the endeavor to provide an accurate representation of reality imposes. Her fault is not that she fails to get things right, but that she is not even trying." (Frankfurt, p. 32). In other words, she is bullshitting. The difference, of course, is that where a "bullshitter" shows a marked "indifference to how things really are" (Frankfurt, p. 34) the "doughnutter" may well genuinely be trying.

[3] For example Dahlin; Sigrell. The term "flatnesses" was coined in the sixties in an attempt to frame political language that did not actually say anything (Fredriksson).

> The logic textbooks are all over the map with overlapping definitions of this fallacy, variously calling it the fallacy of neglecting qualifications (secundum quid), the fallacy of accident (or converse accident), glittering generality, over-generalizing, faulty generalization, de dicto simpliciter, and many other comparable names as well. (Walton, Rethinking the Fallacy of Hasty Generalization, p. 162)

Such a warning of course works to curb our enthusiasm to add to the unwieldy list, but as a refreshing analytical addendum to deliberative-democratic studies, and an approach to chains of reasoning, it seems rather more relevant to introduce, specify, name and study a new variety. We submit that the doughnut fallacy remains largely unexplored by deliberative-democratic thinkers (and others, cf. Liu, p. 2004), and that, when it occurs, it threatens to shatter both the premise and the promise of deliberation, making finer philosophical points moot. One reason why it has been routinely overlooked, or subsumed under other – less pressing – headings, is perhaps that when two debaters use the same term in a bona fide discourse, it may well look like deliberative success – after all, they seem to share a common understanding of what is being discussed. It looks successful, but even if the two debaters are genuinely committed to honest reasoning, mismatching generalities will virtually guarantee a failed deliberative enterprise.

Discussing deliberative obligations, Cristina Lafont identifies a dilemma when parties who do not share a common "cognitive stance" (with particular reference to the role of religion, but clearly just as valid in other contexts) are supposed genuinely to consider incompatible propositions in order to identify the better argument that will eventually translate into coercive policies binding them all.

> For, only if they provide the arguments and counter-arguments they sincerely believe are right regarding the policies under discussion will they then be able to follow the 'unforced force of the better argument', to use Habermas' term, and reach a conclusion in good faith on the acceptability of those policies. However, allowing citizens to provide reasons and justifications on the basis of cognitive stances that are not shared seems directly incompatible with the democratic obligation of providing

> generally acceptable reasons to justify coercive policies with which all citizens must comply. (Lafont, p. 129)

She then goes on to outline the Rawlsian take:

> [Citizens] who participate in political advocacy in the public sphere should limit themselves to the use of publicly acceptable reasons in support of the coercive policies they advocate and vote for instead of appealing to reasons based on religious or otherwise comprehensive doctrines about which citizens fundamentally disagree. (Lafont, pp. 129-130)

Exactly. And while the doughnut fallacy makes it harder to see intrinsic divisiveness, it does not in any way alleviate it, and any subsequent agreements will rest on false premises.

3.1. The Doughnut Fallacy as Deliberative Failure

Lafont's stipulation above can be regarded as an extension to, or outgrowth from, Rawls's (1997) "substantial requirement", i.e., the idea that participants should base their arguments on widely accepted "plain truth" and on shared political values (cf. Rawls, p. 116), and similar notions (cf. Cohen; Kim & Kim 51; Stromer-Galley, pp. 4-5). Indeed, it is hard to see how we could even begin to approach the domain of "reason" when fundamental carriers of meaning are left unopened.

Rawls argues that "[Reasoning must] include standards of correctness and criteria of justification" (Rawls, p. 99). On fundamental political matters "reasons given explicitly in terms of comprehensive doctrines are never to be introduced into public reason. The public reasons such a doctrine supports may, of course, be given but not the supporting doctrine itself" (Rawls, p. 119).

This "exclusive view" will on its own rule out many cases when "democracy" and similarly value-laden generalities are used as first-hand support. By Rawls's admission there is however "another ["inclusive"] view allowing citizens, in certain situations, to present what they regard as the basis of political values rooted in their comprehensive doctrine, provided they do this in ways that strengthen the ideal of public reason itself." (Rawls, p.

247). Yet in both cases Rawls appears generously to presuppose that the unpacked meaning of the doctrine in question is in some sense shared (although this commonality still does not untangle the moral problems he identifies).

The idea of the doughnut fallacy challenges this basic assumption. Indeed, whether in public or private reasoning mode, there would seem to be a high risk of idea misalignment if the "doctrine" is allowed to stay unpacked. The way the blunt use of such norms composites (e.g., "democratic") – which can be decoded in a variety of ways – overrides Rawls's finer points, is by no means exceptional. The Habermasian Discourse Principle would suffer a similar breakdown in the face of misaligned norm assumptions camouflaged as uniform and uncritically employed terms. Habermas states that "[only] those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity as participants in a practical discourse" (Habermas, p. 66; cf. Weinshall, p. 27; Benhabib, pp. 32-33). But how relevant is that statement when those very norms (and their perceived validity) morph according to who is voicing them? If all debaters are allowed to agree that "democratic" values must be upheld, yet in reality champion different (unvoiced) takes on democracy, and/or different (unvoiced) democratic sub-components? The answer, of course, is that only a phantom norm becomes "valid", limiting or ruining any potential that adherence to the discourse principle might otherwise engender.

It is tempting to range this communicative problem with, say, Lippman's take on stereotypes (Lippman) or Converse's discussion on belief systems (Converse) – or their respective and often overlapping derivatives. After all, it is in some sense economical to resort to the use of collapsible portmanteaus of meaning. Apart from improving the "technical" economy of communication, condensation will affect the very psychology of the communicative situation. A serious discussion solecism is to state things that are blindingly obvious to the recipient. Conversely, the faith you demonstrate in your interlocutor's communicative ability will be repaid with appreciation and respect (the argumentative power of condensed arguments has been explored by Liu, pp. 49-53, and Sigrell). Generally speaking, the more condensed the communication the better – as long as the recipients do in fact correctly expand the condensed information.

On the surface of things, then, the condensation that results from the doughnut fallacy might seem intuitively desirable. The difference, however, is that the "doughnut debater" is likely to have some specific compartment in mind when employing the term in question. The compartment may be hazy or somehow flawed, but the protagonist is presumably able to unlock and open the portmanteau if required. It is thus less likely to depend on cognitive economy[4] on the part of the speaker (most of the cost has already been borne), than on the general appeal (whether its indulgent imprecision or its potential for witting mendacity) of glittering generalities. The fallacy is basically avoidable in a way that hard-wired cognitive glitches are not.[5] The recipient's ability to expand the condensed information correctly is correspondingly reduced, as many equally valid interpretation routes present themselves. This should discourage condensation, at least if the costs are detectable – but they are not unless you are somehow (intuitively or formally) aware of the doughnut fallacy.

Sounding the deliberative-theoretical depths, then, seems to yield little. Given how profoundly doughnut arguments interfere with the very fabric of deliberation , we might, finally, feel prompted to turn to writings on operationalised technicalities of deliberative processes[6] – and by extension on how such processes can be somehow measured or weighted. After all, it would seem likely that the fallacy, in some form, would be noted and taken into specific account when the ground is being prepared for empirical analyses – all the more so given that it is not a minor or marginal flaw in a discourse.[7]

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[4] For an overview of the psychological mechanisms to which such economy is ultimately the answer, see Eppler & Mengis.

[5] This also moves us some distance from the origins of Lafont's "cognitive stance".

[6] We are for the most part focusing on *dialogic deliberation*, rather than on its monological or instrumental counterparts (cf. Chambers, *Constitutional Referendums*, pp. 232-233; Kim & Kim, p. 51), although it could well be argued that there is "instrumental music" to be faced unless the dialogic component is working.

[7] In the pilot phase of an otherwise unrelated project which aimed to study topical newspaper debate entries, mostly op-eds, about schooling, we asked the research assistant to add a check for Doughnut Fallacy instances. Out of 155 parsed articles, he found 45 potentials, i.e., articles that used "democracy", "freedom" or "equality" (the terms we had asked him to look for) as support for their arguments. We had then instructed the assistant to take note of articles that a) went on to explain how or why the proffered term was invoked as support (in turn subdivided into "sophisticatedly", or "rudimentarily") or b) left the supporting term in its raw form (i.e. was a likely doughnut fallacy). Out of the 45 potentials, he found 11 sophisticated attempts to back up the term in question, 21 rudimentary ditto, and 13 "true" doughnut fallacy instances, where the term was left as "self-evident" support.

Yet when we encounter, for instance, Jennifer Stromer-Galley's attempt to set up a stringent coding scheme for deliberation analysis (Stromer-Galley, p. 10), or Simone Chambers's outlining of a discursive model of deliberation (Chambers, Constitutional Referendums, p. 232-235), or David Dutwin's model of deliberative dialogue (Dutwin, p. 255), or Steiner et al, and their reasonably sophisticated attempt to establish a Discourse Quality Index (Steiner et al) this potential component is not found (even in embryonic or sketchily drawn form) among the various discussed candidates – whether eventually included in the models or not.[8] It should be added that all four attempts are in other aspects very elegant and ambitious, but that just underscores the notion that the doughnut fallacy really does hover below the radar.

4. The Technical Study of the Doughnut Fallacy

4.1. Theoretical Aim

A primary ambition is to break out doughnut arguments from potential consolidates and to provide a stringent way to analyse this particular fallacy. To accomplish this, we must first contemplate the full range of complications that the fallacy can give rise to in a deliberative setting before methodically scaling back the complexity to prepare for operationalisation and subsequent empirical analysis. Technically, the doughnut argument will be conceptualised as a two-level justification structure where (hidden or declared) links between the (declared) superficial argument and a (hidden or declared) philosophical core are explored and weighed (this will be explained in much greater detail below).

4.2. Operational Aim

Ideally, it should be possible to transform the theoretical findings into a deliberative dimension to be used in future DQI-variety studies (or, indeed,

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[8] Proviso: a determined defender of the DQI could argue that the general problem is – possibly – subsumed under the *justification* heading, but as we have seen, and *will* see, it is possible to "fully justify" a position using mismatching interpretations of a glittering generality as basis.

to graft onto existing ones), making them more robust. Guidelines how to look for and evaluate the fallacy will thus be essential. To aid this, we will provide a set of easy-to-use guiding principles for such an analysis.

5. Formal Conceptualisation of the Doughnut Fallacy

The essence of deliberative theory is the opportunity (and willingness) to listen and pick up arguments, mull them over, and then return some sort of a value-added response that is properly attached to the ongoing discourse. For this to be feasible in a purely technical sense, the debater needs to provide "handles" that can be used in the continuing deliberation, not just cues that a particular riposte is drawing to a close. These, then, are first-order prerequisites for deliberative speech-acts.

The consequences of disregarding or evading extant handles have been commented upon in deliberative democratic theory, albeit under headings like "engaged process", "reciprocity" or the like (e.g., Dutwin, p. 241). The extent to which viable handles are honestly provided and employed in a discourse basically provides useful markers when trying to determine the relative deliberative quality. From a purely theoretical perspective it is not immediately obvious that you need to identify different argument classes: indeed you can support much of the deliberative case on "generic" argument qualities and on how the argument is being managed (or not) by and between protagonists.

We turn back to our introductory exchange:

> Protagonist 1 (P1): "It is a threat to democracy if Internet Service Providers must provide detailed log information to private anti-piracy agents, as this would constitute an intolerable privacy breach".

> Protagonist 2 (P2): "I cannot agree. I realise that innocent people will sometimes be subjected to scrutiny by these private agents, making your argument about potential privacy breaches reasonable, but this risk can be minimised if we adopt procedural tweaks X, Y and Z. It is a democratic right to have thriving arts and if the measure props up copyright income, then I think the outstanding risks to privacy are a price worth paying, even if we outsource some of these processes to private agents."

Let us forego any evaluation of the arguments' intrinsic validity, to focus on the communicative technicalities. P1 provides a number of debate handles, which are faithfully picked up, revised, and returned with some form of added value by P2 in the form of new handles. As we have indicated, a mechanical analysis might construe this as a case of successful deliberation, but we still intuitively sense that something is out of kilter. Let us relate P1's statement to the following figure (figure 1).
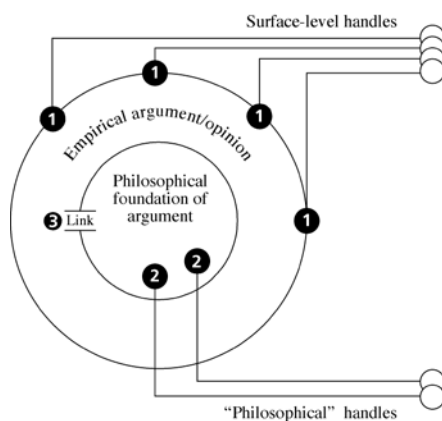

Figure 1. The Argument "Handle Doughnut".

P1 states that: Change X [1] would be intolerable [1], because of impact on democracy [3], in the following ways: ? [Not provided, but would have been 2]. P1 provides several viable [1] handles to be picked up by his interlocutor, but the link [3], i.e., the reference to the impact on democracy, is a crucial problem. It hints at a supply of penetrating and commonly accepted potential handles that underpin the surface-level argument(s).[9] Because they are left undefined and unexplored, these handles are in essence chimerical, and in fact detract from the deliberative potential of the speech

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[9] In this text, "democracy" and "democratic" will stand in for other conceivable instances. Any term with the capacity to pack a contestable assortment of aspects risks triggering the fallacy. A high-profile class of suspects is religiously derived. It may be notoriously hard to prove theological matters, but there is still a difference between, on the one hand, referring to authority, seminal texts, condoned practices etc., and, on the other hand, simply evoking the name of the religion, and presupposing that this will be enough.

act. The argument becomes less honest, and less deliberatively useful than something like…

"Change X [1] would be intolerable [1], because I say so"

… where all extant handles, however crude, are in plain view (the condensed part "and my authority/ethos makes this a valid reason" is an unpacking that the protagonist not could deny with maintained trustworthiness and still assert what has been said). It also detracts from the perceived validity of the surface-level arguments, regardless of their intrinsic integrity, because we get the notion that their true worth actually rests on a philosophical foundation, which, upon closer inspection, turns out to be non-existent. This is the crux of the doughnut fallacy.

6 The Doughnut Argument: the Investigative Framework in Theory

To locate doughnut arguments, and weigh them, we need to have a preconceived notion how to evaluate individual debate entries.[10] This, in turn, calls for a much more refined idea how we should break up individual debate entries into dual-layer objects, where links between surface arguments and (possible) "philosophical" support are made ready for stringent analysis. If we greatly simplify the original "uni-layer" position, we might end up with something like this (figure 2):
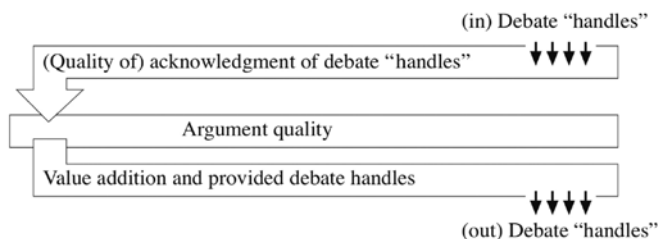

Figure 2. Standard Deliberation Benchmarking (much simplified).

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[10] This is a core practical benefit: once we realise the damage the doughnut fallacy can inflict on deliberation *chains*, we can adjust text analyses to see the fallacy as it appears in *individual entries*.

We hasten to add that the figure is not in any way intended to suggest that such analysis is either simplistic or undemanding. A desultory glance at the library shelves groaning under deliberative-democratic material will inform us that it is both possible and necessary to expand upon how to evaluate the picking up of handles. This is the case both on (with certain emphasis) the cogency and management of the argument itself, and on the provision of debate handles for the interlocutor to pick up. Theoretical propositions demand careful justification. Dimensions that turn up in systematic and sophisticated approaches to assess deliberative quality (respect, justification etc.) are usually easy to identify as belonging to one of these three components (sometimes with overlaps).

As we have indicated, the objective here is formally to complement extant deliberative-democratic ideas about argument quality with a new theoretical element – and to transform it into a readily usable analytical instrument to be used on its own, or in conjunction with others (e.g. to extend constructs such as the DQI). The two-layered conceptualisation greatly complicates the idea of "argument quality", but we must be prepared first to face this complexity before again trimming it down to abet empirical analysis.

In brief, we have to consider the quality of the "link" to the philosophical foundation, and the philosophical argument itself (if there is one). We think it is important at this point to emphasise that the "philosophical foundation" relates to the protagonist's perception of what supports his argument on a deeper level. When P1 in the example above refers to some (unelaborated) democratic good, he or she is presumably thinking about some, possibly hazy, hackneyed, misunderstood or plain erroneous, actual democratic good. This unexplored foundation, then, is the philosophical level for that protagonist.

The following table (table 1) outlines the working conceptualisation in full:

Table 1. Full Range of Potential Benchmark Determinants.

(Quality of) acknowledgment of debate "handles" ↓↓↓↓

Surface-level argument: cogency and quality	Link: Signal strength	Link: Rationale	Philosophical argument(s): Congruence with surface level link and rationale	Philosophical argument(s): Relevance to Surface Argument	Philosophical argument(s): Cogency and quality
Not considered here	Ranging from Strong signal: expressly identifies moral/ philosophical foundation (can be further bolstered with value-laden terms and expressions)	Provides argumentative support to relate to aspects of the philosophical level	Broadly congruous with signal-led moral/philosophical foundation and the suggested more detailed aspects of that foundation (rationale)	Relevant to surface level argument	Not considered here
				Irrelevant to surface level argument	
				Absent	
			Broadly congruous with signal-led moral/philosophical foundation. Tenuous or non-existent ties to suggested detailed aspects of that foundation (rationale)	Relevant to surface level argument (but in ways not suggested by the explicit detailed rationale)	
				Irrelevant to surface level argument	
				Absent	
			Incongruous	Relevant to heart of surface-level argument (difficult to note in practice, as it presupposes an implicit congruous link)	
				Irrelevant to heart of surface-level argument	
				Absent	
			Absent	Relevant to heart of surface-level argument (difficult to note in practice, as it presupposes an implicit congruous link)	
				Irrelevant to heart of surface level argument	
				Absent	
	Ranging to Weak signal: hints at (implicit) philosophical foundation	Absent/ nonsensical	Broadly congruous with signal-led moral/philosophical link (no rationale congruence possible).	Relevant to surface level argument	
				Irrelevant to surface level argument	
				Absent	
			Incongruous with signalled moral/philosophical link (no rationale congruence possible).	Relevant to heart of surface level argument (coincidental)	
				Irrelevant to surface level argument	
				Absent	
			Absent	Relevant to heart of surface level argument (coincidental)	
				Irrelevant to surface level argument	
				Absent	
	No signal: does not attempt to identify a moral/ philosophical foundation of surface argument	n/a (As a rationale would engender an implicit, and thus weak, link signal)	N/a	Relevant to heart of surface-level argument (difficult to note in practice, as it presupposes an implicit congruous signal)	
				Irrelevant to heart of surface-level argument	
				Absent	

Value addition and provided debate handles ← Value add'n and provided debate handles

↓↓↓↓

Now, the various cells in the table all represent aspects we may operationalise and then look for in a given argument. The idea is to identify and classify a reasonable set of benchmarks roughly centred around specific "routes" weaving their way through the table from left to right, and range them from better to worse. Thus the very best such "route" would be a strong signal, with strong argumentative support relating to the philosophical level, where the philosophical argument is cogent with the signal, and wholly relevant to the surface argument in question. The worst would similarly be a strong signal followed by an absent rationale and no actual philosophical argument.

The perceptive reader will at this point note a complication. It might after all be considered still worse to provide a strong signal and then an incongruous (but existing) rationale. Or what about a strong signal followed by acceptable argumentative support and then a philosophical argument that is irrelevant to the surface argument? But the "relevance" or "congruity" of rationale and/or the philosophical-level argument may justly be considered part and parcel of the main argument itself – something the interlocutors are in effect debating or trying to establish. To state that something is "irrelevant" will force us either to enter the debate proper and judge the arguments like any other interlocutor, or to adopt the guise of a sage-like onlooker, perched on a synthetic high ground of objectivity. Such an approach is still feasible, of course, if we wish exhaustively to appraise a limited number of individual arguments, but each instance would be most demanding, and would in most cases necessitate a secondary tier of carefully wrought analytical benchmarks – normative benchmarks – by which to judge relevance and congruity. Table 1 will in such an event provide the basic blueprint for the analysis, and it is then "only" a matter of deciding how each aspect in the matrix is to be made operational in an empirical study.

In most cases, such an ambition would be overkill. We do need to establish whether there is a signal in place or not; if there is, we need to ascertain whether or not there is a provided rationale beyond the link itself, and we finally need to determine whether there is a corresponding philosophical argument or not. A selection of combinations of these remaining elements is what will constitute the basis for the "doughnut fallacy" evaluation framework.

It is of course always debatable how many combination/routes one should select out of a greater number of potential candidates as it inevitably reflects the level of aimed-for simplification or sophistication of the investigation, but we will suggest four such combinations that will represent the contextual range from good to bad. Table 2 (below) will outline the combinations, label them and arrange them along the better-worse dimension (justifications are provided after the table).

Table 2. Selected Benchmark Determinants.

Quality			Variant
Better		4	**Strong Substantiated Claim** **Unambiguous link + Rationale + Philosophical Argument** *Unambiguous signal*, with *strong argumentative support relating to the philosophical level*, followed by *a philosophical argument to bolster surface-level and/or link remarks*
		3	**No Claim** **No link, no rationale, no interconnected philosophical argument** *No attempt to support surface-level claims*
		2	**Weak Substantiated Claim** *Unambiguous signal*, lacking *argumentative support relating to the philosophical level*, followed by *philosophical argument to bolster surface-level and/or link remarks*
Worse		1	**Unsubstantiated Claim** *Unambiguous signal*, lacking *argumentative support relating to the philosophical level*, followed by *no philosophical argument to bolster surface-level and/or link remarks*

As the table indicates, signal strength as a variable has now been simplified to "unambiguous" versus "no" signal. It might be argued that a strong signal, if followed by no real argument, is marginally worse than a nebulous one (the emphasis on an underlying rationale is stronger), but it would require a sophisticated analytical detection apparatus. It would also often be hard, in practice, to separate signal: strength from signal: rationale even though they remain two distinct logical components.[11] In this study we let

[11] "[...] because of democratic concerns!!!!!" is a stronger signal than "[...] because of democratic concerns", yet provides no rationale. On the other hand the provision of a rationale might be construed, depending on how you aim to detect these things, as augmenting signal strength too. To truly separate these component would require a lot of effort.

signal: rationale do duty for signal: strength as well; a deliberate simplification which may possibly demerit future studies, but one which intuitively seems both expedient and harmless.

Probably the most provocative aspect of table 2 is that cases where no attempt to link to a philosophical-level argument are ranked so high. Yet we have touched upon this point earlier in the text. The absence of such a link is basically the same as stating that "because I say so" is corroboration enough – and from a deliberative-argumentative standpoint it is. The counterpart may well complain that the argument is unsubstantiated, but at least a complete argument (however poor) has been put on the table. Indeed, if anything, it might be considered unjust to slot this kind of argument into second place in the table above. This has been done only to differentiate between two arguments that are (technically) equally valid but where one of them can manifestly demonstrate more invested reflection.

7. The Doughnut Argument: the Investigative Framework in Practice

This brings us to the operationalised investigation framework. What should we be looking for in a text in order to range it into one or other of the four categories? Without further ado, this is what we suggest an analyst should be looking for:

7.1. Strong Substantiated Claim

We should look for markers ("democratic"; "for democratic reasons"; "necessary in a democratic society" etc.), followed by a more detailed explanation why democracy (equiv.) has been invoked, followed by indications what sub-aspect(s) of democracy come into play, and how. The very attempt to identify sub-aspects of the otherwise generic marker is a clear sign that we are looking at a substantiated claim. If there are arguments linking this fine-graded substantiation to the primary argument, the claim is strong. In the event that such arguments are missing, the claim is weak (see below).

7.2. No Claim

Here we should look for a lack of references to generic goods (such as "democratic"; "for democratic reasons"; "necessary in a democratic society" etc.). "I think that…" followed by the unadorned argument would be the purest example of a "no claim" candidate.

7.3. Weak Substantiated Claim

We should look for the same markers as above. These claims will be followed by a discussion about aspect(s) of democracy that seems "orphaned", as it is not made clear how it connects to the primary argument (links between the two levels are non-existent or tenuous).

7.4. Unsubstantiated Claim

We should look for the same markers and a lack of any discussion about (perceived) relevant democratic particulars.

7.5. Doughnut Fallacy Markers

So far we have consistently used "democratic" and derivatives as our fallacy example of choice. Clearly it is a much-abused term in this respect but there are, as we have hinted, many others. Most terms that fall under the glittering generality heading can be used or abused in a similar fashion, as can generic references to schools of thought, whether spiritual or temporal in character. The likelier it is that the unpacked meaning of a term can be contested, the more relevant a doughnut fallacy analysis becomes – but the analyst should ideally provide some rationale why a specific term, as and when noted in the studied discourse(s), will trigger a doughnut fallacy flag. We content that "democratic" and derivatives should always trigger such a flag.

8. To Sum Up: Benefits of a Doughnut Fallacy Analysis

The fallacy we have outlined is a major obstacle to deliberation, as it prevents discussion from approaching the "philosophical core" of the debate. That alone makes it an important object of study. Secondly, there is a small but important body of literature trying to establish ways to operationalise parameters with the aim to measure deliberation. This effort provides a new parameter to be included in such indices, and describes how the fundamentally qualitative analysis of the fallacy can be turned into quantitative data which can then be duly weighted in multi-component indexes. Should a researcher wish truly to put his ear to the ground when analysing a given deliberative interchange, the framework (see table 1) provides a stringent way to study the quality of the "philosophical rapport" between the interlocutors. Finally, we show that a problem that only manifests itself on the discourse level, can still be detected on the level of the individual declaration, which greatly abets operational deliberative study.

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