



*David J. Mayo*

# The Role Of Slippery Slope Arguments In Public Policy Debates

David J. Mayo

My goal here will be to explore the nature and role of slippery slope arguments in public policy debates. I believe their role and their complexity have been underestimated. As a preliminary characterization, a slippery slope argument is an argument in practical reasoning which concludes that some intrinsically unobjectionable actions, policy or law under consideration must nevertheless be resisted, on the grounds that it is apt to lead, through a series of intervening steps, to some action, policy or law which is clearly objectionable. Refining this preliminary notion will be one of my first tasks.

Arguments of this description often play a prominent role in debate over matters of public policy. In the euthanasia debate, for instance, they have almost entirely replaced appeals to the sacredness or the absolute value of life. They are the primary argument on which the gun lobby relies in opposing even modest gun control—for instance the so-called “Brady Amendment”. They figure equally prominently in arguments involving fundamental liberties of speech, privacy, and self-determination; it is difficult to imagine an ACLU brief (or a court decision which vindicates one) that does not involve allusion to “trends” (e.g. “erosion” of rights) or other slope allusions. Defenses of the free press typically involve appeal to the “chilling effect” of any restrictions on free speech. Slope arguments are prominent on both sides of the debate whether more, or less, sex education is needed in public schools. Anyone who becomes attuned to the role of slope arguments in public policy debates begins to spot them everywhere.

Yet despite the frequency with which such arguments occur, their rhetorical role and impact are often peculiar and paradoxical. On the one hand they are typically seen by those who advance them as central reasons for their positions. At the same time they usually fail conspicuously to persuade those at whom they are directed—that is, those who are not already convinced. Thus, quite apart from whether they are good arguments, in the sense of having true premises which genuinely support true conclusions, they fail uniquely to satisfy the key rhetorical function of arguments, namely that of helping persuade the previously unpersuaded of their conclusions. In fact, “the slippery slope” frequently appears among the fallacies discussed in introductory logic books.

Why do slippery slope arguments figure in this paradoxical way—why are they dismissed so glibly by some, while at the same time they figure so centrally in the

thinking of others? This is the question motivating this essay. Before turning to the peculiar role slope arguments play in public policy debates, however, it will be useful to provide a more precise characterization of the arguments at issue. This will be the focus of the next section. Then I will look at the question of the legitimacy or the philosophic respectability of slope arguments. Finally, I will turn to the nature of ideologies and their relationship to slope arguments in public policy debates.

### *Definition and Schauer's Method of Analytic Isolation*

Traditionally, commentators have construed slippery slope arguments broadly, and have distinguished between logical and causal forms of slope arguments.<sup>1</sup> On this view, some slopes are said to be *logically slippery* because acceptance of the intrinsically unobjectionable case at the top of the slope is alleged to undercut any logical basis for drawing a line that could prevent the slide culminating in acceptance of the clearly objectionable case. (In this vein, "the continuum fallacy," sorites—e.g. Aristotle's "bald man paradox"—and even *reductio ad absurdum* arguments are sometimes construed as slope arguments, or as close cousins thereof. On this broad construal, slope arguments are not restricted to practical reasoning.) Contrast is thus drawn between *logically slippery* slopes and slopes which are *causally slippery*—that is, slopes with intrinsically unobjectionable cases at the top which are nevertheless to be resisted because it is believed that, as a matter of fact, accepting them would cause or lead to subsequent acceptance of objectionable cases lower on the slope. An example is the causally slippery slope argument against legalizing voluntary active euthanasia on the ground that it would tend to erode respect for life and hence might ultimately lead to involuntary active "euthanasia" of those who are a burden to society.

Against this strategy of viewing public policy slope arguments as a special case of some more general category of slope arguments, I propose to take as my point of departure the strategy of Frederick Schauer, a legal scholar whose special interest is first amendment law. Schauer<sup>2</sup> suggests that clarity can be gained by what he calls the method of "analytic isolation"—that is, by highlighting the ways in which the slope arguments in which we are interested *differ* from other arguments, rather than by concentrating on their similarities. I want, moreover, to begin with the *substance* of Schauer's view, and then suggest ways in which I feel it needs to be refined and extended. I want to follow Schauer also by stating at the outset that my concern here is not so much with providing a characterization of slope arguments which captures all the nuances of "ordinary usage," but rather with isolating a kind of argument that is both distinctive, and prominent in public policy debates. Schauer and I both recognize we may be using "slippery slope" prescriptively.

Schauer begins his characterization of slippery slope arguments by observing that they involve "a contrast between a tolerable solution to a problem now before us and an intolerable result with respect to some currently hypothetical but potentially real state of affairs." (p. 364-5) He then proposes some terminol-

ogy I wish to preserve, by calling these the "instant case" and the "danger case" respectively. He then observes that even the instant case represents a contrast with a *status quo*. That is, it represents a new action, policy or law up for consideration.

Schauer next identifies three other forms of argument which also involve instant and danger cases, but which he believes differ importantly from slope arguments proper. The first of these, which Schauer refers to as "arguments against the instant case," really appeal to the intrinsically objectionable nature of the instant case. (Schauer points out "a slope argument is not needed to claim that censorship of *Hamlet* or the Democratic Party is impermissible." (p. 365))

Second, Schauer identifies "arguments from excess breadth": some policies are objectionable, even though they may have satisfying implications in the instant case, because they directly imply judgments about other cases that we would find objectionable. Schauer's example here is the argument that it would not do for the state to prohibit publication of plans for constructing an H-bomb *on the grounds that such publication could constitute a danger to the public*, since to do so would commit us to the banning of future material which may also represent a public danger, but nevertheless should obviously be protected by the first amendment, e.g. arguments about the dangers of seatbelts or motorcycle helmets. (Arguments involving "appeal to precedent" seem to be arguments of this type, as are many of those which other commentators would view as involving *logically* slippery slopes.)

"Arguments from added authority" constitute the third class of arguments Schauer distinguishes from slope arguments. Arguments from added authority are not about the *substance* of the decision at hand, but instead challenge the jurisdictional power assumed by the decisionmaker. Schauer suggests an argument might be made against an appellate court ruling that a 6-person jury is sufficient for a criminal trial, *not* on the grounds that a 6-person jury is unacceptable, nor even on the grounds that a 6-person jury might lead to a 5-person jury, but rather on the grounds that any court making such a ruling is also implicitly ruling favorably on whether it has the authority to decide the size of juries. Analogously, at the time of this writing the U.S. Supreme Court has agreed to hear a case involving a lower court ruling that property taxes in Kansas City must be raised to pay for magnet schools in order to effect a desegregation plan that has been stalled. The challenge claims the lower court has no authority to tax, since this is a legislative and not a judicial function.

To these three forms of argument, I would add a fourth which also superficially resembles a slope argument, but whose logic contrasts sharply with it. I am thinking of the simple appeal to equity or justice—that is, arguments of the form "You mustn't do that, because ... what if everyone did that?" Sometimes, of course, what is behind this question is the straight consequentialist (slope) argument that your doing this will increase the risk of others doing likewise, with consequences that would be unacceptable. Often, however, such a risk is negligible: "You should vote, because ... what if nobody voted?" is a very weak consequentialist argument. Construed as an appeal to justice, however, the

argument is very powerful : "It is unjust of you to benefit from the democratic system and at the same time refuse to undertake the burden which others freely undertake in order to maintain it." It is a straightforward case of the freeloader argument.

Having articulated contrasting forms of argument, Schauer proceeds with his positive analysis. Slope arguments, Schauer claims, are characterized by (1) implicit concession that the instant case is intrinsically unobjectionable<sup>3</sup> and (2) a contrasting danger case which is (a) at least *linguistically* distinguishable from the instant case, (b) held to be rendered more likely by the actualization of the instant case, and (c) held to be intrinsically objectionable. Schauer notes that arguments lacking the first condition are really arguments against the instant case, and that those lacking condition 2a are really arguments from excessive breadth.

Before introducing a refined characterization of slippery slope arguments, I want to advance several criticisms or refinements of Schauer's view. The first of these is that, *contra* Schauer, arguments from added authority can also satisfy both the conditions characterizing slope arguments. To take Schauer's own example: anyone objecting to a court's ruling on the acceptability of 6-person juries, is probably doing so *precisely because* he sees that granting the court authority to rule on jury size increases the risk of the court later permitting even smaller juries which are intrinsically objectionable. Similarly, one can easily imagine tax-minded citizens objecting to the judicially determined tax hike to fund magnet schools, precisely because it increases the danger of other judicially determined tax hikes which would be objectionable.

Schauer might, of course, arbitrarily stipulate as a third defining characteristic of true slope arguments that they not be arguments from added authority. But I doubt anything useful would be gained by this, for two reasons. First, slope arguments involve concerns not about just any increased risk of future dangers resulting from our present decisions, but only about future dangerous *decisions* which may result from them. Someone is hardly giving a slope argument when arguing against driving while drunk on the grounds that it increases the danger of an accident, which in turn increases the danger of injury! Schauer clearly (and rightly) assumes the slope and danger cases involve future unacceptable *decisions*. Second, while the matter of jurisdiction over any given decision is usually clear *in the world of law*, it is often considerably less clear in other arenas of decision making. In fact the "slipperiness" of some worrisome slopes consists precisely in the question of whether, in making a certain decision in the instant case, the decision maker is or is not "giving away, authority" in some important respect. The harried mother who is tempted to silence her small child by allowing him to select a candy bar from the display irritatingly located next to the checkout line at the grocery, may be reluctant to do so because she can see this might lead to future troubles, resulting from the child's perception that he has now been "given added authority" over selection of supermarket purchases. Somewhat less trivially, arguments against the liberalization of abortion laws might be construed either as arguments against granting authority to pregnant woman, or as arguments about the bad decisions these women might make if granted such

"authority". However, for many anti-abortion arguments it isn't clear either that one construal would be more accurate than the other, or that anything depends on which way they are construed. More generally, granting added authority will ordinarily be objectionable only if there is concern about an increased risk of future bad decisions as a result. Thus arguments from added authority seem to be a special kind of slope argument, not a separate category altogether.

I am also skeptical of the hard and fast line Schauer sees between arguments from excess breadth and slippery slope arguments. While this distinction is usually clear within the law, it is often less clear elsewhere. The reason for this involves the distinction between an *action*, and the *reason* for which (or the principle in accordance with which) it is undertaken. Typically courts do not make legal rulings without offering justifications and laying out the reasons for what they have done. People, however, can and often do act, without being clear in their own minds about their rationales, and certainly without making them clear to others. Thus a court banning the publication of H-bomb plans must give a *reason*, and that reason will clearly have a certain generality or breadth which embraces future possible cases as well. By contrast, a parent taking time out to help a child with a school project or to take him on a scouting expedition, may or may not be "setting a precedent." The grandparent who wants to send one grandchild an unusually expensive (but much coveted) Christmas gift may well worry about setting a precedent for subsequent years---or grandchildren. But these are very murky waters: if there is a precedent, is it *qua* obligation-of-the-grandparent, or *qua* expectation-by-the-child?<sup>4</sup> Any grandparent contemplating such a gift would be well advised to worry about problems this may create down the road. I suggest, however, that the grandparent, like the philosopher, would be wasting time if she felt it was essential to decide whether she was considering an "argument from excess breadth" or a slope argument.

This same fuzziness also suggests some blurring of the distinction between the logical and causal forms. If an employer who is tempted to improve the working conditions of one worker is worried that this may *oblige him in fairness* to do so for all, it seems to be a logically slippery slope. If he is concerned it will merely *lead others to expect* him to do so, it seems to be a slope which is causally slippery. But what would lead them to expect him to do so would almost certainly be that they believed he was (in fairness) so obliged.

With one final but important refinement in Schauer's characterization, I believe we will have identified all the key elements of the arguments in which we are interested. That is that between the instant and danger cases there must be intermediate cases. A woman whose husband has repeatedly assaulted her is certainly well advised not to go back to him lest he decide to assault her again. But we would be reluctant to say that this is a slippery slope argument: it involves a "cliff" rather than a slope.

I believe there is a deeper reason for our reluctance here than just the spatial "slope" and "cliff" imagery, and this reason involves a feature of slope arguments which becomes especially important to the peculiar way they figure in public policy debates. Bearing in mind that the instant and danger cases involve two *decisions*, the slope argument always presumes that those who would be deciding

the danger case may do so in a way that would be unwise and objectionable in the present judgment of those deciding the instant case. (Without this presumption there would be no risk.) This presumption is grounded in the belief that acceptance of the instant case would lead to a gradual "corruption" of some principle, value or decision making capacity which those who are advancing the slope argument hold dear themselves.<sup>5</sup> (I will return to this notion of 'corruption' shortly.)

With these refinements in mind, we are now in a position to offer a more precise characterization of slippery slope arguments. They are arguments which occur in practical reasoning, and which argue against some action, policy or law on the ground that it will increase the risk of a corruption of good decision making; that is, increase the risk of a series of future decisions leading ultimately to some intrinsically objectionable action, policy or law. Thus they contain the following elements:

- (1) An "instant case" of an action, policy or law under consideration.
- (2) A "danger case" of an action, policy or law which is (a) at least linguistically distinguishable from the instant case, (b) connected with the instant case through a series of intermediate cases (c) held to be both rendered more likely by the actualization of the instant case, and also intrinsically objectionable, and finally
- (3) the claim that because of (2), (1) ought to be resisted.

### *The Legitimacy of Slippery Slope Arguments*

Thus characterized, it might appear that slope arguments are deductive arguments, which could be schematized along the following lines:

- (1) I increases the risk of D.
- (2) D is objectionable.
- (3) To the extent that D is objectionable, and rendered more likely by I, I is objectionable.

However there are several problems with fitting real-life slope arguments onto this deductive procrustean bed. In the first place, there seems a bad fit between the bold conclusions of most actual slope arguments, and the highly qualified conclusion schematized above, that I is objectionable (only) to the extent that it is rendered more likely by D *and to the extent that D is objectionable*. Most actual slope arguments urge *at least* that, because of the likelihood and objectionableness of D, I should not be undertaken. In fact many intimate not merely that I will increase the risk of D, but more boldly that it will *lead* to D, plain and simple. Should we propose different deductive schemata to accommodate all these possibilities? Moreover, this schema represents only *part* of the argument that usually occurs when an actual slope argument is presented. In addition to what we have schematized, reasons providing inductive support will usually be given for what is schematized as the first premise, and probably for the second as well. It seems odd to suggest that those aren't really part of "the slope argu-

ment," but rather part of other inductive arguments to support the premises of the deductive slope argument. It strikes me that such a move, far from increasing insight, diminishes it by overlooking the richness and complexity of slope arguments. These considerations suggest it might be more plausible to construe slope arguments as, at bottom, inductive arguments.

I will sidestep this controversy, however, with a terminological proposal: I will refer to a slope argument as *legitimate* if all its premises *and its conclusion* are true, and the premises provide grounds for accepting the conclusion. If there were agreement that slope arguments should be construed as deductive arguments, the term "sound" would do nicely. This stipulation is needed because there is no such agreement, and because there seems to be no uniform usage of a term analogous to "sound" for inductive arguments, or which applies to both inductive and deductive arguments.<sup>6</sup>

It is curious that there is no such term, because when people deal with arguments in real life, rather than in the context of studying logic, what they ultimately care about is not whether they are valid or inductively strong or cogent, but rather whether they are legitimate in the sense I've stipulated. This is so regardless of whether the person presenting the argument happens also to be the one at whom it is directed (as when I struggle with the arguments for and against an issue on which I must take a position) or when the argument is presented (as in public policy debates) by one party in an effort to convince others. Arguments are tools whose most natural application is in the pursuit of truth. With them, we try to convince ourselves or others of certain beliefs, by pointing out other beliefs (premises) which seem true. Like any tool, an argument can be good or bad in the sense that it may or may not facilitate our goal, in this case the pursuit of truth. But the logician's interest in *how well an argument supports a conclusion* is *not* the ultimate concern of persons using an argument in the usual way in real life. What they are concerned about is whether they are *legitimate* in my sense. (No one would be moved by a strong inductive argument in real life if she knew its conclusion was false.)

Before turning to the central question of the paradoxical disparity between how different parties view the legitimacy of particular slope arguments in public policy debates, I wish to consider briefly some of what has been said about the legitimacy of slope arguments generally. Then I will try to get at some of the reasons it can be so difficult to assess the legitimacy of slope arguments in public policy debates.

The general issue of the legitimacy of slope arguments has been dealt with at length elsewhere—perhaps most synoptically by David Cole<sup>1</sup>, who provides a good survey and further discussion of the fallaciousness of slope arguments—and I make no pretense here at a complete analysis of this issue. However I find it remarkable in this literature that informal logicians have been so quick to include slope arguments on lists of informal fallacies, usually because the risk of the instant case resulting in the danger case is often exaggerated.<sup>7</sup> This strikes me as remarkable because legitimate slope arguments are not only possible, but commonplace. A slope argument will be legitimate when in fact the instant case significantly increases the risk of the danger case, and when the danger case is

genuinely objectionable in a way that is so out of proportion to the attractiveness of the instant case that it's not worth the risk. We all routinely recognize (and, if we are wise and strong willed, avoid) such risks. Dieters are wise to resist the temptation of even just one dipped potato chip, and young teenaged girls are well advised to avoid the (thrills and) perils of heavy petting. Moreover, we routinely assess the legitimacy of many slope arguments with great confidence: warnings about the risks associated with the corrupting properties of cocaine strike us as legitimate, while those about the risks of dancing or card playing strike most of us as hysterical and unfounded.

Logicians aren't the only ones who have evidenced wholesale skepticism about slope arguments: particular public policy slope arguments are sometimes dismissed on the general grounds that similar arguments could have been brought against almost every bit of social progress that has ever occurred, and against many pieces of scientific progress as well. Reactionaries in the Soviet Union railed against the first stages of Perestroika and Glasnost on the grounds that they would lead to further disruptions of the old established order and hence ultimately to anarchy. Anti-suffragette sexists warned that if women were allowed to vote, the next thing you know they would be smoking, working outside the home, entering politics, making other demands for equal treatment and consideration, and generally becoming less submissive and dependent on men. Racists warned that if the slaves were freed all sorts of evils might ensue, including the ultimate horror of interracial marriage! Critics of the development of birth control in the 1920's warned (and the Church continues to warn) that such technologies would destroy the family and "responsible thinking" about the proper function of human sexuality.

In the context of criticizing slope arguments against more liberal attitudes towards euthanasia, Daniel Maguire<sup>8</sup> expanded on this point as follows: At the heart of many such slope arguments is not merely a conservative mentality, but an overly simplistic "taboo" conception of morality. Such a conception sees morality as a set of prescriptions to be accepted absolutely and unquestioningly. Maguire argued this "taboo" conception failed to do justice to the role of morality, especially in a pluralistic, complex and changing world. Maguire held that morality is not a fixed set of rules which yields straightforward and consistent prescriptions in any situation, but that it involves competing values, which responsible moral agents must learn to weigh and reassess anew in the face of ever changing circumstances. Consequently, full moral agency isn't a simple matter of "behaving oneself" and "following the rules," but of learning how to grapple responsibly with conflicting ethical considerations to forge new rules, especially when confronted with new and unanticipated situations. Mayo and Bennett<sup>9</sup> pressed Maguire's analysis one step further by invoking Kolberg and Peters's theories of stages of moral development. According to Kolberg and Peters, the "taboo" conception of morality, held by conservative advocates of slope arguments was symptomatic of a fairly early stage of moral development; anyone who had achieved full moral development would realize morally difficult choices were an essential feature of moral life, which consists not of avoiding slippery slopes, but of learning to negotiate them responsibly.

It goes without saying that Mayo, at least, now rejects this wholesale critique of public policy slope arguments as too simplistic. While it's true that irrational fears can be conjured up in connection with any venture, it's also true that the future is inherently uncertain, and any competent long-term decision making will include a careful attempt to assess risks, including those involving possible erosion or corruption of principles we presently hold dear. Many environmentalist arguments against various forms of development, arguments against legislation creating new loopholes for special interest groups in the federal tax law, and arguments against the erosion of first amendment rights all strike me as legitimate. Moreover, as a proponent of gun control I certainly *hope* the NRA is right in claiming that banning imported assault weapons will lead to further erosion of the principle that private citizens should be able to buy and keep guns as easily as they buy and keep walkmans or candy, and to more decisions to restrict guns in other ways as well. More generally, most regrettable social or policy trends (e.g. the construction and use of the first nuclear weapons, U.S. Government intervention in South Vietnam, lowering of drinking ages) had their prognosticators, many of whose unheeded warnings were slope arguments whose legitimacy is clear enough in retrospect.

However the phrase "in retrospect" is significant, for it suggests that the legitimacy of many public policy slope arguments can be assessed with any certainty only after the fact. And this is the beginning of an explanation for one side of the paradox which we set out to understand, namely that slope arguments in public policy debates so often strike those at whom they are directed as completely illegitimate and unpersuasive. The logic of any predictive argument will have a rhetorical impact only for those whom it strikes as legitimate in advance. Predictive arguments whose legitimacy can only be assessed reliably after the fact will be useless, either as good tools of persuasion, or as guides to good decision making, which by definition must take place "before the fact."

But is such extreme skepticism justified? Can things be as bad as this? Surely it is an overstatement to say that the legitimacy of public policy slope arguments can never be reliably assessed in advance? And even if this were so, what would then explain the other side of the paradox, namely the centrality of slope arguments in the thinking of those who offer them?

Let us approach these questions by considering a series of slope arguments, with an eye to identifying factors that can make assessments of their legitimacy difficult.

Some of the best and simplest slope arguments are those with which wise people handle weakness of will. People who know their own weaknesses often peer over the edge and down the various slopes of irresistible and corrupting temptations, and decide not to step onto them and risk descent into decisions they would later regret. Again, the dieter resists the "just one potato chip," the recovering alcoholic or reformed smoker avoids "just one" drink or smoke. Most of us don't try heroin. These cases involve very straightforward and plausible slope arguments, whose legitimacy seems unproblematic.

In these simple cases the feared corruption is of a brute psychological nature—one foresees that one chip, drink or cigarette would corrupt one's resolve

by producing a craving that would prove irresistible. In somewhat more complicated cases, the risked danger lies not in a brute psychological corruption of our will, but in a deeper corruption of one's vision of The Good—that is, of the values and principles by which each of us believes he ought to live, and the sorts of projects each of us feels are worth pursuing. Here a person does not fear finding himself irresistibly craving something he still knows is bad; rather, he fears losing his bearing on what is good and bad.

Among the most obvious things feared for their power to corrupt in this way are ideas: we sometimes fear being talked into (or out of) something. Consider the case of the bright but devout introductory philosophy student who brings a spirit of open enquiry to such unthreatening issues as the problem of knowledge or the existence of the external world, but whose mind slams shut when the topic shifts to the existence of God, because she perceives a risk that whole-hearted philosophical inquiry may corrupt and undermine her faith in her religious tenets.

Assessment of this sort of slope argument will be much more complicated and precarious than that of the previous cases: in addition to uncertainty about the slipperiness of the slope, questions also arise concerning the objectionability of the danger case. The danger case may strike the devout student as so great (“it will mean eternal damnation”) that she may decide not to risk it. However *that* only speaks to *her present assessment* of the danger, which may be grounded in theological convictions which are simply mistaken.

It is not difficult to imagine analogous slope arguments in connection with those other great corrupters of one's vision of The Good: money, fame and power. Assessing such arguments will often be made even more difficult by uncertainty, not only over the risk of radical change in one's vision of The Good, but over its undesirability. (Often people will avoid discussions of “ultimate commitments” – including their commitment to their vision of The Good – because they realize at some level that they are more heavily invested in their present commitment than is warranted by available evidence. Indeed one connotation of “commitment” alludes to the gap between the (relatively strong) resolve a person has to some belief or project, and the (relatively weak) evidence supporting the wisdom of such resolve. In this sense we speak of commitment to a belief as a kind of endorsement we may have to settle for, because we lack good evidence for it.)

All of these cases involve slope arguments people might give *themselves*. Many people, however, spend less time worrying about protecting themselves from corrupting influences than they do about protecting others. This is a crucial part of parenting, for instance, and can be particularly tricky since on the one hand children and young adults typically lack an informed and coherent vision of the good (not to mention resolve), but on the other will never develop such a vision for themselves if they are subject to paternalistic protection at every turn.

Imagine for a moment the arguments that might figure on both sides of the classic parent-child dispute over piano practice. Imagine a child who has expressed interest in learning to play the piano, and whose parents have agreed to pay for lessons, on the condition that the child practice daily. Imagine in

addition that today the child wants to skip daily practice and join friends for a movie. The parent, concerned in any event that the child's dedication to the piano may be corrupted by such temptations, refuses permission, and presents the following slope argument: "The reason you mustn't skip practice today is that if you do, it'll be easier to skip tomorrow, and if you start skipping, you'll never be any good. And you want to be able to play well when you grow up, don't you?"

There are several replies available to the resourceful child: (1) "I just want to skip practice this once—I'll practice tomorrow." (There is no slippery slope.) (2) "I don't want to be able to play if it means I have to practice every day." (Piano playing skills are overrated—the danger case is not so objectionable.) or (2a) "Being able to play is important to me, but so are friendships with my classmates." (The value of piano skills are real, but must be kept in perspective in light of other goods such as enjoying one's childhood and a normal social life—the danger case may be bad, but it's no worse than other evils connected with staying off the slope.) Finally, the child might insist (3) "I should be free to do what I want, and not be told what to do all the time."

Considerations which were relatively unproblematic in earlier cases make evaluation of the parent's slope argument more difficult. (1) There is the difficult question of whether the instant case would in fact lead to future skipped practice sessions, as the parent claims. (2) There is also the problem of assessing the value of piano-playing skills: how is this to be done, and by whom? This will involve both more tricky empirical questions (What degree of mastery could the child expect if he perseveres, and what benefits would this yield later in life? Would piano playing skills, for instance, assure the child a role as "life of the party" in later years?) and also some fundamental value questions to which parent and child (or child-turned-adult) may ultimately give different answers. (How valuable is aesthetic experience?)

While technically the hypothetical questions lurking in all this seem to be empirical, they may well turn out to be so *wildly* hypothetical as to make empirical verification a will-o'-the-wisp. They are about possible futures that are not only hypothetical now, but apt to remain so. Moreover these counterfactual futures may be woefully underdefined or underspecified. (If the mother prevails, is it because the child was convinced by the parent's argument, or does this dispute recur and resentment fester? If Bush's great-great grandchild is a compatriot of Gorbichov's will she be Russian?) *Wildly* hypothetical and *wildly* counterfactual claims, which are empirical but *de facto* unverifiable or nearly so, figure prominently in slope arguments in public policy debates, as we shall see shortly.

Thus argument between parent and child invites us to envision (at least) two radically different scenarios. According to the first, the now-grown child shares his parents' interest in music, looks back with gratitude on his parents' loving and persistent interest in his musical development, and is grateful they insisted he stick with the piano. According to the second, he bitterly resents having been deprived of a normal childhood by domineering parents trying to push their interests onto him, stifling his individualism and depriving him of a normal carefree childhood in the process. While there *may* be some reasonably solid

inductive evidence for choosing between them, there is nothing in the nature of the case which says there must be. Which way it goes (or if it is to go either) may well depend on events which neither scenario has taken into account.

Nor is this the end of the problems: (2a) All slope arguments involve not only the explicit appeal to some risked danger, but also an implicit appeal to a "base line" or alternative scenario, by reference to which the danger case is held to be objectionable. This means that an individual's assessment of any slope argument requires appeal not just to one hypothetical scenario, but to two—one of which must remain counterfactual. Whatever the child might lose (and gains) by abandoning piano, it must be weighed against what he gains (and loses) if he perseveres. Of course parent and child will probably come up with somewhat different pairs of scenarios as they each envision possible alternatives. Thus the argument will probably involve four possible scenarios; both the child's and the parent's views of what will happen, both if today's lesson is skipped, and if it is not. One of these will be difficult to assess because it lies in the actual but difficult to foresee future. The other three may be virtually impossible to assess, because they lie in the never-never land of underdefined futures which are possible but never actual.

Even if the probability of each of these (sometimes wildly) conjectural hypothetical future scenarios could be assessed, and the elaborate cost-benefit analysis accomplished, there remains the child's final argument (3)—the appeal to the value of self-determination or liberty. Mill struggled to ground the case for the value of liberty entirely in what he judged to be purely empirical considerations (its utility). But while empirical considerations are clearly *relevant* (we know, for instance, that people who are *never* allowed to decide things for themselves suffer because they never develop the ability to do so), even most advocates of liberty feel they are not alone sufficient, and welcome alternative defenses of the primacy of liberty as a value, from whatever theoretical quarters they may come (e.g. metaphysical, political or even theological).

If the difficulties of assessing this slope argument are as great as I am suggesting they are, the philosophically interesting question is no longer whether the argument is legitimate, but rather how any parent could feel so confident that it is. How can the parent feel so sure, both about the slipperiness of the slope and that the costs of her son's abandoning the piano outweighs the benefits so clearly as to make it undesirable to do so? Parents do, of course, give such arguments, and with both good intentions and clear hearts. But in doing so I wish to suggest they are not guided by simple empirical beliefs for which they could adduce convincing evidence, nor by values seen as brute, ultimate, and beyond debate, but rather by an interdependent cluster of empirical, value and perhaps even theoretical commitments. But such a cluster of personal commitments not only represents a person's vision of The Good, but also embodies, in miniature, most of the elements present in a full-blown political ideology. I believe ideologies are what often drive slope arguments within public policy debates.

### *Ideologies and Slippery Slope Arguments*

When we speak of an ideology, we are typically speaking of a comprehensive political program or vision, involving an amalgam of values, empirical (but often wildly hypothetical and counterfactual) and theoretical components. The latter could be drawn from any discipline, e.g. psychology, sociology, political science, economics, or even metaphysics or theology. A full-blown ideology articulates both a perception of The Good, or how things ought to be, and interpretive principles for viewing and explaining the current social or political reality. Implicit in the tension between the vision an ideology dictates of how things are, and how they ought to be, is both a program for change, and a standard against which motion in either direction—"progress" or "deterioration"—may be measured. Typically either "progress" or "regress" for an ideology may take many forms: legislation, court rulings, election or appointment (or even just public recognition) of ideological spokespersons, policy rulings or institutional endorsement of every sort and at every level, and perhaps most important of all, public acceptance or rejection of the ideology or policies it endorses. Moreover, there is an obvious interplay among all of these: civil rights legislation was passed only when sufficient outrage had been generated by civil rights activists over the *status quo*. But the passage of that legislation has in turn contributed to further progress on virtually every front I have just mentioned.

In a pluralistic society, competing ideologies flourish. Classic liberalism, for instance, is an ideology which has at its core the primacy of individual liberty. It thus defines a political ideal in which Mill's Harm principle is rigorously respected, traditional freedoms are given highest priority, coercive intervention in the private affairs of individuals by the government (or other parties) is vigorously restricted, individualism and diversity are encouraged, and conformity for its own sake downplayed. It is in terms of this vision and the ideal that it articulates, that the classic liberal both interprets and judges the present political reality. A competing vision of The Good is espoused by a family of overlapping conservative ideologies. Religious fundamentalist conservatism of the sort represented by Jerry Falwell's "Moral Majority," for instance, articulates both a political ideal for the government and moral ideals for its citizens, in which "Christian values" rather than diversity and individual liberty play a key role.<sup>11</sup> (Populist and social conservatives share key elements of this vision, even if they draw their rationale for it from slightly different quarters.)

Classic liberal and conservative ideologies both articulate interpretive principles for viewing the present reality, but of course on many specific issues take diametrically opposed views of what change counts as progress, and what counts as deterioration.

Frequently public policy proposals address issues which very directly violate (or conform to) an ideology's view of The Good, and when this happens ideologists will argue against (or for) them on the grounds of their intrinsic offensiveness (or desirability). Thus the fundamentalist ideology yields straightforward arguments against state recognition of homosexual marriage, whereas the classic liberal ideology yields straightforward arguments in favor of them.

Often the conflict between public policy proposals and the political visions of The Good embedded in an ideology will be neither so direct nor so obvious, however, and if proposals of this sort offer obvious short-term benefits they may experience considerable popularity. What I wish to suggest is that at this point slope arguments are the natural response of the person whose ideology is threatened. At this point, like the dieting individual warning himself against the perils of the attractive potato chip, or the mother warning her 13-year-old daughter of the perils of heavy petting, the ideologue will try to sound the warning of long-term consequences, by pointing to what he perceives as the corruption which this represents, and the further corruption of The Good which it invites.

Slippery slope arguments are the natural vehicles for such long-term warnings. Viewed as an isolated incident, prohibiting the Nazi march in Skokie strikes most people as sensible enough, and viewed as isolated policies, the banning of imported assault weapons, or the legalization of euthanasia which is strictly active and voluntary, may strike many people as reasonable enough as well. However these may not be isolated incidents, in spite of the natural tendency by those who favor them to see them as such, and ideologues who see them as embodying movement away from the vision of The Good which they embrace will try to call attention to the long-term risks they envision, by pointing out what they perceive as the corruption which they represent, and the further corruption which they feel they invite.

Thus far I have spoken only of the conflict between classic liberal and conservative ideologies, and while they are at the core of many public policy disputes, they are of course not the only ideologies, nor the only ones for which slope arguments may function in this way. Moreover, in addition to other full-blown ideologies, visions of what is desirable that are more restricted in scope—e.g. pacifism, environmentalism, feminism, welfare liberalism—may in the same way turn naturally to slope arguments against specific public policy proposals or developments.

It is entirely possible that ideologues may present slope arguments which are—and should be—persuasive. I do not mean to suggest that slope arguments are inevitably either unpersuasive or illegitimate. However both their rhetorical effectiveness and their legitimacy are often compromised by the fact that the ideologies which drive them often draw much of their strength not from a simple demonstrable correspondence with straightforward verifiable empirical claims, but instead, at least in part, from their internal coherence.

Typically, for instance, there will be some degree of implicit circularity between the wildly hypothetical empirical and value components of a theory. Consider again the case of classic liberalism. For many classic liberals the primacy of liberty is grounded *largely* on the claim that maximal respect for liberty will as a matter of fact contribute to overall happiness and human flourishing. Even the harshest critic of unbridled permissiveness will admit to the merit of *some* of the empirical claims advanced by Mill and others about the utility of liberty. Mill was right when he pointed out that *often* people *do* know their own interests better than others can know them; children *never* allowed to

decide things for themselves will remain children, and people can learn valuable lessons from observing the folly of others. However there is room for considerable disagreement between men of good will (but conflicting ideologies) about just how highly liberty can be exalted on empirical grounds such as these. At this point the ideological debate may shift to less straightforward empirical claims, and eventually to wildly counterfactual claims, e.g. about how things would be (or would have been) if certain ideals were consistently and universally observed. Unfortunately the credibility one attaches to such claims will in turn depend at least to some extent on one's preexistent commitment to the primacy of liberty. How one reads even mildly hypothetical facts—and certainly how one reads the wildly counterfactual "facts"—will itself tend to be a function of the ideologies to which he subscribes, and the values implicit in them. The circle of mutual reinforcement of value and empirical-but-difficult-to-verify claims is thus completed.

For example, in the debate over sex education in the schools, each side is genuinely convinced of its (wildly?) hypothetical claims about whether more, or less, explicit sex education will result in lower teen pregnancy rates. In the closely related debate over AIDS education, each side is genuinely convinced of its (wildly?) hypothetical claims about whether the spread of HIV is best slowed by educational materials urging abstinence, or by explaining and urging the use of condoms. And in the debate over the legalization of voluntary active euthanasia, each side is convinced of its (wildly?) hypothetical claims about whether more or less compassionate health care would result.

This tendency towards irreconcilability of differences between competing ideologies is sometimes aggravated even further by the role of even more theoretical (e.g. metaphysical, psychological, political, theological) considerations in the articulation of ideologies. An obvious case in point is the role of theological theory in the fundamentalist conservative's ideology. Those who believe, for instance, that all non-marital sex is contrary to God's will and out of step with the "natural order" of things, are more inclined to see human misery as its inevitable outcome. This naturally colors their interpretation of data on various sex-related issues, e.g. whether AIDS education which preaches abstinence is optimally effective for slowing the spread of HIV. Gay activists, on the other hand, accept quite different views from fundamentalist conservatives, not only about human sexuality (grounded in competing psychological theories), but also about the place of sex in the Good Life, and about the place of tolerance and sexual permissiveness in a society which meets their ideal—that is, a liberal society. Disparity about values here not only feeds on (and is fed by) different (wildly?) counterfactual commitments, but also by competing theoretical commitments in theology, and psychology (to name but two).

### Conclusion

If I am right in suggesting slippery slope arguments often function in public policy debate as the natural response of competing ideologies to developments which represent corruption or erosion of their competing visions of the good, several

puzzling points with which we began become intelligible. The first of these is the prominence of slope arguments in public policy debates. Because ideologies articulate *ideal* visions, their advocates naturally view public policy developments with an eye to the long term, and are inevitably alarmed by decisions which may initiate or accelerate what they view as undesirable trends. However to imply, as some informal logicians seem to have done, that all such arguments can be dismissed because nearly all slope arguments are fallacious, is either to overlook their centrality in public policy debates, or to take an extraordinarily skeptical view of such debates.

However I also claimed at the outset that such arguments frequently figure in such debates in a paradoxical way, simultaneously figuring at (or near) the core of the rationale of those who are advancing them against some proposed policy, and yet often being dismissed out of hand by those at whom they are directed. I have suggested this is so because they are the surface embodiments of ideological conflicts: to those who advance them they represent statements of fundamental concerns about perceived threats to the vision of the good which they embrace, while those at whom they are directed often do not share that vision, and may even embrace a competing ideology according to which the "threatened corruption" actually represents desirable progress.

In addition to the analytic component of my thesis about the nature of ideologies and their relation to slope arguments, there is also an empirical component. I have claimed that my analysis fits most occurrences of slope arguments in actual public policy debates. For this claim I've given only skimpy evidence. Even if more space had been available for me to address this claim, it would still remain for the curious reader to observe public policy debates, and to determine for herself the extent to which slope arguments actually do figure in them as I have suggested they do.

#### NOTES

- <sup>1</sup> See for example David Lamb, *Down the Slippery Slope: Arguing in Applied Ethics* (New York: Routledge, Chapman and Hall, 1987); James Rachels, *The End of Life*, (New York: Oxford 1986); or David Cole, "On Slippery Slopes" (unpublished, but available from David Cole, Department of Philosophy, UMD, Duluth MN 55812.)
- <sup>2</sup> Frederick Schauer, "Slippery Slopes," *Harvard Law Review*, 99, 1985, pp. 361-383.
- <sup>3</sup> Schauer argues that unless the instant case is intrinsically unobjectionable, a slope argument won't be needed, since it can be objected to on the basis of its intrinsic objectionability. This seems mistaken, however. People usually want all the arguments they can muster, especially when they are warning others against a course of action which they feel would be a mistake. Schauer is right, of course, that a slope argument focuses on derivative objectionability of I which ultimately resides in D.
- <sup>4</sup> The murkiness of these waters can hardly be underestimated. As Judith Martin has argued persuasively, gifts are by definition not a matter of entitlements and obligations. (See Judith Martin, *Miss Manner's Guide to Excruciatingly Correct*

*Behavior*, New York: Atheneum, 1982, pp. 521ff.) Yet, at the same time, much gift giving is embedded in expectations which are so well established socially (e.g. wedding gift giving) that they do seem to border on rules generating obligations and entitlements. Martin playfully refers to this network of well established expectations as “excruciatingly correct behavior” in the title of her etiquette book; she argues that these and other rules of etiquette are essential to a civilized society, and rightly sees it as part of her job *qua* arbiter of these rules to articulate and interpret them for those to whom they are unclear. This point about gift giving extends to other social interaction in which we may be tempted to provide kindnesses for others—e.g. kindnesses such as mowing an elderly neighbor’s lawn, or providing her with a ride to the supermarket. Martin captures the murkiness of all this in the lines with which she begins a chapter on presents: “Presents are never given because they are felt to be obligatory, but because people enjoy expressing their affection and appreciation in a tangible form. You choose a present when something catches your eye and suggests itself as a source of delight for a particular person. When you receive a present, your pleasure in it and in the feeling it symbolizes obliterates any awareness of its material worth. Do you believe this? Miss Manners is trying to.” (p. 521.)

- 5 I am indebted to my colleague, Loren Lomasky, for the insight about the role of “corruption” in slope arguments.
- 6 Howard Kahane, *Logic and Philosophy: A Modern Introduction* Fifth Edition (Belmont CA: Wadsworth, 1986) speaks of stronger or weaker inductive arguments, but this provides an analog to “valid” rather than to “sound.” He has also proposed “cogent” as a blanket term, but defines it in such a way that an inductive argument could be cogent even though its conclusion turned out to be false. An argument which is legitimate in my sense is not only (reasonably) strong and cogent—in addition, it “has a happy ending,” that is, it involves giving reasons for a claim that turns out to be true. And this, after all, is what people are concerned about when they are trying to decide whether or not to accept any given argument in real life situations.
- 7 Cole notes that “probably” is intransitive, since the probability of a series of steps is multiplicative, not additive. Thus, for instance, if the probability of each of 4 steps leading to the next is 80%, the probability of the first leading to the fourth is only  $(.80)^4$  or about 40%.
- 8 Daniel Maguire, *Death by Choice* (New York: Doubleday, 1974), pp. 131-140.
- 9 David Mayo and Marilyn Bennett, “The Role of Burden/Benefit Analysis in the Orchestration of Death in the ICU,” Stuart Youngner, (ed.) *Human Values in Critical Care Medicine* (New York, Praeger, 1986), pp. 35-62.
- 10 I say, “the logic of any argument” because I don’t mean to deny that often—all too often—people are persuaded by emotional appeals rather than logical ones. To the extent I am concerned about the strength—or legitimacy—of arguments, however, I am restricting our attention to the human capacity to respond to reason, and ignoring the capacity to ignore it.
- 11 It’s significant—and certainly ironic—that Falwell chose the name *Liberty Report* for the monthly publication of the Moral Majority.