

## Ombudsmen Must Use Logic

To be credible Ombudsmen must apply logic. All it will take is some practice, common sense, some general knowledge and the ability to actively listen and communicate ideas.

When we encounter a care provider's logical argument, for example, we must unravel the various premises and related conclusions. Next, we might try to classify the logic used. Is it inductive or deductive? Once we've done this we should begin to analyze the validity of the argument and whether or not the cause is related to the effect? Is the cause (premise) valid and true? Is there any fallacy or inconsistency in the provider's logic? We must avoid being deceived by unsound logic and we must, conversely, recognize sound logic.

Here is a list of a few widely used but invalid arguments:

**Attack the person** (abusive ad hominen): This is any type of argument where one party tries to attack the views of another by attacking his character, qualifications, personality or motives and not his logical position.

Example: "That Ombudsman doesn't know what she is talking about; she isn't a nurse. Just ignore her."

**Threat** (ad baculum): An ad baculum argument is any argument that employs a threat as though it were a reason for believing the conclusion.

Example: "You should stop bringing in all these complaints, because it keeps me from doing my job and the residents will suffer."

**Pity or sympathy** (ad misericordiam): Any argument that appeals to pity, rather than containing evidence having a direct bearing on the conclusion.

Example: "I know the food is cold, but we can't do better what with the low levels of Medicaid reimbursement that we get-it's a wonder we do as well as we do."

**Non sequitur** (Latin: it does not follow): The most blatant form of logical fallacy. The conclusion does not relate in any way to the argument.

Example: "The reason we experience so many falls in this facility is because of you government people and your troublemaking ways."

**Begging the question** (petitio principii): Any argument where the premise is just as unacceptable as the conclusion.

Example: "The family always knows best, so we agreed to comply even though it was against the resident's wishes"

**Absurd:** Oversimplification

Example: "Either Ombudsmen are unnecessary or all nursing homes are bad."

Note: This example is also an invalid dilemma. The dilemma is also a valid form of argument, but in this one both premise and conclusion represent ridiculously gross over-generalizations.

**Appeal to unsuitable authority** (ad verecundiam): Any argument which appeals to an inappropriate authority such as an admired person, a movie star, etc. In other words, an expert who isn't.

Example: Nursing home reform is good because Kirk Douglas says so.

Kirk is a great guy, and he's probably right about nursing home reform. But the need for nursing home reform is not linked to Mr. Douglas' star status.

**Black and white thinking** (perhaps the most common of all fallacies of irrelevance): This argument is very common in heated controversy. Usually the conclusion is related to the premise but the thinking is marked by a ridiculous extremity.

Example: "Well Mr. Know-It-All Ombudsman, so you don't like the fact that the soup is cold, do you? Well, I suppose you would be real happy if we served the residents scalding hot soup from now on!"

**Verbal dispute:** The verbal dispute is where the two individuals have different interpretations of the meaning of the same word or phrase. In the following silly scenario, the Ombudsman means one thing when she says "cut it out," but the doctor understands something entirely different.

Example: Ombudsman: "I would really appreciate it, Doctor if you would cut that out."

Doctor: "I won't. I know what's right and what isn't."

In this debate, the Ombudsman is referring to the doctor's tendency to smoke cigars while talking to residents, while the doctor is thinking that the Ombudsman is talking about the resident's appendix.

**Sales argument** (circumstantial ad hominem): In this argument the disputant tries to convince her opponent that there are good reasons to accept the conclusion, rather than to show how the conclusion is true.

Example: Ombudsman: "If you turn Mr. Martin at least every two hours you and I would get along a lot better; there would be much less friction in our relationship."

**Hidden assumption** (Fallacy of the complex question): This is a fallacy where the question is so lengthy and convoluted that even while it seemingly makes sense it contains an unjustified assumption.

Example: Adult foster care residents are lonely. Studies indicate that about half (52.4 percent, according to the Murdock study), claim to have friends who lived far from the adult foster care home. Only 16.5 percent reported having a friend who visited them even once a month. Only 14.4 percent actually left the home once a month to visit a special someone. Only 18.7 percent identified a family member who visited regularly. The data is clear: Adult foster care residents are invariably lonely.

Adult foster care residents are apparently a lonely group per se, but to say that they are "invariably" lonely is questionable-at best.

**Contradictory Argument:** This is a simple premise that is necessarily false.

Example: The resident is mentally ill because she dislikes human company.

**Missing points argument** (forgetful induction): The mistake here is that the disputant has not taken into account relevant available data. In other words the Ombudsman has not done her homework.

**Irrelevant derailing** (ignoratio elenchi, "fallacy of irrelevance"): Here one person tries to bring in irrelevant side issues to deflect the discussion from the main point of consideration.

Example: Ignoratio Ombudsii: I am here to see what you've been able to get done about Mr. Adam's dentures because you are well known to have been wrong on the previous transfer issue.

**Hasty induction:** Drawing a sweeping conclusion from weak evidence.

**Monte Carlo fallacy:** Here, the disputant tries to argue that because a specific incident has recently occurred less often than it has in the past that a reoccurrence is now past due and should be occurring again soon.

Example: Ignoratio Ombudsii (again): "Morton Manor is a chronic offender. They're always in trouble. Lately they've been doing a dam good job, but they're about due for another rash of violations and decertification actions-you can count on it!"

**Time-sequence fallacy** (post hoc, ergo propter hoc): Boy, do I love the Latin on this one! This is a logical error where someone infers that just because incident "A" happened after incident "B" that the two are necessarily related in a chain of cause and effect, when in fact incident "B" might be entirely unrelated to incident "A".

Example: The Ombudsman observes that Nurse Carmichael entered Mr. Ferdock's room at 8:45 am, and left shortly after performing some unknown treatment. At 9:45, precisely one hour later, the Ombudsman entered Mr. Ferdock's room and found him dead. The Ombudsman (our friend Ignoratio) inferred that the nurse had something to do with Mr. Ferdock's demise.

**Absurd reasoning** (reductio ad absurdum): Any argument that sounds logical but ends up with a ridiculous, or absurd conclusion.

Example: Major Premise: All men have two legs.  
Minor Premise: Daffy Duck has two legs  
Conclusion: Therefore, Daffy Duck is a man.

**Invalid Dilemma:** This can be a tough weapon to overcome. An invalid dilemma may sound very logical but it has within itself logical flaws which make it invalid. Basically, a dilemma is where your opponent presents you with two or more equally conclusive alternatives. Often your choice between these two options may be undesirable or at least very difficult. Some dilemma may be fair and true, but you must recognize and know how to reject the invalid dilemma.

Example #1: If Gateway Manor passes all parts of their survey, they'll stay in business. If Gateway Manor fails all parts of their survey, they will go out of business.

Dilemma: Gateway Manor will either pass or fail the inspection.

Therefore, Gateway Manor will either pass all parts of their survey or fail all parts of their survey.

Example #2: If he talks to Mrs. Meyerson he favors her. If he gives her his home phone number he favors her over other residents.

Dilemma: He will either talk to her or give her his phone number.

Therefore, the Ombudsman favors Mrs. Meyerson.

Example #3: If the Ombudsman takes the problem to the DNS she will correct it. If the Ombudsman takes the problem to the Administrator he will correct it.

Dilemma: The Ombudsman will take the problem either to the DNS or the Administrator.

Therefore, either the Administrator or the DNS will resolve the problem.

**Two wrongs make it right** (Tu quoque): We've been told since we were kids that this form of argument is invalid. Two wrongs don't make a right. Right! But you'd be surprised how often this argument is employed. For example, just because many facilities have a hard time answering their call bells in a timely manner doesn't mean that it is either a correct or safe practice. The fact is, the widespread failure to answer the call lights in many nursing facilities is no defense whatsoever.