

The Pragma-dialectical Analysis of the *Ad Hominem* Fallacy

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1. THE “STANDARD TREATMENT” TODAY

The most popular contemporary North American introductory logic texts treat the *argumentum ad hominem* as a generic fallacy, divided into three species—*ad hominem* abusive, *ad hominem* circumstantial, and *tu quoque* (Hurley 2003: 118-121; Copi & Cohen 2002: 143-145). Hurley characterizes the genus as the fallacy of responding to someone’s argument by directing attention to its author (Hurley 2003: 118), Copi & Cohen as fallacious abuse, direct or indirect, of one’s adversary (Copi & Cohen 2002: 145).

The abusive *ad hominem* responds with direct verbal abuse; it is said to be a mistake because possession of a stigmatized trait is irrelevant to whether the premisses of its possessor’s argument support its conclusion (Hurley 2003: 118) or the argument is correct (Copi & Cohen 2002: 143). Copi & Cohen extend the concept to direct abuse in response to a statement, which they claim to be a fallacy

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because the author's character is logically irrelevant to the truth or falsehood of the statement. We may take as a real-life paradigm of the abusive *ad hominem* an exchange in the Canadian House of Commons in 1970, cited by Walton (1985: 203-204). The prime minister was asked if he would consider using a certain government plane, the Jet-star, to send an information-gathering team to Biafra. He responded as follows:

Mr. Trudeau: It would have to refuel in the middle of the Atlantic Ocean...

Mr. Hees: On a point of order, Mr. Speaker, I bought the plane for the government and I know it can make the flight with the proper stops on the way...

Mr. Trudeau: I do not think it would have to stop if the hon. Member went along and breathed into the tank.

The prime minister insinuates that Mr. Hees is habitually drunk. We may question our textbooks' treatment of such direct personal attacks. It is not at all obvious that the prime minister has alluded to the alleged drinking habits of Mr. Hees in order to show that the conclusion of Mr. Hees' argument does not follow from its premisses, or in order to show that his argument is incorrect, or in order to show that his statement is false.

The circumstantial *ad hominem* alleges that the opponent is predisposed to argue as he or she does (Hurley 2003: 119; Copi & Cohen 2002:145), whether because of self-interest or because of dogmatic bias. Copi & Cohen consider it a fallacy to attack any argument on the ground that its author is self-serving. They implicitly take such allegations as arguments that the opponent's argument is bad:

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“The arguments in favor of a protective tariff (for example) may be bad, but they are not bad because they are presented by a manufacturer who benefits from such tariffs” (Copi & Cohen 2002:145). Similarly, Hurley interprets the circumstantial *ad hominem* as an argument that the opponent’s conclusion does not follow from the opponent’s premisses: “... the fact that the Dalai Lama happens to be affected by these circumstances [that he wants to return to Tibet as leader—DH] is irrelevant to whether his premisses support a [*sic*] conclusion” (Hurley 2003: 119) The circumstantial *ad hominem* is also called an “indirect personal attack” (Van Eemeren & Grootendorst 1992a: 111) and “bias *ad hominem*” (Walton 1998). As a real-life paradigm, let us take the following sentence, which was displayed on a PowerPoint slide at a public meeting in August 2005 as part of a presentation on global climate change: “Almost all criticisms of global climate predictions are backed by people with much to lose if policies are changed.” This sweeping allegation of bias has the advantage as an example that the present author had an opportunity to learn from its author what his intention was in displaying it. We shall see that the textbooks’ account of the intent behind a circumstantial *ad hominem* is incorrect in this case.

The *tu quoque* cites features in the life or behaviour of an arguer that conflict with the arguer’s conclusion; it is said to be an attempt to show that the opponent is arguing in bad faith. Again, the explanation of why such an attempt is a mistake presupposes that it is an attempt to show that the opponent’s premisses do not support the opponent’s conclusion: “whether the parent stole candy [as a kid—DH] is irrelevant to whether the parent’s premisses support the conclusion that

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the child should not steal candy” (Hurley 2003: 119). Copi & Cohen (2002: 144) treat the *tu quoque* as a special case of a fallacious appeal to consistency; the fact that some circumstance requires a person to accept a conclusion, they explain, is irrelevant to whether it is true. We may take as our paradigm real-life case of the *tu quoque* the following passage quoted by Engel:

I am a Newfoundlander, and I cannot help but feel some animosity toward those people who approach the seal hunt issue from a purely emotional stance. Surely this is not the way they look in their butcher’s freezer, when they are looking for pork chops. Yet the slaughtering method approved by the Department of Health officials for swine is hideous, and nowhere near as humane as the dispatching of a young seal. (Engel 1994: 31)

Here again it is not clear that the appeal to the supposed pork-eating habits of emotional critics of the Newfoundland seal hunt is intended either to show that the critics’ argument against the seal hunt has a bad inference or to show that the seal hunt should be allowed. That is, the way these two textbooks characterize the fallacy seems implausible when one looks at a real-life example like this.

The two cited textbooks have thus preserved into the 21st century the “standard treatment” of the fallacies, characterized by Charles Hamblin as “debased, worn-out and dogmatic” (Hamblin 1970: 12). They stick to the conception of a fallacy as an argument that seems valid but is not, and they illustrate their analyses with examples that are either obviously contrived and unrealistic or realistic but implausibly interpreted. Our three real-life paradigms indicate how implausible are the interpretations of the *ad hominem* fallacy in the

standard treatment.

2. PRAGMA-DIALECTICS ON FALLACIES

Hamblin proposed to incorporate what was valuable in the fallacies tradition as part of a new branch of logic which he called “formal dialectic”. Formal dialectic is the study of rule-governed systems of back-and-forth discussion. Fallacies would be analyzed in relation to a particular dialectical system as violations of its rules. Van Eemeren and Grootendorst (1984, 1992a, 2004) have taken up this idea and combined it with a pragmatic conception of argumentation as a speech act of asserting a proposition in support of a point of view—hence the label “pragma-dialectical” for their approach. Such acts are to be analyzed as if they were occurring in a critical discussion, a normative model for the rational resolution of expressed differences of opinion. Fallacies are to be construed as violations of the rules for such a discussion (Van Eemeren & Grootendorst 1984: 189, 1992a: 104, 1995b: 136, 2004: 162), of which there are 17 in the earlier and still canonical version (Van Eemeren & Grootendorst 1984: 151-175), 10 in the later simplified version (Van Eemeren & Grootendorst 1992a: 208-209), and 15 in the most recent version (Van Eemeren & Grootendorst 2004: 135-157). Each rule is conceived as a necessary condition for the resolution of a dispute about an expressed opinion, where resolving a dispute means “reaching agreement about the acceptability or

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unacceptability of the standpoints at issue by finding out whether or not they can be adequately defended by means of argumentation against doubt or criticism” (Van Eemeren & Grootendorst 1992a: 34). Thus a fallacy, as a violation of one such rule, makes the resolution of a dispute impossible.

A critical discussion has four stages: confrontation, opening, argumentation, concluding (Van Eemeren and Grootendorst 1984: 85-88, 1992a: 34-37, 2004: 57-62). At the *confrontation stage* one participant expresses a point of view and another either casts doubt on it or contradicts it. At the *opening stage* the two participants decide to try to resolve the dispute that has arisen at the confrontation stage. One of them agrees to assume the role of protagonist, i.e. to defend a point of view expressed in the confrontation stage or its contradictory, and the other agrees to assume the role of antagonist, i.e. to challenge the protagonist to carry out this defence. The two agree on the procedural rules for the subsequent discussion and on substantive starting points. At the *argumentation stage* the protagonist puts forward arguments for the point of view being defended, and the antagonist requests further argumentation whenever the antagonist has a doubt about the acceptability or justificatory adequacy of an argument—a process that can be repeated indefinitely. At the *concluding stage* the parties establish whether the dispute has been resolved in favour of the protagonist (by the success of the protagonist’s argumentation in removing all the antagonist’s doubts) or has been resolved in favour of the antagonist (by the protagonist’s retraction of the point of view being defended) or is unresolved.

Because the model of a critical discussion includes rules for all its

stages—confrontation, opening and conclusion as well as argumentation—the correlative theory of fallacies is broader than the traditional conception of a fallacy as an argument that seems valid but is not (Hamblin 1970: 12). Resolution of a dispute can be blocked not only by mistaken inferences from premisses to conclusion but also by misconduct in the initial expression of a disagreement, in the assignment of roles and starting points for its resolution, or in the summing up of the result of the discussion. Thus the pragma-dialectical approach proposes alternative analyses to the standard treatment of many traditionally recognized fallacies as inferential errors. The *argumentum ad hominem* is a case in point.

3. THE *AD HOMINEM* FALLACY: GENERAL ANALYSIS

Van Eemeren and Grootendorst use the phrase *argumentum ad hominem* exclusively as the name of a fallacy. In this respect, their approach differs from that of Douglas Walton, who identifies a number of schemes of *ad hominem* argument, each of which can have legitimate instances, depending on how the critical questions associated with the scheme in question are answered; instances are fallacious if they answer to a critical question wrongly or not at all (Walton 1985, 1992, 1998). The pragma-dialectical approach also differs from that of Alan Brinton, who defends the abusive *ad hominem* from a rhetorical point of view as not being fallacious at all, but a legitimate attack on the *ethos* of the opponent

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(Brinton 1985, 1995)

Van Eemeren & Grootendorst share with the standard treatment of our two contemporary textbooks the characterization of the genus of the *argumentum ad hominem* as an attempt by a discussant to compel agreement with the discussant's point of view by discrediting the other party rather than responding to the other's point of view or argumentation (1984: 190, 1992a: 110, 1995a: 225, 2004: 177). Here they may still be unduly influenced by the assumption of the standard treatment that a fallacy is a mistaken argument for a conclusion. On the pragma-dialectical conception, one can treat other sorts of derailments of rational discussion as fallacies, and our real-life examples indicate that the *argumentum ad hominem* is a good candidate for being such a different kind of derailment. In our example of an abusive *ad hominem*, Trudeau is not so much trying to compel agreement with his position that the plane under consideration would have to refuel in mid-Atlantic as trying to divert attention from exposure of his mistake. In our paradigm circumstantial *ad hominem*, the speaker on global climate change is not so much trying to compel agreement that the predictions of the climatologists' models are correct as trying to put his audience on guard against the critics of those predictions. And in our paradigm *tu quoque*, the defender of the Newfoundland seal hunt is not so much trying to compel agreement that the seal hunt should be permitted as trying to point out an inconsistency in the emotional critics of the seal hunt and thus to undermine the cogency of their argument. It is a happier characterization of the error common to the varieties of the *argumentum ad hominem* that it improperly harms one's collocutor's position as a serious partner in the discussion (Van

Eemeren & Grootendorst 1992b: 153).

Van Eemeren and Grootendorst also share with our textbooks' standard treatment the threefold division of the genus (Van Eemeren & Grootendorst 1984: 190, 1992a: 111, 2004: 177). In the abusive *ad hominem* as they understand it, the opponent is made out to be stupid, dishonest, unreliable, or otherwise negative. In the circumstantial *ad hominem*, the proponent tries to undermine the opponent's position by suggesting that the supporting argumentation for it is just a rationalization of self-interest. In the *tu quoque*, one party claims that the other party inconsistently both defends and attacks the same point of view, either by explicit statement or by behaviour or by adherence to some principle. They note that the abusive and the circumstantial *ad hominem* are addressed to a third party of spectators rather than to the discussant, and are thus intrinsically rhetorical rather than dialectical devices (Van Eemeren & Grootendorst 1984: 191)—a point scarcely mentioned in the rest of the literature on the *ad hominem*. As they also note, the *tu quoque*, although in itself dialectical, can be used in the presence of a third party to try to silence the discussant.

There is an interesting development in their analysis of the fallacy. In (Van Eemeren & Grootendorst 1984) they treat the abusive and circumstantial *ad hominem* as violations of a rule at the opening stage, and the *tu quoque* as having two species which violate rules at the argumentation stage and the concluding stage respectively. In later work, they treat all the species of the *argumentum ad hominem* as violations of a single rule at the confrontation stage. We will need to evaluate both analyses.

4. SPECIFIC ANALYSIS: FIRST VERSION

In (Van Eemeren & Grootendorst 1984) they treat the abusive and circumstantial *ad hominem* as violations of the following two rules for the conduct of the opening stage:

Rule 4

A language user who has cast doubt on the other language user's point of view at the confrontation stage of the discussion is at all times entitled to challenge that language user to defend his point of view. (Van Eemeren & Grootendorst 1984: 158, italics in original)

Rule 5

The language user challenged by the other language user to defend the point of view that he has advanced at the confrontation stage of the discussion is always obliged to accept the challenge, unless the other language user is not prepared to tie himself down to certain commonly shared starting points and rules of discussion; the language user retains this defence obligation as long as he does not retract his point of view and as long as he has not successfully defended it against the other language user on the basis of the starting points and discussion rules agreed to. (Van Eemeren & Grootendorst 1984: 160, italics in original)

They construe the allegations of bad character, self-interest or bias to be offered as

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a reason for not accepting the other party's challenge to defend an expressed point of view (Van Eemeren & Grootendorst 1984: 192). But rule 5 does not recognize such defects as a valid reason; the only circumstances that relieve someone from defending an expressed point of view against a challenge are (1) unwillingness of the challenger to agree to commonly shared starting points and rules of discussion, (2) retraction by the person challenged of the previously expressed point of view, and (3) successful defence of the point of view against the challenger on the basis of agreed starting points and discussion rules.

This analysis is sketchy and unsupported by application to examples. The kernel of truth in it is that authors of abusive and circumstantial *ad hominems* often decline to defend their point of view on the question at issue. But not always, nor is refusal to defend one's point of view a component of the definition of these two species of the *ad hominem*. In fact, the author of an abusive or circumstantial *ad hominem* need not have expressed a point of view on the question at issue. Admittedly, in our paradigm case of an abusive *ad hominem*, Prime Minister Trudeau has expressed a point of view, and his diversionary allusion to his challenger's drinking habits enables him to evade defence of that point of view; in fact, if Trudeau had not ridiculed his challenger, he would have had to admit that his challenger was correct and Trudeau was wrong. But Copi and Cohen (2002: 144) give as a (real) example of an abusive *ad hominem* the castigation of a forensic scientist as a racist because of the conclusions he reached; the author of this abusive *ad hominem* need not have articulated rival conclusions. In our paradigm case of a circumstantial *ad hominem*, the speaker on global climate change hardly refused

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to defend his point of view that predictions of global climate change were correct; in fact, the body of his hour-long presentation was a detailed defence of the predictions, with an explanation of the complex mechanisms involved. Asked in the question period what conclusion he wanted the audience to draw from his statement, “almost all criticisms of global climate predictions are backed by people with much to lose if policies are changed,” he replied: “They are not motivated by a scientific interest in the truth.” In later correspondence, in response to my suggestion that this sort of circumstantial *ad hominem* is typically intended as a warning that the opponent’s argument should be scrutinized very carefully, he responded: “Exactly! That was the point I wanted to get across to the audience, and that is why I stated explicitly that they should note the affiliation of an author as well as the quality of the citations provided.” Thus the abusive and circumstantial forms of the *ad hominem* are better conceived as attempts to prevent someone who has expressed a point of view from having that point of view and its supporting argumentation attended to, or at least to induce their addresses to be especially sceptical about the opponent’s arguments. The analysis in (Van Eemeren & Grootendorst 1984) must be regarded as a failed initial attempt.

The early analysis of the *tu quoque* differs according to whether the target’s statement is alleged to be inconsistent with another statement in the same discussion or with something outside the discussion, whether a previous statement or behaviour. An allegation of inconsistency with another statement in the same discussion is analyzed as a violation of the following two rules for the conduct of the argumentation stage:

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Rule 7

Before the start of the argumentation stage of the discussion the language users who during the argumentation stage are to assume the roles of protagonist and antagonist agree what rules are to govern the protagonist's defence of his initial point of view and the antagonist's attack on that point of view, what rules determine whether a protagonist has successfully defended his point of view and what rules determine whether the antagonist has successfully attacked it; these rules apply throughout the discussion and may not be questioned by either party during the discussion itself. (Van Eemeren & Grootendorst 1984: 163-164, italics in original)

Rule 9

The protagonist has successfully defended an illocutionary act complex of argumentation against an attack by the antagonist on its propositional content if the application of the IIP [Intersubjective Identification Procedure—DH] produces a positive result and, if it does not, if the application of the ITP [Intersubjective Testing Procedure—DH] produces a positive result;

the antagonist has successfully attacked the propositional content of the illocutionary act complex of argumentation if applying neither the IIP nor the ITP produces a positive result. (Van Eemeren & Grootendorst 1984: 168, italics in original)

To challenge a statement by the protagonist that the Intersubjective Identification

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Procedure identifies as a shared starting point is to violate the requirement of rule 7 that during the discussion neither party can question rules agreed to at the opening stage, and thus to prevent the protagonist from successfully defending the propositional content of the statement by using the IIP according to rule 9a (Van Eemeren & Grootendorst 1984: 191)

This analysis assumes that the statement challenged by the antagonist has been agreed to at the opening stage as a common starting point. Its application to argumentative texts and conversations seems problematic, since an alternative and more plausible analysis of a charge of inconsistency within the same discussion is that the accuser has never accepted the statement that provokes the charge. Suppose that an environmentalist agrees that it was reasonable to vaccinate United States residents against swine flu in 1976, but subsequently argues against genetically modified foods on the basis of the precautionary principle (that it is better not to carry out an action with uncertain, but possibly very negative, consequences). A critic may object that the precautionary principle is inconsistent with accepting vaccination against swine flu as reasonable. Does the critic thereby commit a *tu quoque* fallacy? Charged by a pragma-dialectical analyst with having done so, the critic may plausibly reply that there was never any agreement between the critic and the environmentalist to accept the precautionary principle. It seems that, although theoretically possible, the mistake involved in the first sort of *tu quoque* can so rarely be fairly attributed to actual discussants that it does not deserve mention in a list of fallacies.

The second sort of *tu quoque*, an allegation that a discussant's statement

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is inconsistent with something said outside the discussion or with the discussant's behaviour, is analyzed as a violation of the following rule of conduct for the concluding stage:

Rule 17

- a. *The protagonist is obliged to retract the initial point of view if the antagonist has (while observing the other rules of the discussion) sufficiently attacked it (in the manner indicated in rule 12) at the argumentation stage;*
- b. *the antagonist is obliged to retract his doubt about the initial point of view if the protagonist (while observing the other rules of the discussion) has sufficiently defended it (in the manner indicated in rule 12) at the argumentation stage;*
- c. *in all other cases the protagonist is not obliged to retract the initial point of view and the antagonist is not obliged to retract his doubt about the initial point of view. (Van Eemeren & Grootendorst 1984: 174; italics in original)*

An author of the second sort of *tu quoque* who means by it to force the opponent to retract the statement that provokes the charge of inconsistency violates clause c of this rule (Van Eemeren & Grootendorst 1984: 192). Thus the defender of the Newfoundland seal hunt cannot allude to the pork-eating habits of the hunt's emotional critics, since the critic's pork-eating behaviour lies outside the discussion.

Again, the application of this analysis to actual argumentative texts might

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be problematic. Application of the ideal model of a critical discussion involves considerable interpretation as to what has been agreed to at the opening stage. The defender of the Newfoundland seal hunt might well respond to the pragmatic-dialectical analyst who charges him with having committed a *tu quoque* fallacy that there is an implicit antecedent agreement between him and his critic (at the opening stage) that eating meat is morally acceptable. Thus, he might say, his charge of inconsistency is perfectly legitimate, especially since there was no agreement at the opening stage on any principle that would imply that the seal hunt is barbaric.

5. SPECIFIC ANALYSIS: SECOND VERSION

Perhaps in the light of the awkwardnesses in their initial analyses of the *argument ad hominem* as a fallacy, Van Eemeren and Grootendorst subsequently adopted a simpler common analysis of all its species as violations of a rule for the conduct of the confrontation stage. The rule in question is the following:

Rule 1: *Parties must not prevent each other from advancing standpoints or casting doubt on standpoints.* (Van Eemeren & Grootendorst 1992a: 208, italics in original; cf. Van Eemeren & Grootendorst 1984: 155 [rule 2 in the earlier list])

According to the new analysis, all three forms of personal attack effectively silence their target, preventing advancement of a standpoint or criticism. The abusive *ad*

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hominem assumes that a stupid or bad person cannot have a correct opinion or justified doubts, the circumstantial makes a similar assumption about a biased person, and the *tu quoque* assumes that a statement inconsistent with previous commitments of its author is incorrect (Van Eemeren & Grootendorst 1992a: 111-112). These three assumptions are all incorrect, and thus the use of the *argumentum ad hominem* is a fallacy.

In company with other authors, including authors of many logic textbooks, Van Eemeren and Grootendorst note that personal attacks are not always fallacious. They are relevant, for example, if the standpoint at issue concerns the person of one's opponent, e.g. whether he is a suitable candidate for a certain position, or if a witness is testifying in a legal case (Van Eemeren & Grootendorst 1992a: 113-114). A great advantage of their analysis is that such relevant personal attacks are clearly distinguished from the fallacious *argumentum ad hominem*, since they are not an attempt to silence an opponent in a critical discussion.

In the new analysis of the *tu quoque*, Van Eemeren and Grootendorst again distinguish sharply a statement's inconsistency with its author's prior commitments outside the discussion from its inconsistency with commitments made inside the discussion. Perhaps for the reason given in the preceding critique of their earlier analysis, they no longer view the allegation of intra-discussion inconsistency as a fallacy, but instead regard it as "a highly relevant contribution to the resolution process" (Van Eemeren & Grootendorst 1992a: 114). But any allegation of inconsistency of a statement made in a critical discussion with its author's statements or behaviour outside the discussion is in their view a fallacy.

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There are legitimate questions about the plausibility of their new analysis of the *tu quoque*. They themselves acknowledge the difficulty in practice of determining in real life where one discussion begins and another ends. A further difficulty is that the *tu quoque* is only indirectly an attempt to silence the author of the challenged statement. Its more direct function, as Whately pointed out (1827: 192), is to shift the burden of proof from the challenger to the statement's author. In our paradigm case, the defender of the seal hunt tries to put its emotional critics in the position of having to reconcile their pork-eating habits with their opposition to the seal hunt. The attempt to shift the burden of proof is an attempt not so much to silence the opponent as to put the opponent on the defensive. If the opponent's commitment that generates the inconsistency is a standing one, such as a commitment to some political or religious ideology, it seems artificial to label the *tu quoque* charge a fallacy on the ground that it was not made within the current discussion. If it is not a standing commitment, but is for example a previous position that the opponent has retracted prior to the present discussion, then the fallacy appears to be a violation of the rule at the argumentation stage that restricts participants in a critical discussion to starting points agreed to at the opening stage.

A further difficulty with the new analysis is that the assumptions attributed to the three forms of personal attack are stronger than is necessary to explain their intended relevance, and thus uncharitable. An abusive *ad hominem* is a rhetorical tactic, designed to divert the attention of a third party (the audience) from the positions and arguments of one's opponent. It need not assume that a person with the alleged faults cannot have a correct opinion or justified doubts. If read as an

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argument, it is an argument for the implicit conclusion that it is not worth listening to the opponent on the issue under discussion. Such an argument assumes that it is not worth listening to someone with the alleged faults on an issue of the type in question. One could back up such an assumption in various ways, for example by claiming that people with the alleged faults are quite likely to distort the truth on issues of that type, even to the extent of inventing or lying, and that the audience would find it difficult to detect such distortions. Backing of this sort is much weaker than the assumption that such people cannot have a correct opinion or justified doubts. It might or might not be justified, depending on the nature of the fault and the nature of the issue. In our paradigm case, it seems quite certainly unjustified; the drinking habits of Trudeau's challenger do not undermine his appeal to direct personal knowledge that Trudeau's claim is mistaken.

A circumstantial *ad hominem* likewise needs a weaker assumption. If it is construed as an argument that the opponent should not be listened to on the issue in question, it assumes that anyone with the specified bias should not be listened to on that type of issue. One could back up this assumption in a way similar to that just pointed out for the abusive *ad hominem* argument. It is enough that people with the specified bias are likely to distort the truth on issues of that sort in ways that their audience will find difficult to detect. The author of a circumstantial *ad hominem* need not assume that the opponent cannot have a correct opinion or have justified doubts.

The *tu quoque* likewise need not assume that a statement inconsistent with its author's previous commitments is incorrect. The function of the *tu quoque*, as

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Van Eemeren and Grootendorst rightly point out, is to question the opponent's trustworthiness as a source of advice or information on the question at issue. The fact that someone simultaneously commits themselves to incompatible positions on a question is surely reasonable grounds for hesitating to accept their position—who knows what it is? But, contrary to the claim of Van Eemeren and Grootendorst, pointing out an apparent inconsistency in someone's commitments does not foreclose further discussion. As Whately pointed out, it shifts the burden of proof to the opponent, who must either show that the inconsistency is merely apparent or retract a commitment. The *tu quoque* on this analysis seems like a legitimate tactic.

There is a further difficulty in the application of the new analysis to real-life argumentation. If someone charges the author of a position or argument with some defect of character or intellect, or with rationalization of self-interest, or with inconsistency, and the aim of this charge is to undermine the credibility of that person with a third party, how are we to determine whether the two parties are in fact participating in a critical discussion? The *argumentum ad hominem* as Van Eemeren and Grootendorst conceive it is a fallacy only if it occurs in a critical discussion. But the various forms of personal attack that they stigmatize as a fallacy may in fact have the function of indicating that the person attacked is not an appropriate interlocutor for a critical discussion. There is no reason in principle why an argument to this effect may not be reasonable.

6. CONCLUSION

Thus the pragma-dialectical treatment of the *ad hominem* fallacy is clearly superior to the standard treatment in its recognition of mistakes of reasoning other than using an invalid form of argument. But both the earlier and later analyses seem still tied to the assumptions of the standard treatment, and in need of further development.

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