ISSA Proceedings 1998 – Acts Of Argumentation: Beyond Spoken Dialog

1. Introduction: four approaches to argumentation

Theories, or treatments or conceptions of argumentation form three large classes which I will call the formal-logical, the dialectical and the rhetorical.

Formal-logical treatments take argumentation to be a structure of propositions whose truth relations are the only concern of a disembodied Pure Reason. The formal-logical approach to argumentation consists in classifying forms of argument as valid or invalid, assuming that every argument has a readily determined form and declaring each argument valid if it has a valid form, invalid otherwise. That is all you do. Ten zillion logic texts exemplify this approach. But it is true that some inferences are invalid and this can be good to know.

Dialectical accounts, pioneered by Hamblin (1970), take argumentation to be a rule-governed two-party game with claims, in which the aim of one or both parties is to secure the acceptance by the other of some specific claim. The dialectical approach to argumentation improves on the formal-logical approach in recognising argumentation to be action. The recent book of Van Eemeren, Grootendoorst, Jackson and Jacobs (1993) illustrated how the concept of speech act helps us understand argumentative norms other than truth conditions.

The leading concept in a rhetorical approach is the audience. Rhetorical conceptions take argumentation as attempts at rational persuasion of various audiences. In realistically highlighting the persuasive rationale for argumentation and the multifariousness of real examples, rhetorical approaches tend to be open to platonic charges of being concerned with success, not cogency. Crosswhite (1996) is a recent example of this approach.

I will argue for a still more realistic approach to studying argumentation, in two specific respects. My main point is that something more than a shift to rhetorical accounts is needed, specifically, we need more fully pragmatic accounts which observe the material realities introduced into argumentation by writing; that is, we need to take account of the fact that much important argumentation is

necessarily written. My secondary point is that a pragmatic perspective demands recognising that much important real argumentation is multi-party – it involves many more participants than two. I will sketch an argument for these two rather general claims via a discussion of ad hominem argument.

2. Are ad hominem arguments fallacious?
Consider the following letters to the editor of *The Age*, a Melbourne newspaper, one day in February this year:
1.
Pardon?
John Howard states that Kim Beazley is a failed Finance Minister and a failed Employment Minister. Is Australia's worst Prime Minister the most appropriate person to make such an assessment?
Colin Cleary, Epsom
2.
What makes an expert?
The loss of Walter Mikac's family was tragic beyond words, but it is sheer emotionalism to imply this gives him technical expertise in the field of effective firearms regulations.
Chris Armstrong, Ringwood North

These are examples of what is commonly called the fallacy of ad hominem argument, or attacking the person. It is common in politics. More weighty examples can readily be given, if less crisply: some discussions of Heidegger's alleged nazism, much discussion of Bill Clinton's alleged sex life, the marxist idea of ideology which has it that the claims of capitalists can be rejected at once since they merely express their economic interests.

Text-book treatments of fallacy are pretty much agreed that ad hominem argument consists in attacking the person instead of their claims; that ad hominem is a fallacy of relevance, although there are exceptional cases where it is not; and that we should distinguish two main kinds, the so-called circumstantial and abusive ad hominems, and sometimes in addition the tu quoque and poisoning the well. None of this is very satisfactory, but some better discussions have been given recently outside the textbooks.

In a recent anthology which overviews the current state of debate in fallacy theory (Hansen and Pinto 1995) there is not one but two definitive treatments of ad hominem. They come to apparently different conclusions:

"It is a legitimate form of argument and is logically acceptable in many, perhaps most, of its actual occurrences. " (Brinton 1995 : 222) "... a personal attack is always a violation of the first rule for critical discussion. It is therefore, without any exception, a fallacy" (Van Eemeren and Grootendoorst 1995 : 226).

Brinton allows that some examples given are clearly very bad arguments, though he thinks generally these are logicians' inventions. But he denies that ad hominem is a fallacy at all. Van Eemeren and Grootendoorst declare that it is always fallacious. But there is no real disagreement here, despite appearances. The Dutch authors allow that there is a use of the term 'ad hominem argument' for personal attacks which may or may not be incorrect, and that it may be a legitimate countermove against misuse of appeal to authority. But these are not exceptions to their claim, because they have defined fallacy to mean breach of a rule of "critical discussion", and contexts in which discussions are aimed toward victory do not count as critical discussions in their technical sense. Brinton says that uses of ad hominem are most commonly to be found in deliberative contexts, which following Aristotle he takes to be concerned with public oratory about what to do, not what to believe.

May we split the difference then, and say that there is one class of argumentative contexts – Brinton's deliberative contexts – in which ad hominem is not a fallacy and is generally a good move, though, as he convincingly shows, this is a matter of degree; and another class of argumentative contexts – Dutch critical discussions – in which it is always a fallacy ? I do not think so. I think a closer examination of what ad hominem argument consists in will lead us to agree with Brinton, to suggest that the pragma-dialectical model of argument should be regarded as of very limited applicability, and that its attempt to redefine 'fallacy' should be rejected.

3. Ad hominem argument is not dialog
We have ad hominem argument when one person, the Proponent, makes some Claim, and someone else objects by adumbrating some consideration about the Proponent. I will call this second person the Adhominiser. In example (1), Howard makes a claim and Cleary objects that Howard is Australia's worst prime minister. In example (2), Mikac advocates certain gun laws and Armstrong suggests that Mikac's only claim to attention is victimhood.. Brinton correctly makes the fundamental point that what is under attack in such cases, is really neither the Proponent nor the claim made but the Proponent's advocacy of that claim. The

issue raised by such a move is whether the Proponent should be regarded as authoritative about matters such as the claim. This is quite clear for both my real life examples. Cleary questions Howard's authority over claims about ministerial capacity, Armstrong questions Mikac's authority over claims about gun control. Cases where the Adhominiser takes their point about the Proponent to refute the claim are rare and would indeed be examples of the fallacy of ignoratio elenchi. In my case (2) this might consist in Armstrong's claiming that the laws which Mikac supports must be bad because he is no expert. Brinton dismisses such arguments as logicians' inventions, so crudely stupid as to virtually never occur in reality, though perhaps he exaggerates a little here. Of course, even properly directed attacks can be bad – because the consideration is not correct, or because it is irrelevant: but it is its irrelevance to the Proponent's advocacy of the claim, not to its acceptability, that counts, and that can be a matter of degree.

Van Eemeren and Grootendoorst say that ad hominem breaches the very first rule of critical discussions, which is that "Parties must not prevent each other from advancing standpoints or casting doubt on standpoints" (Van Eemeren and Grootendoorst 1995 : 224). But, they say, ad hominem violates this rule and attempts to "rule out [the subject of attack] as a serious discussion partner" (ibid 225). It is not fallacious because it is irrelevant, as the text-books say, but because always "it hinders, or sometimes even prevents, the resolution of a difference of opinion" (ibid 228).

Now I agree with Van Eemeren and Grootendoorst that in critical discussion in their sense, ad hominem argument, if used, would generally hinder, or sometimes even prevent, the resolution of a difference of opinion. In fact this is true in a wider class of two-party argumentative contexts. Although many amicable two party critical discussions, in the ordinary sense of the words, are cases where at least one party is trying to convince the other, so that these are not critical discussions in the technical sense, yet even in such cases, ad hominem argument is usually a bad move. But that is not because it breaches a rule. It is a bad move because cases where the Proponent will resile from a previously advocated claim, just because the Adhominiser points out to the Proponent some other claim about the Proponent, are rather rare. Generally, the Proponent is well aware of the second claim (when it is true) and sees it as no reason not to advocate the first claim – or else would not have already done so! And even then, we can find cases where it might be a valuable and even accepted move – for example, where the Adhominiser reminds the Proponent of having a poor memory for details of the

kind assumed in the initial claim.

In such a case, the Adhominiser is treating the proponent as a discussion "partner"; for other considerations about the Proponent this might seem not to hold, if the Proponent thought it false or hurtful. But Brinton's analysis shows that to be mistaken because what is generally attacked is the Proponent's advocacy of the specific claim made. This is different from dismissing the Proponent as a serious discussion partner in two ways. First, it is much more specific – is the Proponent in a position to claim what was claimed? Moreover, this gloss of rule 1 – dismiss as a discussion partner – substitutes something vaguer for the term "prevent" in the rule as given – the Adhominiser has not prevented the Proponent from claiming what was already claimed, and need not by this move prevent the Proponent from advancing other claims. Second, it is directed not to the Proponent but to someone else: what the Adhominiser is doing is trying to get third parties to ignore some of the Proponent's claims.

In neither of my examples does the Adhominiser address the Proponent, but the same third party that the Proponent did – in both these cases, the Australian public, or rather an Australian public. This seems to me to be typical of ad hominem arguments. I don't deny that there are genuine cases of ad hominem moves in two party discussions, but I see no reason to think them typical. The question raised is partly an empirical one: how many contexts of ad hominem are Dutch-style two-party critical discussions? Some certainly are. Many philosophical conversations are. But most argumentation is not. In fact it seems to me that the Dutch idealisation of argumentation into critical discussion makes it inapplicable to almost all argumentative contexts. It is not obviously an ideal to which we should unfavorably compare argumentation in other contexts. Why should I not try to convince you I am right? Is that irrational? Yet if I do, I am not conducting a critical discussion and most of my actions become fallacies. Van Eemeren and Grootendoorst themselves allow that something called attacking the person goes on elsewhere and may or may not be acceptable. But we need the concept of fallacy for all those contexts elsewhere too, such as Brinton's deliberative ones. In any case, are genuine two-party critical discussions, animated by a co-operative spirit not an agonistic one, bound by rules at all? Is it a rule I observe in not attacking the person with whom I am discussing, rather than debating, some philosophical point? I think not. There certainly are argumentative contexts of the kind which Van Eemeren and Grootendoorst want to model, but they seem to me to be precisely those situations where no rules apply.

Be that as it may, the essential point is that the typical ad hominem argument is directed by its maker not to the Proponent whom it characterises, but to a third party, generally the same party that the Proponent originally addressed. This third party is generally a public – an indefinitely large aggregate of possible Respondents, of which the Adhominiser may or may not have been a member. Howard's remark about Beazley was to the Australian public via Parliament and hence only incidentally addressed to Cleary; Cleary's response is not directed to Howard at all but to Australian voters – specifically, those who read the letters in *The Age*. Such third parties are usually called an audience, but as we shall see in a moment this is a misleading term for them and I will call them 'Respondents'.

4. Ad hominem argument is essentially third party, and adhomination is fourth party and up

So, ad hominem is not a fallacy, and the Dutch argument that it is fails, because it ignores the multi-party nature of the typical ad hominem. So far then, the case of argument ad hominem supports the case of a rhetorical treatment of argumentation in preference to the dialectical. The role of "audience" is an essential ingredient in such argumentation. Dialectical argumentation models neglect that essential element. For ad hominem argument to occur we typically need a minimum of three participants, Proponent, Adhominiser and Respondent(s). But charging someone with arguing in this way need not be, and typically is not, part of what is involved in adhominising itself. In order to emphasise that charging someone with arguing ad hominem need not be a response by a Proponent of an original claim to ad hominem argument by an Adhominiser, but may be made by yet another party, perhaps we need the term 'adhomination' for the action of charging someone with arguing ad hominem. Its similarity to 'abominate' suits the conventional abhorrence of adhominising, which is term I and others have already used for arguing ad hominem.

The structure of such discussions as our own then is this: a logically aware fourth party, or Adhominator, adhominates the move made by the second party, an Adhominiser, which was to adhominise the first party, a Proponent, who has made some initial claim to some Respondents, the third party – and this adhomination is probably to a different set of Respondents at that. Of course there are cases where the Proponent can play Adhominator to an Adhominiser – but to no point, if to no Respondents.

Proponent .... Claim .... Respondents

Adhominiser …. Claim about Proponent …. Respondents
Adhominator …. Claim about Adhominiser …. Respondents

5. Ad hominem is a kind of argument that presupposes writing
My first point about argumentation, that adhominising is typically multi-vocal, comes from considering the nature of such arguments. If we now consider briefly what makes such an argument good or not, we can learn something further. Ad hominem is the counterpart of argument from authority. Since appealing to authority is typically dependent on writing, at least when the authority is based on expertise, so therefore is contesting it. A second lesson from analysis of ad hominem then is this: it is a kind of argument that presupposes writing.

The essential idea in ad hominem argument is to question the Proponent's being in a position to make the initial claim. There are a number of different ways whereby the Proponent can be in a suitable position, so there are different ways to question it. The central cases, cases where the Proponents's authority position is a matter of expertise, are clearly writing-dependent. The expertise relevant in argumentative situations is generally dependent on writing, because such expertise is a capacity for contribution to public discussion. In modern times any contribution to public discussion is dependent on and must extend the existing written archives.

Consider again example (1). The adhominising author implies that Howard is Australia's worst Prime minister. If true, this might well undermine Howard's credibility as a judge of success in ministers more generally, and so weaken his authority for making a judgment about Beazley as a minister. Is it true? Well, I don't know – because I don't know what 'worst' means for prime ministers. I have little expertise in this matter. Is it sufficiently relevant to the Howard claim? I don't know that either, because I don't know much about what makes a successful finance minister. Should I accept Cleary's claim? Who is in a position to judge whether a minister is good? Is Cleary? The only people who are, must have a serious grasp of much detailed political history, which is clearly dependent on acquaintance with and mastery of significant archives. It requires extensive knowledge about ministers there have been, their actions, the contexts in which they acted, the problems they faced and so on. Most of them are dead and most of the relevant events far in the past. Very few people were personally acquainted with any significant fraction of the relevant evidence. A pre-requisite for a worthwhile judgment must be a sufficient grasp of the historical evidence and of what good socio-political discussion of Australia's political history there is, which,

such as it is, is mostly written down. Clearly this requires an extensive engagement with a great deal of written argumentation.

Similarly, with regard to example (2), who does have expertise, who is worth listening to, on the subject of gun control laws? Surely it must depend on extensive comparative knowledge of a wide variety of social situations, legal regimes, gun technologies and the like. All this is obviously grounded in much historical and technical documentation of various kinds. To have been the victim of gun atrocities, as has Mr Mikac, is surely not itself a sufficient qualification. Armstrong is clearly right then, and his ad hominem argument should be accepted; but Cleary's is not good – I have less reason to think that he or I can judge properly of prime ministers, than I have to think that Howard can judge properly of finance ministers. But my main point here is not which arguments are good or which opinions should be adopted (after all, we may well still support those gun laws which Mikac advocates though for other reasons), but simply that what makes typical ad hominem arguments good or not is their connections with archive-based expertises.

6. Argumentation in general is writing-dependent, and therefore multi-party
Of course, the particular reason I have given for thinking ad hominem argument to be writing-dependent does not generalise to an argument for thinking all kinds of argumentation to be writing-dependent. But there are related arguments for that conclusion.
Philosophical argumentation is writing-dependent. Consider the logical-formalist thesis that every argument has a form. What forms are there ? In order to say, it is necessary to give examples. Since the point is that two different arguments can have the same form, it is necessary to have both arguments before one to compare them. One can listen to only one argument at a time. To have two arguments given to one verbally will not suffice to satisfy oneself that they have the same form because one has to be able to attend to them both together until one is satisfied. Even if some logical genius can do this for any two verbal arguments, for us to argue about the merits of formalism, I have to make such judgments. But I assure you that I can only make such judgments if I can see the arguments written down. (Even then I have my doubts.) So at the least, arguments with me about formalism require writing. The fact that I often have "purely" verbal discussions with people about philosophical topics, even the topic of form, does not show that this possibility does not essentially derive from my

acquiring understanding of the term 'form' and many others through reading. This case is special, but central and typical; in fact all philosophical arguments rely on the corpus of philosophical texts which provide the meanings of the terms used, the detailed texts which are frequently under discussion, and fine details of the arguments which only the most stringent scrutiny can discern.

The writing-dependence of philosophical argumentation has been consolidated by the discourse of mathematics. We must of course repudiate the mathematical models of logic and rationality which have been so long over-generalised into universal characterisations for argumentation; but we must not throw out the baby with the bath water – mathematical argumentation is utterly central to our thinking about giving reasons, and all our important concepts, practices and material culture are inseparable from its pervasive influence. And mathematical argumentation is paradigmatically writing-dependent. Many other kinds of argumentation are also essentially dependent on writing, which, as in the philosophy case, does not exclude some such argumentation sometimes going on in spoken form. The most obvious example is legal argument. Scientific argument is another; in fact all the serious intellectual enterprises of our societies are in this same boat. Even everyday conversational public debate, which you might say is only reflected in the popular press, takes much of its meaning from more evidently literate contexts.

Consequently, there is little important argumentation which is not in some ways affected by writing. It thereby becomes inherently multi-party. All writing is inherently available to many readers. Public discourse is already multi-party, being directed to social action; so writing amplifies and sediments this.

7. Acts of argumentation are not speech acts
The basic claim about argumentation I make then is that it is not really a complex speech act, but a writing-dependent language act. By 'language acts' I mean utterances which are not necessarily speech acts but may be, for example statements and questions can be spoken or written. Written versions of speech acts may be importantly changed from the spoken counterparts which long pre-existed them, as with promises becoming contracts, while some written uses of language are quite novel, like novels. Indeed, some uses of language are impossible in speech. You cannot speak a cheque, or your will, or a roadside warning sign. You can say the words, but that is not the same as effecting the action, and it does not.

To say argumentation is a writing-dependent kind of language act means that virtually all acts of argumentation derive their force from paradigm language acts, which are, in fact, written; and although some individual paradigm acts of argumentation can be spoken, this could not be generally so, and some of them simply have no genuine spoken instances. The most obvious cases are in mathematics – calculations, proofs and the like.

Written utterances have a more complex structure than speech acts: it is possible to separate the uttering from the uttered. There are two consequent properties of written language acts which have allowed argumentation to be developed from its simpler verbal origins in mere disputes. The first is that the typical endurance of the utterance, in the sense of a record of what was uttered, permits its repeated scrutiny; the second is that the detachment of the utterance from the uttering permits that scrutiny to be dispersed. Acts of argumentation are utterances which propose reasons for the acceptance of claims; claims, like all language acts, require both utterance and uptake; in speech acts, these are simultaneous: the hearer understands what is spoken as it is being spoken, as does the speaker. But if a Proponent makes claims in writing, we can distinguish the Proponent's claiming that A – that is, the uttering of the claim, from the Proponent's claim that A -the uttered claim. The act of argumentation involves the claiming that A, which is a transient event; but the claim that A becomes a material subsistent, the written words.

With written language acts, moreover, uttering divides into expression – the initial act of argumentation, and dissemination, the presentation of the written argument to readers. For a Proponent is not really arguing unless the claims made are registered by some intended target. Utterances must be matched by uptakes. With spoken argumentation this question arises at the place and time of utterance; but with written argumentation it arises at other times and various places. The Proponent can write it down today and present it to you, or some larger group of Respondents, tomorrow or in a thousand years, or all the above, by various kinds of publishing.

This division provides lots of new ways for argumentation to go wrong: by the time you read it the Proponent may no longer believe it. So it can't be just "the Proponent's intentions" that dictate the success of the act-intentions at the time of expression may conflict present ones. Writing can separate uptake from expression so much that your understanding of the claims made may have no access to the Proponent's intentions – for example, we simply have very little

information about the intentions behind Plato's *Phaedrus*. As Socrates is made to say in that text, writings just stand there dumbly and make no answers to questions.

But writing also improves argumentation, because uptakes need not be in real time. More considered, and careful, and detailed responses are possible when one can pore over a text. Many charges about argumentation refer to this: ignoring sections of the text, or quoting out of context, or inaccurate citation, or conflating different texts or simply, and most critically, getting the argument slightly wrong. These charges all allege deficiencies, but their possibility indicates the thoroughness with which someone's argumentation can be received. No extended argumentation given only in speech can be so treated – it's rapidly forgotten, it's hard to keep widely separated parts in view together, and so on. Everyone knows how hard it can be, in responding to a paper read out, to argue at the same level at which it was written. So the detachment and the dispersal of uptake from utterance lead to other and more severe criteria being applied in the evaluation of argumentation once it is written. And this in turn leads to new norms governing the construction of written utterances, because they are increasingly framed with a view to meeting criteria of that kind.

8. Conclusion: the difference writing makes to ad hominem argument

Coming back to ad hominem once more, reconsider the idea of attacking the person rather than their claim. If a Proponent makes claims in speech, we can and do nowadays make the distinction between the person and their claims. But what are we doing when we do that? I suggest we are projecting onto speech a distinction which has only become possible through writing. Recall the constant refrain in the Odyssey: "these were his words". And Socrates repeatedly asks his interlocutors "do you say that..." In a non-literate culture we could distinguish, of course, a person and their speaking, but this is not to say that we could distinguish a person and their speech. It is not so simple to distinguish a person and their speech as it is to distinguish between a person and their speaking. Distinguishing the person and their speech is only really possible if it is written down, or in a context where we take for granted being able to write it down. To deal with the speech not the person, when the person is still around and the spoken words are gone, is not a real option, since to discuss the speech we have to be able to re-use it and only the very simplest of speeches can be verbally perused; but with writing dominant, we are more often in the reverse situation of being better able to deal with the speech than the person.

It is the two features of writing I have pointed to which have made this possible. Because a written speech remains for later and more careful scrutiny, we can attend to it while ignoring or even being unaware of the existence of its author. And because uptake is commonly dispersed and delayed for written texts, we may have to do that simply because we are prevented from any access to the author. In a culture where speeches without speakers are readily available and commonly scrutinised, the concept of "the argument" can be developed – and, I suggest, only in such a culture. Of course, in every culture persons have tried to nullify the urgings of others by calumniating them to third parties – but only where a specific and complex notion of argumentation exists might this be taken as bearing on the truth of what was urged, so that the idea of fallacy could be coupled to it.

In summary, using adhominising as an illustration I have argued that argumentation is essentially writing-dependent and multi-party, that we must therefore distinguish argumentative expression, dissemination and uptake, and that only by making use of the differences which writing introduces in these can we understand specific strengths and weakness in particular kinds of argumentation.

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