ISSA Proceedings 2002 – Argumentum Ad Hominem In A Cross-Cultural Perspective

I. *Approaches to and conceptualizations of ad hominem.*

1. What does ad hominem mean to the western scholars?

The study of ad hominem is currently one of the main issues in informal logic. This use of the term ad hominem in modern times in the west departs somewhat not from the more classical view that ad hominem arguments criticize a person for violating his or her own premises in elaborating them for theory, or in acting upon them in practice, but focuses on ad hominem which brings into question the arguer's credibility or ability to enter into reasoned argument. According to some informal logicians an argument must satisfy the criteria of *relevance, sufficiency* and *acceptability*, and a fallacious argument violates one or more of these criteria (Johnson and Blair, 1997). However, the logico-centric treatment of the fallacies is incapable of constructing a theory for real-life arguments, in which ad hominem is defined as an argument that appears valid but is not. Based on a critical-rationalist philosophy of reasonableness, the pragma-dialectical theory provides a variety of norms for distinguishing between different kinds of violations of *reasonableness*, according to which ad hominem is a violation of the norm concerning the undisturbed expression of viewpoints and doubt (van Eemeren and Grootendorst, 1992a). However, some ad fallacies are thought to be rooted in Ethics and Political science and suppressing evidence, guilt by association, and name calling are thought to be moral and skill defects by some scholars (Willard,1989).

1.1. The pejorative and non-pejorative senses of ad hominem

The discussion of the argumentum ad hominem in modern time can be dated back to the book of the 17th century philosopher John Locke, *An Essay Concerning Human Understanding* (1690)**(i)**. However, new findings reveal that the origins of the ad hominem argument can be traced even further back (before Locke and Galileo to Aristotle) (Nuchelmans, 1993; Walton, 2001, p. 209). The term argumentum ad hominem dominantly treated in a pejorative sense currently refers to the fallacy of attacking the opponent personally in one way or another

instead of responding to the actual arguments put forward in support of the standpoint (Van Eemeren & Grootendorst, 1993). John Biro and Harvey Siegel (1992) define the fallacies as epistemic failures of rationality. There are other scholars who count the committing of an argumentum ad hominem usually as a flagrant violation of the politeness principle operative in ordinary conversation (Brown &Levinson, 1978; Leech, 1983; van Rees, 1992). However, not all the ad hominems are treated in pejorative senses. Johnstone contends that all philosophical argumentation is inevitably ad hominem (1959). Chaim Perelman regards ad hominem argumentation not as an error, but as an necessary condition for successful argumentation (1969). As to the *abusive* variant of the argumentum ad hominem, Woods and Walton (1977; 1997) distinguish between a correct and an incorrect use of this variant. John Woods argued that fallacies are "idealized symptoms of misperformance of rational skills necessary for human survival." (1977, p.30) The corollary is that not all fallacies (broadly constructed) are always fallacious.

1.2. Three stages of the study of ad hominem in modern times

In the west, the logico-centric Aristotelian heritage of the study of the argumentum ad hominem is still manifest in modern approaches. After the classical period, this study has gone through three stages:

1. the pre-Hamblin development (early 17th to early 20th century), characterized by the addition of the *ad fallacies* and the treatment of ad hominem as a subcategory of the non-logical fallacies;

2. the Standard Treatment (until the mid-twentieth century), showing a broad variety of conceptualizations and definitions of ad hominem in which three variants are distinguished:

a. the *abusive* variant,

b. the *circumstantial* variant and

c. the *tu quoque* variant (van Eemeren and Grootendorst, 1993). In this period ad hominem is by most philosophers and logicians viewed as a failure of relevance (i.e. Cohen and Nagel, 1934; Copi, 1972; Willard, 1989). Argumentum ad hominem is defined in the Standard Treatment as " [...] an argument ad hominem is committed when a case is argued not on its merits but by analyzing (usually unfavorably) the motives or background of its supporters or opponents" (Hamblin, 1970, p.41). And

3. the post-Hamblin development (the last three decades) characterized by a considerable differentiation in objectives, approaches, and methods, such as the

Woods-Walton approach, which is pluralistic, formalistic and pragmatic and " according to which a fallacy 'is an argumentation technique, based on an argumentation scheme, misused to block the goals of dialogue in which two parties are reasoning together (Walton, 1995; Johnson & Blair, 1997), and the *Pragma-dialectical approach*, which provides a broader procedural approach to argumentative discourses than the logico-centric approach and identifies the fallacies with unacceptable moves (van Eemeren and Grootendorst, 1992).

1.3. Ad hominem as negative means of rhetoric
Personal attack is inherently dangerous and emotional in argument, and is rightly associated with fallacies and deceptive tactics of argumentation (Walton, 1989). *Ad hominem fallacies* are characterized as 'negative' because they are nasty, inaccurate, or unfair (Jamieson, 2000). This is particularly the case in political discourses. "Negative" implies that attack ads are more deceptive and tricky than ads that simply make a case for a candidate when the level of inaccuracy in advocacy ads is usually higher.

Ad hominem fallacies are characterized as 'negative' is also because an argumentum ad hominem is one of the most common non-rational appeals, which is not based on a rational evaluation of the arguments, but on an emotional reaction to the person or persons making that argument. Among the most frequent ad hominem appeals are attacks on

a. personality, traits, or identity;

b. affiliation, profession, or situation;

c. source or association for ideas or support. To a larger extent, "it is the reasoners that commit fallacies – arguments in themselves are not fallacious" (Kahane, 1980).

The point is that each argument must be evaluated in its own right. Doubts about vested interests, hidden agendas, predilections should, at most, make you more vigilant in your scrutiny of that argument – but they should not be allowed to influence its impartial judgement or evaluation. However ad hominem can be interpreted, it is not the sort of discourse productively addressed to those one wishes to engage in deliberation, for it turns the opponents off and as a result hinders further communication, rational discussion and the resolution of difference of opinion.

As a rule, evaluations of political discourses focus largely on their format, not content. Argumentum ad hominem is seen as more negative, less informative,

more irresponsible, and more likely to turn people off. The public particularly dislikes attacks that use inflammatory language, such as "pointing out what is evil in others" or reviling the opponents (An.5:11). It is more tolerant of attack ads that use civil, even-handed language. Inflammatory attack goes beyond straightforward criticism to make hyperbolic claims and to categorically dismiss the opponent (Jamieson, 2000).

1.4 Ad hominem as unacceptable discussion moves

Fallacy is regarded as a theory of criticism. It involves the norms and criteria of the evaluation of argumentative discourse. Aristotle treated argumentation as a means to expose error in thinking and to shape discourse toward a rational ideal (van Eemeren, Grootendorst, Jackson and Jacobs, 1997). In the pragma-dialectical theory of argumentation, a critical-rationalist philosophy of reasonableness is given shape in an ideal model of *critical discussion***(ii)**. It specifies the stages that are to be distinguished analytically in the resolution process and the verbal moves that are constitutive of each of these stages. "The critical discussion is clearly a major context of dialogue to use as a normative model in evaluating arguments as fallacious or not" (Walton, 1992, p.133; van Eemeren et el., p. 422, 2000).

The pragma-dialectical rules are first and foremost based on their *problem validity*: the fact that they are instrumental in resolving a difference of opinion (van Eemeren & Grootendorst, 1994). Van Eemeren and Grootendorst's first pragma-dialectical rule stipulates: "parties must not prevent each other from advancing standpoints or casting doubt on standpoints"(1992a:108). This rule could be violated by presenting the other party in such a negative light as to undermine that party's position in the dialogue or debate. This can be done by depicting the other party as "stupid, bad, unreliable, and so forth," or by "casting suspicion on his motives" (1992a: 209). This results in "disqualifying that party (opponent) as a serious discussion partner" (2000: 420) and thus dismissing him.

The effect of such dialectical moves, if done successfully, is to shift an advantage to, in this case, the arguers, by discrediting the other party. Hence, such a move is a violation of appropriate procedure. Therefore, a fallacy is in the pragma-dialectical approach regarded as *a hindrance or impediment for the resolution of a difference of opinion* (van Eemeren and Grootendorst, 1992). The term fallacy is thus systematically connected with the rules for critical discussion and defined as *a speech act that prejudices or frustrates efforts to resolve a difference of opinion.* To silence the audience by ad hominem fallacy is the violation of the first rule – the *Confrontation Rule* or *Freedom Rule.* Various types of 'ad hominem'

moves impede the resolution of a difference of opinion.

II. *Case studies from a cross-cultural perspective.*
2. What does ad hominem mean to Confucius (Chinese)?
However, in the east as in China, which has a long and strong tradition of argumentation, dating back to *Confucianism, Taoism, Buddhism* and other philosophies and religions, the theoretical study of fallacies has not yet developed to such an extent that its pedagogical, educational and social significance has become clear. Just as there is an Aristotelian heritage in the West in the treatment of fallacies, there is in the east a Confucian heritage in the norms or criteria in human interaction. As an influential philosopher, political thinker and educator, the ideas of Confucius (551-479 B.C.) have greatly influenced Chinese culture and, as a result, their norms or criteria in rhetorical activities. This heritage is still manifest in the rhetoric interaction of modern Chinese. The study of the rhetoric of Confucius might shape the discussions of metaphysics, moral psychology, normative and applied ethics and political theory. His philosophy of language is well presented in *The Analects* (Lun Yü).

2.1. The philosophical basis for observing rituals
Although, similar to Quntilian (A.D. c 35-95)**(iii)**, the standard for speaking well is to a larger extent ethical, dialectic is essentially and unavoidably dialogic. Dialectic is the private and conversational use of language and proceeds through question and answer. In this sense, *The Analects* is more dialectic.
Rhetorically, it seems that being polite, indeed, means to avoid offending and irritating people. But in a larger sense, when the human rhetorical environment of the age of Confucius is put into consideration, it means avoiding the danger of falling back into a primitive "barbarism".
1. "If the people be led by laws, and uniformity sought to be given them by punishments, they will try to avoid the punishment, but have no sense of shame."If they be led by virtue, and uniformity sought to be given them by the rules of propriety, they will have the sense of shame, and moreover will become good." (*An*.2: 3)
Laws depend upon manners in great measure, because the law touches us but here and there and now and then. Manners are what vex and soothe, corrupt or purify, exalt or debase, barbarise or refine us by a constant, steady uniform insensible operation. Ad hominem as a sort of very impolite form of expression that often creates an atmosphere of hostility between the interlocutors is thus

unacceptable according to the norms of rituals.

2.2 Can "the misuse of language" be rendered as ad hominem
Confucius hated the misuse of language, for the reason that it could destroy communication and intellectual discussion. Then what are the norms or criteria for taking language as being misused by Confucius and thus be rendered as ad hominem by the modern standard?

2. "If language is incorrect, then what is said is not in accordance with the truth of things. If language is not in accordance with the truth of things, affairs cannot be carried on to success. Therefore, the gentleman uses only such language as is proper to speak, and only speaks of what it would be proper to carry out. The gentleman, in what he says, leaves nothing to mere chance." (*An.* 13)

If language is false to actual situations, it is misused. It violates the criteria of *relevance, sufficiency* (i.e., leaves something to "mere chance") and *acceptability*. "Uses only such language as is proper to speak" is a normative dimension in human interaction. Confucius showed hatred to those who "point out evils in others" and who "revile those who are above them" (*An.*11). It is obvious that these languages are vicification that undermine the moral character of the opponents rather than the arguments. It destroys the intellectual or rational discussion between interlocutors and thus is regarded as irrelevant, inappropriate, irrational and unacceptable discussion moves.

By reasoning, or question and answer step by step, or by mentioning the process and its consequences aphoristically, the exhortation is a technique of transmuting values. Confucius encouraged others to pursue wisdom and goodness by means of *exhortations*. Whatever the orientation might be, they would emphasize that virtue, justice, and self-control or propriety were what was needed to attain it in a successful way. This can be manifest in a dialogue between Confucius and his student in the *Analects*:

3. Yan Hui asked about Goodness. The Master said: "He who can *restrain himself and submit to ritual* is good. Once he has succeeded in doing so, everyone under Heaven would honour him as a Good Man. In putting Goodness into practice, one depends upon himself, not others." Yan Hui said, "I beg to ask for the guiding principle of conduct." The Master said, "To look at nothing in defiance of ritual. To hear nothing in defiance of ritual, to speak of nothing in defiance of ritual, to undertake nothing in defiance of ritual." (An. 12)

In terms of ethical standard, ritual would include proper verbal speech according

to social status, age, sex and thus, *"li"* ("manners"). It is the functioning or externalization of *jen* (kindness or goodness), by either speech or action. "To speak nothing in defiance of ritual" is to "restrain himself and submit to ritual" and thus to avoid the "misuse of language". It shows that dialogic interaction should be rule-governed. Dialectically speaking, "hear much, and put aside the points of which you stand in doubt…" (*An*. 2:18), to some extent, reflexes the principle of the pragma-dialectics that parties must not prevent each other from advancing standpoints or casting doubt on standpoints. "Misuse of language" or to speak something in defiance of ritual (partially rendered as ad hominem because of its inappropriateness in one way or another) can result in dialectical shift from rational critical discussion to irrational personal quarrel**(iv)**.

2.3. Can it be rendered as ad hominem "to attack a task from the wrong end"?
It is difficult to judge whether "to attack from the wrong end" refers to the bringing of the arguer's credibility to enter into reasoned argument. It might have broader sense, which can refer to politics or ethics (*An*.2:3). However it reveals that often what a person does is not as significant as how they do it. To avoid vicious and unwarranted argument, it is advisable to follow the commandment that when considering the validity of an argument, you are not supposed to consider the source of the argument.
4. "To attack a task from the wrong end can do nothing but harm." (*An*. 2:16)
The justification of deliberative rhetoric should be whether the audience's faculty of judgment in the discourse is respected and enhanced. Vilification and ad hominem arguments get in the way of deliberation by shifting the focus of debate to what congressional rules call "personalities".
Let's look at the following deliberative discourse from the *Intrigues of the Warring States* (Chan-Kuo Ts'e) and try to analyse how ad homiem argumentum is used to undermine the ethical character of the target person and thus commits ad hominem fallacy.
5. Ch'in shares customs with the Jung and the Ti barbarians; she has the mentality of a tiger or a wolf; she delights in cruelty, is covetous of gain and knows nothing of good faith, protocol, righteousness, or virtuous action. If she spies advantage in anything she will have it with no regard for what happens to her kin, in the manner of wild beast. All the empire is aware of this. Furthermore, Ch'in never acts with generosity or a sense of obligation. For this reason Ch'in's queen was the ruler's own mother yet she died in distress; and even though Marquis Jang was his uncle – no one had more merit than he – he was finally

driven away. His two younger brothers were guiltless but he dispossessed them of their claims to the state. Now if Ch'in's behaviour is of this sort toward his relatives, what will it be toward an enemy state against which he has a grievance? (Liu Hsiang, 1979, pp. 436-37).

An ad hominem argument commits the ad hominem *fallacy* only if it attacks the source of an argument and it claims that because of some flaw in the source of the argument the *argument itself* is flawed (1998, p.98). The implicit premise of example (5) is that Ch'in's words can not be trusted because of the flaws – the violations against the virtues (*benevolence, righteousness, ritual* and *faithfulness*) – of the source of the argument. To arrive at warranted judgment through deliberation requires a focus on the substance of the argument (the things themselves), rather than the person of the advocate (unless the argument can be regarded as *testimony***(v)**).

Is the proof backed and the context from which evidence emerges not be distorted? Are the participants in the argumentation be swayed by specious claims or attacks that appeal to prejudice rather than reason? The case here is argued not on its merits but by analysing (unfavourably) the motives and background of Ch'in. The ad hominem here is a head-on personal attack. Ch'in is depicted as cruel, greedy, unreliable, inhuman. Two variants of argument ad hominem are employed: the *abusive argumentum ad hominem* and the *circumstantial argumentum ad hominem.*

These analysis is based on the norms of modern theory on fallacies. Further examples from *The Analects* might help us to have a further understanding of Confucius towards 'ad hominem fallacies'.

6. "I hate to see sharp mouths overturning kingdoms and clans." (*An*.5:3)

We are not sure that "sharp mouths" can be rendered as a kind of (abusive) ad hominem, which attacks others by pejorative words. Here it seems difficult to distinguish the impropriety**(vi)** or even moral blameworthiness of an undeserved attack on a defender from ad hominem fallacy.

7. The Master said, "What is the good of being ready with the tongue? They who encounter men with smartness of speech for the most part procure themselves hatred. I know not whether he be truly virtuous, but why should he show readiness of the tongue." (*An*. 5:6)

And as to the implication of "smartness of speech" and "readiness of tongue", clues can be found in An.5:11 and An. 2:18. Why it can be seen as inappropriate and negative "to be ready with the tongue"? It always triggers negative

consequences because of casting suspicion on the motives of others or spreading slander against others.

(8) Tzu-kung said, "Surely even the gentleman must have his hatreds? Confucius said, "He has his hatreds. He hates those who point out what is evil in others. He hates those who dwelling in low estate revile all who are above them. He hates those who love deeds of daring but neglect propriety. He hates those who are active and venturesome, but are violent in temper. I suppose you also have your hatreds?" Tzu-kung said, "I hate those who mistake cunning for wisdom. I hate those who mistake insubordination for courage. I hate those who mistake tale-bearing for honesty." (An. 5:11)

These are very important clues, which show the attitudes of Confucius and his disciples towards personal attacks – "point out what is evil in others". "Revile all who are above them" shows jealousy, prejudice or hatred. All those bad manners he hates have something to do with vilification of other's personality, traits and identity. The word "revile" embodies the use of the abusive language against others. To speak out one's evil is accompanied with the undermining of one's reputation, which is the characteristic of the *abusive* variant of argumentum ad hominem. When one is "violent in temper", it is possible that his attack is based on emotion rather than rationality. The attacker might commit fallacies of argumentum ad hominem.

2.4 Ad hominem and strategic manoeuvring

However, there are interesting examples of Confucius that can be regarded as (direct or disguised abusive) argumentum ad hominem. Confucius once made the following criticisms of some of his disciples:

9. "Ch'ai is stupid. Shen is dull-witted. Shih is too formal. Yu is coarse." (*An*. 11)

However, the remark by Confucius calling him "dull-witted" indicates that he probably did not have control over the publication of *The Analects.*

His student, Tsai Yu, used to sleep during the day. Not able to reform him, the master decided to make it an object lesson, saying:

10. "Rotten wood cannot be carved, nor a wall of dirty earth be trowelled. What use is there in my scolding him anymore?" (*An*. 5:9)

A extended metaphor is used here in the rhetoric. It is an abusive variant of argumentum ad hominem that is under disguise. Here the trick is that the *tenor* (Tsai Yu) is left out, while the *vehicle* through which the tenor is applied remain.

However, Confucius focused on and emphasized what is right and proper. He does not want his students to be influenced by a poor example, so he has to

correct it in a positive way. He had a way of correcting a person without telling him directly that he was wrong. For example, Chi Wen Tzu thought thrice before acting. When Confucius heard of it, he did not argue that three times is wrong, or commit argumentum ad hominem by commenting that it is stupid of him to think thrice but merely that twice is sufficient (*An*. 5:19). (Thus, we can draw a conclusion that in the perspective of Confucius, argumentum ad hominem, if it can be a substitute for "misuse of language" or "to attack a task from the wrong end" is negative and unacceptable discussion moves, which undermine the virtue of rituals).

11. "Hear much, and put aside the points of which you stand in doubt, while you speak cautiously at the same time of the others: – then you will afford few occasions for blame. See much, and put aside the things, which seem perilous, while you are cautious at the same time in carrying the others into practice: – then you will have few occasions for repentance." (*An*. 2:18)

The above example can reflect that rituals also serve as strategies that avoid confrontation. Confucius knew how to hold his tongue, knowing not only when it was wise not to speak but also when it was not proper to speak. When these ethical norms are honored, areas of disagreement and agreement are clarified. The commitment of all participants to the legitimacy of the system is reinforced. Following from this normative criterion, and according to Aristotle "it is a good rule also, occasionally to bring an objection against oneself ".

3. Conclusion

In this paper, I briefly discussed the (less) pros and (more) cons of the ad hominem argument and ad hominem fallacy. No matter how it is treated as *pros ton anthropon* (direct the refutation against the person of the questioner)**(vii)** or to speak "in defiance of ritual", it seems to boil down to the discussion of norms and criteria of human verbal interaction and intellectual discussion. The study of fallacies contributes to the clarification and justification of the truth and validity of human rhetorical philosophy of language. I endorse the remark of John Locke in his *Of Words: An Essay Concerning Human Understanding:*

[...] These being (as they ought) well looked into, we shall the better come to find the right use of words; the natural advantages and defects of language; and the remedies that ought to be used, to avoid the inconveniences of obscurity or uncertainty in the signification of words: without which it is impossible to discourse with any clearness or order concerning knowledge: which, being conversant about propositions, and those most commonly universal ones, has

greater connexion with words than perhaps is suspected (John Locke, 1690, book III, Chapter I).

These comments entail the philosophy of dialectics. He admits the existence of "the natural advantages and defects of language" and he advocates the finding of "the right use of language" and "the remedies that ought to be used". Needless to say that the sorting out of these problems are not only necessary but also important in human understanding. Dialectically, rather than that the arguers involved are interested exclusively in getting things their way, deliberation is thought to be done in a rule-governed environment. The case study of *The Analects* shows that the rules of propriety offered a code of accepted conduct and behaviour and it is the guiding principle of all things great and small.

NOTES

i. Cf. Hamblin (1970, pp. 41, 158-163), Finocchiaro (1974, 1980, p.131), van Eemeren and Grootendorst (1993, pp. 49-53), Walton, D. N. (2001, pp.207-211).

ii. In an ideal model of a critical discussion the pragmadialectical theory describes a discussion procedure that specifies the various stages: Confrontation stage, opening stage, argumentation stage, and concluding stage. In all four discussion stages, certain fallacious moves can be made, which interfere with the aim of resolving the difference (van Eemeren et el, 2000). In this perspective, fallacies are thus equal to discussion moves that are not in agreement with the rules for a critical discussion (van Eemeren and Grootendorst, 1984).

iii. Quintilian (AD. c 35-93) felt that every rhetorician should strive for to be a true rhetorician, a "good man skilled at speaking." These ideals are described in full detail in Quintilian's Intitutio de Oratoria.

iv. Walton defines a dialectical shift as a change from one type of dialogue to another. By referring to 'dialectical shifts' , he elaborates the correct and incorrect uses of the argumentum ad hominem. He distinguishes the types of dialogue from quarrels, negotiations, interviews, and inquires to critical discussion (which is thought to be taken from van Eemeren and Grootendorst). (Walton, 1972; Van Eemeren and Grootendorst, 1992a; 1993, p. 65).

v. Walton distinguishes argument from testimony, holding that when a claim is based on testimony, rather than argument, then ad hominem arguments are an appropriate and important means of challenging the claim. It is thought that testimony takes its strength entirely from its source. (Walton, 1998, p.99).

vi. Fallacies are by some scholars thought to be a kind of ideal type if attractive nuisance or impropriety, which lie deeply embedded in human practice. (Woods,

1992).

vii. The terminology comes from Aristotle's On Sophistical Refutation. Cf: Nuchelmans (1993); Walton (2001).

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