

The Greek Roots¹ of the Ad Hominem-Argument

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ABSTRACT: In this paper, I discuss the current thesis on the modern origin of the *ad hominem*-argument, by analysing the Aristotelian conception of it. In view of the recent accounts which consider it a relative argument, i.e., acceptable only by the particular respondent, I maintain that there are two Aristotelian versions of the *ad hominem*, that have identifiable characteristics, and both correspond to the standard variants distinguished in the contemporary treatments of the famous informal fallacy: the *abusive* and the *circumstantial* or *tu quoque* types. I propose to reconstruct the two Aristotelian versions (see sections 1 and 2), which have been recognized again in the nineteenth century (sec. 3). Finally, I examine whether or not it was considered as a fallacious dialogue device by Aristotle and by A. Schopenhauer (sec. 4).

KEY WORDS: *argumentum ad hominem*, *argumentum ad personam*, Aristotle, dialectics, Schopenhauer

According to one contemporary viewpoint, the *ad hominem*-argument criticizes another argument by questioning the personal circumstances or personal trustworthiness of the arguer who advanced it (D. Walton, 1987, p. 317). The question of its fallacious nature would depend on the consideration of the rules proper to the type of dialogue in which it is put forward as an argument.² Concerning the history of the argument it has been maintained that its name and identification as an argument were coined in the 17th century,³ even though some versions have been recognized in certain Aristotle's writings. J. Hintikka reconsiders three passages of *De Sophisticis Elenchis*: 20 177b33–34; *ib.* 22, 178b15–17; *ib.* 33, 183a21–23; and adds *ib.* 8, 170a12–19 (1993, p. 18) and *Topica* VIII, 11 161a21–2 (1987, p. 226; 1993, pp. 17–18).⁴ And G. Nuchelmans maintains that there are two separate lines of development, each having a double root in Aristotle's writings: the first 'dialectical' way from *De Sop. El.* 2, 165^a37–b6, *Met.* IV, 4, 1005b35 and *ib.* IX, 5, 1062^a2–3; and the 'second-best way of dealing with sophisms' from *De Sop. El. loc. cit.* and *Rhetoric* I, 1 (1993). These suggestive and well-documented essays have been independently developed. I could summarize both views as follows: the Aristotelian *ad hominem*-argument would be either one kind of the solution of a fallacy consisting in a question-answer move or step, by which a sophism can be dissolved by appealing to any puzzle involved in the earlier



admissions by the dialogue partner, the so called *ad hominem solution* (J. Hintikka 1987, p. 226; 1993, pp. 18–19). Or it would be also any relative arguing, i.e., ‘the proof which is possible relative to the answerer but not absolutely’ (J. Hintikka, 1993, p. 19, cf. *De Sop. El.* 8, 170^a12–19), what means to argue on the basis of the particular questions and answers given by the participants of a dialectical game (1987, p. 227; 1997, p. 243). The first Hintikka’s meaning was reconstructed by Nuchelmans as a device of rhetorical nature consisting in an attack to the partner dialogue, what has been better attested by this last author through the later latin and modern commentaries on the so-called *solutio ad hominem* (1993, pp. 44–46). And the second meaning has been reconstructed as an *ex concessis* argument or indirect proof held by the one who reasons from a false premiss (G. Nuchelmans, 1993, pp. 41–43).⁵

In this paper I put into question the modern origin of the famous *ad hominem*-argument, by analyzing the corresponding Aristotelian conception. In what follows, I shall consider two versions of the *ad hominem*-argument coined by Aristotle and Arthur Schopenhauer, and I shall review whether or not they consider it to be a good argument. Finally, I shall maintain that there are two versions of the *ad hominem*-argument in some Aristotelian texts, one of which (the second version) has still not been considered by the scholars in the context of this problem. I would present both versions successively and metaphorically as the railway, whose tracks can be followed separately from each other to such an extent that they were recognized as different under two different labels, e.g., once by Schopenhauer and once again currently, for, in my opinion, both respective versions correspond to the so-called ‘abusive’ and the ‘circumstantial’ types distinguished in the modern literature about this famous informal fallacy.⁶

1. ON THE GREEK TRACK I

It is interesting to notice a certain version of the so-called *ad hominem* argument which appears in Aristotle’s description of the rules for the answerer for stating objections⁷ in Book VIII of the *Topics*. He mentions that an objection may be *raised at the person who asks the questions* and adds the following: ‘for often he does not succeed in solving it, but yet the questioner is not able to carry it forward any further.’ (*Top.* VIII 10, 161^a2–4).⁸ The answerer’s goal is to prevent the questioner from arguing the desired conclusion. The ‘Aristotelian’ expression corresponding to the Latin label ‘*ad hominem*’ is ‘against the questioner’ so that it summarizes this (second) way of raising objections, i.e., when the questioner, the person who puts questions in a dialogue, is on target. But, due to the brevity and vagueness of Aristotle’s exposition, the kind of the objection involved in this case is open to interpretation. R. Smith comments on it: ‘in this second

case, there is a way to counter the objection, but the questioner fails to see it and cannot go on. The answerer therefore succeeds in halting the argument, but only because of the questioner's incompetence: this objection is thus "against the questioner".⁹ (1997, p. 138). Other scholars recognize the objection *ad hominem* in these passages of the *Topics*.⁹ I see good reasons in favor of this meaning: Aristotle reconsiders and disqualifies this type of objection in Book VIII,¹⁰ for it reappears under the second participant's failure identified by Aristotle at *ib.* 11, 161^a21–23. Here, Aristotle recommends 'attacking the speaker, not the thesis', when the answerer has ill-treated or insulted his dialogue partner – the questioner – (i.e., the second failure) (*ib.* 161^a21–22). In addition, the answerer might have conceded the opposite of what he could be expected to accept (the first failure, at *ib.* 161^a16–21). In the same way, in the last part of Plato's *Gorgias*¹¹ Callicles's answers had contravened the criteria of 'good dialogue'.¹²

It is clear, therefore, that this first version of the *ad hominem*-argument is not strictly an argument but a reprehensible reaction of the dialogue defender (answerer), in order to hinder the opponent's argument. In these cases, Aristotle recommends that the questioner should disclose the answerer's reaction¹³ (*ib.* 161^a21–23) because this participant has not contributed to the question dialectically, that is, by using the best available arguments. Both replies summarize the first and second failures already mentioned. At *ib.* VIII 11, 161^a21–23, Aristotle does not recommend the questioner *literally* to attack (*epikheireîn*) the answerer by replying to him in the same way,¹⁴ but to disclose the *reprehensible answerer's reaction or move* in this dialogue. Therefore, on the basis of mutual collaboration of the dialogue participants Aristotle moves away from aiming only at the victory, and promotes other goals such as training in argument, putting to the test and examining the interlocutor's thesis (*ib.* 5, 159^a25–37). In summary, in Book VIII of *Topics*, that is, the handbook where Aristotle presents his technique of discussion and in which he begins his reflection concerning arguments, Aristotle introduces the defender's tactic consisting in disqualifying the questioner and opposing his questions, in order to expose such an answerer's reaction as an illegitimate move in the context of his dialectics.

2. ON THE GREEK TRACK II

In order to find the Greek source of the *ad hominem* argument,¹⁵ such as it is usually described, we need to consider a passage which has not been taken into account in the discussion of the Aristotelian *ad hominem*-argument. *On Sophistical Refutations*, chapter 15 presents a resort belonging to the eristic dialogue.¹⁶ In connection with this 'new' evidence, I propose to identify the second Aristotelian version as another 'Greek Root' of the *ad hominem*-argument. It is formulated as follows:

'Moreover, as in rhetorical arguments, so likewise also in refutations, you ought to look for contradictions between the answerer's views and either his own statements or the views of those whose words and actions he admits to be right, or of those who are generally held to bear a like character and to resemble them, or of the majority, or of all mankind.'" *De Sophisticis Elenchis*, 15, 174b19–23.¹⁷

According to a Greek commentator¹⁸ of the passage, the device mentioned by Aristotle was not unknown in the antique Greek rhetoric. It was used by the orators *to react against* those who intended to refute their own discourse in the tribunal courts. Let us remember that the Greek '*agón*' took the form of a 'legal combat' or trial. Here, I propose an English version of the relevant commentary:

'<. . .> and just as the orators – (and he calls orators those who speak in defense of someone endeavoring to help) – fight against those who contradict them by showing that what they say is contrary to what the laws say and against the customs of the *pólis*, so also against those who want to refute <us> it has to be demonstrated that the one who responds says the contrary to the thesis which he himself had defended, or to those with whom he agrees in what they are right and act correctly. For example, if the one who replies agrees with Zeno (of Elea) in that there is no movement nor is it possible to cross the stadium, it is necessary to try to demonstrate from what is said by the partner, that it can be concluded, not only that movement exists but that it is also possible to cross the stadium, what is contrary to Zeno's *dictum*, with whom he was in agreement. Aristotle also says that it is valid to show that the one who answers contradicts those who are competent in each area like the physicians. For example, that he has said the contrary to what is accepted by the good physicians or by the prudent, or <the contrary> to what the people, all or the majority of them or the wisest among them think; as Socrates <replies> to Callicles in *Gorgias*. For example, with respect to those who are "similar" or peers, if <the one who replies> were a physician, one would have to refute him by saying that he had admitted the contrary to what is accepted by physicians; and if he were a musician, <by saying> that he had contradicted the musicians; and if a geometrician, the geometricians.' Pseudo-Alexander, in *De Sop. El. 15, 174b19–23*, M. Wallies (ed., 1898) *CAG* vol. II.3 pp. 115–116.

The commentator says that the rhetorical retort which inspired an analogous one (i.e., the rule described at *De Soph. El. 15, loc. cit.*) consists in refuting discourses that would oppose or contradict the legal framework proper to the speakers' own *pólis*. For Aristotle the legal framework of the *pólis* is not even a subject for discussion, moreover, those having doubts on it would well merit punishment (*Top.* I, 11, 105a2–7). Then, in view of the eristic or sophistic competition Aristotle presents a countercharge resort available to the questioner in order to refute the other party (the answerer). This tool consists in showing the contradiction of what has been proposed or concluded as it is shown in the *analogous rhetorical situation*. Aristotle recommends the questioner to point out the contradiction with respect to the partner's own thesis which he defends and concedes, or with respect to those he acknowledges in theory or in practice, or also by showing that his answers contradict what is accepted by experts or by wise men, or by the people, all of them, or by the majority of them about general matters.

A reader of *Topics* can recognize in the last reference described at *ib.*

174b22–23 that Aristotle advises replying by pointing out the contradiction with reference to the most generally accepted (*éndoxon*), i.e., the criterion of Aristotelian dialectical discussion (*Top.* I, 1 100^a29–30, b21–23; *ib.* VIII 5, 159b8–9, 13–15; *ib.* 6, 160^a12–16; and chap. 11). But, if this is so, the question is why Aristotle presents such a countercharge resort among the typical eristic discussion’s tools? Yet, to refute the opponent’s argument, *by pointing out the contradiction of what is said by the interlocutor with regard to his own thesis*, it does not seem to be fallacious nor reprehensible but a legitimate retort in dialogue. According to this idea, Aristotle explains both what refutation means (*De Sop. El.* 1, 165^a2–3; *ib.* 5, 167^a23–27), and how it works within the limits of a dialectical discussion (*Top.* VIII 2, 158^a8–13; *ib.* 5, 159b4–6; *ib.* chapter 12). To argue ‘dialectically’ consists in respecting this criterion (*ib.* I 1, 100^a18–21; *ib.* VIII chap. 4; *De Sop. El.* 2, 165b3–4).¹⁹ But, on the other hand, if we must take seriously the fallacious nature of this countercharge resort, it would not be worth pointing out such contradictions in order to reply to the other party’s argument in a dialogue. Then, the answerer would have in turn the right to be inconsistent with his own thesis as well as with his own beliefs, whether or not they are recognized explicitly. I see good reasons in favor of the first interpretation. It is a fair dialectical move to refute by pointing out possible contradictions between the proposed thesis and the admissions in the question-answer dialogue-game, firstly because the avoidance of inconsistency makes sense for dialogue and communication all together;²⁰ and secondly because the most generally accepted is another guideline of the Aristotelian dialectics. But, even so, were we not to consider illegitimate this second Aristotelian version of the *ad hominem*-argument, we should need to explain why such refuting device appears in the chapter of *De Soph. El.*, where Aristotle gives advice for the questioner concerning the sophistical discussion. In spite of the philological aspects involved in this question, I still maintain the non-sophistical character of this debating device. For the moment I have no answer to this philological question.

3. THE MODERN CROSSROADS

Arthur Schopenhauer has his own reasons for endorsing the fallacious use of the last tool we have examined. The ruse 16 of *The Art of Controversy* must have been undoubtedly inspired by the Aristotelian version of *De Soph. El.*, chap. 15.²¹ It appears in his *Eristische Dialektik* as follows:

‘Stratagem XVI: Another trick is to use arguments “ad hominem” or “ex concessis”. When your opponent makes a proposition, you must try to see whether it is not in some way – if needs be, only apparently – inconsistent with some other proposition which he has made or admitted, or with the principles of a school or sect which he has commended and approved, or with the actions of those who support the sect, or else of those who give it only an apparent and spurious support, or with his own actions or want of action.

For example, should he defend suicide, you may at once exclaim, "Why don't you hang yourself?" Should he maintain that Berlin is an unpleasant place to live in, you may say, "Why don't you leave by the first train?" Some such claptrap is always possible.²²

I am interested in the stronger version of this 'eristical' move, i.e., the one that do not appeal to what appears to be genuine but it is not really so. With the famous title of '*argumentum ad hominem*' or '*ex concessis*' Schopenhauer has in mind to react against a proposal by pointing out that the opponent contradicts what he endorses in the context of the dialogue. Further, it makes sense that Schopenhauer would have chosen that title for one of the thirty-eight ruses or stratagems, because that sixteenth ruse shows one of the two possible ways ('*modi*') of refuting. The *ad hominem*-way proves the coherence of the affirmations and with it also the so-called 'relative subjective truth'. For this reason this ruse is also called by Schopenhauer '*ex concessis*'. The *ad rem*-way of refuting, on the other hand, compromises the so-called 'objective absolute truth' defined as correspondence to reality (*ED* [9] p. 677). The Schopenhauer's version of the *ad hominem*-argument corresponds to the Aristotelian source but it expands the dimensions of the contradiction up to the point of judging the beliefs or principles recognized by the interlocutor because of his pertaining to a particular group. However, if this ruse were a genuine eristical device, it would not be a fair dialogue move to refute by appealing to the coherence between the statements or admissions of the opponent and his own practice. According to the Schopenhauer's conception of dialectics and on the basis of his skeptical theory on the truth,²³ it makes sense that the dispute participant who utilizes the *ad hominem*-refutation to reply does not put into question the truth of the affirmation, for example, whether suicide is convenient or not; or whether Berlin is a good place to stay; etcetera. The reason for this is that in the *ad hominem*-ruse 'the speaker moves away from the objective matter at issue in order to examine what *the partner has admitted or said* about the subject.' (*ED*, p. 694.10–12).

I would like to point out that the so called 'standard' treatments of the *ad hominem*-argument (C.L. Hamblin, 1970, p. 13) attach importance to the distinction we found in these Schopenhauer's texts, between the truth or the matter of the thesis, on the one hand, and the speaker, on the other.²⁴ This view could be known since 1817, i.e., as soon as J. Frauenstädt published the first drafts of 'Eristical Dialectic', whose summary appeared in Chapter 2 of *Parerga* headed 'Zur Logik und Dialektik', see par. 26, pp. 28–32.²⁵ Further, it is worthwhile to mention that the same distinction were coined later in the Britain tradition. Richard Whately (1787–1863), to whom considerable importance is attached in the recent literature on the issue, contrasted the *ad hominem* argument, including the famous '*ad*' arguments, with the *ad rem* arguments in his *Elements of Logic*, 1828. Literally, '<that> is addressed to the peculiar circumstances, character, avowed opinions, or past conduct of the individual and, therefore, has a

reference to him only, and does not bear directly and absolutely on the real question, as the argumentum *ad rem* does.’ (*EL*, bk. 3, sec 15). ‘Whately’s idea of *ad rem* argumentation is that it is based on how things are, not merely on people’s commitments. The goal of *ad hominem* argumentation, in contrast, is to silence or convince by appeal to personal commitments, and, accordingly, the propositions established are particular and relative to those commitments.’²⁶ In fact, Whately offered a ‘summary of what the “Logical writers” have said about the “*ad*” arguments, incl. the *ad hominem* one, <. . .> for he could have preferred to focus on the issues at hand, i.e., on *ad hominem*, rather than <sources or names>.’²⁷ From this last remark we can conclude that the writer Whately consequently preferred to discuss *ad rem* the fallacious nature of the ‘*ad*’ arguments.

I return to a German source. Also Schopenhauer concerns himself with the other illegitimate way of saving a defeat by attacking directly the dialogue partner with an insulting or sharp tone.

‘A last trick <XXXVIII> is to become personal, insulting, rude, | as soon as you perceive that your opponent has the upper hand, and that you are going to come off worst. It consists in passing from the subject of dispute, as from a lost game, to the disputant himself, and in some way attacking his person. It may be called the *argumentum ad personam*, to distinguish it from the *argumentum ad hominem*, which passes from the objective discussion of the subject pure and simple to the statements or admissions which your opponent has made in regard to it. But in becoming personal you leave the subject altogether, and turn your attack to his person, by remarks of an offensive and spiteful character. It is an appeal from the virtues of the intellect to the virtues of the body, or to mere animalism. This is a very popular trick, because everyone is able to carry it into effect; and so it is of frequent application. Now the question is, What counter-trick avails for the other party? for if he has recourse to the same rule, there will be blows, or a duel, or an action for slander.’²⁸

The *argumentum ad personam* mentioned under ruse 38 leaves the object of the dispute to one side – as in the *ad hominem* – in order to concentrate on the antagonist and to attack the proper person. Before declaring the discussion lost, when anyone faced with someone more intelligent or skillful, it is common to choose to save one’s pride by covering the differences by way of force or violence. The only remedy against this manoeuvre is to remain calm in order to keep the insults out of the game and to turn the attention back to the reasons already expressed in the dialogue. Schopenhauer quotes Themistocles’ saying to Eurybiades: ‘Strike, but hear me’ (*ED*, p. 695). In the first section of this paper we saw that Aristotle condemned the use of this resort and suggested to disclose the unfair partner’s reaction (*Top.* VIII 11 161^a21–23). Schopenhauer maintains that a fair debate takes place between peers, in the domain of the art of dialogue as well as in learning, only if both participants are willing to accept the good arguments of the other dialogue partner (*ED* [22^a] p. 695).

4. CONCLUSIONS

I have shown that Schopenhauer presented the two Aristotelian versions of the so-called *ad hominem* argument in *Eristische Dialektik* (1818–1830) and he distinguished them as two different types under different designations, *ad hominem* and *ad personam*, even when they were not recognized since the seventeenth century reappearance of the argument. In Sections 1 and 2, I have tried to identify both of them under two different ‘Greek Tracks’ to some extent. The following is a summary of the relevant connections:

Greek Track I

The Aristotelian technique of discussion:
Topics Book VIII 10 161^a2–4 (rule 67)
and *ib.*, 11 161^a21–23 (second failure)

The Schopenhauer view:
The Art of Controversy, Stratagem 38:
Argumentum ad personam

Df.: Y (the answerer) obstructs ‘p’ by disqualifying (with insults) H (the questioner) who offered ‘p’ as question.

Source for the ‘abusive’ type of *ad hominem*.

Greek Track II

The Aristotelian view of the eristic discussion:
On Sophistical Refutations 15, 174 b 19–23
(rule 11 of this chapter 15).

The Schopenhauer view:
The Art of Controversy, Stratagem 16:
Argumentum ad hominem

Df.: H (the questioner) attacks ‘p’ because Y said that ‘p’ but then admits ‘non-p’, or contradicts ‘p’ by acting or having acted according to ‘non-p’.

Source for the ‘circumstantial’²⁹ or ‘*tu quoque*’³⁰ type.

In order to show how the two reconstructed versions differ from each other, I have defined and described both of them, i.e., the personal-reaction move on the left side and the questioner’s counter-attack move on the right side. See ‘df.’ for ‘definition’, ‘Y’ for answerer, ‘H’ for questioner, i.e., the two participants of the dialogue. The Aristotelian versions of the *ad hominem*-argument have to do with his dialectics, that is, with the method of arguing in dialogue from the most generally accepted assertions. As the Aristotelian-Greek track I, I described one of the ‘four ways of obstructing’ an opponent’s argument (*Top.* VIII 10, 161^a1), by raising an objection to the questioner himself, and so it is the case of the so-called ‘abusive’ variant of the *ad hominem*-fallacy, which is a dialogue move, but not an argument, consisting in a personal attack available for the answerer. This first Aristotelian version has not to do with any way of dealing with sophisms (as Hintikka and Nuchelmans maintained). Under its second version it appeared as an arguing device available for the participants in order to point out that the dialogue partner has fallen into contradiction, either by contradicting one of his own admissions or by putting into question certain principle recognized in his own behavior. It is one description of the ‘circumstantial’ or *tu quoque* type of the argument. As the summary shows, Schopenhauer presents both versions as two different ruses of the ‘eristic-dialectical’ discussion, in order that his readers or listeners can disclose

them – even as the other thirty-six ruses – as a reprehensible moves for the sake of his own defense in dialogue (cf. *ED*, p. 675).

Let us add some remarks about the different outlooks on *ad hominem* argument already mentioned. The Aristotelian analysis of the first version is also a descriptive one (*Top.* VIII 10. *loc. cit.* and 11 *loc. cit.*). That represents a difference with certain current normative approach to the fallacies, which interpret them to be violation of dialogical rules for the resolution of disagreements (F. van Eemeren and R. Grootendorst, 1987, 296; 1993, 61–62, *i. al.*). Aristotle gives advice about how to act and react both in the context of the dialectical game (*Topics*, VIII) and in the context of the contentious eristic dialogue (*On Soph. Ref.* chap. 15–17), and such debating devices can be interpreted as rules for the two dialogue types, for they define to certain extent the moves available for the participants in both games well-known since the time of Plato's Academy. Even the failures or unfair moves of both games have been identified from a descriptive viewpoint in *Top.* VIII, chap. 11–13 (see, 'epitimesis', 'hamartía', 'pseudós lógos') and in *On Soph. Ref.* chap. 4 and 5 and *ib.* chap. 19 up to 32, where Aristotle explains how apparent refutations can be solved. In contrast to some current views on dialogue focused on obtaining rational agreement, both the dialectical and the eristical dialogue types were not-cooperative games, simple and unsymmetrical in the sense that only one party has a thesis to be defended. The eristical one proceeds by mistakes and apparent arguments. I can not consider here why Schopenhauer has interpreted both Aristotelian game-types under one and the same 'eristic-dialectical' heading in his *Eristische Dialektik*.³¹

In what follows I should like to show some results that could put into question the fallacious nature of the *ad hominem* argument already reconstructed.

- (1) For the *Aristotelian conception of dialogue*, the second version (i.e., *On Soph. Ref.*, chap. 15, *loc. cit.*) exposes a legitimate or fair reply or counter-attack move, because it appears to refute due to the two frameworks of this dialogue: the avoidance of inconsistency, on one hand, and the *éndoxon*, i.e., the definitorial note or criterion of the Aristotelian dialectic, on the other hand.
- (2) Also we should not consider it as an illegitimate move even within Schopenhauer's eristic-dialectics. To defend the coherence of the partner's admissions in a dialogue would be an indispensable tool or criterion for argue, only if both participants do not know the truth of their own thesis, or can not count on the criterion of *ad rem*-truth, which Schopenhauer appears to defend. Therefore, consistency or non-contradiction should be a sufficient condition for the truth of any proposal; whereas contradictions between affirmations – played in work by the *ad hominem*-device – should be a necessary condition to detect falsehood and absurdity in the context of a dialogue. This is so, when the

dialogue players do not know whether any proposal 'p' is true. On the basis of the coherence with which the *ad hominem*-tools operate, it is at least possible to know whether to sustain 'p' contradicts or not other affirmations ('q', 'r', 's') already conceded or to be conceded, if they are inferred by having defended 'p'. This is valid for all the ways of refuting recognized by Schopenhauer: e.g. the '*nego consequentiam*', the '*ad hominem*' and the '*reductio ad absurdum*' (ED, p. 677). In summary, indirect refutations do not show that the thesis to be defended is false, but that it cannot be certain, which is once again what is nowadays remarked when making the proviso that *ad hominem* confuses a strong refutation with a weak one.³² The *ad hominem* way of arguing known since the 17th Century was a part of the dialectical practice, the treatment of which I could not include in this paper.³³

- (3) Further, it may be asked if the *ad hominem* is valid, in the sense of pointing out the contradiction between the theory and the practice of the speaker. The *ad hominem*-move counts as a fair move *only against the adversary* and not against everybody (*ad omnes*), when it is said that the skeptic self-refutes by maintaining that something cannot be known with absolute certainty.³⁴ Philosophical debates accept the validity of the resort called self-refutation or pragmatic refutation.³⁵ This indirect proof plays a central role not only for *arguing against* but also in *trying to refute* the skeptical or relativist position, in those versions which suppose that the actors wanted to and could put forward theses that claim to be universal. On the other hand, the abusive type of the *ad hominem* seems to be very different. Anyone who uses the *ad personam*³⁶ does not pretend to argue, as he strikes out at the partner or (dis)qualifies him because his pertaining to a certain group, in order to attack the partner's position or arguments which are not considered at all.³⁷
- (4) Finally, the standard approach to the *ad hominem* argument according to which it counts as a fallacy of relevance, seems to be relative to the formal conception of deductive logic and especially to the *monolec-tical* view of the argument³⁸ at the heart of it; for the truth has been considered as an attribute of the discourse's contents and therefore of the argument's premisses. For that reason the defenders³⁹ have excluded the questions related to the context from which we can understand the arguments we use, that is, the dialogue, from the subject and matter of Logic, and hence confined them to Rhetoric. In so far they maintain the categorial distinction between two ways of refuting an assertion, *ad hominem* and *ad rem* 'à la Schopenhauer', it has been rejected that the truth must be accepted⁴⁰ by a dialogue partner or by an audience. The results and quandaries that I have presented in this paper indicate that it would be worth to revising the fallacious character of the *ad hominem* way of argue from a dialectical conception of argument.⁴¹ I

have revised two discussion methods in which this character seems to be doubtful.

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NOTES

¹ Expression used by D. Walton, 1995. This paper, translated into English by the author in collaboration with Evelyn Vargas, presents recent research supported by a Grant from UNLP 11H236-CONICET, 1998–99, Argentina.

² According to Walton's analysis, the *ad hominem* is often a legitimate type of argumentation (D. Walton, 1987, pp. 327–330; 1995, pp. 212–218; 1996, pp. 228–232). But on the so called 'pragma-dialectical' analysis, this argument is regarded as a violation of the first rule for critical discussion, by saying that the *ad hominem* prevents someone from advancing a standpoint or casting doubt on a standpoint (F.H. van Eemeren and R. Grootendorst, 1984, pp. 190–192; 1987, pp. 284–285; 1992, pp. 153–156; 1993, p. 62). It is presented as a fallacy of relevance that leads to error because it does not prove the proposed thesis or conclusion by means of the truth of the premisses, on the contrary, it tests the character, behavior or ideology of the speaker, whose acceptance is expected. See I. Copi, 1974, 4th. ed., 84–86; and the representatives of the standard treatment of this fallacy, in van Eemeren and Grootendorst, 1993, pp. 53–57. For A. Lalande, the *ad hominem*-argument focuses on the opponent's life or doctrine (1953, p. 30); for P. Edwards, to detect inconsistency is pertinent to the moral discussion (1967, pp. 177–178). For Ferrater Mora, the *ad hominem*-argument takes into account the defender's truthworthiness (1976, p. 56); and, for A. Jacob, the principles of private life (1990, p. 47). The fallacy is persuasive in virtue of a certain psychological transference that goes from the individual to the thesis being answered (I. Copi, 84). D. Walton defends a pragmatic concept of relevance or pertinence as a context-dependent notion (1995, chap. 6); and interprets the informal fallacy *ad hominem* as a failure of relevance (p. 192), and in particular, the case of the *abusive* type (p. 189 and pp. 217–218) which is not a fallacy but a failure to fulfillment in the burden of proof (pp. 214–215). The *circumstantial* type and its *bias*-subtype (or *tu quoque*) can be used fallaciously by exhibiting three types of failure (cf. p. 215, p. 189, *i. alia*); in summary, 'they can actually impede (or even block) the progress of the dialogue instead of contributing to the achievement of its goal' (p. 218). And the type *poisoning-the well* is analyzed as a dialectical shift (p. 215).

³ See Johannes Jungius' *Logica Hamburgensis* (1638) V,i,8; and John Locke's *Essays Concerning Human Understanding* (1659) IV, xvii, 21 (N. Abagnano, 1963, p. 21). The importance of J. Locke for this question was highlighted by C.L. Hamblin, 1970, pp. 159–161. Albert the Great's commentary on *De Sophisticis Elenchis* 178b17, which would be relevant in connection with the presumed source for the Lockean meaning (Hamblin, 1970, pp. 161–162), seems to be important to trace the history of the rhetorical (pejorative) meaning of the *argumentum ad hominem* (G. Nuchelmans, 1993, p. 43).

⁴ C.L. Hamblin proposed the first three evidences of *De Sop. El.*, cf. 1970, pp. 161–162. For all the evidence, see Hintikka, 1997, p. 246.

⁵ In this context it makes sense that J. Woods and H. Hansen add *Metaphysics* 1062^a2–3 as a new evidence (1997, p. 237, note 4). There, Aristotle stands that there is no proof of the principles (e.g. law of non-contradiction) in an absolute sense (*'haplós'*) but only relatively to this particular person (*'prós tónde'*). For Nuchelmans, in *Met.* IV, chapter 4 and *ib.* IX, chap. 5 Aristotle regarded a special case of *'peirastikós lógos'* (*De Sop. El.* 2, 165^a38–b6), in which the first Aristotelian twofold root of the argumentum *ad hominem*, in the sense of an argument *ex concessis*, has its origin (1993, pp. 37–41). This meaning was known and well-attested in the 17th century, but the expression *'ad hominem'* started his long career from Thomas Aquinas's commentary on Aristotle's *Metaphysics* (*loc. cit.*), according to which the expression *'prós tónde'* stresses 'the relative nature of the sole way of proving first truths' (Nuchelmans, pp. 39–40). Hintikka's view on argue *ad hominem* understood as *ex concessis*, see 1987 note 28, where he quotes the Lockean sense, cfr. *Infra* note 19.

⁶ See I. Copi, 1974, and also D. Walton, who defines four variants: the *abusive* or direct *ad hominem*; the *circumstantial* or indirect type; the bias type or *tu quoque*; and *poisoning the well* type (see 1995, pp. 212–218; 1996, pp. 228–232). In the so called pragma-dialectics, the three variants of the *argumentum ad hominem* are aimed, each in its own way, at eliminating the opponent as a serious discussion partner, by depicting him as stupid, bad, unreliable, etc. (*abusive*), by casting suspicion on his motives (*circumstantial*), or by pointing out an inconsistency between his ideas and deeds (*tu quoque*) (F. van Eemeren and Grootendorst, 1984, pp. 190–192; 1987, pp. 284–285; 1992, pp. 153–154; 1993, p. 62).

⁷ M.L. Kakkuri-Knuuttila, 1989, p. 248.

⁸ Translated by R. Smith, 1997, p. 33. In connection with the Greek deontic expressions (i.e., verbal adjectives: *'téon'* and the infinitives) which often appear in Book VIII of the *Topics*, I have identified and categorized 94 rules for the same question-answer dialogue; and in connection with the descriptive expressions, I have identified 17 failures belonging also to this Aristotelian discussion technique (cfr. G. Chichi, 1996, unedited Ph.D.'s mss.). In this paper I shall quote the Aristotelian passage and the proposed rule in brackets, so that the reader can follow and take notice of my reconstruction. V.g., at *Top.* VIII 10, 161a2–4, I recognize the rule 67, which presents the second way to hinder an argument consisting in object to the questioner.

⁹ 'Il seconde mezzo – d'impedimento – può essere configurato (*instantia ad interrogantem*) come un *argumentum ad hominem*.' A. Zadro, 1974, p. 531. 'The objection *ad hominem* (2) and playing for time (4) are rather sophistical and are not mentioned as objection at any other place in the *Topics*.' P. Slomkowski, 1997, p. 39. For this author, they reappear as *solutions* at *De Sop. El.*, 33 183a21–23 (1997, p. 38, note 154). In connection with the mentioned evidence of *De Sop. El.* (see Introduction of this paper), J. Hintikka maintained that the *ad hominem* is the Aristotelian label for a kind of solution of a fallacy due to equivocation, 'by pointing out that a particular person (a partner) falls prey to that particular mistake' (1993, p. 18).

¹⁰ I do not agree with I. Düring, 1966, note 173, or J. Hintikka, 1987 (see *infra* my note 14).

¹¹ Alexander of Aphrodisias in *Top.*, 161^a21 ss (M. Wallies, 1891, *CAG*, vol. II-2, p. 564).

¹² The relevant passages about the 'good dialogue' are: *Top.* VIII 5, 159b4–7 (i.e., rule 40); *ib.* 6, 160a11–16 (i.e., rule 54), *ib.* 8, 160a39–b1 (i.e., rule 60) and *ib.* 11, 161^a33–37 (i.e., rule 72).

¹³ What is called 'inrepatio' by Boecio *apud* A. Zadro, *op. cit.*, ad 161a 16, p. 531. Instead of thinking that the *ad hominem* was a fallacy in Aristotelian dialogue (as I. Düring, 1966, *loc. cit.*, and the translation of *Top.* VIII 11, 161^a21–23 (rule 70) by M. Candel San Martín, 1982, vol. I, *ad locum*, p. 295), I agree with J. Hintikka, who denies the supposed fallacious character of the *ad hominem*-argument by considering it to be a step or move in the question-answer dialogue (1987, p. 226; 1993, p. 18). Also D. Walton (1995, p. 216).

¹⁴ ‘Aristotle himself admits that “accordingly it sometimes becomes necessary to attack the speaker and not his position”, if only as a last resort against an abusive answerer (*Top.* VIII 11, 161^a21–22).’ J. Hintikka, 1987, p. 226. At *Top. loc. cit.*, H.V. Hansen defends a negative use of the *ad hominem* argument, i.e., in order to stop the opposition of the contentious disputants, such as it is by Whately in view of silencing the other party (see 1996, p. 407). The main disagreement about this passage is that Hansen takes the Aristotelian *ad hominem* as an allegation of inconsistency, as it is the case by Whately. However, I think that this passage has to do with cases of mudslinging.

¹⁵ ‘(. . .) It is hopeless to try to find an anticipation of *ad hominem* fallacy in Aristotle’s remarks, for a perfectly successful argument can according to him be *ad hominem*.’ (Hintikka, 1993, p. 19). Moreover the absence of *ad hominem* in his codes of fallacies would be proof that it is impossible to reduce a particular argument and codify in some way all the multiple and possible mistakes in reasoning with and from ‘*éndoxa*’ (See J. Hintikka, 1987, p. 227).

¹⁶ In *De Soph. El.*, chapter 15, I propose identifying sixteen debating tactics or rules for the eristic questioner, since there Aristotle presents it as ‘weitere Kunstgriffe für einen scheinbaren Sieg’ (H. Flashar, 1983, p. 240).

¹⁷ Translated by E.S. Forster, 1955, p. 85.

¹⁸ The so called ‘Pseudo-Alexander 1’ was Michael of Ephesos (XIII Century), author of the commentary edited by M. Wallies, 1898, *CAG* vol. II 3. See S. Ebbessen, 1981, vol. 1, pp. 268, 283–284; and N. Green-Pedersen, 1984, pp. 13–14.

¹⁹ Similarly, J. Hintikka stands: ‘. . . what is supposed to be wrong with the so-called *ad hominem* fallacy? Surely is fair game to use a man’s admissions in argument against him . . . This was precisely what Socrates was doing: he used to ask questions but never answered them (*De Sop. El.* 34, 183b7–8).’ (1987, p. 226). Further, if the *ad hominem* has a role in the Aristotelian principles, it would not be fallacious to detect contradictions between the very opinions defended, on the contrary, it would be a part of the Aristotelian method of investigation (1987, p. 234).

²⁰ See Aristotle *Metaphysica* IV 4, 1006^a21–23. On inconsistency, see M. Scriven, 1976, chap. 3.

²¹ A. Hübscher, 1970, does not recognize it in *Eristische Dialektik, Kunstgriff 16*.

²² Translated by B. Saunders, 1896, pp. 27–28. ‘Kunstgriff 16: *Argumenta ad hominem* oder *ex concessis*. Bei einer Behauptung des Gegner müssen wir suchen ob sie nicht etwa irgendwie, nöthigensfalls auch nur scheinbar, im Widerspruch steht mit irgend etwas das er früher gesagt oder zugegeben hat, oder mit den Satzungen einer Schule oder Sekte, die er gelobt und gebilligt hat, oder mit dem Thun der Anhänger dieser Sekte, oder auch nur den unächten und scheinbaren Anhänger, oder mit seinem eignem Thun und Lassen. Vertheidigt er z. B. den Sebstmord, so schreit man gleich ‘warum hängst du dich nicht auf?’ Oder er behauptet z. B., Berlin sei ein unangenehmer Aufenthalt: gleich schreit man: warum fährst du dich nicht gleich mit der ersten Schnellpost ab?’. Es wird sich doch irgendwie eine Schickane herausklauben lassen.’ A. Hübscher, 1970, *ED*, pp. 684–685.

²³ See *ED* [5a] p. 675, [5] p. 670; [6] p. 675. ‘The German philosopher A.S. discusses the *argumentum ad hominem* as an *ex concessis* argument (p. 682) without making clear whether or not he considers it to be valid.’ (F. van Eemeren and R. Grootendorst, 1993, p. 51).

²⁴ For Nuchelmans, *De Sop. El.* 22, 178b16 has to do with the sophistical line of development, according to which two kinds of confutation have been distinguished since the 16th and 17th Century: the one belonging to the person and the other belonging to the matter (i.e., the positive treatment of logic) (1993, pp. 43–46).

²⁵ See A. Hübscher, 1970, p. 700.

²⁶ H.V. Hansen, 1996, p. 412. Hansen reconstructs two types of argumentative dialogues implicitly based on the distinction, in order to explain the fair and unfair uses of the *ad hominem* argument by Whately. E.g. to point out a *ad hominem* move may be taken as a ‘counteractive gesture meant to keep the discussion from deteriorating and slipping further away from the ideal of *ad rem* argumentation’, what may allow the participants to return directly to the *ad rem* discussion (p. 413).

- ²⁷ H. Johnstone Jr., 1996, p. 91 and the R.E. McKerrow's words at note 15 of this paper.
- ²⁸ Translated by Saunders, 1896, p. 45–46. 'Letzter Kunstgriff <38>. Wenn man merkt dass der Gegner überlegen ist und man Unrecht behalten wird; so werde man persönlich, beleidigend, grob. Das Persönlichwerden besteht darin, dass man von dem Gegenstand des Streites (weil man da verlorne Spiel hat) abgeht auf den Streitenden und seine Person irgend wie angreift: man könnte es nennen *argumentum ad personam*, zum Unterschied vom *Argumentum ad hominem*, dieses geht vom rein objektiven Gegenstand ab, um sich an das zu halten, was der Gegner darüber gesagt oder zugegeben hat. Beim persönlichwerden aber verlässt man den Gegenstand ganz, und richtet seinen Angriff auf die Person des Gegners; man wird also kränkend, hämisch, beleidigend, grob. Es ist eine Apellation von Kräften des Geistes an die des Leibes, oder an die Thierheit. Diese Regel ist sehr beliebt, weil Jeder zur Ausführung tauglich ist, und wird daher häufig angewandt.' A. Hübscher, 1970, ED, p. 694.
- ²⁹ D. Walton, 1995, p. 212; 1996, p. 228
- ³⁰ F. van Eemeren and R. Grootendorst, 1984, p. 191; 1987, p. 285; 1993, p. 62.
- ³¹ See G. M. Chichi, 2000, 'El descrédito de la *dialéctica discursiva*' *Tópicos. Revista de Filosofía* (Universidad Panamericana de México), vol. 18, 2000, pp. 41–72.
- ³² See D. Walton, 1995, p. 83.
- ³³ See Nuchelmans, 1993, pp. 40–43; Eemeren and Grootendorst, 1993, pp. 49–50, and H.W. Johnstone, Jr., 1996, pp. 89–97.
- ³⁴ F. Battaglia et al., 1957, vol. I, p. 55.
- ³⁵ P. Edwards, 1967 (See *supra* my note 2) and E. Lagerspetz, 1995, pp. 369–370.
- ³⁶ Even Jeremy Bentham payed attention to it, see 'vituperative personalities' in his *Political Sophisms* of 1816 (See *ed.* of 1986, pp. 97–98).
- ³⁷ In a critical dialogue the 'abusive' type compromises the rule for the burden of proof (D. Walton, 1996, p. 213).
- ³⁸ An argument is a set of statements some of which (the premises) are offered in support of another (the conclusion)." A. Blair and R. Johnson, 1987, p. 46.
- ³⁹ In the Platonic view, truth is opposed to rhetoric; see *Gorgias* 462b–465e; *Phaedrus* 259e–260^a; *Republic* 493b–d; and today, e.g. I. Copi, 1974.
- ⁴⁰ See Ch. Perelman and O. Tyteca, 1971, p. 110.
- ⁴¹ See e.g. D. Walton, 1987, 1995 and 1996; and M. Scriven, 1976, p. 225; J. A. Blair, 1998, 338.

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