Argumentation Schemes and Historical Origins of the Circumstantial *Ad Hominem* Argument

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ABSTRACT: There are two views of the *ad hominem* argument found in the textbooks and other traditional treatments of this argument, the Lockean or *ex concessis* view and the view of *ad hominem* as personal attack. This article addresses problems posed by this ambiguity. In particular, it discusses the problem of whether Aristotle's description of the *ex concessis* type of argument should count as evidence that he had identified the circumstantial *ad hominem* argument. Argumentation schemes are used as the basis for drawing a distinction between this latter form of argument and another called argument from commitment, corresponding to the *ex concessis* argument.

KEY WORDS: argumentation schemes, commitment, contradiction, dialogue theory, eristic, fallacy, inconsistency, personal attack, refutation

There is quite a literature growing on the historical origins of the *ad hominem* argument (Nuchelmans, 1993; van Eemeren and Grootendorst, 1993; Hintikka, 1993). The recent article of Chichi (2002) brings this literature together, giving a more complete picture of the Greek roots of the *ad hominem*, and presenting new evidence from modern sources as well as ancient commentators on Aristotle. This new research is significant, not only from a historical point of view, but also in relation to current interdisciplinary work in argumentation theory and computing that is attempting to analyze the structure of argumentation schemes.[1] The research on schemes is relevant to historical research on the origins of the *ad hominem*. The connection between the two subjects of research has been made clear from a conflict, or apparent conflict, between an important thesis held by Chichi and a negative presumption about the historical origins of *ad hominem* in a recent article of my own on the subject (Walton, 2001). Chichi holds that there are passages in Aristotle showing his recognition of the circumstantial *ad hominem* as a type of argument. My view is that this form of argument should be classified as argument from commitment (or *ex concessis* argument, as it has often been called), and that this argument is not the same as the circumstantial *ad hominem* argument. On my view, what Aristotle recognized was argument from commitment, and if this view is

right, it follows that Aristotle was not the discoverer of the circumstantial *ad hominem* argument after all.

1. THE PROBLEM POSED

The conflict has emerged from trying to solve the historical problem of how the circumstantial *ad hominem*, as distinct from the direct or so-called 'abusive' type of *ad hominem*, came into logic. As indicated below, there is plenty of evidence that Aristotle recognized the direct *ad hominem* as a powerful form of argument. As for the circumstantial form however, it was presumed in (Walton, 1998) that it must have come in later, as there appeared to be no evidence of it in the writings of Aristotle, or of other leading Greek philosophers and writers on rhetoric. To my surprise, Chichi cited a passage from Aristotle she took to be evidence of his recognition of this type of argument (2002, p. 336). She quoted the passage in *On Sophistical Refutations* (174b19–23) as evidence of Aristotle's recognition of the circumstantial *ad hominem* type of argument used as an argumentation device.

> 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 those who are generally held to bear a like character and to resemble them, or of the majority, or of all mankind.

But there is a significant problem with taking this passage as describing what is now know as the circumstantial type of *ad hominem* argument, or indeed any type of *ad hominem* argument. The problem is one of the definition of the *ad hominem* as a type of argument and classification of its subtypes. Below it will be argued that what this passage does describe can better be classified as falling under two other kinds of argumentation. Both are important and distinctive, it will be argued, but neither is an *ad hominem* species of argument. One is the argument from inconsistent commitment, also called the 'you contradict yourself' argument (Walton, 1998, pp. 252–253). The other is the appeal to popular opinion, also called the 'appeal to popularity' or 'presumption by common knowledge' argument (Freeman, 1995, p. 267). It is an argument from *endoxa* or generally accepted opinions of the majority or the wise, a form of argumentation thought by Aristotle to be centrally important in dialectical reasoning. In the sentence quoted above, Aristotle described a negative form of appeal to popular opinion argumentation. In this form of argument, a proponent attacks a respondent's view by arguing that there is a contradiction between it and the generally accepted opinion.

Thus the problem is posed whether these forms of argument as described by Aristotle can properly be classified as *ad hominem* arguments. Of course,

that depends on what form of the *ad hominem* argument should be taken to have. It also depends on what forms these other kinds of argumentation have. In short, the historical question takes us to a consideration of what are now called argumentation schemes (Walton, 1996). I will argue that it is necessary to use schemes to show how an ambiguity concerning the meaning of the circumstantial *ad hominem* argument has pervaded logic for many centuries, and continues to cause confusion in current textbook accounts and other writings on the *argumentum ad hominem*. The analysis below formulates the problem more precisely, and presents a possible solution that offers one way of resolving the ambiguity. However, it is argued that the problem is a deep one that continues to impede progress in the development of argumentation schemes relating the *ad hominem* to closely associated forms of argument.

2. SCHEMES FOR DIRECT *AD HOMINEM* AND ARGUMENT FROM COMMITMENT

The expression *argumentum ad hominem*, an expression widely used in both logic and common speech, is ambiguous.[2] The conventional meaning it has in common speech is the use of personal attack by one party in a dialogue to attempt to refute the argument of another party. The expression 'personal attack' means that the one party alleges that the other party has a bad ethical character. For example, he may be called a liar, or some other emotively negative language may be used to indicate a character fault. Let's call the party putting forward the original argument the respondent and the other party, who carries out the personal attack, the proponent. In its simplest form, often called the abusive *ad hominem*, the argument has the following schema. I prefer to call it the direct *ad hominem* because 'abusive', being a negative term, suggests that this form of argument is always fallacious.[3]

> **Argumentation Scheme for the Direct *Ad Hominem* Argument** (Walton, 1998)
>
> The respondent is a person of bad (defective) character.
> Therefore the respondent's argument should not be accepted.

How and why do such direct *ad hominem* arguments work? It has been argued (Walton, 1998) that they work because the attack on a respondent's character, say for honesty, sincerity or trustworthiness, can often undermine the respondent's credibility as a source. And credibility as a source is sometimes important as a reason for accepting a claim. In this light it is now often argued that direct *ad hominem* arguments are often reasonable, and are not always fallacious (Walton, 1998). For example, in legal argumentation, it is sometimes appropriate for an attorney cross-examining a witness to attack the character of the witness for honesty. But one must

be very careful in defining *ad hominem* arguments. Not all attacks on character should be classified as *ad hominem* arguments. To qualify as an *ad hominem* argument, the character attack must be used in a dialogue in a certain way. One party must use it to attack an argument put forward by the other.

   Matters of classification have provided some other problems as well. Another meaning of the expression *argumentum ad hominem* has become lodged into the logical tradition. In this sense, an *ad hominem* argument is taken to mean an argument by one party in a dialogue based on the commitments or previous concessions of the other party. This form of argument, called 'argument from commitment' in modern argumentation theory (Walton, 1996), does not necessarily require a personal attack by the respondent. This form of argument is used by one party to infer that the other is committed to a certain proposition, based on what the other has said or done in the past. For example, suppose George had remarked many times, 'Marx was so right on all social and political matters', and suppose he was often observed taking part in communist rallies shouting, 'Power to the people!' It might be quite reasonable to infer that George is a communist, based on this and other available evidence of George's actions. Thus if another social issue were to be discussed, it could be reasonable to assume that George would support a communist viewpoint on the issue. This form of argumentation is clearly defeasible. George might contest it, for example. But it sets up a plausible inference. The defeasible argumentation scheme for argument from commitment has been presented in (Walton, 1996, p. 56).

> **Argumentation Scheme for Argument from Commitment**
> (Walton, 1996)
>
> *a* is committed to proposition *A* (generally, or in virtue of what she said in the past).
> Therefore, in this case, *a* should support *A*.

Argument from commitment can be used to try to pressure an arguer to draw a conclusion that is in line with his commitments. For example, suppose that George has taken a position, in a particular case, for the company and against the union. Jenna might then try to argue from George's commitments by arguing as follows: 'George, how can you, a professed and committed communist, argue against the union?' Although this argument may carry some weight, George can reply to it, perhaps by arguing that even though he is normally for unions, in this case their position cannot be justified. In other words, argument from commitment can be reasonable, but it is also defeasible. Argument from commitment can also be deployed in a special form that accuses an arguer of having inconsistent commitments. For example, Jenna might argue that George is inconsistent in his commitments because he supported the union before,

but does not do so now. There will be more to say about this form of argument below.

3. AN AMBIGUITY ARISING FROM HISTORICAL DEVELOPMENTS

Any consideration of how the *ad hominem* evolved as an identifiable type of argument must start with the passage in Locke's *Essay*, quoted by Hamblin (1970, pp. 159–160), where Locke defined *ad hominem* the argument used when one party 'presses' another with 'consequences drawn from his own principles or concessions.' Hamblin (1970, pp. 160–174) quoted Locke's remark (1690) that 'to press a man with consequences drawn from his own principles or concessions' is a form of argument 'already known under the name *argumentum ad hominem*'. The problem then is to try to conjecture where Locke found it. Hamblin's hypothesis (p. 161) is that he found it in *On Sophistical Refutations* (177b33), and later passages (178b17) in which Aristotle drew a distinction between solutions directed against the man, and solutions directed against the argument. This Lockean interpretation of what he took to be the Aristotelian *ad hominem* is the account of the fallacy that is found in many modern logic textbooks (Walton, 1998). But there is another view of the *ad hominem* that can also be found in many textbooks, perhaps even more of them. Whately (1826) defined the *ad hominem* as the type of argument 'addressed to the peculiar circumstances, character, avowed opinions, or past conduct of the individual.' Whately's definition includes the notion of character, suggesting the view that character and circumstances may be combined in an *ad hominem* argument.

According to Nuchelmans (1993), there is a twin root of the *ad hominem* in Aristotle. One root is the 'argument against the person' is the passage in *On Sophistical Refutations* (178b17) cited above, in which Aristotle contrasted directing a solution at a sophistical refutation with directing a solution against the person who has put forward that refutation. The other is to direct the refutation against the person of the questioner (*pros ton anthropon*). This suggests a personal attack on the character of a speaker, possibly alluding to the notion of ethotic argument, or argument based on the perceived character of the speaker, as found in Aristotle's *Rhetoric* (Brinton, 1985).[4]

It is argued in (Walton, 1998, pp. 21–27), that this historical development from Aristotle to Locke and Whately has led to a widely entrenched ambiguity about the meaning of the *ad hominem*. Argument from commitment is same form of argument as *argumentum ad hominem* for those who follow Locke. Many modern textbooks (Read, 1901, p. 399) and theorists (Barth and Martens, 1977) define the *ad hominem* argument as being essentially the same as argument from commitment. The other view, found early on in (Jevons, 1883) is that *argumentum ad hominem* is

the use of personal attack by one party in order to try to refute another party's argument (Brinton, 1995; Walton, 1998). According to this view, an *ad hominem* argument is always based on an attack on an arguer's ethical character, using it to argue that the arguer's argument should be discounted. This view holds that the circumstantial *ad hominem* argument combines personal attack with argument from commitment (Walton, 1998). This could perhaps be called the personal attack view, as opposed to the *ex concessis* (Lockean) view.

4. SCHEMES FOR CIRCUMSTANTIAL *AD HOMINEM* AND ARGUMENT FROM COMMITMENT

To clarify the precise difference between the two views of the *ad hominem* described above, it is necessary to set out the argumentation schemes for the two types of argument involved. Remember that it is controversial what forms of argument these schemes should be taken to represent. According to the personal attack view, the circumstantial *ad hominem* and the direct *ad hominem* are both based on an attack on the arguer's character. On this view, the argumentation scheme for the circumstantial *ad hominem* must have a premise stating that the arguer has a bad character. For example, the inconsistency may be taken to show that the arguer is a hypocrite, who fails to practice what he preaches, and that therefore he has a bad character for honesty (or perhaps sincerity), and cannot be trusted to tell the truth.

The form of the circumstantial *ad hominem* argument can be represented by the following argumentation scheme (Walton, 2001, p. 212). The small letter a is a variable for an arguer, the Greek letter α is a variable for an argument, and the capital letter A is a variable for a statement. The two initial premises in the scheme support an interim conclusion that functions as a premise in a second argument for a final conclusion.

> **Argumentation Scheme the Circumstantial *Ad Hominem* Argument**
>
> a advocates argument α, which has proposition A as its conclusion.
> a has carried out an action or set of actions that imply that a is personally committed to not-A (the opposite of A).
> Therefore, a is a bad person.
> Therefore, a's argument α should not be accepted.

According to this argumentation scheme, the circumstantial *ad hominem* argument always contains a personal attack on the character of the arguer whose argument it attacks. On this view, the direct *ad hominem* argument and the circumstantial *ad hominem* argument are closely related.

The circumstantial is a subspecies of the direct argument that bases the personal attack on an allegation of inconsistency.

Next, let us set out another argumentation scheme. On the *ex concessis* view, it represents the circumstantial *ad hominem* argument. But on the personal attack view, it is not a species of *ad hominem* at all, and represents a separate form of argument in its own right. On this view, an argument from inconsistent commitments need not contain the third premise of the scheme above. The following argumentation scheme for this type of argument was given in (Walton, 1998, pp. 252–253).

Argumentation Scheme for Argument from Inconsistent Commitment (or, You Contradict Yourself)

a is committed to proposition *A* (generally, or in virtue of what she said in the past).

a is committed to proposition ~*A*, which is the conclusion of the argument that *a* presently advocates.

Therefore *a*'s argument should not be accepted.

Argument from inconsistent commitments has the first two premises of the circumstantial *ad hominem* argument. But it lacks the third premise. Thus according to this way of defining these argumentation schemes, the circumstantial *ad hominem* argument is a special subtype of argument from inconsistent commitments. What distinguishes the circumstantial *ad hominem* argument is that it must contain the personal attack premise claiming that the respondent is a bad person.

Suppose that in another case, George had taken the side of the management in a recent labor dispute, as in the case considered above in connection with argument from commitment. In such a case, Shauna might use argument from commitment in a negative fashion to draw the conclusion that George's conduct implies an inconsistency. Consider the following dialogue, in which Shauna and George are having a critical discussion on the issue of whether funding to universities should be increased.

Shauna: George, you base your argument for increased funding of universities on your communist principles, right?

George: Of course. You know how often I have shouted 'power to the people' in public demonstrations about university funding.

Shauna: Well, you say you are a communist, but you went against the union side in the recent labor dispute, saying that hewing to the communist line would lead to unemployment, and was wrong.

In this example dialogue, Shauna alleged that George's commitments are inconsistent. So what is she concluding from this, or arguing that an audience should conclude? Is she arguing that George is illogical? Possibly. Is she arguing that he is a hypocrite, or is otherwise a person who is

dishonest, and has bad character for veracity? Not necessarily, because as indicated in the discussion of argument from commitment above, George could reply that the inconsistency could be explained. Maybe the union is just being unreasonable in this case, according to George. It seems that a case like this poses a controversy that parallels the historical ambiguity outlined above. According to the Lockean view, Jenna's argument has to be an *ad hominem* attack against George because it presses George to accept a conclusion based on his own commitments. According to the personal attack view, the argument is not necessarily an *ad hominem* at all, but might be just an argument from inconsistent commitment.

A contentious example is the argument from the *Eristische Dialektik of* Schopenhauer cited by Chichi (2002, p. 338). When a respondent argues that Berlin is an unpleasant place to live, the proponent replies, 'Why don't you leave by the first train?' Schopenhauer's example can be classified as a case of argument from commitment. The proponent's argument is based on the presumption that the respondent resides in Berlin. The implication drawn is that he is committed by his actions to Berlin's being a pleasant place to live, since otherwise he would presumably leave. But then, the proponent argues, this commitment is inconsistent with the commitment made in his statement that Berlin is an unpleasant place to live. This example is a use of argument from commitment to argue that a respondent can be accused of inconsistent commitments. But is it a circumstantial *ad hominem* argument? The advocates of the traditional Lockean *ex concessis* view would say yes. The personal attack view is that the answer should be no, as long as there is no evidence that the respondent is arguing that the proponent has a bad character for veracity. There is no evidence of a character attack. The respondent merely presses the proponent to act in accord with his own commitments, expressed in his statement about Berlin.

Of course, each case needs to be judged on the evidence given by the text of discourse in that case. If the proponent in the Berlin case is trying to attack the respondent by a Gricean innuendo, suggesting his apparent inconsistency of commitments shows he is dishonest, or somehow has revealed bad character, then the argument could be classified as a circumstantial *ad hominem*. But in the absence of such evidence, the argument should not be classified as an *ad hominem*, at least on the personal attack view. The personal attack view is based on the differentiation of the argumentation schemes above. These schemes show precisely how the circumstantial *ad hominem* argument is different from the argument from inconsistent commitments.

5. WHAT TO CONCLUDE ABOUT THE PROBLEM

If the above analysis, based on the given argumentation schemes is correct, at least there is a clear basis for differentiating between argument from

inconsistent commitment and the circumstantial *ad hominem* argument. Once this distinction has been clearly drawn, it provides grounds for the thesis that Aristotle, in the passage quoted by Chichi, was not describing or referring to the circumstantial *ad hominem* argument. Nor was he describing or referring to any kind of *ad hominem* argument. The forms of argumentation he described should properly be called, respectively, argument from inconsistent commitment and negative use of appeal to popular opinion. The latter is a form of endoxic argumentation that is quite distinct, as an argumentation scheme, from *argumentum ad hominem* (Walton, 1996). Argument from inconsistent commitment has historically been equated with *ad hominem* argument, or perhaps confused with it, but that could be because the two schemes have not been clearly distinguished. Of course, not everybody is in agreement with the way of drawing the distinction made in the argumentation schemes above. Indeed, the *ex concessis* view is the generally accepted opinion of longstanding tradition. Still, once the various argumentation schemes have been differentiated in an orderly, clear, and consistent way, there are grounds for supporting the personal attack view as the better choice.

So should we say that Aristotle recognized the circumstantial *ad hominem* as a form of argument or not? Clearly he did recognize two important forms of argument in the passage from *On Sophistical Refutations* quoted above. But is either the circumstantial form of the argument we now recognize as the *argumentum ad hominem*? Some will undoubtedly say that basing your view on the evidence of argumentation schemes is just wrong because it goes against a longstanding tradition in philosophy, and is merely a terminological quibble. But serious research on *argumentum ad hominem* is not possible unless some agreement on terminology and on precise classification of subtypes has been reached. Surely an exact account of the structure of argumentation schemes is one of the most important tools for the identification, analysis and evaluation of argumentation. Now that groups of such schemes can be classified and formed into hierarchies and clusters, steps towards a better use of this tool can be taken. Given exact standards, we can better decide whether something is really an *ad hominem* argument or not. Such decisions, however, cannot be arrived at by mere stipulation, or by simply going along with the accepted terminology. As shown above, they have significant historical as well as practical and theoretical implications for the study of argumentation.

NOTES

[1] The author currently holds a research grant from the Social Sciences and Humanities Research Council of Canada on the project 'Argumentation Schemes in Natural and Artificial Communication'.
[2] The thesis that *ad hominem* is ambiguous in the way described below is ascribed to Schopenhauer by Nuchelmans (1993, p. 42).

[3] The general consensus is that *ad hominem* arguments should no longer be considered to be always fallacious, but should, in many common cases, be seen as reasonable but dangerous (Walton, 1998).
[4] Mansfeld (1994) and Barnes (1997) presented evidence that the attack on a philosopher who does not practice in his actions what he preaches in his philosophy was an extremely powerful one in the ancient world. Philosophy was taken to be not just an academic discipline but a form of personal or practical advice on how to live a good life.

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