

Jun 3rd, 9:00 AM - Jun 6th, 5:00 PM

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Ad Hominem as a Derailment of Confrontational Strategic Manoeuvring

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ABSTRACT: In order for confrontational strategic manoeuvring, aimed at defining in a reasonable way the difference of opinion to one's own advantage, to be sound, arguers' attempt to arrive at a particular (favourable) definition must not prevent other (non-favourable) definitions from coming about. This paper discusses the *ad hominem* fallacy as an obstruction of the procedure of critical testing as a result of failure to meet this particular soundness conditions.

KEYWORDS: accusation of inconsistency, argumentative confrontation, critical testing, fallacy, freedom rule, reasonableness, strategic manoeuvring, *tu quoque*.

1. INTRODUCTION

The fallaciousness of the *ad hominem*, in its different variants, has been the subject of SO much controversy among argumentation scholars. Differences of opinion concerning the *ad hominem* deal with almost everything ranging from which specific aspects of the *ad hominem* are fallacious (e.g. Brinton 1995; Walton 1987) to whether there is anything fallacious about the *ad hominem* at all (e.g. Hitchcock 2007; Woods 2007). Even though the disagreement seems often endless, there is an agreement among the disputants that the personal attack, typical of the *ad hominem*, is not always unreasonable. Taking this fortunate agreement as a point of departure, I shall in this paper investigate the (un)reasonableness of the accusations of inconsistency retorts, typical of *tu quoque* variant of the *ad hominem*. In the investigation, I adopt a pragma-dialectical view of argumentative discourse as being aimed at the critical resolution of differences of opinion and of fallacies as unreasonable moves within such discourse, i.e. moves that hinder the critical resolution pursued (van Eemeren and Grootendorst 1988). That, I believe, will enable me to capture an important dialectical aspect of the problems the *tu quoque* fallacy can pose.¹ Guided by van Eemeren and Houtlosser's view of fallacies as derailments of

¹ Following van Eemeren and Grootendorst (1995: 227), I shall, hereafter, refer to neutral cases of the move at issue by means of ordinary language, as accusation of inconsistency retorts, and to fallacious moves by the Latin technical term, as cases of the *tu quoque* fallacy.

strategic manoeuvring (2003), the *tu quoque* fallacy will be discussed as a failure in arguers' attempts to balance between dialectical and rhetorical concerns related to the definition of the disagreement between them.

2. CONFRONTATIONAL STRATEGIC MANOEUVRING TO DEFINE THE DIFFERENCE OF OPINION

Often, accusation of inconsistency retorts come in response to expressed standpoints. Consider the following exchange between Gordon Brown, the British Prime Minister, and David Cameron, the Leader of the Opposition (House of Commons Official Report 2008):

David Cameron:

[...] He was asked about the Government's claim that this recession was largely not of their making. His answer was that that was "largely drivel, frankly." That is what he said. Let me use some words that the Prime Minister might be very familiar with. They are these:

"unfunded [...] tax promises [...] simply do not add up."

They mean

"tax cuts before the election,"

leading to tax rises after an election. That is what he said as Chancellor just a few years ago. If he does not agree with his employment Minister, if he does not agree with his Chancellor and if he does not agree with his Trade Secretary, perhaps he can tell us—does he agree with himself?

Gordon Brown:

[...] only a few days ago the Leader of the Opposition himself was saying that borrowing had to be allowed to happen. Then he changed his mind, and he is depriving people of real help for businesses and families. The issue will come down to this: do we want to help people through difficult times, a downturn that every country in the world has faced? It is a downturn, by the way, that even the Americans agree started in America. Do we want to help people through difficult times, or do we want to take the advice that was followed in the 1980s and 1990s by the then Conservative Government and do absolutely nothing to help people in time of need? [...]

The exchange comes as part of a discussion about the Government's policy to tackle the effects of the global financial crisis on the British economy. Mr. Cameron, who has repeatedly blamed the Government's borrowing policy for the recession, now opposes the Government's plan of unfunded tax cuts. He argues that such cuts cannot be made possible without further borrowings, what would only add to the problem since the current unfunded cuts can only be compensated by later tax rises. To the criticism, Mr. Brown responds by accusing the Leader of the Opposition of an inconsistency: Mr. Cameron is now criticising the Government's borrowing policy while a few days ago, he himself had said that *borrowing had to be allowed*. The Prime Minister goes on attacking the Conservative Opposition for what is according to him a refusal to help. He attempts to justify his Government's policies but without directly addressing the criticism expressed by his opponent.²

² It is interesting that, in his criticism of the Government, Mr. Cameron's criticism involves an accusation of inconsistency, too. The Government's plan criticised is presented as inconsistent with Mr. Brown's previous opposition to unfunded tax cuts. However, because in this paper I am interested in accusations of inconsistency retorts, I shall restrict my attention to the accusation expressed by Mr. Brown in response to Mr. Cameron's criticism.

AD HOMINEM AS A DERAILEMENT OF STRATEGIC MANOEUVRING

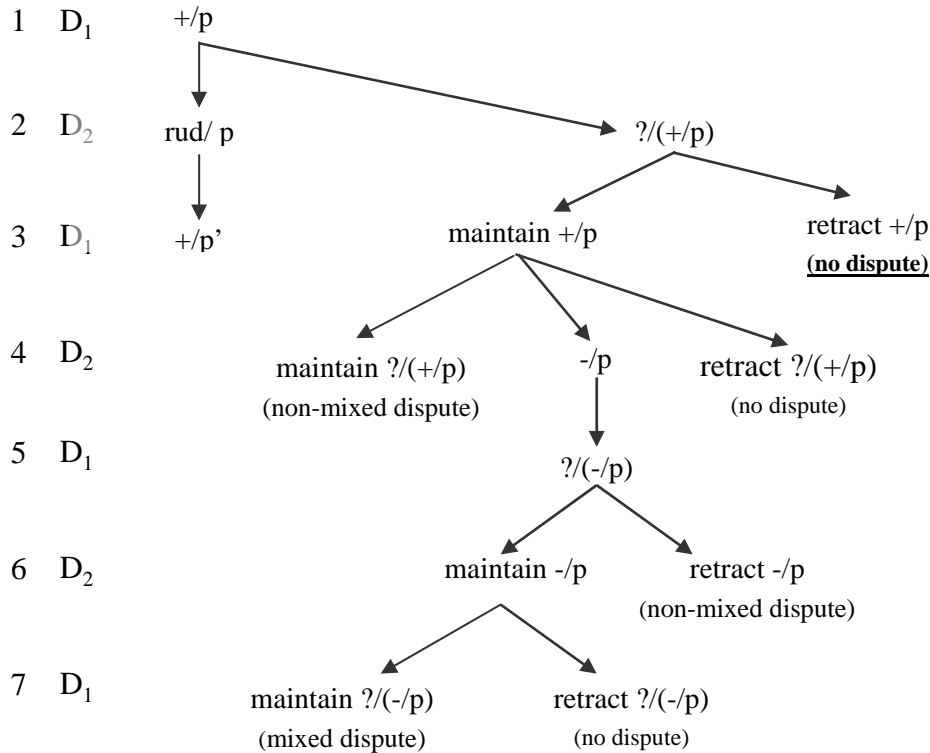
Accusations of inconsistency such as the above occur in those parts of argumentative practice in which differences of opinion come about, i.e. argumentative confrontations. In argumentative confrontations, arguers confront each other with their points of view so that it becomes clear what, if any, the disagreement between them is. In the argumentative confrontation between Mr. Cameron and Mr. Brown above, Mr. Cameron's question can be understood as a standpoint like *government policies contribute to the recession*. Mr. Brown challenges this standpoint by the alleged inconsistency he attributes to his opponent. Challenge in response to a standpoint can be taken as an indication of a potential disagreement to be resolved by means of argumentation: if an arguer confirms his commitment to the standpoint in spite of the challenge, the disagreement is confirmed, otherwise, if the arguer retracts his standpoint, the disagreement is eliminated at that early stage.

In response to Mr. Cameron's standpoint, Mr. Brown reminds his opponent that he had previously expressed the point of view that *borrowing had to be allowed*, and suggests that he cannot therefore be now claiming that *government policies contribute to the recession*. The current position of Mr. Cameron is presented as untenable in view of his previous commitments. The accusation seems to be an attempt by the Prime Minister to lead his opponent to retract his standpoint, at this early stage, without the need to go through a full discussion about it. In that sense, Mr. Brown's expression of challenge can be viewed as an attempt to eliminate rather than to confirm the disagreement about the standpoint he challenges. The elimination is advantageous to Mr. Brown since it would cancel the obligation to refute Mr. Cameron's standpoint, which he would have if the latter maintains his standpoint against the doubt it faced.

Ideally, in the confrontation stage of a critical discussion, discussants aim at reaching a definition of the difference of opinion that furthers the critical testing of the standpoints at issue (van Eemeren and Houtlosser 2002; van Laar 2007). The confrontation stage can develop, reasonably in a way that does not hinder critical testing, to yield any of the following types of disputes (van Eemeren and Grootendorst 1992a: PP. 16-22): a mixed, a non-mixed, or a no dispute. The different outcomes and the way they can be achieved reasonably in a critical discussion are illustrated in the dialectical profile³ below (Mohammed 2008)

³ Dialectical profiles are heuristic tools developed within the pragma-dialectical framework (van Eemeren et al. 2007a, 2007b) in order to provide a step-by-step specification of the moves that the two discussants in a critical discussion can or have to make. The profiles represent in dialogical trees slots of moves that are relevant to the critical resolution of the difference of opinion. For every stage of the resolution process, a dialectical profile can be designed to represent the sequential patterns of moves that contribute to the realisation of a particular stage-related dialectical aim.

Figure 1: The three first turns of the basic dialectical profile of the confrontation stage of a single dispute



| | |
|-----------------------------------|---|
| D ₁ , D ₂ : | the discussants in a critical discussion |
| +/p: | advance a positive standpoint concerning the proposition p |
| ?/(+p): | cast doubt on the positive standpoint |
| -/p: | advance a negative standpoint concerning the proposition p |
| ?/(-p): | cast doubt on the negative standpoint |
| rud/ p: | request a usage declarative concerning the proposition p |
| +/p': | advance a reformulation of the positive standpoint by using a usage declarative |

The elimination of the disagreement, which is a result of the definition of the disagreement as no-dispute might seem like a hindrance to the critical testing procedure. However, the option of retracting one's own standpoint or doubt, which brings about such a definition, should be allowed if the discussants' engagement in critical testing is to be preserved free and voluntary. The elimination of a difference of opinion should in principle be considered a reasonable outcome of argumentative confrontations, just as the confirmation of the difference is.

Arguers' attempts to arrive at reasonable definitions of their differences of opinion that are also favourable to them are considered, within the pragma-dialectical framework, to be cases of confrontational strategic manoeuvring (van Eemeren and Houtlosser 2007). As defined by van Eemeren and Houtlosser (2002), strategic manoeuvring refers to the arguers' attempt to reasonably steer the discussion towards a

favourable outcome. It is the attempt, at every argumentative move in a discussion, to reconcile two types of concerns that are often conflicting: a dialectical concern with the critical testing of standpoints and a rhetorical concern with getting one's point of view accepted. Confrontational strategic manoeuvring, which is the arguers' strategic manoeuvring in argumentative confrontations, is their attempt to strike the balance between dialectical and rhetorical aims that pertain to the definition of the difference of opinion at issue: in argumentative confrontations, arguers are expected to pursue the specific dialectical aim of defining the difference of opinion at issue in a way that furthers the critical testing procedure, as well as the specific rhetorical aim of defining the difference of opinion in the most opportune way in order to win the discussion. Mr. Brown's accusation of inconsistency retort is a typical example: it attempts to steer the confrontation towards the in-principle-reasonable and favourable no-dispute definition of the disagreement, in what seems like a reasonable way. By means of the alleged inconsistency, Mr. Brown urges Mr. Cameron to retract his current position in order not to hold two inconsistent commitments simultaneously. After all, Mr. Cameron cannot think that *borrowing should not have been allowed* (entailed in his current criticism of the Government) and that *borrowing had to be allowed* (expressed a few days ago) at the same time.⁴

3. THE REASONABLENESS OF CONFRONTATIONAL STRATEGIC MANOEUVRING

Despite the potential tension between the pursuits of dialectical reasonableness and of rhetorical effectiveness, reconciling the two is fortunately not impossible. Because it is in principle possible for arguers' to win discussions by critically testing the standpoints at stake, van Eemeren and Houtlosser argue that strategic manoeuvring can be considered potentially sound. That is to say that arguers' attempts to strike a balance between their dialectical obligations and their rhetorical concerns can be successful, leading to reasonable argumentative moves in which the critical resolution of the difference of opinion is not obstructed by the pursuit of rhetorically opportune outcomes. Arguers' strategic manoeuvring can be reasonable by maintaining a balance between dialectical and rhetorical concerns in relation to the pertinent stage of critical testing. For example, a move in an argumentative confrontation can be considered a reasonable case of strategic manoeuvring when the pursuit of a favourable definition of the disagreement constitutes no obstruction to the critical testing procedure. A reasonable accusation of inconsistency retort is therefore one in which his pursuit of a definition of the difference of opinion as no dispute constitutes no obstruction to the critical testing procedure.

In general, in order for a move in an argumentative confrontation not to obstruct critical testing, the move must contribute to the definition of the difference of opinion in a way that furthers the critical testing procedure. For that, two requirements need to be met.

⁴ Unlike van Laar (2007), I understand that consistency in one and the same discussion is a dialectical requirement for the protagonist of a standpoint (Krabbe and Martens 1977, p. 88). Van Eemeren and Grootendorst make it clear that "admitting inconsistent statements within one and the same discussion makes it impossible to resolve the dispute" (1992a, p. 114). I take cases of provocative thesis (Krabbe 1990) to be exceptions, especially that, as noted by Krabbe, in such cases, the thesis does not reflect the position of its proponent but rather that the opponent is being inconsistent.

First, the move must constitute a contribution to at least one of the definitions of the difference of opinion that are allowable in the confrontation stage of a critical discussion. In principle, a dialectically reasonable argumentative move needs to contribute to (at least) one of the outcomes of the pertinent stage of a critical discussion in order for it not to obstruct the critical testing procedure. For a move in an argumentative confrontation, this means that the move needs to contribute to the development of the confrontation towards (at least) one of the in-principle-reasonable definitions of the difference of opinion as a no, non-mixed or mixed dispute. A second requirement for a move in an argumentative confrontation to be considered reasonable is that the move does not obstruct the development of the argumentative confrontation towards any of the outcomes that are allowable in the confrontation stage of a critical discussion. A move that furthers the critical testing procedure should allow any of the definitions of the difference of opinion as no, non-mixed or mixed dispute to come about.

The two general requirements that need to be met in order for a move in an argumentative confrontation to be considered a dialectically sound case of confrontational strategic manoeuvring can be formulated as follows:

- (1) the move needs to *constitute a contribution* to at least one definition of the difference of opinion that *does not obstruct* the critical testing procedure,⁵ and
- (2) the move must *not preclude* any other definition of the difference of opinion that furthers the critical testing procedure.

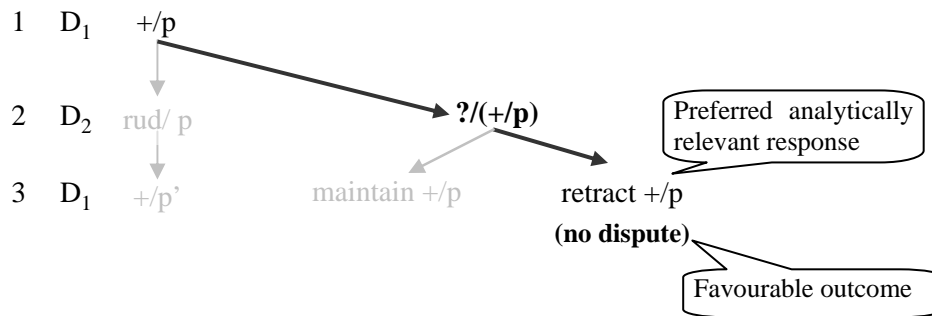
A particular instance of an accusation of inconsistency retort would therefore be considered a reasonable case of confrontational manoeuvring if the attempt *contributes* to the definition of the difference of opinion as no dispute *without precluding* any other definition of the difference of opinion at stake either.

As a Case that belongs to a particular type of confrontational strategic manoeuvring, accusation of inconsistency retorts can be viewed as the attempt of an arguer at particular point of the dialectical procedure to lead the confrontation towards a particular dialectical route⁶ (see figure 2 below).

⁵ Once a move in an argumentative confrontation is viewed as a case of confrontational strategic manoeuvring, the pursuit of one particular favourable outcome is attributed to the move, so that the move is eventually viewed as an attempt to bring about the favourable outcome. In view of the fact that a case of confrontational strategic manoeuvring always pursues a favourable definition of the difference of opinion, the requirement that a sound case needs to constitute a contribution to at least one of the definitions of the difference of opinion that are allowable in the confrontation stage of a critical discussion can be interpreted as a requirement to contribute (at least) to a favourable definition of the difference of opinion.

⁶ A dialectical route is a sequence of analytically relevant moves that need to be performed in order to achieve an outcome of a certain dialectical stage (van Eemeren and Houtlosser 2006, 2007). A particular argumentative move is analytically relevant (van Eemeren and Grootendorst 1992b) when the move plays a role in the critical resolution of a difference of opinion.

Figure 2



In this type of manoeuvring, an arguer casts doubt on an expressed standpoint, in an attempt to lead the proponent of this standpoint to retract it and take the dialectical route that leads to the favourable definition of the difference of opinion as no dispute accordingly. By considering the dialectical route that is pursued, the general requirement for reasonableness can be specified. It can be specified, for example, how a particular move contributes to a certain definition of the difference of opinion, or how it precludes another.

In view of the first requirement above, the argumentative move that functions as an expression of doubt needs to *constitute a contribution* to at least one definition of the difference of opinion that can in principle be achieved within the boundaries of reasonableness. That is to say that the move needs to be a contribution to at least one dialectical route of the confrontation stage of a critical discussion.⁷ This first requirement is in fact two-fold: the move must be a *responsive* expression of doubt concerning the expressed opinion, which I will hereafter refer to as the responsiveness requirement, and it must *enable a continuation* of at least one dialectical route of the confrontation stage, which I will hereafter refer to as the continuity requirement.

The second general requirement for reasonableness is meant to eliminate obstruction to any of the definitions of the difference of opinion that can in principle be achieved within the boundaries of reasonableness. More specifically, the requirement is intended to guarantee that none of the definitions of the difference of opinion that are unfavourable given the type of strategic manoeuvring at issue is obstructed. In the type of confrontational manoeuvring at issue, these are definitions of the disagreement as a non-mixed dispute (*turns 4 and 6* in the profile), a mixed dispute (*turn 7*) or a no dispute to the favour of the proponent of the standpoint (*turn 4*). The unfavourable definitions are usually achieved through non-preferred dialectical routes, i.e. routes that are different from the one that leads to the favourable definition. Usually too, at the point of the dialectical procedure strategic manoeuvring occurs, the dialectical route followed so far branches out into preferred and non-preferred routes. In order to guarantee no obstruction

⁷ In a presentation at a research colloquium in Amsterdam, November 2006, van Eemeren and Houtlosser suggested that a dialectically sound case of strategic manoeuvring needs to be (a) “chosen in such a way that it enables an analytically relevant continuation at the juncture concerned in the dialectical route [...]”, (b) “in such a way adapted to the other party that it responds to the preceding move in the dialectical route [...]” and (c) “formulated in such a way that it can be interpreted as enabling a relevant continuation and being responsive to the preceding move.” The first general requirement I suggest addresses the three conditions together.

to any of the definitions of the difference of opinion that would be allowable in a critical discussion, the expression of doubt, in the particular type of manoeuvring at issue, should not obstruct the continuation of any of the non-preferred dialectical routes that branch out from this juncture of the dialectical procedure. That is to say that a dialectically reasonable accusation of inconsistency retort must not preclude the possibility that the expressed opinion is maintained in the turn that follows, i.e. the non-preferred analytically relevant response is opted for, in order to guarantee the *freedom* of taking the non-preferred dialectical route that might lead to the definition of the difference of opinion as a non-mixed or a mixed dispute. To this requirement, I shall hereafter refer as the freedom requirement. Unlike responsiveness and continuation requirements, the freedom requirement has seldom been considered in relation to the *tu quoque* fallacy, even though failure to meet the freedom requirement can cause a quite serious dialectical problem.⁸

4. *TU QUOQUE* AS AN OBSTRUCTION TO CRITICAL TESTING

In accusation of inconsistency retorts, doubt in relation to a certain standpoint is expressed by means of an accusation of inconsistency. The accusation alleges to the proponent of a standpoint two inconsistent commitments (let them be commitment to A and commitment to $\neg A$), one of which (let it be commitment to A) is entailed in the standpoint at issue and the other (commitment to $\neg A$) is derived from a previously expressed opinion or a previous action of the accused. In line with Perelman and Olbrechts-tyteca (1995, p. 195) and Andone (2008, p. 41), an accusation of inconsistency is understood as an attempt to get the accused to eliminate the inconsistency by retracting one of the inconsistent commitments. In accusation of inconsistency retorts, the accused is urged to eliminate the inconsistency by retracting one of the inconsistent commitments, usually the commitment to A. Retracting a commitment that is entailed in one's standpoint requires the retraction of the standpoint itself. That is exactly how accusation of inconsistency retorts aim at bringing about the favourable outcome of no-dispute.

As explained in the previous section, in order for an accusation of inconsistency retort to meet the freedom requirement, the accusation must not preclude the possibility that the expressed opinion is maintained in the turn that follows. The accused can respond to the accusation in a way that eliminates the alleged inconsistency, without necessarily retracting the standpoint expressed. The accused can for example opt for retracting his previously expressed commitment (*commitment to $\neg A$*), by admitting that he was wrong, or that he changed his mind. The accused can even reject the accusation as unacceptable:

⁸ Most of the problems discussed in relation to the *tu quoque* can be associated with failures to meet the first two conditions. For example, the discussion of whether or not the inconsistency and its bearings on the credibility of an arguer constitutes a relevant challenge to the subject matter of the arguer's standpoint (e.g. Brinton 1995, van Laar 2007) can be considered in relation to the responsiveness requirement, and the discussion of the extent to which an arguer can be committed to the inconsistent commitments can be considered in relation to the continuity requirement. Walton (1987) is an exception; he seems to be concerned with the freedom of the accused to respond to the criticism in considering the reasonableness of *tu quoque* arguments. In defending the point of view that *tu quoque* arguments are not necessarily fallacious, he emphasises the availability of "reasonable way outs" for the accused and argues that such way outs make the criticism expressed in *tu quoque* arguments "essentially open rather than closed" (p. 323).

he can deny any of the commitments attributed to him, for example by challenging the accuser's interpretation of his previous action or point of view. In order for the accusation to meet the freedom requirement, these options for the accused must not be precluded. The accusation, which can potentially further critical testing by urging the accused of eliminating the alleged inconsistency, must leave it up to the accused how to eliminate the alleged inconsistency. Otherwise, if any of the options that the accused has to clear up the alleged inconsistency is precluded, critical testing is obstructed: arguers' freedom of expressing points of view is violated if the accused is no longer free to choose which commitment to accept and which one to retract. That is one way the potentially sound accusation of inconsistency retort derails into the *tu quoque* fallacy: an alleged inconsistency in one's position is misused to violate one's freedom to adopt a certain point of view. Gordon Brown's accusation of inconsistency against David Cameron discussed above is an example.

In the exchange between Mr. Brown and Mr. Cameron, Mr. Brown seems to present the accusation of inconsistency in a way that violates Mr. Cameron's freedom to choose how to respond to the accusation. Mr. Brown attributes to Mr. Cameron the commitment to *borrowing should not have been allowed (commitment to A)* as a commitment entailed in the latter's standpoint that *government policies contribute to the recession* and the opposite of it, namely that *borrowing had to be allowed (commitment to -A)*. In order to avoid a discussion of the criticism against his Government, Mr. Brown attempts to direct Mr. Cameron towards the retraction of the commitment to A, as a way to lead him to retract the standpoint he expresses. By presenting the commitment to A (*borrowing should not have been allowed*) as a commitment that would deprive families and businesses of real help, Mr. Brown makes Mr. Cameron's option of maintaining commitment to A almost impossible. Given that politicians are required to care about people's problems, Mr. Cameron's choice to maintain commitment to A and retract commitment to -A instead can be considered precluded by the association Mr. Brown makes between the commitment to A and insensitivity towards people's problems. The association puts pressure on Mr. Cameron. It restricts his freedom in choosing the way to eliminate the alleged inconsistency concerning whether *borrowing had to be allowed* or not, and consequently violates his freedom to express the point of view that *government policies contribute to the recession*. The way the accusation of inconsistency retort is presented violates the pragma-dialectical freedom rule according to which "parties must not prevent each other from advancing or casting doubt on standpoints" (van Eemeren and Grootendorst 1987, p. 284), and is in that sense a case of the *tu quoque* fallacy.

5. CONCLUSION

In this paper, I have highlighted one particular problematic aspect of the *tu quoque* fallacy. As it is often observed, accusation of inconsistency retorts can constitute a constructive contribution to the critical testing of points of view (e.g. Woods 2007). However, as the exchange between Mr. Brown and Mr. Cameron shows, unless the freedom of the accused to choose the way to respond to accusation is preserved, the retorts can constitute a hindrance to the critical testing. In view of the pragma-dialectical understanding of the *ad hominem* fallacy as a violation of arguers' freedom to express points of view, a fallacious accusation of inconsistency retort can be viewed as a case of

the *tu quoque* variant of the *ad hominem* fallacy.⁹ Usually, a case of the *tu quoque* fallacy is said to have occurred when an alleged inconsistency is used to undermine the credibility of an arguer in order to deny him the right to speak. However, I believe that denying an arguer the freedom of choosing how to respond to the alleged inconsistency can also violate arguers' freedom to express points of view and should therefore also be viewed as a case of the *tu quoque* fallacy.

[Link to commentary](#)

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⁹ Unlike the case in the standard treatment, and approaches following it, in the pragma-dialectical approach (van Eemeren and Grootendorst 1987, 1992a, 1995) the fallaciousness of the *ad hominem* is understood in relation to the threat personal attacks can pose for arguers' freedom of expressing points of view. That allows the necessary distinction between potentially reasonable personal attacks, i.e. those that constitute no threat to arguers' freedom of expression, and fallacious ones, i.e. cases of the *ad hominem* fallacy (van Eemeren and Grootendorst 1995).

AD HOMINEM AS A DERAILEMENT OF STRATEGIC MANOEUVRING

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