May 18th, 9:00 AM - May 21st, 5:00 PM

Commentary on Patrick Bondy, "Bias in Legitimate Ad Hominem Arguments"

Andrew Aberdein
Florida Institute of Technology - Melbourne

Commentary on Patrick Bondy, "Bias in Legitimate Ad Hominem Arguments"

ANDREW ABERDEIN
School of Arts and Communication
Florida Institute of Technology
150 West University Boulevard, Melbourne, Florida 32901-6975
U.S.A.
aberdein@fit.edu

1. Introduction

I am grateful for the opportunity to comment on Patrick Bondy's 'Bias in Legitimate Ad Hominem Arguments'. It is a rich paper with much to discuss and I will only be able to touch on a few of the ideas it provokes.

2. Definitions

Bondy begins with definitions and so shall I. He offers 'a stipulative definition of "ad hominem argument": these are cases where a speaker puts forward an argument, and a respondent replies (and here is the ad hominem) by pointing out a feature of the speaker's character or circumstances, which the respondent takes (or purports to take) to be relevant to the speaker's credibility or standing in the circumstances' (Bondy 2017, p. 1). This excludes some varieties of ad hominem, although not the most familiar. More notably, it includes some varieties of argument not always classified as ad hominem, specifically arguments that turn on positive features of the speaker's character, which are sometimes termed positive ethotic argument. While Bondy's definition of ad hominem is somewhat wider than most, his definition of bias is somewhat narrower. He asserts that '"bias" applies when we judge a person, group of people, or institution, according to a comparatively very harsh or very easy standard' (Bondy 2017, p. 1). Again, this is familiar, but it focuses on bias in the sense of prejudice, and excludes bias against objects other than people. Thus it is distinct from the sense that bias has, for example, in the 'biases and heuristics' programme of cognitive psychology.

In discussing which instances of ad hominem may be legitimate, Bondy distinguishes cases where 'we judge that it's not rational for us to accept the premises', from cases where 'we might yet have good reason to reject its conclusion', and cases where 'we judge that the inferential support that the premises offer is not adequate' (Bondy 2017, p. 2). These correspond, naturally enough, to 'three ways of attacking an argument: attacking a premise, a conclusion and an inference', what many scholars have identified as 'three corresponding kinds of defeat: undermining, rebutting and undercutting' (Prakken 2010, p. 94). However, Bondy maintains that only the first of these, undermining, can give rise to legitimate ad hominem attacks. He tells us that 'for the purpose of articulating criteria for evaluating individual arguments, [rebuttal] can be set aside' (Bondy 2017, p. 2). And he refers us to an earlier paper for an argument that ad hominem undercutting is never legitimate (Bondy 2015). I have been less conservative in ascribing legitimacy to some cases of ad hominem, admitting all three varieties of defeat (Aberdein 2014). However, in these remarks I shall largely follow Bondy in concentrating on the legitimacy of ad hominem undermining.

3. Unjustified Biases

Bondy's present concern is with the relationship between bias and ad hominem arguments. He argues that the relationship is of this form: 'it's never the case that unjustified biases give rise to acceptable ad hominem responses to arguments. Ad hominems based on unjustified biases will always violate the rational acceptability condition on good arguments' (Bondy 2017, p. 5). Ostensibly, this prohibition seems to be at odds with a virtue-based account of the legitimacy of ad hominem arguments defended independently by Heather Battaly, Christopher Johnson, and me. Bondy's position might be reconciled with Johnson's contention that 'the stronger or more coherent the character portrait that develops from consideration of these virtues and traits, the more compelling the ad hominem appeal, and the less the objection of ad hominem fallacy, in making a decision between arguments' (Johnson 2009, p. 265). Perhaps a strong and coherent character portrait requires sufficient attention to the subject's character as to eliminate bias, or at least ensure that no *unjustified* biases endure.

However, Battaly writes 'Three sorts of ad hominems that attack the speaker's intellectual character are legitimate. These arguments attack a speaker's: (1) possession of reliabilist vices; or (2) possession of responsibilist vices; or (3) failure to perform intellectually virtuous acts' (Battaly 2010, p. 388). And I maintain that 'negative ethotic argument is a legitimate move precisely when it is used to draw attention to argumentational vice. (Similarly, positive ethotic argument would be legitimate precisely when it referred to argumentational virtue.) For example, highlighting instances of bias, conflict of interest, or deception would be legitimate. Seeking to discredit one's opponent by focusing on his *non*-argumentational vices, or behaviour that is not vicious at all, would be illegitimate' (Aberdein 2010, p. 171). Hence both Battaly and I are committed to the position that it is sufficient for the legitimacy of an ad hominem attack that the arguer whose argument is under attack is attacked for argumentational vices that they truly possess. But, for Bondy, an ad hominem attack that arises from the unjustified biases of the attacker is never legitimate. So, ad hominem attacks on actual argumentational vice that arise from unjustified biases would be legitimate for Battaly and me but illegitimate for Bondy. Can there be such attacks, and how should they be judged?

Suppose I develop a violent and irrational prejudice against politicians with combovers. Such a bias may lead me to focus a close critical attention on the arguments advanced by such individuals, thereby leading to my discovery of the argumentational vices of a certain presidential candidate, vices I might otherwise have overlooked. My bias is unjustified, but it has led me to believe something true: that the candidate is argumentationally vicious. For Bondy, the origins of my discovery would seem to disqualify my use of it in argument as illegitimate. On my account, the origin is immaterial: if the vices are real, they are fair game.

In reply, Bondy might say that in this case I have acquired independent justification for my ascription of argumentational vice, such that my ad hominem is no longer based on unjustified bias, at least directly. But consider a variation: my bias leads me to maintain that all politicians with combovers are untrustworthy. ('The scoundrels won't even admit to being bald!') I therefore attack the candidate as untrustworthy, accurately as it happens, but before I have any direct evidence for this judgment. Or, with apologies to Patricia Highsmith, consider the following variation on Bondy's *Ripley* example. Suppose that Marge really is a terrible arguer, who routinely overestimates the strength of her evidence. But Dickey's father comes to believe this of her solely on the grounds of his bias against women as arguers.

Both of these examples exhibit pretty dreadful argumentation. Both arguers would be vulnerable to a subsequent legitimate ad hominem counterattack drawing attention to their argumentational vices. But it does not follow that they are guilty of illegitimate ad hominem themselves—there are many ways of arguing dreadfully! Nonetheless, Bondy would seem committed to identifying these cases as illegitimate ad hominem. Moreover, he would seem committed to identifying outwardly similar cases in which the arguers had obtained the available justification for their specific bias as legitimate ad hominem. If I'm right about this, Bondy's distinction between legitimate and illegitimate ad hominem would seem to turn on the success of a process of justification that may be entirely internal to the arguer.

4. Bias-Driven Scepticism

Bondy draws attention to Audrey Yap's work on the long-term effects of ad hominems based on unjustified biases (Yap 2013, 2015). As he summarizes this work, 'unjustified negative biases can damage a speaker's rhetorical credibility, even when the bias is made explicit and everyone recognizes that it's an unjustified bias' (Bondy 2017, p. 6). He generalizes this point to include the unearned benefits of unjustified positive biases. These considerations lead to broader sceptical implications, analogous to those raised by other authors in a related context (Saul 2013; Carter and Pritchard 2017).

Adam Carter and Duncan Pritchard taxonomize bias-driven scepticism about knowledge as follows, distinguishing between three positions of increasing severity: *weak bias-driven scepticism* states that, since beliefs that turn out to depend essentially on bias cannot be knowledge, 'we know a lot less than we hitherto supposed'; *intermediate bias-driven scepticism* states that true beliefs that result from the exercise of epistemic virtues, but also inessentially depend on bias, are not knowledge; *strong bias-driven scepticism* states that 'even when true beliefs in the relevant domain are not infected by cognitive bias, since we are unable to rationally exclude the possibility that cognitive bias is present, it nonetheless follows that we lack knowledge' (Carter and Pritchard 2017, p. 9). All three positions have argumentational counterparts. Weak bias-driven scepticism is the thesis that some arguments we have taken to be good are actually bad, since they rely essentially on bias. This sort of concern is widespread. Intermediate bias-driven scepticism is the thesis that some arguments we have taken to be good are actually bad, since they rely on bias, albeit inessentially. If I read Bondy correctly, then he is committed to this sort of scepticism too. And strong bias-driven scepticism is the thesis that some arguments we have taken to be good are actually bad, because even though they are in fact free from bias, we are unable to rationally exclude the possibility that it is present. The considerations that Bondy derives from Yap seem to lead to strong bias-driven scepticism as well. If illegitimate ad hominem arguments can have an effect on our judgment even after they have been exposed as illegitimate, then we would seem to be often in a position where we are unable to rationally exclude the possibility that our assessment of arguments has been coloured by bias despite our best efforts—even when our best efforts have actually succeeded.

5. Magical Thinking

Bondy seeks to explain this persistency of bias by analogy with 'magical thinking'. As he notes, this is a phenomenon that has been studied in social psychology whereby beliefs known to contradict laws of nature still prove oddly incorrigible (Tykocinski 2008; Wolferen et al. 2013).

For example, 'people will tend to refuse to eat chocolate if it's shaped like dog feces, or like a cockroach, even if they know that it's pure chocolate' (Bondy 2017, p. 7). (Pedantically, Bondy's examples might be better termed 'quasi-magical thinking', following Eldar Shafir and Amos Tversky, since they include cases in which people act as if they had magical beliefs that they do not really hold (Shafir and Tversky 1992, p. 716).)

A natural way to approach the phenomenon of (quasi-)magical thinking is via a dual-process theory of rationality. Such an approach standardly distinguishes 'System 1 [which] is fast, heuristic, associative, evolutionarily old, and automatic while System 2 is slow, serial, rule-based, evolutionarily new, and controlled' (Mugg 2016, p. 300). The disgust reaction, and thereby the aversion to eating things that trigger it, would be examples of a System 1 process, something that is largely unconscious. The knowledge that the specific item is actually good to eat would be an example of a System 2 process, something that is largely conscious. Indeed, dual-process theory has been applied to magical thinking (Arad 2014, p. 18). There are some grounds for scepticism about the empirical adequacy of dual-process theories (Mugg 2016). Nonetheless, dual-process theories have been successfully applied to argumentation (Bisquert et al. 2015; Godden 2015). Hence, Bondy's employment of magical thinking as an analogy for bias suggests that his approach may be assimilated to a broader dual-process account of bias. But that is not to deny the value of this analogy. On the contrary, it may provide the basis for optimism about the possibility of successful debiasing on a dual-process account. For magical thinking is something that can be overcome.

Bondy insists that 'I would eat a piece of inferior chocolate that's shaped in a normal way before I would eat an excellent piece of chocolate shaped like a cockroach' (Bondy 2017, p. 7). That's his call, of course, and he's not alone in his preferences. But he may be in a minority, as sales of gummy worms and, indeed, cockroach-shaped chocolates may suggest (Schaffler 2015). For a more savoury example, consider the oyster. The seventeenth-century author Thomas Fuller tells us that 'King James was wont to say, "He was a very valiant man who first adventured on eating of oysters." Most probably mere hunger put men first on that trial … famine making men to find out those things which afterwards proved not only wholesome, but delicious' (Fuller 1662, vol. 1, p. 493). When we first see an oyster, System 1 tells us pretty strongly that this is not something we should put in our mouths. But, if once System 2 gets the upper hand, then we can train ourselves out of that initial response.

Magical thinking seems to persist in cases where it carries little cost—going a little bit out of one's way to buy a lottery ticket or settling for inferior chocolate. Likewise, biases often carry little immediate cost for the biased. In neither case is there much incentive to revisit one's careless habits of mind. But it does not follow that such habits are incorrigible. Indeed, as the oyster story suggests, once suitably incentivized, one's preferences can be diametrically reversed.

References

Aberdein, A. (2010). Virtue in argument. *Argumentation* 24, 165–179.
Aberdein, A. (2014). In defence of virtue: The legitimacy of agent-based argument appraisal. *Informal Logic* 34, 77–93.
Arad, A. (2014). Avoiding greedy behavior in situations of uncertainty: The role of magical thinking. *Journal of Behavioral and Experimental Economics* 53, 17–23.

Battaly, H.D. (2010). Attacking character: Ad hominem argument and virtue epistemology. *Informal Logic* 30, 361–390.

Bisquert, P., M. Croitoru and F.D. de Saint-Cyr (2015). Towards a dual process cognitive model for argument evaluation. In: C. Beierle and A. Dekhtyar (Eds.), *Scalable Uncertainty Management: 9th International Conference, SUM 2015 Québec City, QC, Canada, September 16–18, 2015 Proceedings*, vol. 9310 of *LNAI* (pp. 298–313, Ch. 19), Cham: Springer.

Bondy, P. (2015). Virtues, evidence, and ad hominem arguments. *Informal Logic* 35, 450–466.

Bondy, P. (2017). Bias in legitimate ad hominem arguments. In: P. Bondy and L. Benacquista (Eds.), *Argumentation, Objectivity and Bias: Proceedings of the 11th International Conference of the Ontario Society for the Study of Argumentation (OSSA), May 18–21, 2016*. Windsor, ON: OSSA.

Carter, J. A. and D. Pritchard (2017). Cognitive bias, scepticism and understanding. In: S.R. Grimm, C. Baumberger and S. Ammon (Eds.), *Explaining Understanding: New Perspectives from Epistemology and the Philosophy of Science*. London: Routledge.

Fuller, T. ([1840] 1662). *The History of the Worthies of England*. London: Tegg.

Godden, D. (2015). Argumentation, rationality, and psychology of reasoning. *Informal Logic* 35, 135–167.

Johnson, C.M. (2009). Reconsidering the *ad hominem*. *Philosophy* 84, 251–266.

Mugg, J. (2016). The dual-process turn: How recent defenses of dual-process theories of reasoning fail. *Philosophical Psychology* 29, 300–309.

Prakken, H. (2010). An abstract framework for argumentation with structured arguments. *Argument and Computation* 1, 93–124.

Saul, J. (2013). Scepticism and implicit bias. *Disputatio* 5, 243–263.

Schaffler, R. (2015). Yet another millennial growth trend: Sales of gummy worms. *The Street*. Online at http://www.thestreet.com/video/13344446/yet-another-millennial-growth-trend-sales-of-gummy-worms.html.

Shafir, E. and A. Tversky ([2004] 1992). Thinking through uncertainty: Nonconsequential reasoning and choice. In: E. Shafir (Ed.), *Preference, Belief, and Similarity: Selected Writings* (pp. 703–727, Ch. 28), Cambridge, MA: MIT Press.

Tykocinski, O.E. (2008). Insurance, risk, and magical thinking. *Personality and Social Psychology Bulletin* 34, 1346–1356.

Wolferen, J. van, Y. Inbar and M. Zeelenberg (2013). Magical thinking in predictions of negative events: Evidence for tempting fate but not for a protection effect. *Judgment and Decision Making* 8, 45–54.

Yap, A. (2013). Ad hominem fallacies, bias, and testimony. *Argumentation* 27, 97–109.

Yap, A. (2015). Ad hominem fallacies and epistemic credibility. In: T. Bustamante and C. Dahlman (Eds.), *Argument Types and Fallacies in Legal Argumentation* (pp. 19–35, Ch. 2), Cham: Springer.