The Changing Tradition:
Women in the
History of Rhetoric

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Feminist Epistemologies, Rhetorical Traditions and the Ad Hominem

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The shadowy arena between rhetoric and philosophy is home to an enemy common to both. Its name is Fallacy. It circles back and forth, around and around, calling both to err. It wears a human face.

And what is Fallacy if it isn't an instance of being wrong – of being called to account for what one has done – of being found guilty of being amiss? In the commission of a fallacy one's character is implicated, as deeds are signs of character and committing a fallacy is indeed a deed – people perform them – they are acts or signs of acts – they are speech acts. Fallacy, then, is *ad hominem par excellence*, when being wrong in making a point is being somebody being impugned, or corrected, or both simultaneously – being put back on the path of right(eous)ness for his or her name's sake, so that one will not be wrong, but right, and thereby maintain one's right to make a point. But if being wrong is blameworthy in making a point, one would think that being right is praiseworthy ("Brilliant!") and that the lustre gained by such a feat is a part of the feat's feat – and that so-being when titled positively is just the flip side of the *ad hominem* coin – the side with the smiling face on it that gains one fame and affects people's positive perceptions of one's credibility. After all, outside of the texts of the logicians' and the rhetoricians' lore, *ad hominem* does not carry a negative (or a positive) charge – as if one can only be a bad logician or rhetorician by saying *bad* things about people's point-making, and saying *good* things is not bad – in both cases the deflection (or defection) 'to the man'

as an index of judging her or his point-making rings a conclusive bell for good or for ill that adds to, or detracts from, the import of a person's point. The *ad hominem* (which may be Fallacy's first name), has until recently had a very uncheckered past: the consensus was strong on its place – one could recognize its face easily among the crowd of fallacies inhabiting logic and rhetoric (or public speaking or writing/composition) textbooks.

In Patrick J. Hurley's *A Concise Introduction to Logic*, a text from which one of us learned our logic as an undergraduate, we get the following example of the *ad hominem*:

> Economist Milton Friedman has argued in favor of reducing federal income taxes. But Friedman's argument should be discounted. Friedman is a millionaire who would benefit greatly from a reduction in taxes. Also, Friedman has no need for the government programs that higher taxes provide for.[1]

In his explanation of why this is a fallacy, Hurley says that the author of this argument does not pay attention to the substance of Friedman's argument. "Merely because a person happens to be affected by certain circumstances is not sufficient reason to think that the person is incapable of arguing logically. Any attempt to discredit such an argument in this way therefore involves a fallacy" (107).

This understanding of the *ad hominem* and the sin it embodies – the sin of irrelevance – has recently come under examination by philosophers and scholars in the discipline of speech communication. The *ad hominem* and its presumed invalidity has also been an issue for feminist epistemological projects, either directly or indirectly. We will begin with a discussion of the relationship between feminist epistemological projects and the *ad hominem*, and then move to a discussion of the argument against understanding the *ad hominem* as a fallacy in all cases, presented by Douglas Walton in *A Pragmatic Theory of Fallacy*. We will then orchestrate a conversation between Lorraine Code and Douglas Walton to examine where Code's feminist project overlaps with Walton's project and where they part company, and conclude with some remarks on how these projects differ from other social epistemological projects.

Feminist Standpoint Epistemologies, Situated Knowers, and the "Argument Against the Man"

Feminist standpoint epistemologies represent probably the most direct attack on the notion of the *ad hominem* argument as a fallacy. Although these epistemological projects differ somewhat in their articulations, they share some common presuppositions. The first presupposition which feminist standpoint theorists agree on is that who does the theorizing – whose presuppositions, models, and methods are used – is of the utmost importance in deciding whether a social scientific theory (as in the Friedman example quoted above) should be accepted. The second premise shared by feminist standpoint theorists is that one's social position will influence one's theorizing. So, for example, upper-middle-class white men, like Milton Friedman, have a certain perspective on the social world that makes some aspects of that world invisible. But, as Sandra Harding points out, they can come to see aspects of that social world which in the normal course of events would remain hidden from them by starting their thought out from the perspective of marginalized lives. Hegel was not a slave, she argues, and Marx and Engels were not members of the proletariat, but these upper-middle-class white men were able to shift the centre of their theoretical focus from the lives they themselves led and the interests embodied in those lives to the lives of the marginalized.[2] It was this shift in solidarity and the concomitant identification of interests which were alien and even competitors with their own class interests that allowed Hegel, Marx, and Engels to see new aspects of the social world.

According to feminist standpoint theory, marginalized lives often put the lie to social theories or conventional wisdom. So, for instance, the understanding of the relationship between the capitalist and the worker as one based on a freely chosen contract in which the worker sells his or her labour power to the capitalist for a salary is dismantled by shifting one's attention to the standpoint of the worker. From this perspective, the contract appears to be less freely chosen, as the worker must often choose between this contract and destitution and starvation (so Marx and Engels argued); this is hardly a "free" choice – or it is free only insofar as the choice

you make to hand over your wallet is free when a gun is held to your head and you are given the choice, "Your money or your life."

The relationship between the *ad hominem* and standpoint theories can be best seen by attending to the example cited in Hurley. It seems reasonably clear that a standpoint theorist would reject Friedman's theory, not on exactly the grounds put forward in the example, but on fairly similar ones. The standpoint theorist would indeed attack the argument by attacking the man, not on the basis of his presumed simple self-interest, but on the basis of his socio-political situation and what it allows him to "see."

For the feminist standpoint theorist, then, the question is not whether Friedman can argue logically. Rather, the question is whether Friedman has all the facts. And his social position and interests militate against his access to the facts.

Lorraine Code, Epistemic Responsibility, and Epistemic Authority

Although Lorraine Code does not consider her project to be a feminist epistemological project, her account of epistemic responsibility has many affinities with such projects. Like many of those projects, hers emphasizes the interested nature of all attempts to know, as well as the fact of epistemic dependence which she claims has been overlooked by most traditional epistemologies. The conclusion that she reaches is that the question of 'Who knows' – a question common to projects that wish to examine the politics of knowledge – cannot readily be addressed within a traditional philosophical model.

> When philosophy presents itself as a disinterested and universal/impartial pursuit of truth – indeed of the underlying and overarching truth of all truths – or as a quasi-scientific inquiry, the assumption is that the philosopher-as-thinker is a neutral vehicle through whom truth passes.[3]

Traditional epistemological accounts extend this conception of the philosopher to that of the knower, Code claims, presuming that would-be knowers are interchangeable epistemic agents. What that means, practically, is that it is assumed by these accounts that knowl-

edge properly so-called, and epistemic agency worth its name, are the same across the board — that variations according to gender/race/class and social position either do not occur or should not occur.

Code recognizes the democratic urge behind this. Ideally, it seems, all of us should have equal epistemic authority, and these "arbitrary" facts about ourselves should not be factors in determining how our statements will be taken. It seems as if our claims ought to stand on their own.

But Code also recognizes that the mythology which says that claims are taken on their own mystifies the real practice. This real practice, she claims, confers credibility differentially. So, Code argues, "the rhetorical spaces that a society legitimates generate presumptions of credibility and trust that attach differentially according to how speakers and interpreters are positioned within them. Philosophical assumptions about the veracity of first-person privileged access and automatic up-take bypass these everyday occurrences, which are shaping forces in the ongoing construction of subjectivity and agency, especially in places of unequal power and authority."[4] It is because of this, Code claims, that any politics of knowledge must begin with a re-examination of the *ad hominem.*

Unlike the account given by standpoint theorists, Code's emphasizes the fact that a shift in philosophical attention from the end-product of knowledge-seeking — that is, beliefs and propositions — to the cognitive practices out of which our everyday beliefs arise is what occasions this re-examination. It is not that the socially and economically privileged occupy a position from which they may not be able to "see" parts of the social world. Rather, it is the fact that we must and do rely on our judgments of people's character and interests in our decisions about whether we ought to believe what they say. Paradigmatic examples of knowledge claims in traditional coherentist and foundationalist accounts are "I see a tree" or "I see a red book." Such examples, taken as paradigms of knowledge, obscure the fact that very few of our everyday beliefs exemplify this sort of epistemic self-sufficiency. Most of what we know, Code argues, comes from what we learn from other people. Most of our beliefs and what we claim to know come to us from "testimony," not from first-hand observation. Because of this, the issue

of trust becomes paramount. Once the pervasiveness of common ability is recognized, the question "Is John believable?" becomes as pertinent as "Is p believable?"[5]

A re-examination of the *ad hominem* circumstantial is called for, on Code's account, because (1) as a matter of epistemic practice, credibility attaches differently to different speakers depending on where they are positioned within sanctioned rhetorical spaces in society, and (2) so much of our knowledge comes from others that we must be able to determine who is a trustworthy source and who is not.

These two reasons seem to be in conflict with each other. After all, if it is a problem that credibility attaches differentially to speakers and interpreters, then it also seems to be a troubling aspect of the human situation that we must attribute different levels of trust to different speakers. The solution, one might object, is simply to focus on the content of the argument and ignore the content of the arguer's character.

Code wants to find some middle ground (in true Aristotelian fashion) between claiming that we should not attach different levels of credibility to speakers and that we should attend very carefully to the epistemic character of that speaker. What Code objects to is not that we judge different speakers to be more or less reliable sources of knowledge, but the fact that we try to ignore the fact that we do make such judgements. In her discussion of the Anita Hill/Clarence Thomas hearings, Code claims:

> The hearings were presented to the North American public as inquiries conducted according to positivist-empiricist principles which ensured that everyone would say what she or he had to say, and that all the statements would be weighed fairly, equivalently, and openly. This presentational format produced the possibility of exploiting the resources of a power structure that obscured its own power behind a mask of monologic epistemic neutrality. Hence the very idea that who was believed and who met merely with incredulity had anything to do with who – specifically – they were could be represented as preposterous.[6]

Her examination of Toni Morrison's *Race-ing Justice, Engendering Power*, and Patricia Williams' *The Alchemy of Race and Rights* confirms for Code the claims made by critics of the Enlightenment and feminists that no such democracy of epistemic authority holds across the epistemic terrain. We may all enjoy equal epistemic authority in some (fairly small) arena of knowledge claims, Code asserts, but in most areas of discourse

> hearing is believing expectations tend to attach differentially according to the credibility of testifiers and their solidarity with or differences from their interlocutors, rather than according to the simple 'strength of the evidence.' And credibility is by no means conferred only on the basis of a good epistemic record. Epistemologically, these issues are as much about subjectivity as they are about knowledge, and questions about who is speaking figure centrally in their analysis.[7]

Code's main objection to the unconditional condemnation of the *ad hominem* as fallacious is that such condemnation ignores the fact that we do — and must — rely on judgements of character in our evaluation of knowledge claims. By condemning such argumentation universally, such philosophical approaches to argumentation close off possibilities for evaluating what types of "arguments against the man" are reasonable and which are not. Further, it reinforces an epistemological story of disinterested and neutral observers who come to know monologically rather than dialogically, obscuring the ways in which argumentation is central to epistemology.

Douglas Walton's Pragmatic Theory of Fallacy

Douglas Walton claims that logicians have paid scant attention to informal fallacies in general and the *ad hominem* particularly for much the same reasons. According to Walton, "informal logic is identified with strategies of persuasion where two parties reason together. To Western logicians this identification has seemed to come uncomfortably close to rhetoric and salesmanship."[8] Western log-

ic's preference for formalism, coupled with its monolectical and monotonic presumptions, has resulted in a view (which, Walton claims, would have been foreign to Aristotle) of informal fallacies as "failures of validity" with unfortunate psychological appeal. In the view of traditional canons of Western logic, informal fallacies are invalid arguments that "seem" to be valid – another rhetorical trick set up to ensnare the tenderfoot reasoner.

Walton recognizes the *ad hominem* as a certain sort of move by one party in a two-party dialogue, and its fallacious uses are those in which it is (1) used to trick or deceive a partner in dialogue or (2) a paralogism. We cannot judge whether a certain use of an *ad hominem* argument is fallacious, however, without looking very closely at the dialogic context. We must judge, contextually, whether a particular *ad hominem* argument tends to block or interfere with constructive discussion. In Walton's words: "How harmful irrelevance is, in a particular dialogue, depends on the purpose and setting of the dialogue and on practical constraints. If each side has an allotted time to present its side of an issue then a side that wastes its time on irrelevant arguments is simply weakening its own arguments . . ." (190). In order to judge whether an *ad hominem* is dialectically relevant, according to Walton, six kinds of factors need to be considered: (1) type of dialogue; (2) stage of dialogue; (3) goal of dialogue; (4) argumentation scheme; (5) prior sequence of argumentation; and (6) speech event (given institutional setting or particular speech event, e.g., legal trial, committee meeting). The primary ways in which an *ad hominem* is used fallaciously, according to Walton, are the following: (1) when the imputation of bad character is seriously under-supported, such as when innuendo is used; (2) when the arguer shifts from weak refutation to strong refutation; or (3) when the argument is irrelevant in some serious way. The one version of the *ad hominem* which Walton claims is almost never non-fallacious is what he calls the "poisoning the well" version, which is an extension of the bias version of the *ad hominem.* The "poisoning the well" argument claims that the person attacked can never change – thus blocking any attempt at critical discussion of the point at hand.

Code, Walton and the Ad Hominem Argument

We are now in a position to evaluate the different approaches to the *ad hominem* presented by Code and Walton. Code and Walton agree on the dialogic nature of reasoning, but whereas Walton stresses the importance of the goals of critical discussion, Code emphasizes the epistemological priority of testimony. Walton's attempt to pick out fallacious uses of *ad hominem* arguments is generally confined to those arenas in which the institutional setting of the dialogue requires that irrelevant "quarreling" not be allowed to interfere with the goals of the argument (e.g., in timed debates over legislation). Code is more concerned with everyday occurrences in which we must determine whether to trust the testimony of another in our attempts to gather information. It seems reasonable to conclude, given Walton's outline of when *ad hominem* arguments constitute fallacies, that he would conclude that such common everyday uses of negative and ethotic argument and bias arguments would not constitute fallacies. The only uses of the *ad hominem* which Walton seems inclined to consider fallacious in these informal exchanges of information are the "poisoning the well" uses of the *ad hominem*.

Code, we think, would agree with this, as her main objection to the differential allotment of epistemic authority is that it is a systematic undercutting of the claims of some categories of subjects. Code's more serious concern is that these systematic presumptions or epistemic vices operate, not in public argument, but as suppressed (and unsayable) premises.

For both Code and Walton, then, the question of whether a particular version of the *ad hominem* argument is fallacious depends on the context of the claim: on who is involved in the dialogue and on the purpose of the dialogue. The main difference between Walton and Code seems to be a difference in approach. Code sees the discussion of *ad hominem* arguments, and argumentation generally, as an epistemological concern, whereas Walton's concern is more narrowly circumscribed to the discipline of argumentation and logic. The relationship between Code and Walton can be most uncontroversially described as a difference between a broad approach and a special case. Code, we might say, is concerned with

broad implications for epistemology of our reconsideration of the *ad hominem*. Walton, on the other hand, is concerned with argumentation, and is trying to develop rules for argumentation in institutional settings which must have some discretionary power in admitting or banning certain types of argumentation.

If this were all of the story, however, the story would be a dull one. But it is not, really, all that dull. In fact, the differences between Code and Walton point to an issue of great importance: the need to examine the boundaries between logic, epistemology, ethics, and political theory. Along with the need to question the value of drawing these boundaries also comes the need to question that most vigilantly guarded boundary: the boundary between philosophy and rhetoric.

While Walton's discussion is fairly narrowly targeted toward argumentation and logic, it is easy to see that Walton's theory could be used to fill out Code's discussion of the differential allotment of epistemic authority. But part of what that means is allowing logic, epistemology, and political theory to overspill their boundaries, to allow them to inform each other. And what that implies is that rhetorical theory, with its overt interest in persuasion practices and the construction of ethos, is a necessary component of developing an epistemology which is meant, not simply for rarefied discussions in science, law, or politics, but for helping us to lead better lives. Because part of living good lives involves trusting the right people and developing epistemically responsible practices, a discussion of the role of *ad hominem* arguments must recognize that we do operate with premises about whom we ought to believe and who is not a credible testifier. But as theorists like Code have pointed out, such premises are not developed in a social vacuum. They are developed in social contexts marked by the particularity of persons and social structures. In North America, part of that social structure involves deep-seated racism and sexism and a hierarchy: not only a socio-economic hierarchy, but also a hierarchy of epistemic authority. The effects of this hierarchy are not limited to the political sphere. In fact, if they were limited to that sphere, they would probably be less pernicious than they are. The fact that this hierarchy operates, unexposed, in our everyday epistemology, in our construc-

tions of ethos, and in our decisions about whom we should trust has primarily been ignored (or denied) by traditional philosophical approaches to epistemology and argumentation. The arena in which ethos, argumentation, and epistemology are entwined is also the arena in which the space between rhetoric and philosophy can be explored and mapped — the shadowy arena between rhetoric and philosophy where Fallacy is what they have in common — where the indices of error are reflected backwards in the precepts of what counts as right, correct, proper, appropriate. *Ad hominem* has two faces: what is "to the man" is not always "against the man." It can promote mistrust *or* it can lend a lustre, inducing belief. People make points, and there is something of the person, for good or ill, entwined in any statement. What is '*ad hominem*' — pro or con — should be a criterion of judgement brought to discussion in the evaluation of any argument in any field at any time. In principle, it is *never* inappropriate to do so.

Whether in the formal key of a syllogism in Barbara or in a city council meeting at Santa Barbara, people may err in making or judging a point. But the other "face" of *ad hominem* is "*for* the man" and it may face toward the fallacy of *ad vericundiam*. In questions of trust, too much and not enough may be equally pernicious in casting and receiving arguments. Moreover, in the late twentieth century, queries into the source(s) and persuasive slant(s) of a speaker's/writer's ethos (for better or for worse) are further complicated by the insights/arguments of anti-essentialism, reader-response criticism, and deconstruction's endless semiosis — where finally deciding anything at all about anything at all may require the reader/hearer to affect an aporia-breaking épochè and cast a judgement anyway — where one's ethos is always contingent.

Now that the very idea of character is *ad hoc* we are back to Aristotle's intimation in the *Rhetoric* that tokens of character are occasional and accomplished through one's speech.[9] So, in the late twentieth century, what is *ad hominem* is *ad hoc*, but one's character (imputed or avowed) still matters even if it is a fiction concocted and accepted for purposes of identification and the formation of floating communities: for creating timely sites to help us cope with and accomplish what we can not do or feel on our own.

NOTES

1 Patrick J. Hurley, *A Concise Introduction to Logic*, 2nd ed. (Belmont, CA: Wadsworth, 1985), 107.

2 See Sandra Harding, "Rethinking Standpoint Epistemology: 'What is Strong Objectivity'?" in *Feminist Epistemologies*, eds. Linda Alcoff and Elizabeth Potter (New York: Routledge, 1993), 49–82.

3 Lorraine Code, *Rhetorical Spaces* (New York: Routledge, 1995), 69.

4 Ibid., 60.

5 Lorraine Code, *Epistemic Responsibility* (Hanover, NH: University Press of New England, 1987), 173.

6 Code, *Rhetorical Spaces*, 68.

7 Ibid., 69.

8 Douglas N. Walton, *A Pragmatic Theory of Fallacy* (Tuscaloosa, AL: University of Alabama Press, 1995), 4.

9 See Aristotle, *The "Art" of Rhetoric*, trans. John Henry Freese (Cambridge, MA: Harvard University Press, 1975), Bk. I, ch. 2, I35a.