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# Does Virtue Epistemology Provide a Better Account of the *Ad Hominem* Argument? A Reply to Christopher Johnson

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## Abstract

Christopher Johnson has put forward in this journal the view that *ad hominem* reasoning may be more generally reasonable than is allowed by writers such as myself, basing his view on virtue epistemology. I review his account, as well as the standard account, of *ad hominem* reasoning, and show how the standard account would handle the cases he sketches in defense of his own view. I then give four criticisms of his view generally: the problems of virtue conflict, vagueness, conflation of speech acts, and self-defeating counsel. I then discuss four reasons why the standard account is superior: it better fits legal reality, the account of other fallacies, psychological science, and political reality.

In a recent article in this journal, Christopher Johnson has argued that from the perspective of virtue epistemology, *ad hominem* attacks may not be fallacious, as is commonly held in logic texts today (as it has been for centuries).<sup>1</sup> In this paper, I will argue that his account of *ad hominem* reasoning is inadequate, and that the traditional account remains more satisfying.

Let me begin by briefly reviewing his thesis. Johnson's account of how to treat *ad hominem* reasoning is based upon virtue epistemology. Since there are a variety of versions of virtue epistemology, let's call his account 'the Johnson virtue ethics theory of *ad hominem* reasoning', or the 'JVET' for short. His view is that,

...intellectual virtues, moral virtues and non-moral virtues can all be legitimate factors in deciding contentious issues that are otherwise irresolvable. When there is a dearth of information or capacity to make decisions, we can rely on these virtues and traits to help choose between courses of action to the extent that they compose coherent character portraits of the individuals

<sup>1</sup> Christopher M. Johnson, 'Reconsidering the *Ad Hominem*' *Philosophy* 84 (2009), 251–266.

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who make arguments as to which course we should follow. This is most easily seen with intellectual virtues, but as moral virtues and non-moral character traits suggest intellectual virtues, and as all three mutually support, they all become considerable.<sup>2</sup>

After discussing an article by Lawrence Hinman<sup>3</sup> and my article in reply,<sup>4</sup> Johnson elaborates this view by saying,

Taking as a starting point the idea that we have limited rational capacities, there will always be times when we just cannot do what Jason suggests we do in always engaging in further investigation or looking into the topic ourselves. We may either not have sufficient time to do this – or even if we do we may not have the necessary intellectual skills or abilities to understand the issues concerned. It may well be in such cases that the reply is made that judgment should thus be suspended; but often decisions are required of us even when we are unable to determine the issue fully factually to our satisfaction. In such cases it seems we have to appeal to criteria other than the facts of the case since those facts are underdetermining. Turning at this point to judging the people who consider the facts can now be a logical progression.<sup>5</sup>

So when I feel my time is better spent elsewhere, or I am otherwise too busy, I am justified in critiquing the character of the person offering me evidence for a claim, instead of evaluating that evidence, deferring my judgment, or seeking new evidence.

Further, in examining a person's character and background, not only is it reasonable to look at his or her intellectual virtue, but also traits as well.

Furthermore, since moral virtues may be suggestive of intellectual virtues, these too may be considerable in deciding between arguments, and so also non-moral character traits.<sup>6</sup>

Johnson elaborates these views by discussing a number of cases, which I shall review after sketching the more traditional account,

<sup>2</sup> Johnson, op. cit. 252.

<sup>3</sup> Lawrence Hinman, 'The Case For *Ad Hominem* Arguments', *Australasian Journal of Philosophy* **60** (1982), 338–345.

<sup>4</sup> Gary James Jason, 'Is There A Case For *Ad Hominem* Arguments?', *Australasian Journal of Philosophy* **62** (1984), 182–185.

<sup>5</sup> Johnson, op. cit., 257.

<sup>6</sup> Johnson, op. cit., 263.

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found in a variety of textbooks, which I shall call the ‘Standard Account’ (or ‘SA’ for short).

Under the Standard Account (a version of which I put forward in detail in my own critical thinking text<sup>7</sup>), criticizing a person is reasonable (logical) if it is relevant in the context, and unreasonable to do so when it is irrelevant in the context. Most logic texts take this view, although spelling out the notion of ‘relevance’ is usually let undone. In my view (elaborated in detail in my text<sup>8</sup>) is that relevance is an erotetic notion, that is, one that relates to the logic of questions and answers. Briefly, a statement S is **directly relevant** to a question Q if and only if S is either a direct answer to Q, a corrective answer to Q, an admission of ignorance, or an explanation why Q is impertinent in the context. (A direct answer to a question provides the information the question requested. A corrective answer to a question is a denial of one or more of the question’s presuppositions. An admission of ignorance is a statement that the respondent doesn’t know the answer. And an explanation of impertinence provides evidence that shows the question is not legitimate in the context.)

A statement S is **indirectly relevant** to Q if and only if it is logically good evidence for a directly relevant response. A statement S is **relevant** to Q if and only if it is either directly or indirectly relevant.

Note that the focus under the SA is put on the manner in which someone is responding to an issue, not the person him- or herself. So if the discussion is, say, whether the recession is over, the relevant answers would be the same no matter who was speaking. The responses would include directly relevant ones, such as: ‘Yes, it is’; ‘No, it isn’t’; ‘The economy hasn’t been in recession’; ‘I don’t know’; and ‘That question is impertinent, because we are here at the hospital to discuss how to treat out daughter’s cancer.’ The responses would include indirectly relevant ones, such as ‘The stock market and employment rates are going up’.

Now, under the SA, there are certainly occasions when the character or background of the respondent is clearly relevant. One class of these occasions – which Johnson concedes is already widely recognized in logic texts<sup>9</sup> – is cases in which someone is giving testimony. Cases of testimony are cases in which the person *is* the evidence, that is, cases in which the person makes a claim and wants the listener to

<sup>7</sup> Gary Jason, *Critical Thinking: Developing an Effective Worldview* (Belmont, CA: Wadsworth/Thomson Learning, 2001). See Chapter 8, sections 1 and 3.

<sup>8</sup> Jason, op. cit. Chapter 3.

<sup>9</sup> Johnson, op. cit., 253–254.

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accept it on his or her say-so. So in the courtroom, juries typically have to reach a decision on an *overarching* question ('Did the accused commit the crime?') in part by listening to witnesses. When the jury is listening to the testimony of any witness, the *immediate* question at hand is, 'Is this witness telling the truth about this matter?' In eye-witness testimony, the witness asks the jury to believe something because the witness observed it personally. In expert testimony, the witness asks the jury to believe something because the witness has judged it or determined it to be so, on the basis of some presumed expertise and study of the evidence. In both cases, the SA no less than the JNET would allow—in fact, encourage – examining the character and background of the witness (though the SA would be more focused in so doing, as I will explain below).

In bringing up testimony, Johnson only mentions legal contexts, but of course testimony is by no means limited to the courtroom. People very often testify informally in discussions and disputes, and when they do, then again examining the character and background of the witness is relevant, hence reasonable; to the extent it bears on whether the witness is speaking the truth.

Now, most basic logic and critical thinking texts talk in some detail about the criteria for evaluating expert testimony. The person evaluating such testimony is advised by the SA to look at eight criteria. How current is the expert cited? Is the expert clearly identified? How well qualified is the expert (by usual measures, such as degrees held, publication record, experience, and so on)? Is the expert unbiased? Is the expert basing his or her testimony on evidence that is open to the inspection of other experts? Is the expert testifying in his or her field of expertise? If quoted, is the expert quoted accurately? And is the expert basing his or her testimony on theories and practices widely accepted in the field?

Regarding eye-witness testimony, fewer logic and critical thinking texts talk about the criteria for judging such testimony. In my treatment<sup>10</sup>, the criteria are fairly obvious. How well positioned was the witness to observe the situation? Was or is the witness impaired (for example, under the influence of alcohol, or near sighted)? Is the witness biased? Is the witness's testimony consistent? Is there corroborating evidence? Do other eye-witnesses agree? And how plausible is the testimony?

Note that under the SA the criteria for judging testimony tend to be observational features, rather than general character traits

<sup>10</sup> Jason, *Critical Thinking*, 232–236.

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(intellectual, moral or other). This is understandable, for one is usually not in a position to judge broad character traits – how would I know whether my doctor is generally just, or the eye-witness on the stand is generally honest? And even if one could ascertain general traits, the SA would focus only on the ones tied directly to the testimony itself. Yes, it would be relevant to accepting Sue’s eye-witness testimony that she saw Fred rob the liquor store if I could ascertain that she is generally honest, but her lack of compassion (for instance) would be irrelevant.

Not mentioned by Johnson is a second broad area where the SA would suggest that examining the character or background of a person is relevant (hence reasonable). Those are cases in which the person *is* the legitimate question, namely, employment situations, where the question at hand is whether a given candidate should get the job. If Jones is applying for a job as a school bus driver, looking at his or her driving record is as clearly relevant (hence reasonable) under the SA as it is under the JNET.

Again, we need not simply limit this to formal job applications. In a presidential debate between candidates Jones and Smith, if Jones attacks Smith for being a big spender or a war monger, this would be relevant (if true) – after all, most voters clearly do not want a president to be fiscally profligate or militarily reckless. When you are running for office, saying why your opponent is unworthy is as legitimate as saying why you are worthy. (Of course, you may commit other fallacies while making your case, or tell falsehoods, but that is beside the point). This also applies to many personal or business situations – choosing a friend or a business partner of course will involve looking at the character and background of the other person.

It is important to note that in both the areas mentioned above in which critiquing a person’s character or background are relevant (so reasonable) under the SA, there are clear limitations to that critique, dictated by the immediate question at hand. In probing a witness’s testimony, a defense attorney might ask the witness about possible biases, say, or whether the witness had consumed alcohol on the day he or she claims to have witnessed the crime, for those bear on whether the witness is lying about or was not able to see clearly the incidents witnessed. But the attorney would not be right (and usually would not be allowed) to probe the witness on aspect of his or her background that did not bear on the immediate question, for example, the witness’s sexual orientation.

The same holds for job interviews. The hiring committee can (from the SA point of view) ask questions about a candidate’s

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character or background in so far as it bears on the immediate question, such as whether the candidate has ever been convicted of a felony, what the candidate's scholarly track record is, and so on. But it would not generally sanction questions about the candidate's sexual orientation, political views, or ethnicity.

A note about terminology is appropriate here. When talking about cases in which criticizing someone's character is clearly relevant, we have our choice. We could say they are cases in which the *ad hominem* argument is reasonable. Under this meaning, we would say that *ad hominem* reasoning is sometimes logically acceptable, sometimes not. This seems to be Johnson's usage.<sup>11</sup> Alternatively, we could say that cases in which criticizing someone's character or background is clearly relevant are not cases in which *ad hominem* argument occurs at all, taking '*ad hominem* argument' to refer solely to cases in which criticizing someone's character or background is irrelevant, hence unreasonable. Under this meaning, we would say that *ad hominem* reasoning is always logically unacceptable, i.e. always a fallacy. I favor the second usage.

To flesh out his account, Johnson gives us a number of imaginary cases. In each case, I will argue that the JNET seems plausible at first, but only because it is so vaguely put, and that when spelled out in more detail, the SA gives us a better account.

In the first case,<sup>12</sup> he asks us to imagine a case in which you are faced with two arguments from two scientists. You are not a scientist, and have only 'superficial' knowledge about the issue at hand. You are in a 'position of authority' and have to make a policy decision 'between the two arguments'. Both arguments seem equally 'coherent', and each scientist has impeccable credentials. 'Further investigation may reveal more evidence,' 'but it is doubtful that this new evidence will make either side more compelling'. So, Johnson says, it seems reasonable to look at the character of the two scientists. One scientist is very 'conservative' in his approach to research, generally respecting prior 'traditions' and feeling that it is best to 'gradually amend previous work'. The other scientist is more 'radical' and 'creative' in her approach, and believing that all previous approaches have

<sup>11</sup> Johnson, op. cit., 254, says, 'When these optimal conditions do not obtain, though, as when we don't have the necessary time or facility to fully determine the correctness of claims, *ad hominem* considerations can play a relevant role. In such situations they cease to be abusive and become appropriate means of evaluation.'

<sup>12</sup> Johnson, op. cit., 257, mid-page.

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failed, she advocates a 'shift in thinking'. Johnson concludes by saying we can reasonably decide between the two arguments by looking at 'the general approach that each person takes – as determined by their intellectual virtues...' (Johnson doesn't explicitly say which scientist is more virtuous in this case, but from his manner of presentation, I think that he means that you should choose the argument given by the creative scientist).

This example is so vague that it is unclear what Johnson is getting at. How 'superficial' is your knowledge – are you completely untrained in the field? Or slightly trained in the field (a few undergrad courses)? Or perhaps you have a Bachelor's degree but no grad training? Or you have a graduate degree, but not conversant with the research topic at hand? Are you deciding between the two *arguments* (recommendations/conclusions together with the evidence/premises offered), or merely between the two recommendations? If one scientist is creative and the other is merely a drudge, how is it that they have the same credentials? And does 'credentials' include their respective records of success in solving problems of this exact sort, or just their degrees, publications, and memberships in scholarly organizations? Does 'coherent argument' mean 'good argument'? If you are ignorant of the science, how could you possibly know that both arguments are equally good (factually and logically), much less that no further evidence would make either case compelling? And if you are ignorant of the science, how would you know (other than the pejorative connotation of the term 'conservative' and the positive connotation of 'creative') whether being conservative in scientific work was better or worse than being creative?

To elaborate that last point, note that creativity in science isn't always good. Thomas Kuhn, for example, made the point that scientific revolutions involve paradigm shifts, i.e. radical breaks with prior theories – presumably requiring creativity. But he also emphasized that normal science – which characterizes much of a mature, established science – involves working within an acceptable paradigm (and I am not aware that he thought it was therefore always 'uncreative'). Moreover, while we might hold that all scientific revolutions require creative breaks with tradition, it would scarcely follow that all creative breaks with tradition result in successful scientific revolutions. Many – arguably most – result in failure or even pseudoscience. Einstein was creative and successful; the men who claimed to discover 'cold fusion' were creative and unsuccessful. So even if I could judge one scientist more creative than the other, that wouldn't tell me which one to believe.

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Now, let's try sketching a realistic case that fits the general parameters of the Johnson case, but spelled out in sufficient detail to see what the SA would say about it. Say you are a U.S. Senator. You majored in political science in college, taking only one general introductory physical science class along the way. You went to law school, and from there you went into politics. You are ignorant of all science, but now you have to vote on a bill on global warming, say, a 'cap and trade' tax on carbon dioxide emissions. You've listened to two scientists (both climatologists) who testified before our committee. What does the SA suggest?

First, don't both trying to evaluate their arguments – you're incompetent to do so. All the more you shouldn't bother trying to discover who is 'conservative' or 'creative' – you're incompetent to tell which approach is appropriate, or even what those terms mean, much less who of these two scientists is creative and who is not. The SA views this as an ordinary case of relying on expert testimony, and you would be better off taking the advice of psychologist Ilan Yaniv, and call more experts to testify. Yaniv makes the point that both statistical theory and psychological research indicate that when more experts agree, the likelihood that the common opinion is correct increases dramatically. As he notes,

In the case of quantitative estimates, it can be outlined in simple terms why improvement is to be expected from combining estimates. A subjective estimate about an objective event can be viewed as the sum of three components: the 'truth', random error (random fluctuations in a judge's performance), and constant bias (a consistent tendency to over- or underestimate the event). Statistical principles guarantee that judgments formed by averaging several sources have lower random error than the individual sources on which the averages are based.<sup>13</sup>

How many experts to call is a matter of how confident you want to be in the matter. In this regard, Yaniv adds:

As already noted, as few as three to six judgments might suffice to achieve most of what can be gained from averaging a larger number of opinions. This puzzling result that adding opinions does not contribute much to accuracy is related to my previous comments. Some level of dependence among experts is present in almost any realistic situation (their opinions tend to have

<sup>13</sup> Ilan Yaniv, 'The Benefit of Additional Opinions,' *Current Directions in Psychological Science* **13** (2004), 75.

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some degree of correlation for a variety of reasons – they may rely on similar education sources, or simply consult one another...). Therefore, the benefits accrued from polling more experts diminish rapidly, with each additional one amounting to ‘more of the same’.<sup>14</sup>

It is clear that two experts would be too few, six would be better, and given the gravity of the matter (if global warming is real, the results can be ecologically and economically devastating, but if it isn’t, and you vote in an onerous tax on carbon, the results will be economically devastating and unnecessary), you might even call a dozen. Also, it is clear that you would want to call experts from a variety of places (universities and research institutes from all over the world), so as to better rule out sources of ‘local bias’. But is all a question of expert testimony and it is hard to see how the creativity of the witnesses enters in, as opposed to more observable criteria emphasized by the SA.

The second case Johnson gives<sup>15</sup> asks you to suppose you are involved in ‘determining public policy’ and are presented with proposals from two ‘analysts’ who have ‘examined the same data’. One analyst who is ‘known to be more charitable’ meaning she is likely to interpret ‘inexact or somewhat vague data’ as what ‘she believes it implies rather than distinctly states’. The other analyst rejects the vague data as ‘contaminated’. Here, Johnson concludes, ‘there is no real truth to the matter as to which analyst is right or wrong, but the matter is decided based upon what sort of methodology one thinks is most appropriate’. If you are more concerned with exact results for a smaller sample, you choose the proposal from the first analyst; if you are more concerned with less exact results from a broader sample, you choose the proposal from the second.

Again, this is quite vague. Does ‘analyst’ mean scientist or medical doctor? If you are not knowledgeable enough to decide which analyst’s data analysis is more reliable, how would you know which one of the more analysts is in fact more charitable in data analysis generally, or whether choosing a more charitable data analysis is appropriate in decision-making in this specific case, much less generally?

So if the case here is one in which you are ignorant about which methodology is right to use here, the SA would counsel that you not try to evaluate it, but call more witnesses to see what the preponderance of their opinion is *on this proposal*. Their general

<sup>14</sup> Yaniv, *op. cit.*, 76.

<sup>15</sup> Johnson, *op. cit.*, 257–258.

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methodological inclinations would be irrelevant, because knowing which expert had which methodological inclination, and which inclination was generally more reliable, would be beyond your ken.

On the other hand, let's imagine a case where you do have a degree of knowledge about the data analysis. You are the CEO of a major manufacturer of widgets. You have an undergrad degree in Economics and an MBA. You are wondering whether to expand production. You hire two professional economists to look at the prospects of growth in the demand for widgets. Both examine the same data on past demand for widgets, but the cautious economist throws out two months of the data as 'outliers' (suspiciously low or high data points), and recommends you not expand. The charitable economist bases his projection on all the data points, and recommends that you expand. On what basis would you decide?

You certainly wouldn't rely on either economist's reputation for being charitable or cautious in data analysis. No, you would seek further information, more evidence. Specifically, you would ask each one to defend in detail why he or she deleted or retained the two disputed data points. You would decide whose testimony to accept on the basis of the reasons they give why the outliers *in this case* should be dropped or not. *You* would be making the decision based on reasons, none of which would be the general intellectual virtue of the two analysts. To do less would be intellectually lazy and fiscally irresponsible.

I won't rehearse the last two generic cases Johnson discusses<sup>16</sup> which involve appeals to intellectual virtue. In both, we see the same problem: they are vaguely described, and when you imagine specific cases that fit the generic description, they seem to be either cases in which the person is faced with expert testimony *simpliciter*, which the SA allows as a case in which examination of the speaker's character and background are relevant, or else would be cases in which the reasonable thing to do would be to seek more information, because you are competent enough to do so.

Further, in cases of testimony, when evaluating witnesses, rather than looking at general intellectual virtues '...such as methodological approach, willingness to consider evidence, extent to which one is willing to accept vague evidence, creativity of thought, perceptiveness, foresight of thought, and so on,'<sup>17</sup> the SA would advise looking to factors more observable to the person evaluating the

<sup>16</sup> Johnson, op. cit., 258

<sup>17</sup> Johnson, op. cit., 259.

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testimony, such as the track record of success in cases like the one at hand, specific biases regarding the subject matter upon which he or she is testifying, number of publications in the field in which the testimony is being given, relevant degrees held, and so on. This is because typically only the experts in a field are competent to judge what count as intellectual virtues in that field and which researchers have them.

Johnson suggests that there are cases in which, while you are competent to look further into the facts, as a practical matter you simply don't have the time to look further into the topic. And in such cases, looking at the intellectual virtue of the arguer are then relevant.<sup>18</sup> There are three problems with this view.

The first problem is that in cases in which you feel your time is so limited that more evidence-gathering is impractical, you should at least be intellectually honest enough to recognize that in such cases, you are no longer evaluating someone's argument; you are only deciding whether to accept his or her testimony. One ought to be crystal clear on this difference. I will elaborate on this point later in this paper.

The second problem is that we ought also to recognize that the notion that whenever people feel they don't have time to exercise logical due diligence (i.e. when the evidence given by two arguers seems equally strong, to look for more evidence that bears on the issue at hand), they should just view the argument given as a species of testimony, is an invitation to intellectual laziness. For under the JNET, I can always say to myself at any time I face a factually and logically good argument for a conclusion I dislike, 'Well, I simply don't have time as a practical matter to evaluate this argument and find refuting evidence. Let me just look at the virtues of the arguer.'

I will elaborate on this objection later in the paper, but to see what it is more clearly, consider Johnson's own example of a child giving you an argument. Johnson says,

There is more to arguments than the words that are used, especially when one is unable to verify their premises. This is easily seen when we compare an argument as put forth by a child and the same argument as put forth by an adult. There is credibility to the adult not borne by the child and this is enough to make us suspicious of what the child says.<sup>19</sup>

<sup>18</sup> Johnson, op. cit., 259.

<sup>19</sup> Johnson, op. cit., 259.

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This seems to me to be debatable at best, and at worst an invitation to devalue whatever children say. Suppose at the market I encounter a friend with whom I enjoy discussing politics, and I say to him, 'I think that Smith will win the open Senate seat in the election this Tuesday.' To our utter amazement, a young girl of say eight years of age (who is with her parents shopping) whirls around and says to me, 'Sir, I think that you are mistaken, because both the latest Zogby and Rasmussen polls have Smith down by eight percentage points, with a margin of error of only three percent. And since the election is only a few days off, there is not much chance that the voters will shift enough in their opinions as to hand Smith the victory.'

Now, I may be shocked that a child would be so articulate; amazed that she is so interested in politics, or annoyed that she would intrude into a private conversation. But it would be intellectually lazy to think that because I cannot then and there verify the poll numbers she cites, I could just dismiss her argument out of hand because she is a child and these are 'adult matters'. It seems to me to be more reasonable to just suspend judgment until I get a chance to log on to a computer later and check the polling organizations websites myself.

The third problem is that while there may be rare cases in which one has to choose between little and no evidence, the result is still a fallacy, if an understandable one. Let's try to imagine a case in which you must choose between two claims, with truly no time or ability to gather more information or gather more information, and where the only difference is what you know of the intellectual virtue of one of the sides. Such a case is bound to be highly contrived and highly improbable. Let's imagine your spouse has had a major heart attack, and you have just arrived at the hospital. The hospital has only two heart specialists, Dr. Smith and Dr. Jones. Dr. Jones talks to you briefly and suggests that your spouse undergo a by-pass operation immediately. Jones then has to leave. A moment later, Smith comes in, and talks to you briefly and suggests a stent be inserted immediately, instead of a full by-pass operation. Smith then has to leave. You know absolutely nothing about heart disease and its treatments. You know nothing about Jones or Smith professionally, but happen to know that Smith is a great chess player (from a blurb in the paper). What should you do?

Well, you should talk to other doctors, to get a consensus. To rule this out, let us imagine that Smith and Jones are the only two doctors on duty that day (it is a small hospital!) Well, then you should ask for Smith and Jones to get together with you to each briefly explain their respective recommendations, hoping that you

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might be able to glean enough information to make an informed choice. To rule this out, let us imagine that both doctors are in surgery, and can't talk at all. Well, then you should go online quickly to one of the numerous reliable sites that briefly but accurately give medical information, such as 'WebMD.com'. Or you could Google search the two doctors to see their track records. To rule this out, let us suppose that vandals have destroyed the hospital's connections to the internet. Well, then you should talk to several nurses there (nurses know a good deal about medicine, and about which doctors have the best track records in operations). To rule this out, let us suppose that this hospital has a very strict (and unusual!) rule against nurses talking to patients about treatment modalities or doctors' records, enforced by the death penalty, so no nurses will say a word to you. Let us further suppose the rule applies to hospital staff and other visitors. Well, you should then simply call on your cell phone or one of the pay phones there to have a friend or relative to quickly Google search or WebMD research, or call other doctors for more testimony. To rule this out, let us imagine that terrorists have destroyed all telecommunication connections between the hospital and the outside world. In this (grotesquely rare) case, wouldn't it be 'reasonable' to choose Smith's recommendation, because there may be a 'correlation' between chess ability and general scientific competence? Doesn't that show that, at least here, the JVET is right, and examining intellectual virtue to decide which doctor to believe is reasonable?

It depends upon what you mean by 'reasonable'. Let us imagine an evidence scale ranging from 0% (total non-sequiturs) to 100% (deductive validity). Here you have let us say absolutely 0% evidence that Jones' plan is medically superior, and perhaps 3% evidence that Smith's plan is medically superior and you must choose. I suppose that, because 3% evidence is better than no evidence, yes, in that sense it would be reasonable to choose Smith. In the same way, if you didn't know anything at all about Smith either, it would be 'reasonable' to flip a coin. But the argument ('Smith's plan is better because he can play chess well') is still a howling fallacy. It can be prudentially reasonable to reason fallaciously in such incredibly unlikely situations as this. It would still be an *ad hominem* argument.

Let us now turn next to the example Johnson gives in which he feels that moral virtues are relevant in evaluating arguments. These are again not spelled out in any detail, but are cases in which he thinks it is plausible that moral and intellectual traits are linked. So

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he says that someone who is morally empathetic ‘may be thought also’ to be intellectually empathetic, someone who morally humble may also ‘be thought to be’ intellectually fair-minded, someone who is morally corrupt ‘may be thought to be’ intellectually corrupt, and if someone demonstrates moral courage may also ‘be thought to be’ intellectually courageous.<sup>20</sup> The phrase ‘might be thought to be’ indicates neither causal nor logical necessity, but rather ‘correlation’.<sup>21</sup>

Johnson admits such correlations are ‘tenuous’. He notes himself that moral absent-mindedness need not suggest intellectual absent-mindedness (an absent-minded professor can be forgetful of promises made to family but diligent about intellectual work), moral disloyalty need not suggest intellectual disloyalty (you could betray your spouse but remain loyal to your intellectual work), and one can be morally intolerant without being intellectually intolerant (you could be intolerant of foibles in your family but forgiving of mistakes made in creative research).

But he doesn’t seem to see the same problems apply to the first four correlations, which he thinks are stronger. I can be morally empathetic from devout religiosity, but for that reason be lacking in intellectual empathy, especially as regards other religions. For the same reason I can be morally humble, yet intellectually close-minded. Again, I might be morally corrupt, let’s say greedy, but be intellectually honest about my studies. And how often have we seen soldiers that are very brave, but intellectually cowardly – think here of Nazi and Soviet soldiers, brave in fighting, but unwilling to critically examine their regime’s ideology.

Worse, it is not merely the tenuousness of such correlations that is a problem, but their specific relevance. Take the most plausible correlation (between moral and intellectual virtues) Johnson gives, viz., between moral corruption and intellectual corruption. Perhaps he has in mind a greedy used-car salesman who is pitching me on a car on his lot, citing alleged facts about the car, including its low mileage, Kelly Blue Book value, and its general condition. Now, let’s assume for the sake of the discussion that most people who are morally corrupt (greedy, say) are also intellectually corrupted (inclined to lie or give bad arguments deliberately to deceive). Do I know that that correlation holds of this particular salesman? And even if it does, how does that make his reasons false (he may be corrupt enough to lie, but even liars don’t generally lie if the truth

<sup>20</sup> Johnson, *op. cit.* 260.

<sup>21</sup> Johnson, *op. cit.* 261

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will get them what they want). I certainly would not accept his *testimony* ('Believe me, pal, this is the car for you!'), as I would not accept the testimony of anyone with so obvious a bias in the matter, but here he is giving me reasons I can inspect independently. And if I don't have time to do so, why am I shopping for a car in the first place? Why don't I wait until I do have time to exercise due diligence in purchasing to buy a car?

Finally, Johnson considers correlations between non-moral character traits and intellectual virtues. He offers some examples: an interest in fine wine might suggest the intellectual virtue of attention to detail; experience in world travel might suggest the intellectual virtue of open-mindedness; an appreciation of abstract art might suggest the intellectual virtues of creativity and imaginativeness; and participation in sport might suggest the intellectual virtue of perseverance. Now, he concedes that many readers will find these correlations not merely tenuous, but fatuous.<sup>22</sup> One is tempted to reply, 'To say the least!' Kant never travelled outside of his home town, but it would seem odd to say he wasn't intellectually curious. And the athletes I have encountered in my teaching career have not tended to demonstrate exceptional perseverance in study (indeed, far from it). And it is hard for me to see how if you prefer impressionist to abstract art, you likely lack creativity.

Even less can I comprehend the notion that if one doctor recommends an operation, and a second recommends against it, that I should decide the matter by looking to see who had the better taste in wine.

Johnson, however, suggests that clusters of non-moral traits and moral virtues may be more reliable indicators of intellectual virtue.<sup>23</sup> So if a person is not just well-travelled, but has 'demonstrated' moral empathy and moral humility as well, then it 'might be' quite reasonable to judge him or her to be intellectually open-minded. But this cluster seems to be not much more plausible as a correlate to intellectual open-mindedness than the moral and non-moral traits taken singly, for a devoutly religious person might travel a lot (on missionary work), and be humble and empathetic, but completely close-minded (especially as regards other religions, evolutionary theory, and so on). And again, there is the question of whether there are really any situations in which you have enough time to investigate a person's moral humility and empathy, and

<sup>22</sup> Johnson, *op. cit.* 262.

<sup>23</sup> Johnson, *op. cit.* 262.

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find out the extent of his or her travel experience, yet not have time to investigate the evidence offered further, or consult more witnesses. Also again the question remains why knowing that someone is intellectually open-minded increases the likelihood that he or she is correct about a technical judgment, because an open-minded person (for example) might take some pseudo-science seriously, which may impair his or her judgment. (One thinks here of Alfred Russell Wallace, co-discoverer of the theory of evolution by natural selection, who wasted a good deal of his research time investigating spiritualism and other nonsense, compared with Darwin, who simply dismissed such matters.)

Having looked at his cases let me now spell out some arguments concerning JVET and the SA. I will first explore what I think are the most obvious problems the JVET faces, then I will offer reasons why the SA seems to be a stronger logical approach. (At no point will I inquire into other people's characters!)

The JVET faces four problems, which I shall call the conflict criticism, the vagueness criticism, the speech act criticism, and the self-defeating criticism.

The **conflict criticism** of the JVET is that it advises us to look (in various situations) to the speaker's intellectual virtues, moral virtues, and even non-moral character traits as well, to decide (sometimes) whether to accept his or her argument. But not only do these traits not always correlate, they often seem to conflict. If my doctor argues that smoking is bad, citing numerous large-scale observational cause-to-effect studies, should I accept her argument because of her intellectual virtue (she distinguished herself at Harvard Medical School, and has published a lot of papers in peer-reviewed medical journals)? But what if she is morally vicious in some way, say, is greedy or – depending upon what Johnson considers morally virtuous, he doesn't give us any list – is unchaste (chastity being considered a virtue at one time)?

Or what if she is intellectually and morally virtuous, but severely lacking in whatever non-moral character traits Johnson deems appropriate? Say she not only did well at Harvard, but she is a kind and caring person, full of love of humanity. However she simply has no sense of humor, has never travelled, drinks lousy wine, and has no flair for music. Johnson might say that intellectual virtue would trump other considerations, but then what about a case of someone low in intellectual virtue but very high in moral virtue? Could such a case ever call for accepting the argument? Or a case in which a person is low in intellectual and moral virtue, but is exemplary in whatever non-moral character traits Johnson esteems?

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More generally, the history of ideas is full of people who were intellectually admirable in some ways but not others, and intellectually virtuous in some ways and morally vicious in others. You can have a highly diligent and creative scientist who is resistant to criticism. You can have a scientist who is brilliant, but is jealous of the success of others and ungenerous with credit (one might suggest Newton here).

In fact, one could argue that the things people have to do to achieve great intellectual virtue (studying hard, competing with others to be the first to discover things, spending endless hours in the lab, and so on) will usually work against the development and exercise of some important moral virtues (sensitivity to others, willingness to share time with others, desire to cooperate with others, and so on).

The SA faces fewer conflict problems. In a case of testimony or an employment application, only those character traits that directly relate to the primary question (should we believe Smith about his specific testimony on this specific matter, should we hire him for this particular job) together with specific background are relevant. In a witness, only moral virtues such as honesty and (in expert testimony) intellectual virtues such as diligence are relevant, while moral virtues such as benevolence or intellectual ones such as prudence seem almost always completely irrelevant.

In most other situations, in which a person is not testifying or being considered for a job, but simply arguing, background and character are again completely irrelevant.

The **vagueness criticism** of the JNET is that it gives us no criteria by which we can determine when a particular case of attacking someone's character is justified, and how far it is justified. Johnson tells us that, '...given our intellectual limitations and the pressures we are faced with it can sometimes be appropriate to appeal to character as a means of settling contention.'<sup>24</sup> This suggests that a key factor from the point of view of the JNET is the degree of pressure you face enters in to determining whether examining someone's character is logically appropriate.

But how much pressure is he referring to? Just a general shortness of time in your busy life? (And does merely believing yourself to be too busy to look into matters further really mean that you are truly too busy?) Or some specific emergency? And in the case of an emergency, what sort of emergency would make you decide to view the person's argument as merely testimony, and then reject it, as

<sup>24</sup> Johnson, *op. cit.*, 251.

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opposed to suspending judgment until you could verify the evidence yourself?

Again, when we look to ‘correlations’ of intellectual virtues with moral virtues and non-moral character traits, are these correlations that have been statistically established by cognitive psychologists, or merely correlations that I have personally come to believe? If the former, it would almost always take vastly more time to establish the correlation needed to justify looking at non-intellectual virtues of the arguer than simply investigating whether the premises of the argument are in fact correct to begin with. And if the latter, it would seem to allow all manner of prejudice – there are, for example, many people who will swear that moral goodness correlates with religious dogmatism, and moral viciousness with lack of religion.

Johnson admits, ‘...knowing how and when to judge that an appeal to the *ad hominem* is useful and justifiable is itself an intellectual virtue that must be developed to accommodate our limited capacities.’<sup>25</sup> I contend that this makes his account not very useful.

The **speech act criticism** of the JNET is that it lumps together speech acts of markedly different sorts of speech acts. Testifying is not arguing in the ordinary sense of the term. Testifying is the act of conveying information (statements and judgments) based upon the speaker’s (witness’s) own credibility. When I tell you that I saw a duck drive a car, I am not arguing, but simply making an observational statement. That is characteristic of eye-witness testimony. In expert testimony, the witness may review the evidence that led to his or her judgment, but the listener isn’t being asked to agree that the judgment follows from the evidence, for in cases in which experts need to testify, the listener is presumably incompetent to do that. The reason we typically want the expert to put forth the evidence that led to the judgment is so that other experts can evaluate what we cannot.

This is different from a standard argument, where the speaker is attempting to persuade the listener of a claim, not offering personal observation or professional expertise, but independent reasons. The speaker backs the claim with those reasons, not himself or herself. This is typically signaled by indicator words or phrases. Phrases such as ‘Trust me, I know about these things,’ ‘Look, I saw it with my own eyes,’ and ‘In my professional opinion’ indicate the speaker is backing an assertion personally. Phrases such as ‘This seems to me to be true because of the following reasons,’ ‘Consider

<sup>25</sup> Johnson, op. cit., 253.

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these facts,' and 'I think that if you reflect upon these facts you will come to see' indicate standard argument.

In standard argumentation, the speaker has the expectation, and rightly so, that the listener will focus on those reasons (if they don't accept them already), not attack the speaker personally. It is upon this conversational expectation that open, robust discussion is possible. Absent this conversational expectation, discussion becomes stifled – no one wants to argue, for fear of personal attack.

The point can be sharpened by recalling with my exchange with Hinman regarding Marxism (and similar ideologies and philosophies) which put aside criticism when the source is 'politically incorrect'. I made the point with Hinman that simply because Marxists feel that *ad hominem* reasoning is logically acceptable doesn't mean that it is. The point I would make with Johnson is that a generation after the collapse of a fair number of Marxist regimes, it is clear that the Marxists had few scruples about using 'class analysis' *ad hominem* attacks not to discover the truth, but merely to silence and dismiss their critics, whose criticisms were proven in the main to be reasonable in the light of history.

The **self-defeating criticism** of the JNET is that, if followed, it defeats or impedes the development of the very thing that informs it, viz., intellectual virtue. That is, the more you encourage me to look at the virtue (or lack thereof) of someone giving me an argument for some claim whenever I feel my time would be better spent than studying the relevant issues, the more you run the risk of destroying my own virtue (both intellectual and moral). This is true for several reasons.

To begin with, advising me to routinely examine the background of people giving arguments when I feel I have better things to do will encourage intellectual laziness. If I am given an argument, it typically takes real work to identify the argument (including filling in omitted thoughts in a charitable way), determining whether it is deductively valid or inductively strong, and then determining whether the premises are true – which may require considerable research and study. It is almost always easier to dismiss the argument by finding some real or imagined flaw, some lack of intellectual virtue, in the arguer. Given that actual human beings are never perfect paragons of virtue, finding such flaws is relatively easy.

Indeed, Bradley Smith has argued that this is a growing problem in American political discourse.<sup>26</sup> With the ease of internet search

<sup>26</sup> Bradley Smith 'In Defense of Political Anonymity', *City Journal* 20 (2010).

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engines and the campaign donation disclosure laws, voters increasingly skip reading about the policy proposals put forward by candidates or presented as initiatives on ballots and instead just look to see who has gotten support from whom.

Additionally, the JVET approach would seem also to encourage the intellectual vice of close-mindedness. If I have an ideology or belief system I feel strongly about, I could deflect every criticism of it, no matter how powerful, by simply looking for intellectual vices in the source of the criticism, instead of wrestling with challenging arguments.

Again, I would remind the reader of the history of the 20<sup>th</sup> century, during which various self-reinforcing ideologies (Marxism, Fascism, even to a certain extent Freudian theory) were able to use *ad hominem* reasoning to dismiss legitimate criticism. This is by no means a theoretical problem.

Moreover, the JVET approach would also encourage intellectual shyness – the intellectual vice of not engaging others in the critical discourse so essential to maintaining a democracy. Why would I vigorously advocate positions, search for evidence and reasons to support my case, if I knew that my character and intellectual virtue would quickly become the focus of the discussion? I would instead likely withdraw from the marketplace of ideas.

Besides encouraging intellectual vices such as intellectual laziness, close-mindedness and shyness, the JVET would seem to me to encourage some moral vices as well. It would encourage distrust of others, in that it would encourage people to be looking for flaws in others, and manipulation of others, since a person would be encouraged to discredit an opponent's argument by making the audience see the opponent as flawed.

And it could lead to contempt for others (as well as a concomitant sense of personal superiority), as a person developed the habit of finding faults in people giving arguments whenever he felt his time was short or would be better spent elsewhere. Sophists are often arrogant that way, seeing how easy it is to demean others.

Let us now turn from critiquing the JVET to arguing for the superiority of the SA as a tool for understanding *ad hominem* argumentation. The considerations I will give are specific cases of the well-known criteria for evaluating competing theories, such as simplicity (i.e. whether the theory explains issues in its domain with few new constructs), generality (i.e. whether it explains a wide range of issues in its domain), consilience (i.e. whether it converges with other well-established theories in other domains), and fruitfulness (whether it explains new phenomena). We will discuss in order

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the fit to legality argument, the fit to other fallacies argument, the fit to psychology argument, and the fit to political life argument.

The **fit to legality argument** points to the consilience between the evolution of American common law and the SA. Consider first a case where examining the background of someone might be allowable, even on the SA, a case of hiring. Suppose in a faculty hiring process for a new philosophy professor I decided to quiz applicants about whether they are married, and if not, whether they plan on getting married. The question at hand is who among the candidates is the most qualified, and marital status seems clearly irrelevant to that question. But the JVET would be ‘more nuanced’, meaning I take it that if there were evidence to support a claim like ‘Married people are more productive’, then I would be right to ask such questions. Now, some statistical studies of happiness may provide support for such a claim (viz., that there is a correlation between productivity and marital status), but the SA would view them irrelevant because the issue at hand involves the individual qualifications of the specific candidates, not those of general pools of candidates.

Now, consider a case in which a person, Prof. Smith, has written an op-ed advocating, say, a national health care system. I happen to know that Smith drinks heavily and has had some extra-marital affairs, which seems to me to show moral vices – intemperance and infidelity. I really don’t have time to study the issues around national health care, so I tell everyone I know that Smith is morally vicious and should not be taken seriously on this matter. The SA would view this as clearly fallacious, for Smith is arguing for a policy, not testifying or applying for a job. (Indeed, even if he were testifying, the SA would view his foibles as likely irrelevant).

What does common law tell us in such cases? Precisely that society has come to take a dim view of looking at features of a job candidate’s personal life and background, because it has come to view most of that as irrelevant to the narrow issue at hand. Asking such questions invites a lawsuit for discrimination or invasion of privacy, and rightly so. And even more in the case of my advertising Smith’s failings, I am courting a lawsuit for slander. From the SA view, this is only logical. From the JVET view, this would seem perverse.

The **fit to other fallacies argument** invokes the idea of simplicity and generality of the SA account. To begin with, when Johnson talks about *ad hominem* arguments, he confines himself to the abusive form, where a person’s character is attacked. So it is unclear how the JVET handles what are generally considered other forms of *ad hominem* attack, such as the circumstantial form (where you accuse your opponent of bias), *tu quoque* (where you accuse

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your opponent of hypocrisy), guilt by association (where you attack a person for his or her associates), and the genetic fallacy (where you attack an idea by criticizing the group that originated it).

Consider the circumstantial form. Suppose Sue proposes that we ought to build a freeway, and offers several reasons to support her view, such as that the freeway will dramatically limit congestion. But Sue is the owner of a highway construction firm that plans to bid on the project if it is approved. It is unclear what the JNET would say about this. Sue is self-interested here, so perhaps her argument should be discarded for the reason that she is not impartial, which could mean she is closed-minded, an intellectual vice. However, she *is* a highway contractor, so she is knowledgeable, an intellectual virtue.

But from the JA perspective, the question here is whether the freeway should be built, not whether Sue is biased. She may or may not be pushing her view out of self-interest – indeed, even she may not know her ‘true’ motive is, if (as some psychologists claim) many motives are unconscious – but her motive is irrelevant. We are best off if we just evaluate her reasons.

Next, suppose Sue is a climate scientist who opposes the freeway project, and offers a number of reasons, including that it will encourage people to use their cars more, contributing to air pollution and global warming. But Sue herself drives a large SUV. So her argument seems hypocritical. What to make of this under the JNET is again unclear. Doesn’t hypocrisy indicate inconsistency – an intellectual vice? But Sue is knowledgeable, which again is an intellectual virtue.

But the SA is again quite clear: the issue is not whether Sue is consistent – she isn’t testifying to us or asking us for a job – but merely whether building another freeway is a good idea, and the considerations of pollution and global warming are clearly relevant.

Next, suppose Sue favors the freeway, and offers reasons, but we discover she associates with drunkards and mobsters. Again, what does the JNET tell us here? Once again, it is unclear. Sue’s associations could indicate a lack of discernment – an intellectual vice. But equally, it could betoken a great open-mindedness and aversion to being judgmental – intellectual virtues both.

But the SA is once again clear: the issue is not whether drunks and criminals are good people, or whether associating with such people is a good thing to do, but only whether her reasons are cogent.

Finally, suppose Sue argues against building a freeway, and gives as a reason that she opposes Nazism, and that in fact the first freeways ever built were built in Nazi Germany. Here the JNET seems even more unhelpful. Are we to look at the intellectual virtues of the

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Nazis? They were certainly extremely intolerant and closed-minded people – intellectual vices. But they did have tremendous engineering skills – especially when it came to weapons! – which is an intellectual virtue.

But under the SA, Sue's virtue is irrelevant here, and even more irrelevant would be the virtues of the Nazis.

More generally, the SA account of *ad hominem* attacks allows for a simple explanation of several other fallacies traditionally included as 'fallacies of relevance', viz., appeal to fear, appeal to pity, and appeal to the crowd. Under SA, these cases are rightly viewed as similar, for in each case, the fallacy consists not in invoking a feeling, but in invoking a feeling irrelevant to the specific question at hand. So, for example, if my doctor tries to get me to stop smoking by telling me about tobacco's role in causing cancer and heart disease, the fear she is arousing in me is not irrelevant to the issue at hand (to wit, whether I should stop smoking). But if she instead only shows me pictures of suffering cancer patients, that would be irrelevant, because the question at hand is not whether cancer is unpleasant, but whether my smoking significantly increases the chances of my getting it.

Again, if someone asks me to give to a children's charity by informing me that charity has a high 'pass through percentage' (that is, that most of the money will go to help poor children), it is not a fallacious appeal to pity. If the person instead only shows me a picture of a pitiful child, it would be irrelevant, because the question at hand is not whether this child (or poor children in general) need help, but whether contributing to this charity will in fact help the children.

The **fit to psychology argument** invokes the idea of consilience again, in that it points out that much work in the psychology of persuasion dovetails nicely with the SA. As Robert Cialdini notes in his survey of the psychology of persuasion, human beings (like all other higher animals) are subject to association – we associate things that may not be connected in reality.<sup>27</sup> We associate truth with physical attractiveness, like Pavlov's dogs associating food with the ringing of a bell. In just one of many psychological tests illustrating this, male subjects shown a picture of a new car with a scantily dressed beautiful model standing next to it will tend to rate *the car* as being higher in quality and performance than will a matched group of subjects who are shown a picture of the identical car *sans* model. Again, in studies of sentencing, it turns out that juries give harsher sentences to

<sup>27</sup> Robert B. Cialdini, *Influence: The Psychology of Persuasion* (New York: Morrow, 1993).

unattractive defendants than to attractive ones convicted of identical crimes.

This experimental psychological work complements nicely the SA. SA explains how such cases are illogical; the psychological literature explains them as being cases in which a psychological mechanism is triggered. Indeed, psychologists distinguish between positive association (an animal associates something pleasant with something else) and negative association (an animal associates something painful or negative with something else). Positive association would seem to explain why irrelevant appeals to the crowd and irrelevant appeals to pity succeed in persuasion, while negative association would explain why irrelevant appeals to fear and irrelevant attacks on persons succeed in persuasion.

So, for example, in appeal to the crowd, I get people to accept a claim by invoking a logically irrelevant but psychologically effective positive association with something about which they feel good (the flag, their family, their home town, or such like). In appeal to pity, I get people to accept a claim by invoking a logically irrelevant but psychologically effective positive association with something for which they feel sympathy or of which they feel protective (a cute puppy or child, for example).

On the other hand, in appeal to fear, I attempt to get the listeners to accept my claim by invoking a logically irrelevant but psychologically effective negative association with something they fear. And in attacking the person – which could be called in this regard ‘appeal to hate’ – I attempt to get the listeners to accept my claim by invoking a logically irrelevant but psychologically effective negative association with something or someone they hate, envy, or despise.

The **fit to political life argument** asks the simple question, what does observation show us about why and how people actually do look at the backgrounds of their opponents? What better place to look than the realm of political discourse, in which advocates for politicians and policies contend. When these advocates look at the character or other aspects of those with whom they disagree, are they honestly trying to assess intellectual and moral virtue, the better to ascertain the epistemic quality of the arguments their opponents offer?

Hardly. The actual behavior of candidates and advocates shows something different: when they look at their opponent’s background, they are only looking for whatever can be used to discredit the other side, i.e. to cause the audience to reject their opponent by creating a negative association with anything, no matter how irrelevant. Indeed, they hire ‘opposition research’ specialists to do this. Two features of this ‘opposition research’ show that this is their real motive.

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First, if the opposition research team finds evidence of intellectual or moral virtue in the opponent, it certainly never mentions it. If Smith is running against Jones for the Senate, say, and Smith's opposition research team discovers that Jones was in fact a brilliant student when in college, the team will certainly not mention that. Only if Jones was a mediocre or poor student will his or her college record come up.

Second, the opposition research team will typically employ many private investigators – and few virtue epistemologists—to 'dig up dirt', any dirt they can find. Did this person ever use drugs, have an abortion, or have a same-sex affair? If so, that information will be leaked to the press, even though it could hardly be for the purpose of assessing truth via the evaluation of intellectual virtue, for such background is utterly irrelevant to intellectual virtue. No, it is clearly only exploiting popular prejudice to arouse negative association.

This practice can reach the depths of absurdity. In one recent American election, one candidate faced a massive amount of negative publicity when it was learned that *her daughter* had had a child out of wedlock. Another faced negative publicity when it was learned that *an acquaintance of his* had engaged in violent acts of protest decades earlier.

In this paper, I have argued that the SA account of *ad hominem* is more plausible and useful than the JMET. However, I hope that nothing I've said is taken as criticism of virtue epistemology in general, something I certainly did not intend to offer. Virtue epistemology has a number of strengths. Moreover, I have suggested it can easily accommodate the SA account of the fallacies of relevance by just incorporating them as cases in which the intellectual vice of settling issues by emotional manipulation occurs.

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