

Is there an *argumentum ad hominem* fallacy?

In *Logical Self-Defense* (1977, 1983, 1993), Ralph Johnson and Tony Blair treat the *ad hominem* as a fallacy of diversion, a response to a person's argument by an irrelevant attack on the person.¹ They acknowledge the difficulty of coming up with a principle indicating when such a personal attack is relevant, and thus not fallacious. As a safeguard, they require in the third edition the ability to show that the personal attack is irrelevant to assessment of the person's argument. In all three editions, they cite three cases where an attack on a person would clearly be legitimate: appeals to authority or expert opinion, candidates for positions of public trust, and credibility of a statement made on a person's say-so.²

Johnson and Blair's treatment of the *ad hominem* fallacy is standard. It is similar, for example, to that of the most popular contemporary introductions to logic (Hurley 2003: 118-121, Copi & Cohen 2002: 143-145). In fact, their treatment is in many respects superior to that of their competitors. They recognize, as others do not, that not all personal attacks in response to an argument are irrelevant to the assessment of that argument. They discuss the fallacy with reference to real quoted examples, not invented or doctored ones, for which they give a specific reference that can be traced. And their discussion of each example is nuanced. It proceeds in two parts, the first showing that the example is a personal attack and the second considering whether the attack is relevant, an issue on which they sometimes express agnosticism.

¹The restriction to responses to arguments is new in the third edition. Previous editions included under the *ad hominem* fallacy irrelevant attacks on the author of an undefended position.

²In fact, none of these three cases responds to an argument by a personal attack on the arguer. Responding to an appeal to authority by questioning the credibility of the alleged authority or expert attacks the alleged authority, not the person making the appeal. Pointing out undesirable aspects of a candidate's character and background is not a response to arguments put forward by the candidate. Casting doubt on the credibility of a statement made on a person's say-so is a response to a statement, not to an argument.

Despite this care and subtlety, they do not succeed in showing that there is an *ad hominem* fallacy. In fact, I shall argue, there is no such fallacy.

What is a fallacy? Trudy Govier nicely sums up the standard conception of a fallacy in the western logical tradition, as follows: “By definition, a fallacy is a mistake in reasoning, a mistake which occurs with some frequency in real arguments and which is characteristically deceptive.” (Govier 1995: 172) If there is an *ad hominem* fallacy, it should be a move in argument or reasoning. Further, it should be always mistaken. Further, it should occur with some frequency in real arguments. A mistake in an unrealistic invention of a logic textbook writer, designed to fit the textbook’s theory, does not amount to a fallacy, for a mistake is not a fallacy unless people actually make it. To support a claim that a certain mistake is a fallacy, one therefore needs to point to actual examples, and one’s analysis of these examples as committing the mistake needs to be defensible, i.e. accurate and fair. Further, one needs to show that people are taken in by this mistake; thus, sophisms that would fool nobody are not fallacies.

Contrapositively, to show that a certain move is not a fallacy, one needs to show only that one of the necessary conditions for fallaciousness is lacking. Perhaps the move is not even a way of reasoning or arguing. Perhaps it is not a mistake, or not always a mistake. Perhaps people do not actually make this move in real arguments, at least not with enough frequency to deserve the invention of a label and a listing in the pantheon of logical fallacies. Or, if the move does occur with some frequency, perhaps it is so patently absurd that it would not fool anybody with even a minimum of logical acuity.

The reasons for the non-fallaciousness of the *argumentum ad hominem* vary from one species to another. I shall therefore consider each species separately, in each case giving some historical background.

1. THE TRADITIONAL SENSE OF THE *AD HOMINEM*

In western thought, to argue *ad hominem* (Greek *pros ton anthrōpon*) originally meant to use the concessions of an interlocutor as a basis for drawing a conclusion, thus forcing the interlocutor either to accept the conclusion or to retract a concession or to challenge the inference. Aristotle in his discussion of the principle of non-contradiction distinguishes “absolute proof” (*haplōs apodeixis*) from “proof relative to this person” (*pros tonde apodeixis*, *Metaphysics* XI.5.1062a3). In his influential 13th century commentary on this work (Lectio V. n. 2213, 2219, 2222; cited in Nuchelmans [1993: 40, n. 9]), Thomas Aquinas uses the corresponding Latin phrase *demonstratio ad hominem* for relative proofs of first principles. By the 17th century, logic textbooks were using the phrases “*argumentum ad hominem*” and “*argumentatio ad hominem*” quite generally for arguing about any subject-matter at all from the concessions of one’s interlocutor, a usage attested as a scholastic commonplace (Nuchelmans 1993: 41); Galileo uses the expression “*ad hominem*” for an argument whose author derives a conclusion not acceptable to an opponent from premisses accepted or acceptable by the opponent but not the arguer (Finocchiaro 1973-74). John Locke is referring to this background when he reports in his *Essay Concerning Human Understanding* (1689) that “to press a man with consequences drawn from his own principles or concessions ... is already known under the name of *argumentum ad hominem*” (Locke 1959/1689: 278; IV.XVII.21).

Arguing *ad hominem* in this traditional sense is simply dialectical reasoning, reasoning from the commitments or concessions of an interlocutor. It is not in itself mistaken, merely of limited probative value. One would make a mistake in reasoning if one represented such an argument *ad hominem* as an absolute proof of its conclusion. And in fact this misrepresentation is how Richard Whately (1827/1826) defines the *ad hominem* fallacy—apparently the first time in

a logical tradition going back more than 23 centuries that arguing *ad hominem* was stigmatized as fallacious. A fallacy is committed, Whately claims, if (and apparently only if) an *argumentum ad hominem* is presented as having established the conclusion absolutely, rather than merely as one that the individual referred to is bound to admit.

In this whole tradition, which continued in logic textbooks of the 18th and 19th century (Nuchelmans 1993), there is not a hint that an *argumentum ad hominem* is a personal attack. It is not an argument *against* the opponent, but an argument *to* the opponent, i.e. to the commitments already made by the opponent, whether by unprompted assertion or concession in response to a question or mode of conduct. It is a perfectly legitimate way for a proponent to get the opponent to accept the consequences of those commitments, even if the proponent does not share them. It can go wrong, as can any legitimate form of argument. The attribution of a commitment may be inaccurate, its alleged consequence may not in fact follow, the proponent may claim to have proved the conclusion to someone other than the opponent. But those mistakes are not *ad hominem* fallacies. They are mistakes in the use of a basically legitimate form of argument, the *argumentum ad hominem* in its Lockean sense. The mistakes might be labelled *faulty premiss*, *non sequitur* and *illicit metabasis* (Parry and Hacker 1991).

2. THE *TU QUOQUE*

Two writers from the early 19th century testify to a further broadening of the phrase “*argumentum ad hominem*” to cover arguments from the conduct or character of one’s opponent. In his 1826 *Elements of Logic*, Richard Whately represents unnamed “logical writers” as describing the *argumentum ad hominem* in “lax and popular language” as “addressed to the peculiar circumstances, character, avowed opinions, or past conduct of the individual”, and as thus referring to him only and not bearing directly and absolutely on the real question (Whately

1827/1826: 191). Schopenhauer (1951/ca. 1826-1831), writing at about the same time, extends the concept of a proof *ad hominem* to proof from an opponent's actions. Such a proof points out an apparent inconsistency between present words and previous deeds, as in Whately's famous sportsman's rejoinder: A sportsman accused of barbarity in killing unoffending hares or trout for his amusement "not unjustly" shifts the burden of proof to the accusers with the rejoinder, "Why do you feed on the flesh of animals?" (Whately 1827/1826: 192). The rejoinder establishes a presumption that the accusers are bound by their flesh-eating conduct to admit that there is nothing wrong with killing unoffending animals for sport. With the presumption established, the flesh-eating critics must now establish a relevant difference between killing animals for food and killing them for sport.

In its use to turn an opponent's criticism on himself, this form of argument appears in 21st century logic textbooks as the "*tu quoque*" (you too). It can be deployed erroneously, for example by misdescribing the past actions of one's critic, alleging an inconsistency where there is none, or representing the opponent's proposition as refuted absolutely when it is in fact refuted only *ad hominem*. But these mistakes are ways in which a perfectly legitimate form of argument can be manipulated. Properly used, the *tu quoque* puts a burden on a critic to explain away an apparent inconsistency between word and deed.

Contemporary textbooks that classify the *tu quoque* as a fallacy describe a theoretical mistake that real arguments do not commit, and massage or misinterpret their examples to fit their theory. Johnson and Blair use a criticism of government ministers in Canada who exhorted Canadians to spend winter holidays at home in Canada but spent their own winter vacations in Florida and the Caribbean (Govier 1981: 2; cited in Johnson and Blair 1993: 74). They treat this passage as mistakenly claiming that the failure of the officials to act on their own arguments

invalidates or detracts from their arguments. Similarly Hurley (2003: 119) treats a *tu quoque* as an attempt to show that the opponent's premisses do not support the opponent's conclusion. Copi & Cohen (2002: 144) treat it as mistakenly taking the fact that the opponent's actions imply some proposition (here, that it is fine to vacation outside Canada) as a reason for thinking that the proposition is true. None of these analyses is a particularly plausible construal of Govier's example. As Govier herself remarks, "Somehow, one feels, critics of government ministers have got some kind of valid point here." (Govier 1981: 2)

The inadequacy of the textbooks' analyses comes out clearly when one looks at quoted instances of the *tu quoque*, such as the following passage quoted by Engel:

I am a Newfoundlander, and I cannot help but feel some animosity toward those people who approach the seal hunt issue from a purely emotional stance. Surely this is not the way they look in their butcher's freezer, when they are looking for pork chops. Yet the slaughtering method approved by the Department of Health officials for swine is hideous, and nowhere near as humane as the dispatching of a young seal. (Engel 1994: 31)

This passage is a *tu quoque* addressed to a third party: it alleges that the critics of the seal hunt support even less humane means of killing animals, by eating pork. The Johnson-Blair-Hurley analysis does not fit, since there is no reference to the emotional critics' arguments, and so no claim that the critics' inconsistency invalidates their arguments. Nor does the Copi-Cohen analysis fit, since the author does not take the critics' inconsistency to be establish that the seal hunt should be allowed, but rather uses it to explain his animosity towards them. The appeal to apparent inconsistency has exactly the same function as Whately's sportsman's rejoinder: it puts the critics on the defensive, forcing them to explain their apparent inconsistency.

3. THE ABUSIVE *AD HOMINEM*

The abusive *argumentum ad hominem* emerged from an amalgamation of traditions stemming from two remarks of Aristotle.

In his *Sophistical Refutations* Aristotle distinguishes two ways in which one may “solve” a fallacious argument. The proper way is relative to the argument (*pros ton logon*, 177b34, 178b17); the solution will work for all instances of the fallacy and is independent of the particular commitments of the argument’s author. To depend on the author granting some proposition is to propose “a solution relative to the man” (*lusi pros ton anthrôpon*, 178b17), a phrase Latinized by Boethius as “*solutio ad hominem*”. Apparently following Boethius, logical treatises of the 13th century use “*solutio ad hominem*” for a pseudo-solution of a fallacy that attacks the questioner instead of his faulty argument (Nuchelmans 1993: 43).

In his *Rhetoric* Aristotle complains that writers of rhetorical handbooks in his day paid no attention to its subject-matter, persuasion, but focused on accessories “outside the thing” (*exô tou pragmatos*, I.1.1354a15-16). Appropriating this notion, later ancient rhetorical writers identified one such feature as the person of the disputant, thus setting up a contrast between the person or man (Latin *persona*, *homo*) and the business or cause or thing (Latin *negotium*, *causa*, *res*) (Nuchelmans 1993: 43-44). Features of a speech that concern the personal characteristics of one’s opponent were generally respectable, as long as they were effective in persuading the audience. The rhetorical *ad personam* or *ad hominem* would typically appear in the refutation section of a speech (Latin *refutatio*, *confutatio*, *solutio*) after one’s proof, in which case it could be given the name “*solutio ad hominem*”.

The dialectical and the rhetorical *solutio ad hominem* came together in a number of logical treatises of the 15th and 16th centuries. The *solutio ad rem*, characterized as a genuine refutation of a bad argument, was contrasted to a *solutio ad hominem*, which could consist either

in repelling an adversary (whether by making a counter-charge or by arguing that it was inappropriate for him to utter his accusation) or in trivializing the offence with which one was charged or in inserting a digression. These treatises tended to disparage such devices as not belonging to logic, though it did not stigmatize them as fallacies (Nuchelmans 1993: 44-46).

In the first half of the 20th century introductory logic textbooks (e.g. Joseph 1906, Sellars 1917, Cohen & Nagel 1934, Beardsley 1950, Copi 1953) began to use the phrase *argumentum ad hominem* not in Locke's and Whately's dialectical sense of arguing from an opponent's concessions or other commitments, but in the rhetorician's sense of a response to an opponent with a personal attack, and to stigmatize it as a fallacy. This shift appears to have happened by means of a slide from Whately's (1827/1826) extended sense of *argumentum ad hominem*. The *argumentum ad hominem* appears in the plural in Augustus De Morgan's *Formal Logic*, which was first published in 1847, accompanied by the claim that *argumenta ad hominem* generally commit the fallacy of *ignoratio elenchi*, characterized as answering to the wrong point (De Morgan 1847, pp. 308-309). De Morgan describes *argumenta ad hominem* as arguments with some reference to the person to whom the argument is addressed, a loose characterization that covers both arguments *ex concessis* and personal attack arguments. It is noteworthy that he does not claim that an *argumentum ad hominem* is in itself a fallacy, only that in context it generally commits the fallacy of answering to the wrong point. As species of *argumenta ad hominem* De Morgan mentions recrimination, charge of inconsistency and parallel cases—the latter illustrated by Whately's sportsman's rejoinder, which De Morgan argues is not really a parallel case. Jevons (1882, pp. 178-179) simplifies De Morgan's claim by classifying the *argumentum ad hominem*, defined as “an argument which rests, not upon the merit of the case, but the character or position of those engaged in it”, as in itself a species of irrelevant conclusion, which “consists

in arguing to the wrong point, or proving one thing in such a manner that it is supposed to be something else that is proved". He gives as examples the barrister following the solicitor's advice, "No case; abuse the plaintiff's attorney"; a man accused of a crime saying that the prosecutor is as bad; and an argument that the proposer in Parliament of a change in the law is not the man to bring it forward. Thus the shift from the traditional dialectical sense of *argumentum ad hominem* to the contemporary abusive sense is complete.

Some textbooks, including Johnson and Blair's (1997) and (1983), identify the move of responding to a statement or argument with a personal attack with the *ad hominem*. Others, including Johnson and Blair's (1993), call it the abusive *ad hominem*, to distinguish it from other species. To consider whether it is a fallacy, I shall discuss two of Johnson and Blair's six examples quoted and discussed, as well as a more recent example.

In their (1983) and (1993), Johnson and Blair discuss a response in the June 1982 issue of *Harper's* to an article entitled "China Stinks", whose author described in unflattering terms a year's experience living in the Chinese province of Zhengzhou. The response characterizes the article as "stench" and "undigested material" that nauseates its readers, and as the work of a "constipated" and "jaundiced" man who spent a year in an outlandish and poverty-stricken province without running water, toilets and other amenities to which he had been accustomed in Indianapolis. Johnson and Blair do not hesitate to characterize this letter to the editor as committing the fallacy of abusive *ad hominem*. The description of the article's author is abusive, they claim, and obviously irrelevant to the adequacy of his position. It is not clear, however, that the description of the article's author is mere abuse, or that it is irrelevant to the author's "position". It is in fact a diagnosis of the cause of the article's allegedly undigested and nauseating character. Although it provides no supporting evidence for those who have not read

the original article, the letter takes a clear position on what is inadequate about it: it merely details the unpleasantness for someone used to modern conveniences of living in a poor and remote part of the world, without providing any analysis or explanation of the poverty. The diagnosis contributes substantively to the critique by giving the reader a sense of the type of nauseating vomit thrown up in the article.

In their (1993), Johnson and Blair discuss a review in the magazine *Rolling Stone* of Allan Bloom's 1987 best-seller *The Closing of the American Mind*, in which Bloom criticizes rock music as contributing through its overt sexuality to an overall climate of promiscuity. The reviewer described Bloom's criticism as "inane", conceded Bloom's point that kids in the 80s differ from kids in the 50s in actually having sex rather than just talking about it, commented that this fact seems to drive Bloom crazy, mentioned that the 56-year-old Bloom is still a bachelor, and speculated that the "relish" with which Bloom denounces Mick Jagger might indicate that he is turned on by what Bloom described as Jagger's "pouty lips and wagging butt". Following their two-pronged strategy, Johnson and Blair first note that this response is largely a personal attack that makes no attempt to deal with Bloom's arguments. Then they assert the irrelevance of Bloom's bachelorhood and his conjecturally repressed homosexuality to the appraisal of those arguments. Thus, they conclude, the reviewer commits an abusive *ad hominem* fallacy.

Are they correct in labelling the attack a fallacy? Certainly, dismissal by the single word "inane" is an inadequate response to a serious argument from a distinguished political philosopher commenting on a significant aspect of contemporary popular culture. And the

innuendo that Bloom's critique may be motivated by repressed homosexual desire is offensive.³ But the reviewer would commit a fallacy only if the personal attack was a piece of reasoning that Bloom's critique was incorrect or his supporting arguments flawed. In fact, the attack comes after the dismissal of Bloom's position, and is not intended to support it. It is gratuitous, but not a flawed piece of reasoning, and so not a fallacy.

A more recent example of the abusive *argumentum ad hominem* is the following letter to the editor:

Re: Emotional Bardot Makes Plea For Seals (March 23): Is Brigitte Bardot really the compassionate crusader she claims to be?

A quick Google search reveals that she has been found guilty of inciting hatred at least four times by French courts in recent years. Her most recent conviction was in 2004, for remarks in her book, *A Scream in the Silence*, that viciously attacked gays, Muslims, immigrants and the unemployed. She considers homosexuals to be "fairground freaks" and opposes interracial marriage. Her political hero is Jean-Marie Le Pen, the extreme-right National Front leader.

This is the champion that animal activists have brought to teach Canadians about ethics and compassion? (Alan Herscovici, executive vice-president, Fur Council of Canada, Montreal, *The Globe and Mail*, 24 March 2006)

The function of this letter is to undermine the standing of the famous French actress as a spokesperson for opposition to the seal hunt. It marshals evidence that in many respects she is not a compassionate person. Her alleged lack of compassion for various groups of human beings

³In fact, as Saul Bellow makes clear in his 1999 roman à clef *Ravelstein*, Bloom was a homosexual, who did not publicly announce the fact but made no attempt to hide it from his friends. He was not repressing his homosexuality.

does not address her position that the annual seal hunt in Canada should be abolished, or its supporting arguments. In fact, however, media reports attributed no arguments to Bardot, only an appeal to stop what she called a “massacre” and a failed attempt to deliver her message personally to the Canadian prime minister. Since her celebrity was the chief basis for the media attention to her appeal, it is a relevant response to question her standing on this issue, what rhetoricians following Aristotle call her *ethos*.

The sort of personal attack labelled as an abusive *ad hominem* does in fact occur with some frequency, and it does sometimes succeed in its goal of diverting attention from the substantive claim or argument of one’s opponent. But it is not a kind of reasoning, or a kind of argument. So it is not a fallacy.

4. THE CIRCUMSTANTIAL *AD HOMINEM*

Late 20th century logic textbooks use the phrase “circumstantial *ad hominem*” in a variety of ways. Copi (1953), for example, uses it for the *tu quoque*, and only later applies it also to an allegation of bias. Hurley (2003: 119) describes it as an allegation that the opponent is predisposed to take a certain position and to argue for it, because of self-interest or dogmatic bias. The textbooks typically interpret such allegations as arguments that the opponent’s argument is bad (Copi & Cohen 2002:145, Hurley 2003: 119). Johnson and Blair (1993) characterize the circumstantial *ad hominem* less restrictively as a reference to some circumstance in the arguer’s situation intended to discredit the arguer’s position. Their examples are correspondingly unusual, and I shall ignore them in order to discuss two typical allegations of self-interest or dogmatic bias.

First example: The previously quoted letter from the executive vice-president of the Fur Council of Canada prompted the following reply:

Whatever Brigitte Bardot's ethical failings in the minds of some, such as Alan Hercovici of the Fur Council of Canada (Bardot's Blind Spots—letter March 24), the annual slaughter of baby seals off Canada's east coast is a bloody stain on our national identity. The majority of Canadians are appalled by this massacre and, like Ms. Bardot, want it to end.

Of course, Mr. Hercovici's objection to Ms. Bardot's crusade can only spring from his own pure conscience. One would never accuse him of supporting this ecocide just to protect the profits of the vanity industry. (G. Cooper, Toronto, *The Globe and Mail*, 25 March 2006)

The first paragraph of this letter asserts the writer's opposition to the annual seal hunt, regardless of the ethical failings pointed out by the fur industry official, on the ground that it is "bloody" and a "massacre". The second paragraph ratchets up the emotive language by calling the hunt an "ecocide", and uses irony to point out that the fur industry has a vested interest in continuing the hunt. The reader is expected to infer that the official's letter is motivated by this financial interest, which the writer's use of the expression "vanity industry" implies is illegitimate. Thus this part of the letter is clearly a circumstantial *ad hominem*, in the sense of an allegation that the fur official's attack on Bardot's credentials is motivated by a vested interest rather than by a "pure conscience". Its point is clearly not to show that he was mistaken in what he wrote about Bardot, as textbook accounts of the circumstantial *ad hominem* would have it, but to undermine his credentials in somewhat the same fashion as he undermined Bardot's. As such, it makes a perfectly legitimate point. Further, although the writer uses overheated and unwarranted emotive language rather than reasoned argument to condemn the seal hunt, the writer does assert opposition to it independently of the circumstantial *ad hominem* attack, and does not use the

official's bias as an irrelevant reason for thinking that the seal hunt should be abolished. There is no fallacy of irrelevance in the letter.

Second example. The following sentence was displayed on a screen as part of a presentation in August 2005 on global climate change: "Almost all criticisms of global climate predictions are backed by people with much to lose if policies are changed." (Barker 2005) Asked in the question period what conclusion he wanted the audience to draw from this point, the author replied: "They are not motivated by a scientific interest in the truth." In subsequent e-mail correspondence, I suggested to him that this sort of circumstantial *ad hominem* is typically intended as a warning that the opponent's argument should be scrutinized very carefully. He responded: "Exactly! That was the point I wanted to get across to the audience, and that is why I stated explicitly that they should note the affiliation of an author as well as the quality of the citations provided."

Attention to "the affiliation of an author" is a perfectly legitimate critical response to a person's statements or arguments. It can legitimately put one on one's guard. Although it would be a mistake to use an allegation of bias as a proof that a position is incorrect or an argument is flawed, real allegations of bias are not fairly interpreted as committing it. The circumstantial *ad hominem*, understood as an irrelevant allegation of bias, therefore does not belong in a list of logical fallacies.

5. SUMMARY

Though Johnson and Blair (1977, 1983, 1993) discuss real examples in a fair and nuanced way, they do not establish that there is an *argumentum ad hominem* fallacy. If we accept Trudy Govier's articulation of the traditional conception of a fallacy as "a mistake in reasoning, a mistake which occurs with some frequency in real arguments and which is characteristically

deceptive”, there is no *argumentum ad hominem* fallacy. In its original meaning, an *argumentum ad hominem* is a perfectly legitimate dialectical argument from the concessions or commitments of an opponent that one need not share. The *tu quoque* historically emerged from this sense as an appeal to commitments implicit in the behaviour of one’s critic; it legitimately challenges the critic to explain away an apparent inconsistency. The purely abusive *ad hominem* can be a legitimate attack on an opponent’s *ethos*, a response long sanctioned in the western rhetorical tradition. Otherwise, it is an objectionable diversionary tactic, but not a kind of reasoning, and so not a fallacy. The circumstantial *ad hominem*, in the sense of an abusive *ad hominem* which attributes the position of one’s opponent to self-interest or a dogmatic bias, raises legitimate suspicion about the credibility of the opponent’s statements and arguments.

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