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Attacking authority

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Introduction

Long ago Wesley Salmon (1963, p. 67) noticed a connection between *argumentum ad hominem* and authority arguments. Each type takes a feature of the person presenting the argument as relevant to the acceptance, or not, of its conclusion. *Ad hominem* arguments are supposed to work by connecting something negative about the arguer with the argument; authority arguments are supposed to work the other way – they are reverse *ad hominem* arguments, said Salmon. This interplay between these argument types is important, for it suggests an appropriate way of responding to each. I will be focusing here on a way an *ad hominem* strategy may be used to respond to arguments from authority. These arguments contain a premise with an appeal to an expert, or authoritative person, in order to add persuasive force or cognitive weight to a putative conclusion. In this respect, the audience to such an argument is invited to believe its conclusion partly on the basis that some person (the authority) also believes, asserts, or holds it. Given Salmon's observation, rebutting an argument from authority, *qua* authority, makes *ad hominem* tactics not only permissible but sensible, in order to 'fight fire with fire'.

Many writers distinguish between the sub variants of *argumentum ad hominem*, for example, the abusive, bias, circumstantial, guilt by association, poisoning the well, and *tu quoque*, versions. The distinctions between these – which are often highly contested and loose – nevertheless help to mark out a way of evaluating each type. I will argue that *tu quoque*, as conceived more traditionally than the standard 'You too' version, typically serves as a very effective tool to be using against an authority argument. For example, whereas the circumstantial *ad hominem* may claim a person's situation taints their reasoning, and so raises suspicions about their motives, the version of *tu quoque* of interest here, points out that the opponent now makes a claim she disowns elsewhere. Bad motives are one thing, but inconsistency is a more serious charge, and when it cannot be satisfactorily explained away, it leaves an audience not merely suspicious of a potential bias (as occurs in the circumstantial variant), but genuinely puzzled about a fellow conversationalist's dialectical status or intent. In this sense *tu quoque* arguments lay claim to the most robust of the *ad hominem* strategies.

The *tu quoque* strategy, then, can be especially effective against authority arguments because experts who contradict themselves fail the high epistemic standards presupposed by such arguments. In teasing out the proper relation between *tu quoque* and authority, I will note a distinction between what I call arguments *from* authority and arguments *with* authority. In the former an interlocutor makes appeals to *other* experts and authorities, whereas in the latter the case is made from one's own expertise or authority. *Tu quoque*, in a sense to be explained, is best thought to target the latter.

In setting up the discussion I describe a non standard conception of the *tu quoque*, and provide a valid schematic form.[1] I underscore the importance in *tu quoque* of distinguishing apparent inconsistency from real inconsistency where the former turns out better explained by an opponent's weakness of will or self-deception. I finish with a range of examples that depict the *tu quoque* strategy in practice, and then draw some more

general conclusions from these examples particularly in relation to the concept of hypocrisy.

A final preliminary is that the position set out here in relation to authority arguments is relatively standard, but the slightly non standard interpretation of *tu quoque* is arguably merely a terminological departure from the recognised orthodoxy.[2] My purpose, however, is to describe, and give reasons for, what I take are plausible accounts of these concepts, and to study what connects them. A more fundamental purpose is recognition and understanding of this aspect of informal logic dynamics and their fit with public discourse. It seems particularly important to be clear about these questions at a time when public and political discourse, at least in the west, has reached such a low point.[3]

Tu quoque

Textbook treatments of *ad hominem* usually regard its various forms as exhibiting fallacies of relevance. Such treatment is sometimes understandable in a teaching context in which deductive validity is fresh in the minds of students who have just been taught that a necessary condition of rational success for this salient argument form must focus on what the premises say (an internal aspect), and so, as suggested by this, not *who* says them. In these treatments, *ad hominem* arguments are swiftly dismissed as fallacious given the irrelevance of the reasoner to those internal aspects. In contrast to this, the approach of Eemeren and Grootendorst known as pragma-dialectics, situates argument in its conversational context.[4] This approach allows an intelligible sense in which both internal and external aspects of argumentation are taken as relevant in the evaluation of an argument's rational success. Further, I make the Grice-like idealizing assumption of cooperation – sometimes called, unfortunately in my view, the 'Goody Two-Shoes Model' – so that our motivation in pursuing disputation aims honestly at settling disputes rather than stone-walling, obfuscating, distracting, and so on.[5] In this regard, somewhat ironically, the tactic of the traditional *ad hominem* is to legitimately pin down an opponent with respect to their acceptance now of a proposition P, where the conditions leading to that acceptance are themselves relevant to the establishment now of P.[6]

The sense in which some *ad hominem* strategies have legitimate relevance dialectically can be traced to what I have been calling the traditional conception or Lockean View (see Woods and Walton, 1989, p. 55). Locke cited four sorts of argument within debate used on an opponent to 'prevail on their assent' and 'silence their opposition', the third of these being to 'press a man with consequences drawn from his own principles or concessions' (1690/1984, p. 423). In fact many authors trace the roots of the traditional conception back to Aristotle who distinguished between a 'proof relative to the person' and absolute proofs. Later conceptions of interest can be found in Galileo, Schopenhauer, Whately (1836), and De Morgan (1847).[7] Whately in particular comes close to an understanding of the traditional *tu quoque ad hominem* I will consider as expressing critical dissatisfaction with an opponent for asserting a view they apparently oppose elsewhere. In *Elements of Logic*, he writes:

> It appears then (to speak rather more technically) that in the "*argumentum ad hominem*" the conclusion which actually is established, is not the *absolute* and *general* one in question, but *relative* and particular; *viz*. not that "such and such is the fact," but that "*this man* is bound to admit it, in conformity to his principles of Reasoning, or in consistency with his own conduct, situation, …" (pp. 237-38).

Whately introduces the section with the comment that *argumentum ad hominem*, *inter alia*, should not be regarded as universally fallacious, this notion resting on 'fair use'. Thus, it would not be fallacious as a tactic against someone who would not 'yield to fair general argument', or in not acknowledging the presence of non conformity or inconsistency in their position, to assign that failure 'its due weight'. In addition, the tactic must be deployed 'plainly' and 'avowedly', and without substituting the 'triumph' of showing a fault in your opponent with 'having established your proposition absolutely and universally'. To do that would make you '…guilty of a Fallacy of the kind which we are now treating of: your Conclusion is not in reality that which was, by your own account, proposed to be proved. The fallaciousness depends upon the deceit, or attempt to deceive' (reference). The position so outlined thus contains both elements of the technical aspects of the *tu quoque* and, particularly in the light of the last remarks, elements of the goody-two shoes model. In what follows I will presuppose these elements.

I propose the following formulation of the *tu quoque* arguments of interest:

(1) S asserts P in context C1 and S accepts not-P in context C2
(2) S fails to satisfactorily explain away the inconsistency described in (1)
(3) S's failure to satisfactorily explain away the inconsistency in (1) itself cannot be explained
(4) If S's failure to satisfactorily explain away the inconsistency in (1) itself cannot be explained then P cannot be accepted based on S's C1 assertion

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(C) P cannot be accepted based on S's C1 assertion

Note first the use of 'asserts' in the first conjunct of (1); this gives plausible generic expression in discussing dialogical contexts of making public one's commitment to a proposition. Second, I use 'accepts' in the second conjunct to cover all relevant cases. Although S may have previously explicitly asserted not-P, he may not have either; and so the more general 'accepts' covers cases based on inferences from S's past P-relevant assertions, or her general P-relevant position, or something P-relevant she has done. Third, to forestall a possible objection I note that the contexts C1 and C2 may largely, if not fully, overlap, to cover the common situation in which a person accuses another of contradicting himself in the course of the same discussion.

Lines (1) and (2) of this schema are uncontroversial and describe the conditions plainly needed to fully launch the *tu quoque*, in the remaining lines. Obviously there can be situations in which my interlocutor notes my inconsistency, and sometimes this can be resolved, for there can be many failings of a largely psychological nature that explain the inconsistency – perhaps, for example, I have just forgotten the view I held last year. The interesting case is captured by (3), for it is at this point that, having exhausted the range of innocent mistakes, there simply is no explanation left for an audience to make, but that the speaker is epistemically incompetent to make the claims being made.[8]

The possibility of schematizing the *tu quoque* to yield a valid form means the significant question of evaluation turns on the *soundness* of the *tu quoque* retort. If one accepts that some *tu quoque* arguments ought to succeed, and some not, one is interested in the actual circumstances giving rise to this potential success, or in other words, whether or not the premises of the argument are in fact true. Yet before applying this evaluation test one needs first to decide whether some putative case of *tu quoque* fits the standard form above. It seems there are cases that do not. Consider, for instance, exchanges in which the activity of settling a substantive *issue* between two discussants gets left behind

as a result of some other distracting kind of activity. Thus, there are altercations of this kind:

> So what if I focus on your bad language, I seem to recall you insulting me just a minute ago.

These are sometimes labelled *tu quoque* because one protagonist draws attention to the error of another who, she enjoins, has committed the same error. But under the conception I am concerned with here the error has to be rationally relevant to an issue the protagonists began with. In the case above this condition is not met and on closer inspection the 'debate' has simply lost its way. Of this broader conception Walton (1998, p. 17) says 'The *tu quoque* argument, or "you too" argument … can be described as the use of any type of argument to reply in like kind to a speaker's argument', pointing out that in some cases retorts of this nature are not, upon close analysis, genuine *ad hominem* arguments at all. The cases I need to test, then, have to at least reach a threshold whereby they can be modelled on the form set out above. If this evaluation test is right, determining the rational success of the argument is a matter of checking the plausibility or truth of the premises.

The *tu quoque* arguments of interest work in two stages. From an opponent's inconsistency with respect to P I infer a lack of credibility as a trustworthy source of information (or commitment to some principle if the context is practical reasoning). From this lack of credibility I derive a reason not to accept P from this opponent. It is important in this formulation that one's opponent displays inconsistency *with respect to P*, for it is P that is ultimately the issue, and one's opponent is being called on their epistemic credentials in relation to P (or, again, commitment to some practical conclusion). In the broader interpretation of *tu quoque* discussed above, this focus is lost, and with it a necessary condition of deserved success. Some other kinds of argumentation – for example, abusive *ad hominem* – may also require description in strategic terms, yet abusive *ad hominem* should fail without exception because the failure of rational relevance to an issue in such cases is total.[9]

There are circumstances where *tu quoque* arguments may potentially miss their target because, on closer inspection, no real contradiction or hypocrisy is present. Daniel Bonevac (1990, p. 51) points out that there may often be a good explanation for one's apparent hypocrisy: perhaps one lacks, or lacked in the past, the strength of will to live up to one's claims. Imagine someone still in the grip of an addiction yet with enough insight left to advance an argument against the kind of behaviour that led to that addiction.[10] *Tu quoque* retorts here are out of order because the person advancing the argument is more plausibly thought to be weak of will, not hypocritical. Their authority on the subject is not undermined by their loss of self control, but rather, ironically in this case, enhances it.

Or consider a case of apparent hypocrisy which turns out on closer inspection to be self-deception.[11] Imagine an anti-pornography campaigner who, from time to time, views pornographic material. Suppose an opponent of this campaigner, discovering this fact, claims this hypocritical behaviour undermines his campaign. He responds by claiming that his viewing of pornography is motivated by the need for someone to keep watch over the pornographers. Now maybe our campaigner genuinely believes this, and interprets his responses to the viewing, not as pleasurable, but as more evidence of what he claims is the degrading nature of this material. Perhaps so, but this person may have become mistaken about an aspect of his motivation; in which case it seems not unreasonable to best interpret the case so described as one of self deception and so the *tu quoque* response

to our campaigner now looks off target; although, it might helpfully prompt our campaigner to properly analyse his response to the material he views.

Returning now to an earlier theme, because of the focus *tu quoque* arguments place on an arguer they can be seen to have special bite where an argument relies for its warrant on the authority of that arguer. And what I earlier called an argument with authority derives its warrant precisely from the person putting it forward. Whereas *ad hominem* arguments work by claiming something objectionable about the person under attack, these arguments appeal to the merits of the very person asserting the case. Given the kind of success condition this brings into the dialogical space, it is just the kind of argument we should regard as vulnerable to an attack by *tu quoque*. In the next section I describe this kind of argument.

Authority

Authority arguments are typically deployed when expert or trustworthy sources are cited to support some claim. In cases where expertise is called for these arguments authorise a conclusion a protagonist is perhaps otherwise unable to draw because of some epistemic limitation. They are extremely common given the rates at which people cite expert testimony in support of all manner of conclusion, from scientific claims, to claims about the law, or the economy, to everyday claims about (say) the weather, or what time the train is due.[12]

It is common for authority arguments to appeal to what some expert has claimed, where this expert is someone other than the person making the argument. I distinguish these cases from cases where the arguer *is* the expert. In such cases an appeal is made *with* authority. So, for example, one's general practitioner says 'Yes I realise you think you are fit enough to return to work, but as your doctor I am advising that if you return to work the strain will almost certainly cause a relapse'. Or one's counsel says, 'I have years of practice as a lawyer, so I know what I am talking about in advising against pursuing this debt through the courts'. In these cases the arguments for not returning to work, and not going to court, gain support from the very people advancing them.

The difference between appeals from, or with authority, makes a difference to their respective susceptibility to *tu quoque* attacks in dialogical contexts. If I cite the evidence of an expert who is someone other than me, an attack on that expert showing *them* to be inconsistent may indeed undermine my evidence; but this is no attack on me *qua* expert, and so does not count as a *tu quoque* against me.[13] The interest here is in the relation between authority arguments and the way *tu quoque* targets them; so the focus is on arguments *with* authority.

Arguments with authority also arise when the person presenting the case is a figure whose position or office gives them the right over another, perhaps to control, direct or rule them in some fashion. These administrative-type authority arguments, as Walton (1997, p. 77) labels them, sometimes deserve to succeed. To the question 'why can't I play near the road?', the answer 'because we, your parents, say so' constitutes an authority argument with the suppressed premise that the instruction contained within the conclusion is made legitimate purely in virtue of the authoritative role embodied by the person advancing it. At other times these arguments deserve to fail, namely when one's authority is being misused, or the authoritative role is misplaced in some way, or the jurisdiction is wrong. In that case *tu quoque* responses may be in order.

Authority arguments have a range of success conditions. The context must be one in which an authoritative opinion is legitimate. Experts must be knowledgeable, reliable, well-motivated or disinterested, and they must be *rightful* authorities in the broadest sense – e.g. it is no good citing the evidence of a dentist in an argument about climate change, and it usually seems out of order for an adult to exercise parental-style control over a friend's child. The expert must properly represent his or her stated area of knowledge, or it should be said that alternative views abound. For example, in environmental discussions it has become relatively commonplace for mainstream press to cite the work of so-called experts whose views are the antithesis of the field.

Given these requirements, a *tu quoque* argument may give an audience reason to doubt that one or more of the success conditions are satisfied. Where an expert's credentials are bound up with the capacity to have thought through their position with consistency, both of belief and motivation, *tu quoque* attacks should get especially good purchase. After all, if the persuasive force of an authority argument relies largely on the expertise brought to the table, finding ways to question the expertise would seem especially apt as a way to question that argument.

Consider, then, a case from Australia a few years ago. A marketing executive was interviewed on television to provide the expert marketing perspective on the question of whether teenage smoking rates may be affected by advertising. The interviewer set a trap. During the first ten minutes the executive was asked questions which invited self promotion and discussion of the very effective techniques advertising possesses, and of the lucrative contracts advertising firms may secure based on the successes of these techniques. The executive knowledgably elaborated the ways in which advertising effectively changes behaviour. During the middle part of the interview a series of neutral questions were asked, and then near the end he was asked whether advertisers share at least some of the blame for the rise in teenage smoking rates. At this point he denied there was any real link between the advertising techniques in question and the increase in smoking rates. The interviewer then pointed out the apparent contradiction, given the earlier answers.

The example depicts a way in which the target argument is countered by showing that its proponent cannot have it both ways. The audience is thus owed an explanation at this point: does he accept the grounds of this argument that no link obtains between advertising and smoking, or not? The audience is entitled to a decision from him: either these marketing techniques cause teenage smoking rates to go up or they do not. If the techniques do not have the effects claimed elsewhere, why is that? And at this point, while the expert sorts out his position, the audience is entitled to suspend their support for the authority vested in the argument from the start.

Authority arguments succeed partly on the basis that the audience to which they are addressed has limited choices or time in which to consult alternative sources of evidence. What they need to accept is that the source of the argument knows what they are talking about. Now sometimes this is quite appropriate, and these days specialisation, academically and technically, has led to an almost inevitable reliance on appeals to experts. Nevertheless, that fact makes it all the more important to take special care. Locke (1690/1984, p. 441) lamented the dangers posed by the lazy tendency to 'assent to the common received opinions'. He was talking about our tendency to unquestioningly rely on orthodox opinion. He was worried about our disposition to accede to authority and the practice of some to misuse appeals to authority as a way of trading on that disposition.[14]

In the light of these considerations a strategy like *tu quoque* looks apt. Consider that in the case above the audience is able to determine from the nature of the evidence being presented that the so-called authority on the subject has not, at least with respect to the topic at hand, thought through the subject matter.[15] *Tu quoque* attacks can often, then, not only entitle the audience to suspend trust in the expert, but also invite legitimate scrutiny into his motives. When *tu quoque* leads to a suspicion about motives, it thereby invites further scrutiny into the circumstances of the authority. In this respect, *tu quoque* counts as a first line strategy of significant power, and that is because exhibitions of inconsistency are serious, they demand our attention.

***Tu quoque* and hypocrisy**

A quite specific kind of argumentative exchange involves arguments with authority and hypocrisy. Political leaders and commentators, academics, clergy, business executives, military professionals, moral crusaders and many others are all disposed to advancing arguments where they know their own position of authority works in their support. As we saw, *tu quoque* challenges to such arguments can be particularly effective, and the high ground can quickly be lost. As they say 'the bigger they are, the harder they fall'. Let's now focus on cases where this type of authority is accused of being hypocritical.

We won't attempt to give a full account and defence of the notion of hypocrisy particularly as that concept turns out to be surprisingly complex and slippery.[16] Rather, the present inquiry calls for the following conception: persons exhibit hypocrisy, making them an apt target for a *tu quoque* attack just when: (1) they express disapproval about some practice they themselves engage in, or (2) they express approval of some practice to which they themselves do not adhere. The interesting issue is to spell out the conditions under which it is appropriate to accuse someone of making hypocritical claims, and by 'appropriate' I mean, first, that the claimant deserves to be unmasked, and second, that in unmasking the claimant one is able to neutralise the force of their argument.

Tu quoque arguments are particularly effective when your interlocutor professes some special expert knowledge, or perhaps moral authority on some subject matter, and yet they fail to comply with the prescriptive content of their own judgement. A nice example of this is provided by Crisp and Cowton (1994, p. 344). The hypocrisy of blame, they say, '… is well illustrated by one view of Senator McCarthy, who – it is said – publicly castigated gays for immorality when he was himself gay.' In these cases the *tu quoque* response against the senator may well have been appropriate (if indeed he was gay). However, to be sure, such attacks have to be handled with care for where the hypocrisy is merely apparent, deploying the *tu quoque* response is misguided, as we saw with the sincere, weak-willed, drug addict.

Care should also be taken in cases where an accused person turns out on analysis not to be a hypocrite in any sense at all. Consider in this connection the parent who upbraids her young teenager for drinking alcohol, a case of someone expressing disapproval of a practice she herself engages in. The *tu quoque* response in this instance – 'But Mother, *you* drink alcohol' – does not deserve to succeed, and the reason is that the parent has no inconsistency to explain away once it is clear what proposition is under dispute. To see this consider again the first line of our *tu quoque* schema:

(1) S asserts P in context C1 and S accepts not-P in context C2

What is ‘P’ in this case? Plausibly it is ‘teenagers, (including, therefore, *my* teenager) should not consume alcohol’, in which case, it is just false that the mother believes the second conjunct of (1), the denial of this in context C2, and so the first premise is false and the *tu quoque* argument is unsound. The proposition that ought to be under dispute is whether teenagers may consume alcohol, and then whether, if they may not, parents are permitted to enforce such a ban. Our teenager here, in making this *tu quoque* argument, seemed to be presupposing that the proposition under dispute was whether people in general may consume alcohol. Once we are clear about ‘P’ from the start the evaluation of the *tu quoque* can proceed.

In the theoretical context *tu quoque* is effective because it exploits a principle along the lines that if this expert does not (really) accept what they are saying, then why should we? In the practical domain *tu quoque* might be effective for another quite interesting reason if we plug in an Aristotelian assumption about the way to understand the conclusion of a practical syllogism. Famously Aristotle claimed such conclusions should be understood as actions. He wrote:

> But there [the theoretical case] the end is a theoretical proposition. For whenever one thinks of the two premises, one thinks and puts together the conclusion. Here, instead, [in the practical case], the two premises generate the conclusion, which is conduct (de motu an. 701a 10-13).[17]

The significance of using this assumption as part of a *tu quoque* argument is to bring out a problem in an opponent’s position akin to the way one brings out a problem when using a *reductio* against an opponent. In a *reductio* you show that your opponent’s position leads to a contradiction, rendering it absurd. Likewise, if we take the McCarthy example, the *tu quoque* strategy seems to show that his will contains a contradiction, and so his prescription against homosexual behaviour is also absurd.

In a practical context pointing out to your opponent that his evidence is inconsistent has the effect that he may not generate the conclusion (= conduct) he had hoped this evidence might support, and so the effectiveness of *tu quoque* here resides in removing an opponent’s motivation. A particularly famous New Testament case of this is that of the woman caught in the act of adultery brought to Jesus by the scribes and Pharisees. Old Testament law requires the woman be stoned, and so they test whether Jesus is prepared to apply the law or act more liberally. St John continues the story:

> But Jesus stooped down, and with His finger wrote on the ground, as though He heard them not. So when they continued asking Him, He lifted up Himself, and said unto them, He that is without sin among you, let him first cast a stone at her. And again He stooped down, and wrote on the ground. And they which heard it, being convicted by their own conscience, went out one by one, beginning at the eldest, even unto the last: and Jesus was left alone, and the woman standing in the midst (John 8: 6-9 KJV).

This example is particularly instructive. For one thing it brings out the Aristotelian point regarding action as constituting the conclusion of the syllogism Jesus invites the scribes and Pharisees to make. No sooner are they ‘convicted by their own conscience’ than they leave. (I take it we are to assume *some* degree of parity of sin.) The example shows nicely the reason-giving nature of *tu quoque* in a context where it chains with practical reason,

and in this case moral reason. Faced with the application of a principle where we ourselves become knowingly subject to its prescription we come properly to see its force.

Finally this *tu quoque* example also contains elements of the Golden Rule. For the scribes and Pharisees are in effect asked by Jesus not to treat the accused woman in a way they themselves would not want to be treated. And indeed some formulations of the Golden Rule can be read simply as injunctions against hypocrisy. Consider, for example, Thales' version to 'avoid doing what you would blame others for doing'.[18] This version is particularly apt in cases like the one above involving Senator McCarthy.

Conclusion

Tu quoque arguments work best when the audience to one's argument (including especially one's opponent) recognises that to continue to present this opposing position is possible only on pain of a failure to respond to the apparent inconsistency in one's reasons for it, or the hypocrisy inherent in one's advocacy of a certain practice. An honest recognition of this sort can then force a choice in the right direction to retract one's view, repair one's position, to dissolve the inconsistency, or perhaps even to simply walk away, as we just saw. When the strategy of *tu quoque* is used to undermine an authority argument its force is increased commensurate with the deflationary effect on the authoritative warrant invested in the target.

As well as exploring these ideas I have emphasised the normative importance of cooperation in the discussion because *ad hominem* arguments within many dialogue contexts are notorious for bringing discussion to an inappropriate end rather than shedding light on its subject. Nevertheless, it only requires a minimal presumption of rationality for this normativity to be internalised by the participants, one of whom is accused of a contradiction. The success of the argument on the other side depends on whether the inconsistent discussant is able to dissolve it, and who would not want to do that? It seems likely that those running arguments with authority, having even more at stake, are less disposed to cooperation when their authority and expertise are called into question. An important function of the *tu quoque* against them is to separate the misuse of their alleged expert knowledge from the real thing.

Notes

1. The conception of the *tu quoque* I am interested in has been discussed by Bonevac (1990) and Pirie (2006).

2. To put it another way, some may think it genuinely unorthodox in relation to *argumentum ad hominem*, but as Walton (1998) has noticed, it is a bit difficult these days to see just what counts as the orthodoxy.

3. For instance, the decline, over two decades, of principled and quality journalism in the US, UK, and Australia – the media I am familiar with – is not really disputed, but I won't attempt to prove it here.

4. Henry Johnstone (1952) is regarded as the writer who resurrected interest in this approach by revisiting the traditional conception of the *ad hominem* described by Richard Whately (1836).

5. Grice did not use the expression 'goody-two shoes', Gabbay and Woods (2001) do; they do note the Gricean connection. Grice's conversational maxims – be appropriately informative, truthful, relevant and perspicuous – fall out of an overarching cooperative principle requiring conversational contributors to pay heed to the purpose and conventions of a dialogue by conforming what is said to the maxims (Grice (1989, pp. 26-7). Should the Goody-two shoes

assumption hold in all dialogical contexts? Almost certainly not, and it is an important open question where and when it should hold. Gabbay and Woods (2001, p. 180) argue that if the Goody two shoes model held generally '… there would be strategies about which nothing good could be said'. They note also the model should be a '… strict requirement of dialogues of certain types, for example, a disagreement about the dangers of genetic mutation of foodstuffs'. Agreed, but Gabbay and Woods, it seems have an overly narrow conception of the range of contexts to which cooperation ought to apply. For example, should non-cooperation always apply in the cross-examination of a witness in a criminal trial? Gabbay and Woods (2001, p. 164) seem to think so, but for this and many other places, it seems a pretty open question. The right approach to deciding these requirements would seem to be one that views dialogue logic against the constraints of ethical theory.

[6] Thus I take the discussion here to feel most at home, and in sympathy with, the dialectical program in Frans van Eemeren and Rob Grootendorst (1992), particularly with regard to an approach in argumentation as of centering '… around resolving differences by means of argumentative discourse' (see p.13). For a detailed account and critique of this and other dialectical approaches see Maurice A. Finocchiaro (2005), particularly the later chapters of Part III.

[7] For an extensive discussion of the use of *ad hominem* by Galileo (in fact *ad hominem* as used against Aristotle) see Finocchiaro (2005, pp. 331-339). Walton (1998, p. 22) discusses a distinction made by Schopenhauer between arguing against an opponent's commitment, and a personal attack argument. De Morgan recalls Whately in his discussion and is circumspect regarding permissible use. He says that charges against an opponent on grounds of inconsistency may constitute a 'valid defence' if the original argument is a personal attack (see p. 265).

[8] I am indebted to an anonymous referee for identifying a weakness in an earlier schematic form of this argument, and for prompting me to see the necessity for line (3).

[9] Cf. Eerik Lagerspetz (1995, p. 368). Assume here that 'abusive' is defined so as not to allow for the inclusion of attributions of motive. In such a case 'abusive *ad hominem*' potentially collapses into a form of circumstantial *ad hominem*. See Walton (1987, pp. 327-28).

[10] Yul Brynner is a famous instance of this kind of thing. He died in 1985 of lung cancer, and before he died he made a commercial, shown after his death, exhorting people not to smoke.

[11] Daniel Statman (1997) has analysed hypocrisy in terms of self-deception. He argues that '… hypocrisy typically involves or leads to self-deception [because] a consistent and conscious deception of society is self-defeating from the point of view of egoistical hypocrites'. See p. 57.

[12] Though perhaps this last example counts only if one relies on the experience of an official, and even then this may be a doubtful case. I will put aside cases of simply seeking information from 'someone or other'. But in addition, as Birrer (2001, p. 267) notes, '… there is reason to distinguish between two types of dialogue: one of straightforward information seeking dialogue, where the information seeker is able to more or less fully specify the information needed; and one of expert advice seeking dialogue, where the advice seeking person is not able to do so'.

[13] Noting the inconsistent position of the expert I cite is also not yet a non fallacious *tu quoque* strategy against *this expert*, unless further evidence is forthcoming that this expert does not, or could not, account for this tension, or until this expert has had a chance to provide reasons explaining it away. My opponent is in dialogue with me here, not my authority source. Fairness requires us to say my authority source has been challenged, but not refuted.

[14] Cf. Douglas Walton (1989, p. 172).

[15] Another possible (plausible?) explanation is that the executive lied, or at least, exhibited gross bad faith. If this was the case, then there is a good explanation for the inconsistency, and the

strategy of *tu quoque* fails, since no incompetence is revealed. The inference from the lie would be that the executive believes advertising does cause teenage smoking rates to rise, a claim that is compatible with the executive's earlier bragging. Again, I thank an anonymous referee for identifying this complexity in the case.

[16] There is a small and interesting literature on hypocrisy. See, for example, Roger Crisp and Christopher Cowton (1994), Saul Smilansky (1994), Daniel Statman (1997), Bela Szabados and Eldon Soifer (2004), and Dan Turner (1990).

[17] See also Aristotle, *Nicomachean Ethics*, 1147a, 25-28.

[18] See Diogenes Laërtius I, 36

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