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Parrying Ad-hominem Arguments in Parliamentary Debates

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1. Introduction

One of the fallacies Members of Parliament may be confronted with in a parliamentary debate is the ad hominem fallacy (See Plug 2007 and 2010a). This fallacious move may, just as other fallacious moves, vary from deliberate and disruptive to quite harmless and humorous. Although the seriousness may vary, a fallacious move can be seen as detrimental to the development of the discussion on the main standpoint an MP is trying to defend. From responses to fallacies as recorded in parliamentary proceedings, it becomes clear that MPs are very much aware of the disruptive effect a fallacious move may have on the progress of a parliamentary debate.

In a debate in Dutch parliament on metropolitan problems, an MP of the Green Party, Mrs van Gent, states that the Green Party refuses the proposal to ban socially less privileged persons from problematic neighbourhoods. She argues that it is too crude a measure and that 'we will have to invest time in these people' rather than 'mistrust these people or assume that these people will cause or add to problems once they move into a certain neighbourhood'. Mr Bruls, MP of the Christian Democrats, who introduced the proposal, replies by saying 'I will leave this for what it is: the Greens are dodging like they always do when the problems of the big cities are under discussion'. From this response it becomes clear that Mr Bruls refuses to continue the discussion and does not want to discuss the argumentation that was brought forward by Mrs van Gent. By using the word 'dodging', he accuses Mrs van Gent and all the other members of the Green Party of avoiding responsibilities not only towards the actual problem that is under debate, but towards all problems that relate to big cities. In her reply to Mr Bruls, Mrs van Gent brings forward the following:

Mrs van Gent (the Green Party): It is alright for you to use words such as dodging and by doing so launch an aggressive attack on my person, but it will only deepen my conviction that in this debate fundamental issues are at stake. One could disagree over such matters but it is no use denouncing one another in such a debate because that will not bring us any closer to a solution to these problems.¹

(Second Chamber, 7 September 2005, TK 103 metropolitan problems)

Mrs van Gent responds to the accusation of avoiding responsibility by explicitly characterizing the accusation as a personal attack and then pointing out what consequences personal attacks may have on the resolution of the difference of opinion that is subject to the discussion. In the pragma-dialectical argumentation theory (van Eemeren and Grootendorst, 2004), this personal attack may be seen as an abusive ad

hominem argument; a fallacious move by which the opponent is discredited as a serious discussant and denied freedom to express opinions.

Besides the response by Mrs van Gent to the abusive ad hominem, many other responses to the fallacious move are conceivable. In a situation in which an MP is confronted with a fallacious move by an opponent the question arises how in practice fallacies could best be addressed. Several argumentation theorists proposed to counter fallacies. A possibility to continue the discussion in a constructive way after being confronted with a fallacy is proposed by van Eemeren and Houtlosser (2007, 2009) and van Eemeren (2010). The responses to fallacies that argumentation theorists propose, are, in principle, not geared toward a specific fallacious move, nor are they focused on a specific institutional context. In this contribution I will discuss if and how institutional constraints that are inherent in a parliamentary debate, may influence an adequate response to a fallacy, in particular to an abusive ad hominem argument.

2. Proposals for dealing with fallacies

In the pragma-dialectical argumentation theory as it is extended by van Eemeren and Houtlosser (1999) and van Eemeren (2010) fallacies are seen as derailments of strategic manoeuvring. The concept of strategic manoeuvring refers to the effort arguers make to keep the balance between reasonableness and effectiveness. In case the manoeuvring derails and the strategic manoeuvring is fallacious, the process of resolving a difference of opinion on the merits gets distorted. The response to the derailment by the arguer who is confronted with it may be decisive for whether or not the distortion will be fatal for the resolution of the dispute.

Van Eemeren (2010) discusses several responses to fallacies that are proposed by various authors and then presents a response that is preferred from a pragma-dialectical perspective. The following overview follows van Eemeren's findings.

Under (1) we find the situation in which an arguer (A2) is confronted with a fallacy (or an alleged fallacy) that should not be taken seriously because it is a joke or a mistake. Since such a move may not be of any importance to a serious evaluation of the argumentation, arguer (A2) could just as well ignore the fallacy. This might even be the best thing to do from a dialectical as well as from a rhetorical perspective, since ignoring the fallacy and continuing the discussion contributes to the resolution of the dispute.

- (1) A1: derailment (fallacy)
A2: ignores the (assumed) fallacy

If the fallacy is indeed meant to be taken seriously, the dialectical adequacy of a response to this fallacy depends, according to van Eemeren (2010, p. 253), on the impact the fallacy has on the argumentative situation the arguers are in. If an arguer (A2) is confronted with a fallacy that signals a fundamental rejection of the principle of reasonableness, he has, in principle, the right to bring the discussion to an immediate end. If, however, the fallacy does hinder the discussion but does not block it, arguer (A2) should respond to the fallacy and try to continue the discussion.

- (2) A1: derailment (fallacy)
A2: stops the discussion

The question van Eemeren (2010) addresses, is how to respond in a constructive way to a fallacy in the other party's strategic manoeuvring. He starts this quest for an adequate answer to this question from proposals made by Jacobs (2000) and Krabbe (2003).

According to van Eemeren, the pragma-rhetorical approach by Jacobs, as presented under (3), has the advantage that it is, or at least seems to be, realistic. What arguer (A2) should do when he is offended, is strike back and thereby restore the balance between the offender (A1) and himself.² Jacobs does not explain, however, what kind of balance is being restored: whether it is the power balance, a psychological balance, or any other balance. Moreover, why exactly does this balance need to be maintained? What has also been left out of in this approach is the damage that may be caused in the process. In some cases making the move that may have the appearance of a counter-fallacy could indeed have the effect of setting the issue of the discussion straight, but in other cases the effect might be that the relation between the parties is damaged to such an extent that the continuation of the discussion is in danger.

- (3) A1: derailment (fallacy)
A2: derailment (counter fallacy)

The proposal under (4) is Krabbe's (2003), and boils down to the following. An arguer (A2) who perceives a move made by the other arguer (A1) as a fallacy, makes it explicitly clear to A1 that, in his view, a fallacy was committed and that the discussion cannot be continued unless the fallacious move has been retracted. One of the advantages of this approach is that it is eventually up to both parties to determine whether the alleged fallacy was indeed a fallacy. Another advantage of the formal dialectical approach is that it provides the parties with the tool of conducting a regulated "meta-dialogue" to argue this dispute out in a civilized, i.e. reasonable, manner.³ What van Eemeren regards as a disadvantage of the formal dialectical approach, however, is that it presupposes a permanent willingness on the part of the arguers to engage in meta-discussions about the things they are doing in the (ground-level) discussion. As Krabbe acknowledges, this approach allows the participants to delay the discussion indefinitely by seizing any opportunity to initiate a meta-dialogue about a supposedly fallacious ground-level move. Krabbe's suggestion to attach a penalty to such obstructive behaviour should, according to van Eemeren, perhaps not be seen as merely a joke. If it is a joke, then the problem is not solved; if it is not a joke, the problem is solved, but not in a theoretically motivated way.

- (4) A1: derailment (fallacy)
A2: 'A1 should *retract* fallacy X'

Van Eemeren (2010) is of the opinion that in responding to fallacies the best option is to adopt a middle course and regard every response to a supposedly fallacious move as part of strategic manoeuvring in a sub-discussion. In this sub-discussion the responding party assumes that the other party still aims to resolve the difference between them by means of a critical test of the standpoints at issue, and at the same time tries to make it clear to the other party that this party's strategic manoeuvring as regards *this issue*, in response to *this opponent*, and *presented in this way* has *in this case* derailed and does not bring the parties any closer to a resolution of the difference of opinion. Rather than stating right away that the denounced move must be withdrawn altogether, he may

suggest to the other party that there is a need to *readjust* this move and re-rail the manoeuvre. What arguer (A2) could do to make arguer (A1) ‘re-rail’ the derailed move is to make clear that he should readjust one or more aspects of his manoeuvring, for example the verbal presentation of the move. In comparison with Krabbe’s solution, van Eemeren does not consider his own solution ‘as a 180-degree turn’. He does, however, consider it as being more subtle and realistic.

- (5) A1: derailment (fallacy)
A2: ‘A1 should *revise* ‘fallacy’ X’

This theoretically motivated proposal for the way in which fallacies should be addressed has been seen as the one that in principle will lead to the most adequate response to a fallacy.

The question I will be dealing with in the next chapter is if and how institutional preconditions for Dutch parliamentary debates allow for the different responses that are proposed and in particular if these preconditions in any way hinder the pragma-dialectically preferred response to an abusive ad hominem.

3. Dealing with the abusive ad hominem in parliamentary debates

In the pragma-dialectical argumentation theory a parliamentary debate is considered to be one of the communicative activity types within the domain of political discourse. A personal attack that is brought forward within this communicative activity type is not necessarily an (abusive) ad hominem argument. In Plug (2007) it is argued that institutional rules that are pertinent to Dutch parliamentary debates may allow for a personal attack on the credibility of a politician without this being a violation of the pragma-dialectical freedom rule.⁴ However, if in a parliamentary debate a personal attack could be determined as an abusive ad hominem, there are several institutional preconditions that may affect the possibilities to attend to this fallacy. These preconditions may, as was demonstrated in Plug (2010a, 2010b), vary with every different instantiations of the communicative activity type.

If, for example, we take a look at the codified institutional preconditions for plenary debates in the European parliament, it becomes clear that the Rules of Procedure hinder a Member of this Parliament to act in accordance with the pragma-dialectically preferred response to an abusive ad hominem. As is prescribed in article 145 of the Rules of procedure, MP are only allowed to respond to a fallacious personal attack at the very end of the debate. This makes it impossible for the ‘offended’ Member of Parliament to make the other party ‘re-rail’ the derailed move immediately after the offense.

Article 145 of the Rules of Procedure (European parliament)

1. A Member who asks to make a personal statement shall be heard *at the end of the discussion* of the item of the agenda being dealt with or when the minutes of the sitting to which the request for leave to speak refers are considered for approval.

The Member concerned may not speak on substantive matters but shall confine his observations to rebutting any remarks that have been made about his person

in the course of the debate or opinions that have been attributed to him, or to correcting observations that he himself has made.

In Dutch parliament, however, a Member of Parliament is in principle allowed to respond immediately to a fallacious move. One of the preconditions that may influence the way in which an MP responds is the rule that prescribes the presence of a President. From a pragma-dialectical point of view, an MP who advances a standpoint has no difference of opinion with the President. An MP does address the President when presenting his or her standpoint, but the President is officially not a party in the discussion. However, based on for example article 6, 47, 56 of the Rules of procedure of the Dutch parliament, the President has the ability, or rather the duty to intervene if MPs are obstructing the debate in any way at all. These interventions may influence the argumentative moves of the Members of Parliament.

These preconditions, together with article 58 in the Rules of procedure that may provide a justification to disqualify a personal attack and the limited right of Members of Parliament to respond to their opponent immediately, may be of influence on the opportunities for addressing an abusive ad hominem.

Article 58. Warning; withdrawal of words (Rules of Procedure Dutch Parliament)

1. If a person who has the floor strays from the subject of debate, the President shall call on him to return to the subject in hand.
2. If a member or a Minister uses offensive language, causes a disturbance, violates his duty of secrecy or signifies his approval of or incites the commission of unlawful acts, he shall be reprimanded by the President and given the opportunity to withdraw the words that have given rise to the warning.

Considering these specified conditions pertinent to the institutional context of Dutch parliamentary debate, the following responses to an abusive ad hominem are conceivable.

If an MP is confronted with an abusive ad hominem, he or she may decide to ignore the fallacy explicitly. The MP, similar to an ordinary arguer in an unspecified context, may choose for this option in case a personal attack should not be taken seriously, but should merely be seen as a joke or a mistake. However, the MP may also choose to explicitly ignore the personal attack, even when it is unlikely that the attack should be interpreted as a joke or a mistake, but rather as a fallacy. In, for example, a parliamentary debate in 2004, one of the MPs says: 'I think the personal attack by Mr Timmermans is below the mark, I won't even go into that.' By choosing for this option, the MP demonstrates his opponent and the audience that he did notice and even disapproved of the fallacy, but that he does not want to start a sub-discussion on the unreasonableness of the argumentative move of his opponent. In both cases, the MP makes clear that he prefers to continue the main discussion. The codified institutional preconditions do not preclude this option.

- (1) MP1: abusive ad hominem
MP2: explicitly ignores the (assumed) fallacy

The most rigorous option open to an MP when his opponent brings forward a serious abusive ad hominem, is, as presented under (2), to stop the discussion entirely. Although the Rules of procedure do not preclude this possibility, it is not a very plausible option for an MP to choose for. After all, the ‘offended’ MP himself may decide to withdraw from the discussion, but he cannot prevent the other politicians that are present in Parliament from continuing the discussion on the topic that is under debate. The consequence may be not only that the MP cannot contribute to this discussion any longer, but also that, starting from the idea that Parliament should be seen as the arena for debate, his ‘audience’ and fellow MPs may not approve of his withdrawal or interpret it as a sign of weakness or of being unprofessional.

- (2) MP1: abusive ad hominem
MP2: stops the discussion

The next options that I will discuss are those that are suggested by Jacobs, Krabbe and van Eemeren. If we look at the third option, the one that is suggested by Jacobs, we find that, in practice, an MP who is confronted with an abusive ad hominem, may respond by bringing forward a counter-fallacy.⁵ However, apart from the disadvantages mentioned in the previous chapter, there are institutional preconditions that may interfere with this option. The MP runs a serious risk of his response being criticised or condemned by the President, in particular if the response consists of an abusive ad hominem.

- (3) MP1: abusive ad hominem
MP2: presents counter-fallacy

Regarding option four, as suggested by Krabbe, in which the offended arguer asks the other arguer to retract the fallacy, institutional preconditions of parliamentary debate allow for different possibilities. Not only the MP who is confronted with a personal attack may demand the attacker to retract the personal attack, the situation we find under (4), the President too, may demand the personal attack to be retracted (option 4a).

- (4) MP1: abusive ad hominem
MP2: ‘MP1 should *retract* fallacy X’

An example of a request to retract an abusive ad hominem can be found in a debate in Dutch Parliament that took place in May 2010. After the Secretary of State, Mrs Bijleveld-Schouten was confronted by MP Mr van Raak of being a liar, she responded: ‘Madam President. This is where I draw the line. I expect Mr van Raak to retract his statement accusing me of being a liar.’

- (4a) MP1: abusive ad hominem
President: ‘MP1 should *retract* fallacy X’

Although the President has the authority, based on article 58 of the Rules of Procedure, to ask an MP to retract an abusive ad hominem, he may decide not to make use of this prerogative and decide not to interfere in the debate. In that case, MP2 who is attacked personally, may disagree with this (implicit) decision by the President and, as presented in (4b), call upon the President to demand MP1 to retract the fallacious move.⁶

- (4b) MP1: abusive ad hominem
MP2: 'The President should ask MP1 to *retract* fallacy X'

In the option that has been proposed by van Eemeren (2010) the offending party is not suggested to retract the fallacy, but to revise it. With regard to this option, the institutional preconditions of parliamentary debate provide us with possibilities for responses to an abusive ad hominem that resemble those under 4 and 4a. In the first place, the MP himself may ask his opponent to revise the abusive ad hominem, option (5). An example of a request to revise the fallacious move can be found in a debate that took place in May 2004 in which Mr Woldring (Christian Democrats) responds to an abusive ad hominem by stating 'Pointing a finger at me is infamous: he [Mr van der Lans] should not do that. He ought to correct himself or say: I did not mean to say this.' In the second place, a revision may be demanded by the President, as is represented under (5a). With respect to an abusive ad hominem it is most likely that the revision concerns the presentational design of the denounced move. However, a revision of the topical choice or of the adaptation to audience that was made, is possible as well.

- (5) MP1: abusive ad hominem
MP2: 'MP1 should *revise* 'fallacy' X'

- (5a) MP1: abusive ad hominem
President: 'MP1 should revise fallacy X'

If the President does not take the initiative to demand MP1 to revise the abusive ad hominem, again MP2 could make an attempt to persuade the President to ask MP 1 to revise the fallacy.

- (5b) MP1: abusive ad hominem
MP2: 'The President should ask MP1 to *revise* fallacy X'

4. Concluding remarks

In this contribution I set out to apply the insights in constructive responses to fallacies as discussed by van Eemeren (2010) in relation to the communicative activity type of parliamentary debate. The response that may be seen as potentially preferred is the one that aims at making the arguer who committed a fallacy revise the fallacious move in order to be able to continue the principal discussion. In the context of a parliamentary debate there are no formal institutional obstacles preventing this option. The institutional context of Dutch parliamentary debate even leaves room for variants of this option, each making the MP who brought forward an abusive ad hominem revise the fallacy. The institutional rules that prescribe the presence and the powers of a President enable an MP to try to bring about a revision of the abusive ad hominem he is confronted with either in a direct, or in an indirect way, via the President. The response aiming at making the arguer who committed a fallacy retract the fallacious move, could be seen as another option to attempt to continue the argumentative exchange constructively. There are no institutional constraints that stand in the way of this option and it could also be brought forward via the Present in the same way as a response that

concerns the revision of an abusive ad hominem. The fear that this option could result in arguers starting a meta-discussion time and again, thus delaying the discussion indefinitely is, in the context of parliamentary debates, unjustified. The institutional rules with respect to the allotted speaking time and the powers of the President to interrupt the debate will prevent MPs reverting to such obstructive behaviour.

NOTES

¹ All examples in this contribution are taken from Dutch parliamentary debates and are translated by the author. The original Dutch texts, the so called *Handelingen* (Parliamentary Proceedings), can be found on (<https://zoek.officielebekendmakingen.nl>).

² See also Walton (1985, p. 50) who states that ‘given that an ad hominem is such an aggressive attack that virtually forces its victim to reply to it and thus change the subject, or risk sacrificing credibility entirely, it is a moot point just what sorts of responses to it are legitimate and fair.’ In one of the examples an arguer responds to a fallacy by bringing forward a counter fallacy. According to Walton, this response ‘seems not unfair, and can certainly be effective in nicely turning the tables on the attacker.’

³ Any discussion rising over a rule is a meta-discussion (Van Eemeren and Grootendorst (1984, p. 163). Sub discussions arise when a statement by the protagonist in the principal discussion is called into question by the antagonist in the principal discussion, when insufficient justificatory or refutatory potential is ascribed to the protagonist’s argumentation or when all or part of the argumentation is ‘bombarded’ with contra-argumentation. (ibid, 1984, pp. 89-90).

⁴ See also Garssen (2009).

⁵ An example can be found in a parliamentary debate that took place on 17 September 2006. After an MP, Mr Dittrich (Liberal Democrats), committed an ad hominem argument, his opponent Mrs Halsema (Green Party) replies by committing an ad hominem herself: ‘*You have a tendency for bringing forward personal attacks, but I never find that the strongest way of defending*’.

⁶ Since in Dutch parliament, an MP is assumed to speak via the President, it may in practice be difficult to distinguish this option from the option that is presented under (4).

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