

**Q. 3 Read the following passage carefully and answer the questions that follow.**

The classic example of fallacy is a scene in a British court of law. As the attorney for the defense takes the floor, his partner hands him a note: "No case. Abuse the plaintiff's attorney."

If you can't shake the argument, abuse the person who advances it, and so discredit it through the back door. Go from facing the issue, which jurists call *ad rem*, to the man, *ad hominem*.

A story is told about Lincoln as a young lawyer. In one of his first jury cases, he showed his political shrewdness by an adroit and quite non-malicious use of *ad hominem*. His opponent was an experienced trial lawyer, who also had most of the fine legal points on his side. The day was warm and Lincoln slumped in his chair as the case went against him. When the orator took off his coat and vest, however, Lincoln sat up with a gleam in his eye. His opponent was wearing one of the new city-slicker shirts of the 1840's, which buttoned up the back.

Lincoln knew the reaction of frontiersmen, who made up the jury. When his turn came, his plea was brief: "Gentlemen of the jury, because I have justice on my side, I am sure you will not be influenced by this gentleman's pretended knowledge of the law. Why, he doesn't even know which side of his shirt ought to be in front!"

Lincoln's *ad hominem* is said to have won the case.

This fallacy, like over-generalizing, has been around for a long time. The Sophists must have used it freely, and I suspect it goes back to the dawn of the race.

The health of President Eisenhower was an important consideration in the nominations of 1956. Was he well enough to serve out another four years in the toughest job in the world? Similarly with Franklin Roosevelt in 1944. But when the enemies of Roosevelt charged that a given government policy was wrong because it originated with "that cripple in the White House," they were practicing a particularly vicious kind of *ad hominem*.

**QUESTIONS:**

Q1. After reading this selection, do you have a clear idea of what 'ad hominem' means?

Q2. How did Lincoln succeed in convincing the jury?

Q3. How was Lincoln tactic 'non-malicious'? In view of the result, does it matter whether the tactic was malicious or not?

Q4. What risk did Lincoln take by using ad hominem? If you had been an opposing lawyer, how might you have countered Lincoln's move?

Q5. Write the meanings of the following words: a) fallacy b) gleam c) plaintiff d) cripple e) vicious.

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# COMPREHENSION-7

(1)

Ad Hominem is a technique used by lawyers in which they attack their opposition lawyers personally rather than using facts to defend arguments against them. It is a clever tactic to pressurize opponents and to deviate the focus of jury from facts.

(2)

Lincoln succeeded in convincing the jury by using Ad Hominem. His opponent was a seasoned lawyer who had prepared case strongly. Lincoln failed to find arguments to defend himself but he noticed that his opponent was wearing shirt wrongly. On his turn to speak, he argued that the facts of his opponents shall not be believed by the jury as his opponent does not even know how to wear shirt correctly. Thus, he succeeded in convincing jury.

(3)

Lincoln tactic was non-malicious because he just wanted to win the case and to cover up his lack of arguments. He had no personal bad intentions for his opponent. In view of result, it does not matter whether tactic was malicious or not. The only thing that matters is positive result which Lincoln got by using non-malicious tactics.

(4)

Lincoln took the risk of provoking his opponent by targeting him personally about his outfit. His opponent could have got in rage and target him personally as well leading to chaos. If I was a lawyer, I would have convinced jury that wearing shirt wrongly does not weaken my arguments. The jury should take decision based upon facts rather than basing their decision on my attire.

(5)

- a- Fallacy: Error, Mistake
- b- Gleam: Hope, Courage, Shine
- c- Plaintiff: Opponent
- d- Cripple: Crack which leads to downfall
- e- Vicious: Trapping, Unescapable.