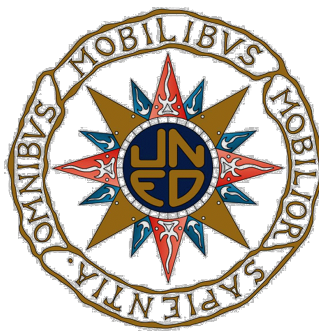


# A Virtue Theory of Argumentation



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*En el mundo habitual de la argumentación, rara vez visitado por verdades o falsedades absolutas, por un truismo lógico o por una contradicción expresa, cobran suma importancia las virtudes y las habilidades dialécticas de quienes discuten pues de ellas, en buena medida, dependerán el desenlace del debate y la consideración ulterior que la tesis en cuestión pueda merecer.*

(Vega Reñón, 2015, p. 116)

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- Chapter 3 was published with the title “Virtue and arguers” in *Topoi* (2016), 35(2), pp. 441–450.
- Chapter 4 was published with the title “Arguing as a virtuous arguer would argue” in *Informal Logic* (2015), 35(4), pp. 467–487.
- Chapter 5 was published online with the title “Brothers in arms: Virtue and pragma-dialectics” in *Argumentation*, DOI: 10.1007/s10503-017-9423-0.
- A previous, much briefer version of the second part was published in Spanish with the title “Prácticas argumentativas y virtudes intelectuales: Una mirada intercultural” in *Revista Iberoamericana de Argumentación* (2015), 10, pp. 1–39. The quality of the sections on relativism and feminism in that paper were embarrassingly poor and so chapters 9 and 12 of this dissertation were written anew.



## INTRODUCTION

My first contact with modern argumentation theory took place when I was finishing my bachelor's degree. At a time when I was fascinated by the clarity and certainty of the rules of first-order formal logic, Cristina Corredor—who was then my teacher of philosophy of language—introduced me to Stephen Toulmin's *The Uses of Argument*. Toulmin's challenge to formal logic as the theory of evaluation of arguments intrigued me, and that led me to informal logic, and then to Hamblin's work. Corredor kindly agreed to supervise my final essay on fallacies, which made me discover the criteria of informal logic for cogency and the pragma-dialectical analysis of arguments. And so I discovered a whole new way of looking at arguments that seemed—against my previous beliefs—much more useful and relevant to real-world argumentative situations.

However, it was not long before I began to wonder whether logical and dialectical rules were all that could be said about arguing well. In my everyday encounters with ordinary arguers, our discussions sometimes went astray, and it was not clear to me that the problem could always have been avoided by looking up the criteria of informal logic or the pragma-dialectical rules that were applicable. Very often, the deeper problem lay in ourselves as arguers. It seemed to me that certain aspects of our character and education—certain biases or prejudices, strong personal interests, an unwillingness to argue or to question a particular belief, or simply a lack of habit of arguing—made it impossible for us to actually comply with logical or dialectical principles. (Impossible, that is, as a matter of actual chances, not as

a logical impossibility.) But there were also a few interesting cases in which some of us *were* in fact skilled arguers, and nevertheless something went wrong in our discussion. Perhaps the most frequent example is that of a person who knows very well the traditional catalogue of fallacies and uses it to systematically discredit opposite arguments—but not his own. When, for instance, there is a disagreement as to what authorities are reliable, it is all too easy to simply disregard a critic's argument from authority as a fallacy. Another example is that of the individual who resorts to all the available critical questions when he disagrees with the conclusion of an argument—although his own arguments would not stand up to the same kind of criticism. Such a behaviour reveals deeper problems, and unless those problems are addressed, a training in informal logic will only make things worse. Whenever I have left a discussion with the feeling that I had argued poorly (which has happened more times than I am comfortable admitting) it was not the weakness of my arguments that mainly bothered me. Thus, I wondered, what exactly was the problem and what could be done about it?

More or less at the same time, I came across Linda Zagzebski's book *Virtues of the Mind*, which had a great impact on me. I was not convinced by Zagzebski's attempt to solve epistemological issues such as the definition of knowledge in the light of Gettier's counterexamples, but her consideration of the role of ethics in epistemology, of the agent's motivations, of habits, and of cognition as an activity, attracted my attention. I was impressed by the change in focus of virtue epistemology, which brought to light issues that could not be handled—or even seen—by more traditional approaches to knowledge. Some philosophers, such as Zagzebski or Ernest Sosa, attempted to solve old problems with this new perspective, but others, such as Lorraine Code or Robert C. Roberts and W. Jay Woods, realised that virtue epistemology could provide not only new solutions but also a different view and new issues. It was precisely this different view that I found promising and that, it seemed to me, could be applied to argumentation in order to clarify the issues that concerned me.

Then, I found out that it was exactly the right time to work on a virtue approach to argumentation. Even though such a theory had not been developed yet, Andrew Aberdein and Daniel Cohen had already come up with this idea and they were discussing the basics (as will be explained in chapter 2). So, by a sheer coincidence,

I was in a position to contribute a new idea but (fortunately) I would not do it alone, but with the guidance of these philosophers' insights. I am convinced that their proposals and the debates that they triggered prevented my research from going astray and helped me address those issues that were really relevant. They helped me realise some of the problems and opportunities of a theory about the character of the arguers.

The focus of a virtue approach to argumentation, then, will be on the character of the arguer. I believe that this is an important topic in itself, if only because the kind of people that participate in a discussion will *influence* how that discussion will unfold—I trust that this much is uncontroversial. But, someone might object, influence is not determination; how will a focus on character help us determine the cogency of arguments or the reasonableness of discussions? Surely we cannot say that, simply because we know that the arguers are such-and-such, *this* particular argument is (or is not) cogent or *this* particular discussion was (or was not) conducted reasonably. To this, my answer would be that, if one is interested in *that* particular argument or *that* particular discussion, then one is still focusing on the act and therefore an agent-based approach is not what he needs—there are very insightful logical and dialectical theories on the market for that task. The virtue theory of argumentation that I am pursuing here would be most useful in the study of argumentative habits and of argumentative dispositions *in themselves*—not merely as a basis for the study of something else. Habits and dispositions are a matter of long-term development of character, not a matter of particular isolated events. Even though, in chapters 4 and 5, I will attempt to explain what a virtue approach to argumentation could contribute to our understanding of argument both as a product and as a process, I firmly believe that such a restriction of the scope of the theory would yield quite uninteresting results. If, on the other hand, we consider how people should be educated to become better arguers, or what kind of argumentative habits we should foster, the merits of a virtue theory of argumentation become more apparent.

Perhaps the change in focus that I have in mind will be best understood with the following example. Suppose that we are told that a certain arguer is open-minded. Then, we could ask, what does that tell us about this particular argument that she just put forward? Not much. Despite the fact that we are before a virtue-theoretic

concept—open-mindedness—such a question is characteristic of act-based concerns and it should be addressed by an act-based theory. But suppose now that we know that the arguer has committed a fallacy of relevance. The question may arise, what made her reasoning derail? What does that fallacy tell us about the arguer? The notion of a fallacy of relevance is characteristic of informal logic—an act-based approach—but here the concerns are manifestly agent-based.

It is important to bear in mind that this dissertation does not constitute a *criticism* of current approaches to argumentation. It is merely an attempt to draw attention to certain aspects of argumentation—those having to do with the character of arguers—that are not generally taken into account from a rhetorical, dialectical, or logical perspective, and that I believe are worth studying. But this does not invalidate these perspectives. Imagine, for instance, that I were to argue that a virtue theory of argumentation should replace informal logic as a pedagogical approach. Thus, instead of asking the students to analyse an argument by means of criteria of acceptability, relevance, and sufficiency, teachers would begin to ask things such as “Is this argument one that a virtuous arguer would put forward?” or “Does this argument manifest open-mindedness?” That, in my view, is a recipe for disaster. Much would be lost without logic, dialectic, and rhetoric. My point will simply be that we also lose something when we lack a virtue approach to argumentation. This is, in fact, one of the points that I will stress throughout this work: *arguing well* does not merely consist in putting forward cogent arguments.

Another important point that should be emphasised from the beginning is that this dissertation is not intended to explain the fundamentals of argumentation, or to provide constitutive conditions for argumentative practice. I am interested in the richness and complexity of details, not in the basics. The basic details—including the very definition of argumentation, which will be taken for granted in p. 127—must be assumed for this investigation to get started. This is important because a possible objection to many of the remarks that will be made—for instance, regarding the ethical behaviour of the parties in a discussion—could be that they are not *specific* to argumentation, or in other words, that they do not mark off those communicative exchanges that are strictly speaking argumentative. But it is not my intention to focus merely on what is *strictly speaking* argumentative—perhaps logic,

dialectic, and rhetoric already cover that ground. Rather, I am interested in everything that could happen during a discussion and that could influence the outcome of that discussion. Hence, the argumentative character of those communicative exchanges is assumed rather than explained. Even though, in chapter 7, I will attempt to provide an account of argumentative virtues on the basis of social practices, in chapter 9 I will also acknowledge the existence of some universal characteristics that are constitutive of argumentation—not to be determined by the theory that will be proposed here.

Perhaps this might make the reader wonder whether I am confusing things—argumentative standards with ethical standards, say. But, from my point of view, things *are* confused in practice, and I have no intention to disentangle them. The perspective that I am adopting seeks to cover many different kinds of behaviour and attitudes that may take place during an argumentative exchange. If the reader still feels uncomfortable with such an approach to argumentation, then I am afraid that I can find no better answer than that the present theory will not satisfy the reader's interests, which are not my own. Logical and pragmatic approaches have already provided very relevant insights regarding what constitutes proper argumentation, and I have no intention to tackle that issue from the perspective of a virtue theory. The merits of this virtue approach to argumentation, as I conceive of it, do not lie in the answers that it provides to old questions such as “What is argumentation?” or “What is a good argument?” but rather in the new issues that it brings to light.

This dissertation proposes a (relatively) new perspective on argumentation, but it does not by any means contain revolutionary or completely novel ideas. In particular, I will incorporate some insights from dialectics (implicitly adopting face-to-face discussion as the basic argumentative context), logic (acknowledging the importance of the analysis and evaluation of arguments by means of act-based criteria), and rhetoric (incorporating the importance of the context and feelings). Even the importance of character was already present in the critical thinking movement. Hence, I did not need—neither did I want—to criticise different perspectives from my own. I honestly believe that the value of a philosophical theory depends on what one is interested in explaining, and therefore different interests could lead to

different but equally valuable theories. My main disagreement will be with a conception of the quality of argumentation according to which arguing well reduces *solely* to producing cogent arguments, and I will argue that other aspects count as well.

Nevertheless, even admitting that many of the ideas that will be presented here come from other fields, the proposal of a virtue theory of argumentation can still be considered as something relatively new. And there are crucial differences between working on an old philosophical problem that has been discussed and refined for decades or even centuries, and working on a new proposal. In relation to this, Charles Willard once observed (1989, p. 244):

Some people work at clarification, making premises explicit, and correcting conceptual problems; others, usually at the periphery, emphasize elaboration, innovation, and accommodation to new ideas; and still others proceed with narrow research programs, leaving theoretical concerns to others. These disparate activities have different strengths and weaknesses: the clarifiers are deliberately narrow and conventional; peripheral actors may be imaginative but untidy; and researchers in compact traditions are specialized, competent, and narrow.

Here, I see myself as one of those who work at the periphery. Perhaps this was a very risky choice to make. A PhD dissertation seems to be the worst place in the world to be “imaginative but untidy.” Of course, imagination is not incompatible with tidiness and rigour, but the accomplishment of both aspects typically requires a level of intellectual ability that I lack. My hope, then, is that my discussions with other philosophers have provided my ideas with some tidiness and coherence, and that the incoherences and problematic points that the reader might find can be taken as starting points for further development of the theory.

Many of the chapters of this dissertation have been published in journals or proceedings of conferences. For this reason, I am afraid there will be some repetitions. Nevertheless, I trust that the whole will be generally coherent. I will conclude this introduction with a brief outline of the structure of the work.

Part I deals with the main issues surrounding the debate about the applicability of a virtue theory of argumentation and with the theoretical foundations of the kind of theory that I will propose. After a brief historical overview of previous ideas regarding the character of the arguer, and of the recent proposal for a virtue

approach to argumentation, in chapter 2, I will address the main points of that debate in chapter 3. The most important point of criticism against a virtue theory of argumentation has been the charge that the evaluation of arguments on the basis of characteristics of the arguer constitutes an *ad hominem* fallacy. Aberdeen's response was to point out several examples in which the characteristics of the arguer are relevant in the evaluation of the argument. I will argue, however, that such an approach is unpromising and that a virtue theory of argumentation should not undertake the task of argument evaluation. Rather, that theory seems to be more appropriate for the study of argumentative habits and argumentation as an activity.

Nevertheless, the concept of 'argument' is admittedly a fundamental one in argumentation, and much of the discussion about a virtue approach to argumentation has to do with that concept, so I could not simply ignore it. Hence, in chapter 4, I will attempt to explain why cogency—that is, the justificatory strength of an argument—should not be addressed in virtue-theoretic terms, and I explore what other aspects of arguments a virtue theory could consider. I will offer several suggestions taken from other authors, but in the end the conclusion will be that the 'argument'—understood as an isolated unit of argumentation—is probably not a very useful concept for a virtue theory.

Having dealt with the argument as product, in chapter 5 I will focus on argument as process. We already have—one could object—dialectical theories that explain the procedure that arguers should follow, so what new ideas could a virtue theory possibly offer? In that chapter, I discuss the (arguably) most successful dialectical theory today, pragma-dialectics, and I show how a virtue theory of argumentation could complement it.

The point of chapter 6 will be to correct a deficiency in the kind of theory that I am proposing. I have explicitly renounced any attempt to define the justificatory strength of arguments in virtue-theoretic terms, but justificatory strength is doubtless an essential component of argumentation. If the kind of virtue theory of argumentation proposed here does not have anything to say about that, does this mean that there is no relationship between a virtuous arguer and cogent arguments? That would be a very unfortunate result, for it would imply that one could be a virtuous arguer and habitually produce weak arguments. In order to avoid this, I will allow

for a special kind of virtues that are explained in act-based terms—what, following the model of virtue epistemology, will be called *reliabilist* virtues.

In chapter 7, I will use the concepts of practice and tradition, taken from MacIntyre's model for ethical virtues, in order to explain argumentative standards. A complete explanation would require a much more careful and long study, so my intention will merely be to provide some grounds that make the idea plausible. This is likely to trigger the objection that my proposal leads to a relativism regarding argumentative virtues and norms. Thus, the topic of the whole second part of this dissertation will be an answer to that objection. In chapter 9, I will argue that, if relativism is understood as holding that different sets of virtues are incommensurable and simply valid within their own cultures, then my proposal is not relativistic. Different conceptions of argumentative virtues can be defended, criticised, and modified on the basis of simple criteria such as coherence. Disagreements between different cultures are likely to arise, and the possibility of incommensurability cannot be ruled out *in principle*, but I will argue that this is not what most often happens in practice.

My answer to the problem of relativism in chapter 9 requires learning about different argumentative practices, criticisms, and proposals. Chapters 10–12, which are essentially expository, provide guidance as to how a comparison and evaluation of argumentative virtues could be performed. As I will show in the conclusions to part II, a study of the different ways of arguing may reveal that our different conceptions of argumentative virtues are not so dissimilar so as to be incommensurable, that there is always something that people can learn from each other, and that people's own traditions and facts about the world provide us with enough criteria for the assessment and criticism of argumentative virtues.

If I said that chapter 7 was underdeveloped, the insufficiency of chapters 10–12 will be even more manifest. Nevertheless, I believe that they are a good starting point for the kind of research that, I believe, should be carried out. At the very least, I hope to have shown the feasibility of the kind of critical practice that I advocate in chapter 9. As in the rest of the chapters, the reader will have to judge whether my efforts were successful.



**I**

**A VIRTUE APPROACH TO  
ARGUMENTATION**



## VIRTUE ARGUMENTATION THEORY: A (BRIEF) HISTORY OF AN IDEA

### 2.1. Introduction

Paraphrasing the famous statement by Aristotle, ‘virtue’ is said in many ways. The term is generally used in a broad, loose sense to refer to any feature that is appropriate, convenient, or otherwise good. Thus, we can speak about the ‘virtues’ of an idea or a plan, or a salesman can talk to us about the ‘virtues’ of a car, or someone can lecture us about the ‘virtues’ of the Spanish language. Douglas Adams, in *Mostly Harmless* (the last book of his five-book “trilogy” *The Hitchhiker’s Guide to the Galaxy*), describes the characteristics of the perfect sandwich: “here again, lightness was a virtue, but so too were firmness, generosity and that promise of succulence and savour that is the hallmark of a truly intense sandwich experience.” In argumentation theory, too, it would not be unusual to hear about the ‘virtues’ of an argument—its cogency, its persuasiveness, its simplicity, and the like. The term can also, of course, refer more specifically to the good traits of an individual, and this brings us closer to the sense intended here.

When used in a philosophical, technical sense, a ‘virtue’ is a personal trait that allows its possessor to perform well in a certain activity. It is a quality of a person that makes that person more successful or admirable in certain respects. A *virtue theory*, then, is a theory that studies those traits of the individual, in contrast to

*act-based* theories that study the qualities of the individual's products or actions. Of course, act-based theories could also have something to say about what makes individuals good in some field, but they would typically explain it in terms of their products or actions. For example, an utilitarian theory, which defines morally good actions as (roughly) those actions that provide the greatest happiness for the largest number of people, could define a morally good person as someone who systematically performs actions of that kind. But here the focus is on the properties of the actions, and the qualities of individuals are explained merely on the basis of their actions. Virtue theories, on the other hand, typically focus on personal traits—and some of them, especially in ethics, attempt to define the quality of actions on the basis of the character of the person that performs them.

Virtue approaches to ethics were characteristic of Ancient Greece. Whereas modern ethical thinking is largely concerned with what is the right thing to do in a given situation—think, for example, of the widely-known trolley problem—the ethical discussions of the Ancient Greek philosophers were focused on what traits characterise the good, or *virtuous*, person. The question was not, “What should I do?”, as it is today, but rather, “What kind of person should I be?”. Thus, in the *Nicomachean Ethics*, Aristotle addressed issues such as the different ways of living, the human psychology, and obviously virtues like courage, generosity, temperance, or truthfulness, and vices like cowardice, stinginess, or boastfulness. Aristotle's main concern was how an entire life should be lived and how our habits shape our character, rather than what one should do in a particular situation (*NE* II.7.1098a):

[...] the human good turns out to be activity of the soul in accordance with virtue, and if there are several virtues, in accordance with the best and most complete. Again, this must be over a complete life. For one swallow does not make a summer, nor one day. Neither does one day or a short time make someone blessed and happy.

The same was also true of Plato and the Stoics. Interestingly, a virtue approach to ethics brings to light issues that generally do not arise in an act-based approach—that is, in a theory that studies the rightness of our actions. In the ethics of both Aristotle and the Stoics, happiness occupies a fundamental place, as it does human psychology.

Virtue ethics was the dominant approach to moral philosophy until the Enlightenment, when deontology and utilitarianism became increasingly popular. Then,

the focus of ethical thinking on character and agents declined, giving way to an inquiry into what principles or rules should guide an action in order to be a right action. But, in the second half of the 20th century, when the eternal discussions between deontologists and utilitarians seemed unsolvable to some, virtue ethics revived. The turning point is usually considered to be Elizabeth Anscombe's famous article *Modern Moral Philosophy*, published in 1958. There, she criticised the modern use of the concepts of obligation, duty, and rightness, as well as the theories of some of the most prominent representatives of modern ethics. She pointed out that modern ethics ignores important ethical concepts (Anscombe, 1958, pp. 4–5):

In present-day philosophy an explanation is required how an unjust man is a bad man, or an unjust action a bad one; to give such an explanation belongs to ethics; but it cannot even be begun until we are equipped with a sound philosophy of psychology. For the proof that an unjust man is a bad man would require a positive account of justice as a "virtue."

Instead of saying that an act is "morally wrong" or "morally right," Anscombe argues, we could simply say that an act is "untruthful," "unchaste," or "unjust" (p. 9). It would be clearer what kind of act it is, whether it is wrong, and why it is wrong. But that is precisely the terminology of a virtue theory. Thus, for this and other reasons she concludes that we should begin the study of ethics with the concept of 'virtue.'

Later on, in 1981, Alasdair MacIntyre published his book *After Virtue*, in which he provided an extensive criticism of what he called "the Enlightenment project" and argued for the merits of the Aristotelian ethical theory. And then, in the last decades of the 20th century and the beginning of the 21th century, virtue ethics recovered some of its appeal. Today, virtue ethics is one of the alternatives in mainstream moral philosophy, with authors such as John Adams (2006) or Julia Annas (2011).

The success of virtue approaches to ethics in the recent times has drawn the attention of other disciplines, especially epistemology. Several problems in epistemology, such as Gettier's counterexamples to a long-standing definition of knowledge, led some epistemologists to search for new solutions in a virtue approach. Here, again, the focus shifts from the acts or products (the beliefs) of the agent to the agent herself. In order to determine whether a given belief constitutes knowledge,

virtue epistemologists begin to look at the qualities of the person who produced it. The starting point was the proposal made by Ernest Sosa (1980), and then virtue epistemology rapidly developed with great success in the hands of authors like Sosa (1991) himself, Lorraine Code (1987), and Linda Zagzebski (1996). In chapter 6, virtue epistemology will be discussed in greater detail.

And, finally, we arrive at the idea of a virtue approach to argumentation, which is the topic of the present dissertation. It is perhaps worth pointing out that there has never been a virtue theory of argumentation. Even though we can find remarks about the qualities of good arguers—particularly in rhetoric, as I will show in the next section—the focus of theories of argumentation has always been on products (arguments) or the process.<sup>1</sup> This has been the case at least since Aristotle. Roughly speaking, logical theories have focused on arguments as products, whereas dialectical and rhetorical theories have focused on the process. When traits of the arguer have been mentioned, this has been only tangential. The explicit proposal of developing a complete virtue theory of argumentation is extremely recent, as will be explained in section 2.3.

## 2.2. Precedents

Considerations about the qualities of the arguers have appeared here and there in different theories of argumentation throughout history. As I pointed out earlier, it is rhetorical theories that have paid more attention to this aspect. The concept of *ethos*, which is a fundamental part of rhetoric since Ancient Greece, is particularly relevant here. The *ethos* was, together with *logos* and *pathos*, one of the modes of persuasion that Aristotle considered in his *Rhetoric* (I.2.1356a):

Of the modes of persuasion furnished by the spoken word there are three kinds. The first kind depends on the personal character of the speaker; the second on putting the audience into a certain frame of mind; the third on the proof, or apparent proof, provided by the words of the speech itself.

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<sup>1</sup>Here, as in the rest of this dissertation, the distinction between the product and the process corresponds to the two senses of ‘argument’ (O’Keefe, 1977). I will take the ‘procedure’ as simply a (normative) way of looking at the process.

That being the case, it is natural that Aristotle and many other rhetorical authors have held that an orator must pay attention to his own personal character. According to Aristotle, speakers are most persuasive when they display practical wisdom, virtue, and good will (II.1.1378a). However, this character or *ethos* can be distinguished from the focus on character that is representative of a virtue theory. An orator should cultivate his character *in the eyes of his audience*. It is the persuasive force of the image of the orator that matters in rhetoric. The focus, then, is on the ways that the character projected by the arguer can help gain the adherence of an audience (II.1.1377b):

[...] it is necessary not only to look to the argument, that it may be demonstrative and persuasive but also [for the speaker] to construct a view of himself as a certain kind of person and to prepare the judge; for it makes much difference in regard to persuasion (especially in deliberations but also in trials) that the speaker seem to be a certain kind of person and that his hearers suppose him to be disposed toward them in a certain way and in addition if they, too, happen to be disposed in a certain way [favorably or unfavorably to him].

A virtue theory of argumentation, on the other hand, would be primarily concerned with how the arguer actually *is*, rather than how he *looks*. Admittedly, this difference is not always a clear-cut one, for a rhetorical thinker with ethical scruples will presumably hold that the orator should not project a deceitful image to the audience. And so the rhetorical concerns will resemble very closely the concerns of a virtue theory. This is most evident in the case of Quintilian, the rhetorician from the 1st century CE. The book XII of his *Institutio Oratoria* addresses the question of how the ideal orator should be formed. Among other things, such as knowledge of the law and of a body of examples and precedents, the formation of the orator includes, according to Quintilian, important considerations about character. He famously included a component of virtuous character in his definition, taken from Cato, of the ideal orator (XII.1.1):

The orator, then, whom I am concerned to form, shall be the orator as defined by Marcus Cato, “a good man, skilled in speaking” [*vir bonus dicendi peritus*]. But above all he must possess the quality which Cato places first and which is in the very nature of things the greatest and most important, that is, he must be a good man.

Thus, the virtues that Quintilian believes that an orator should have are mostly ethical virtues. “The orator,” he writes, “must above all things devote his attention

to the formation of moral character and must acquire a complete knowledge of all that is just and honourable” (XII.2.1). Hence, beyond rhetorical virtues such as eloquence, Quintilian mentions ethical virtues such as integrity, courage, practical wisdom and justice. One of the main reasons is that sooner or later an orator will have to talk about what is just and honourable, and this can only be done successfully by someone who actually is just and honourable.

Yet, let us jump to the 20th century, when we find several proposals that can be taken as proper precedents of a virtue approach to argumentation. The most remarkable example—and one that will appear time and again throughout this dissertation—is the turn towards character in the critical thinking movement. In the 1980s, Richard Paul (1993) argued against a conception of critical thinking that consisted merely in the acquisition of skills. Such a “weak” notion of critical thinking, he claimed, results in students that are capable of producing good arguments and spotting fallacies, but who cannot examine their own beliefs and pay due attention to different points of view. Thus, a “skilled” person can merely be a self-serving person who has managed to strengthened his own prejudices. On the other hand, critical thinking in the “strong sense” forms genuinely reflective and critical individuals. Such a conception of critical thinking must include, beyond skills, a number of “intellectual virtues” (pp. 259–262):

- Intellectual humility
- Intellectual courage
- Intellectual empathy
- Intellectual good faith (integrity)
- Intellectual perseverance
- Faith in reason
- Fair-mindedness

The importance of character and certain dispositions has also been defended by Harvey Siegel (1993). Here, the point is no longer how a speaker should be



viewed by the audience, but rather what qualities a person should have in order to be considered as a genuine critical thinker. Given the close relationship between the critical thinking movement and argumentation theory—especially informal logic—a very small step was necessary for this intuition to enter the field of the philosophy of argumentation.

In philosophy and communication studies, certain authors have come very close indeed to a virtue approach to argumentation. A very interesting case is that of Wayne Brockriede's (1972) article *Arguers as Lovers*, in which he presents a classification of three kinds of arguers according to their attitude and behaviour, without making any reference to the sort of arguments they use. He begins with the statement (p. 1):

I maintain that the nature of the people who argue, in all their humanness, is itself an inherent variable in understanding, evaluating, and predicting the processes and outcomes of an argument.

Then, with the help of an analogy, he characterises the three kind of attitudes in argument as that of the lover, that of the seducer, and that of the rapist. He urges us to strive to be lovers when we argue. In the next chapter, Brockriede's article will be discussed further.

More recently, Dale Hample, following Brockriede's suggestions about the importance of the arguers, explicitly proposed an agent-based approach to argumentation and pointed out several aspects that we miss if we focus exclusively on the text (2007, p. 164):

My thesis follows from the perspective that textual materials are really only the artifacts of arguments. The actual arguing is done exclusively by people, the argument producers or receivers, and never by words on a page.

First, he showed how the main current approaches to argumentation—including rhetorical theories—focus on the study of argument as a text, ignoring the people involved in it. But, Hample says, the text of the argument is only one of the phases of arguing, the other two being argument production and argument reception (p. 176). Taking the arguers into account would shed light precisely on these two phases. On the basis of research that he and other scholars have carried out,

Hample shows how the study of the arguers helps us understand more of the processes of producing and receiving arguments.

An important difference between Hample's approach and a virtue approach may already be evident. The kind of study that he urges us to undertake is *descriptive*. Hample seeks to learn such things as how arguers construct and present their arguments or how they react to fallacies. A virtue theory, however, has—by definition—a *normative* import. There is no doubt that a virtue theory should take into account the information provided by empirical research—for it should be a theory for actual people, not godlike arguers—but it will not be limited to that.

Michael Gilbert is another scholar in the field of argumentation theory that has proposed the study of arguers, this time from a less empirical approach. He identified, as Hample did, an excessive focus on the text in argumentation. According to Gilbert, one of the problems of current courses on critical reasoning is “the lack of focus on the people who are arguing or who have made the argument under examination” (1995, p. 125). He argued against an excessively critical approach to the study of arguments, which is the result of the narrow focus on the text, and recommended a broader perspective that seeks an understanding of arguments. So, he wrote (p. 132):

If we are going to deal with arguments in a more than critical way we need to shift the focus from the *argument* to the *arguer*, from the *artifacts* that happen to be chosen for communicative purposes to the situation in which those artifacts function as a component.

Therefore, he concluded (p. 134):

The idea that an argument can be examined independently of who is presenting it, who is receiving it, why they are arguing, what is their history, what are the goals of the argument, and so on must be abandoned. Instead we need guidelines for establishing these parameters and applying them in such a way that the argument is opened up.

Thus, as we will see in chapter 4, Gilbert (1997) developed a theory of argumentation that adopted a much broader definition of ‘argument’ than that of informal logic. His theory includes, among other things, the goals of the arguers—which may or may not correspond to their explicit statements—the emotional components of the argument, and different modes of arguing. This approach has resulted

in the recent publication of *Arguing with People*, a manual intended as a complement to argumentation or critical thinking studies (Gilbert, 2014). There, Gilbert explains to students that already know the basics of informal logic several aspects of argumentation that have to do with the attitude and behaviour with which we should engage in an argument. The book includes issues about the modes of arguing, aggressiveness, gender, and interestingly four traits that would characterise the “ideal arguer”—reasonable, not dogmatic, good listener, and empathetic (pp. 94–95). There are pragma-dialectical and rhetorical concepts in it, but the perspective of a virtue theory is also clearly present.

Finally, the Uruguayan philosopher Carlos Pereda should also be mentioned here. Pereda is one of the main Spanish-speaking philosophers that have worked on argumentation. His book *Vértigos Argumentales (Argumentative Vertigoes)* bears the promising subtitle *An Ethics of Dispute* (Pereda, 1994). Indeed, Pereda talks about virtues, but he uses this term in a broader sense than as simply qualities of the arguer. He distinguishes between what he calls “morphological virtues,” having to do with the participants in an argument—the proponent, the opponent, and the judge or arbiter—and “procedural virtues,” which are qualities of the arguments. Only the former kind of virtues are character traits. The examples of both types of virtues that Pereda discusses are:

**Morphological virtues:** Epistemic integrity, rigour, and “spirit of rescue” (p. 27).

**Procedural virtues:** Empirical contrastability, prospective power, coherence, and explanatory power (pp. 55–56).

The main topic of Pereda’s book, however, is the opposite of virtues: it is what he calls “argumentative vertigoes.” These vertigoes are a consequence of the fact that we always enter a discussion from a certain perspective, a point of view, which is our own. If we are drawn by our own point of view, narrowly focusing on it and therefore ignoring the opposite point of view, then we are victims of an argumentative vertigo. This happens, Pereda explains, when we begin to repeat ourselves in argumentation in such a way that (pp. 107–108):

1. The discussion is extended in a certain direction alone.

2. The basic presuppositions are reinforced, and no serious challenge to them is admitted.
3. New arguments are shielded from attacks.

The presence of these vertigoes, he argues, is a very reliable signal that the morphological virtues have not been cultivated (p. 112). There are different “formal” points of view, presented as opposites, which give rise to the corresponding vertigoes, such as the objectivist point of view against the subjectivist point of view, or the descriptivist point of view against the prescriptivist point of view. None of these points of view is wrong in itself—in fact, they are unavoidable, since there is no “argumentation from nowhere” (p. 94)—but, in the absence of the necessary virtues, they might lead to vertigoes.

Pereda’s *Vértigos Argumentales* is a very original and insightful book in that he considers many aspects of argumentation beyond those of the logical properties of arguments and of the rules of debate, and most of these aspects have to do with the perspectives that arguers adopt. Yet it seems to me that the subtitle and the first part of the book are misleading. They create an expectation that the author will address issues of ordinary argumentation of any kind—and that ethics will occupy an important place in his account. After reading his explanations of virtues, points of view, and vertigoes, one would expect to find, in the rest of the book, examples of the presence of those vertigoes in ordinary arguments or at least, perhaps, in famous political debates. But these expectations turn out to be disappointed. In the second part of the book, called “Exercises,” what we find instead is a discussion of some philosophical issues such as the definition of knowledge or the problem of determinism and free will, as well as the aesthetic concept of the sublime. They seem to be examples of interest to philosophers only. There is unfortunately little in them that could help ordinary people become better arguers in everyday argumentation.

### 2.3. The proposal

The explicit idea of a virtue approach to argumentation is very recent and it arose as a result of what Daniel Cohen calls “an act of hermeneutical ventriloquism” (Ab-

erdein, 2015, p. 91). It happened in 2005, when Cohen was presenting his paper *Arguments that Backfire* at the 6th meeting of the Ontario Society for the Study of Argumentation (OSSA), in Windsor (Canada). In that paper, Cohen (2005) discussed an interesting effect of some faulty arguments that lower the credibility of their conclusions—even though, from a strictly logical perspective, those conclusions should remain just as credible as they were before the argument. He offered several examples of this phenomenon, such as the “Reductio Absurdist,” an arguer who “tries to argue for a conclusion, C, by drawing absurd consequences from its negation,  $\sim C$ , but manages instead only to demonstrate the feasibility of  $\sim C$ ” (p. 60). Another example was the “Failed Satirist,” who intends to present ironically arguments for the opposite of what he defends, but the audience misses the irony. And, more relevantly for our present purposes, there was the example of the “Embarrassing Allies,” the case in which a claim is undermined simply due to *who* is defending it (p. 61):

Embarrassing Allies will stand up during town councils, parliamentary debates, faculty meetings or other such occasions to speak on *behalf* of the position you support—but you wish that they wouldn’t. (We all know people like this!)

This last example could be easily explained on the basis of the rhetorical concept of *ethos*. But Cohen did not merely consider the image of the arguer in the eyes of the audience. He also addressed issues that pertain to the overall conduct of the arguer, such as the case of the “Concessionaire,” who concedes too much to his opponents, or that of the “Un-assuring Assurer,” who defends claims that were not in dispute and so makes them more doubtful. And, finally, he made a brief reference to the “Ideal Arguer” (pp. 64–65):

Second, the notion of an Ideal Arguer can be defined by contrast with her less than ideal peers, and this can serve as a useful tool in argument evaluation. It provides a model of what can go right in argumentation instead of what can go wrong—and a better model than is provided by soundness and validity in a formal, first-order deductive system. This is especially the case when the Ideal Arguer is understood to be someone who might be called on to play any of the principal roles in an argument: protagonist, antagonist, or audience.

Andrew Aberdein was the commentator on Cohen’s paper. Aberdein’s final remarks (unpublished) paid attention to Cohen’s claim that argumentation theory should take arguers into account, and not just arguments. He interpreted that

claim as offering the possibility of adopting a virtue approach to argumentation, which had been so successful in ethics and epistemology. Referring to Aberdein's commentary, Cohen explained (2013b, p. 473):

Prior to that, I had not thought about the connection between Virtue Epistemology and Argumentation Theory, so for that piece of generous “hermeneutical ventriloquism” I am very grateful. The juxtaposition of those ideas helped crystallize my thoughts and bring into focus two distinct but convergent pathways from virtues to arguments.

The project of virtue argumentation theory had begun, and Cohen and Aberdein would be the protagonists of the story.

Cohen's enthusiasm for Aberdein's suggestion materialised in his article *Virtue Epistemology and Argumentation Theory*, which he presented at the 7th meeting of the Ontario Society for the Study of Argumentation (OSSA) in 2007. He argued that the application of the virtue epistemological approach to argumentation theory would offer us a broader perspective—just as virtue theories have done in epistemology (2007, p. 1):

I believe this kind of re-orientation can help answer a cluster of outstanding questions for argumentation theorists: *when, with whom, about what*, and, above all, *why* should we argue. And, as a corollary but of no less importance, it can help us answer *when, with whom, about what*, and *why* we should not argue.

Aberdein's remarks—more focused on a logical perspective than Cohen's—took form in a paper presented at the 6th conference of the International Society for the Study of Argumentation (ISSA) in Amsterdam in 2006 (Aberdein, 2007), and published a few years later with the title *Virtue in Argument* (Aberdein, 2010). This article has become a fundamental reference in the discussion around the project of virtue argumentation theory. After a brief overview of virtue ethics and virtue epistemology, the author claimed that a virtue approach “can also be a fruitful methodology for (informal) logic” (2010, p. 167). Then, the rest of the article is a discussion of some problems that such an approach to argumentation would probably face:

- Where does the normative force of virtues come from?
- Are virtues universally valid, or are they specific to social groups?

- How should virtue argumentation theory be applied in practical cases?
- Would not a virtue approach to argument appraisal systematically commit the *ad hominem* fallacy?
- What sort of virtues should the theory consider?
- Virtue theories usually differentiate between virtues and skills. What would that difference amount to in argumentation?

These are all very relevant questions and, in the present dissertation, I hope to have provided an answer to (at least most of) them—the reader will judge if my efforts were successful. But there is one particular issue that, shortly after the publication of that paper, triggered an interesting debate. Aberdein’s reference to informal logic in his presentation of a virtue approach to argumentation set off some alarms. Informal logic is concerned with the appraisal of arguments, so a virtue approach would presumably determine the cogency of arguments on the basis of characteristics of the arguer. This sounds pretty much like an *ad hominem* fallacy—as Aberdein himself noticed. Thus, Tracy Howell and Justine Kingsbury (2013) discussed Aberdein’s proposal and argued that arguments should not be evaluated on the basis of traits of the arguer, as virtue argumentation theory would do. Therefore, they claimed, “virtue argumentation theory does not offer a plausible alternative to a more standard agent-neutral account of good argument” (p. 23). Yet Aberdein’s (2014) quickly responded with several examples of what he considered to be legitimate agent-based evaluations of arguments. The details of this debate, as well as my own position, will be discussed in the next chapter.

The 10th conference of the Ontario Society for the Study of Argumentation (OSSA) took place in 2013, with the title “Virtues of Argumentation.” Cohen was one of the keynote speakers, and he delivered a speech about virtue argumentation theory, which was published the same year in the Canadian journal *Informal Logic*. In that inspiring article, Cohen began with his idea of “an argument so good that it completely satisfies its participants” (2013b, p. 472), and he argued that a virtue theory could shed light on that concept (p. 478):

The most obvious—and most important—thing to say about an argument that is so good that in the end the arguers agree on how good the argument was, is that it must have some extraordinary arguers! It is an exceptional arguer who can see the epistemic gains to be had, and thus be satisfied by, losing an argument, and it is equally admirable for a winning arguer to appreciate the contributions made by her opponent to whatever epistemic gains she has made.

Virtue argumentation theory, therefore, would focus on the qualities of the arguers (p. 482):

Virtue Argumentation Theory zeroes in on the conduct of the arguers, rather than on propositions, rules, inferences, procedures, or even outcomes, as the heart of argument evaluation. Everything else branches off from there.

From the point of view of a virtue approach to argumentation, according to Cohen, a virtuously produced argument could involve not only logical or epistemic considerations, but also “cognitive gains more broadly, including emotional, ethical, and possibly aesthetic aspects as well” (p. 478). Thus, virtue argumentation theory has the potential to expand our concept of argument. Argument would be considered as much more than simply a set of premises and a conclusion. Even though I am not very optimistic about the usefulness of the concept of ‘argument’ in virtue argumentation theory, in chapter 4 I will discuss how Cohen’s suggestion could be addressed.

Finally, in 2014 both Cohen and Aberdein were the guest editors for a special issue of the journal *Topoi* about “Virtues and Arguments.” It was published in 2016.<sup>2</sup> The issue included contributions to the debate about whether an agent-based appraisal of arguments could be legitimate and fruitful, such as Godden’s (2016) article. But there were also articles about other issues. Thorson (2016) discussed the practical application of a virtue approach to argumentation and the use of rules. Several articles considered specific kinds of virtues, such as the virtues of inquiry (Bailin and Battersby, 2016), the appropriate virtues for the different roles that an arguer might have to fulfil in different situations (Stevens, 2016), intellectual humility (Kidd, 2016), or open-mindedness (Kwong, 2016). Other articles in the issue discussed an application of virtue argumentation theory to fallacy theory, as in the

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<sup>2</sup>Chapter 3 of the present dissertation was originally published as one of the contributions to that special issue of *Topoi*.



case of Drehe (2016), Aberdein (2016a), and Ball (2016). And Cohen and Miller (2016) addressed the issue of the limits of virtue argumentation theory.

And it is here, in the context of this fortunate conjunction of events, that this dissertation is presented. Its title might perhaps seem a little pretentious, but it should not be understood as meaning that here I am *offering* a complete virtue theory of argumentation, for many of my proposals will be inconclusive and probably underdeveloped ideas. Rather, the point is that I am *enquiring* into the idea of a virtue theory of argumentation and *searching* for adequate foundations for such a theory. If anything of what I will say in the following chapters sounds plausible and can be taken as a starting point for further development, that will certainly fulfil my expectations.



# THE ADEQUACY OF A VIRTUE APPROACH<sup>1</sup>

## 3.1. Introduction

Virtue theories, characteristic of ancient ethics, such as Plato’s, Aristotle’s and the Stoics’, are agent-based instead of act-based, they focus not on the moral value of every one of the actions performed by an individual, but instead on the character and traits of an individual that make her virtuous. Within this paradigm, the crucial question is not “What should I do in this situation?” but “What kind of person should I be?”

Virtue ethics was revived in the second half of the 20th century, attracting interest to the notion of virtue from within other fields than ethics. The most remarkable success is the case of virtue epistemology. Whereas up to the 20th century epistemology is generally characterised by the analysis of beliefs and the search for necessary and sufficient conditions for a belief to constitute knowledge, virtue epistemologists focus on the individual’s intellectual and epistemic character. Arguably, several of the virtues proposed in virtue epistemology—such as *intellectual humility*, *intellectual perseverance* and, most relevantly, *fairness in argument evaluation* (Zagzebski, 1996, p. 114)—are not just epistemic but also intellectual in a more gen-

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<sup>1</sup>Originally published in:  
Gascón, J. A. (2016). Virtue and arguers. *Topoi*, 35(2): 441–450.

eral sense, and thus it should come as no surprise that this approach has eventually caught the attention of argumentation theorists. Two of the most notable proposals for a virtue argumentation theory come from Andrew Aberdein (2007; 2010; 2014) and Daniel Cohen (2007; 2009; 2013a; 2013b). Cohen has stressed the importance of the social and ethical dimensions of argumentation and he has warned against the mistake of focusing too narrowly on arguments as products and arguing as a procedure. His idea of the “admirable conduct of arguers” involves much more than logic and dialectic, it “ought to stem from virtues, inculcated habits of mind” (2013a, p. 482). Aberdein, on the other hand, has addressed in detail an obvious objection that could be raised against a virtue approach to argumentation: would not any agent-based approach to argumentation commit the *ad hominem* fallacy?

In the present chapter, I will begin by explaining the *ad hominem* problem. My purpose, however, is not to discuss the details and offer a solution to this problem, but rather to analyse the assumptions behind the criticism and the implications of the solution offered. Ultimately, the aim of this chapter is to reject the assumption that a virtue theory of argumentation must focus on argument appraisal and cogency, and to propose that a virtue approach to argumentation should focus instead on the arguers’ attitude and behaviour. Section 3.2 will explain why an agent-based argument appraisal could be problematic, and in section 3.3 I will attempt to defend my proposal of a virtue theory of argumentation by showing why a virtuous argumentative behaviour could be as important as the quality of the arguments.

### **3.2. Could an agent-based appraisal of arguments be generalised?**

What best characterises a virtue approach is probably the fact that it is agent-based. The main concern of every virtue theory is the traits or the character of the agent rather than his or her acts. Consequently, the agent’s virtues and vices are considered to be the basis on which to judge his or her acts. So suppose that a virtue theory for argument appraisal is adopted. That could mean that the cogency<sup>2</sup> of

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<sup>2</sup>I will use the terms “cogent” and “cogency” throughout this dissertation referring to the good quality of an argument according to the standards of informal logic; that is, an argument is cogent if it has *acceptable* premises, if the premises are *relevant* to the conclusion, and if the premises are

an argument would be judged on the basis of the merits of the arguer. It seems, then, that the theorists themselves run a risk of committing an *ad hominem* fallacy, evaluating arguments positively or negatively by paying attention solely to the person who has put them forward. The question then arises as to whether this problem would make the development of a virtue approach to argumentation a futile project.

Aberdein (2010) identifies several difficulties that a virtue approach to argumentation would have to tackle, one of which is the *ad hominem* criticism. He correctly argues that, although all *ad hominem* arguments were considered fallacious in the past, it is becoming more and more accepted among argumentation theorists that many instances of this type of argument are actually legitimate. How can we distinguish between legitimate and illegitimate instances of *ad hominem* arguments? Tracy Bowell and Justine Kingsbury (2013) answer this question by posing a challenge to virtue argumentation theory. They concede that, in certain circumstances, an individual's character may be relevant in deciding whether to believe what she says on the basis of his or her say-so, and thus that there are legitimate *ad hominem* arguments. But they claim that legitimate *ad hominem* arguments are those that provide reasons not to believe a *claim*, and that *ad hominem* arguments that provide reasons to reject an *argument* are never legitimate (p. 26).

In order to take into account that distinction between the two kinds of *ad hominem* arguments, Aberdein presents a more fine-grained classification that includes five types of *ad hominem* arguments (2014, p. 80), two of which can be used to defeat another argument:<sup>3</sup>

***ad hominem<sub>R</sub>***: Arguing that the arguer's character *rebut*s his argument. That is, facts about the arguer support the falsehood of the conclusion of the argument.

***ad hominem<sub>U</sub>***: Arguing that the arguer's character *undercuts* his argument. That is, facts about the arguer are adduced in order to weaken the inferential step of the argument.

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*sufficient* or provide *good grounds* for the conclusion (see Govier, 2010, p. 87).

<sup>3</sup>The terms "rebut" and "undercut" are defined in Pollock (1992, p. 4).

The evaluation of arguments involves mainly an evaluation of the inferential step, and not of the truth or falsehood of the conclusion. Therefore, Aberdein has to prove that *not all ad hominem<sub>U</sub> reasoning is fallacious* (2014, p. 81). In order to do that, he presents several examples of *ad hominem<sub>U</sub>* reasoning that he regards as legitimate. Although I will not discuss here the examples that Aberdein provides, note that all that he needs to do in order to prove that not all *ad hominem<sub>U</sub>* reasoning is fallacious is to provide at least *one* legitimate instance of an *ad hominem<sub>U</sub>* argument. That is, if at least one of the examples he provides is adequate, then Aberdein's standpoint is correct.

Nevertheless, in this section my main concern is not whether or not Aberdein's examples are instances of legitimate *ad hominem<sub>U</sub>* arguments—although I certainly find it plausible that at least one of them is. Instead, I will focus on two problems for virtue argumentation theory that Bowell and Kingsbury's criticism and Aberdein's response entail. The discussion of those problems will ultimately allow me to criticise some of the assumptions behind the debate about virtue argumentation theory and, in the next section, to propose a different framework. The virtue approach to argumentation that I propose in section 3.3 focuses on argumentative practices rather than on arguments, and therefore makes all the debate about *ad hominem<sub>U</sub>* arguments irrelevant. The first problem that I will discuss concerns Aberdein's attempt to prove that an agent-based approach to argument appraisal is possible, and why in my view it is insufficient; the second problem, the priority of the virtues in argument appraisal.

Concerning the first problem, we could ask, is Aberdein's standpoint sufficient to vindicate a virtue approach to argument appraisal? Even if he has successfully proved that not all *ad hominem<sub>U</sub>* reasoning is fallacious, that is insufficient to prove that a complete and systematic virtue theory of argument appraisal can be developed. If we expect virtue argumentation theory to be able to systematically do the job of argument appraisal, then showing that *at least sometimes* virtue argumentation theory can evaluate an argument is not enough. What is needed is to show that there is a legitimate way to generalise an agent-based method of appraising arguments. Only this way could we counter Bowell and Kingsbury's criticism that "virtue argumentation theory does not offer a plausible alternative to a more standard agent-neutral account of good argument" (2013, p. 23).

However, is an alternative to informal logic really what Aberdein proposes? Perhaps that is not the case. Although he is not explicit on this point, he does state that virtue theory “can also be a fruitful methodology for (informal) logic” (2010, p. 167). Hence, Aberdein’s proposal could actually be that we should use an agent-based approach *together with* the traditional act-based criteria of informal logic as a way of enriching our current theories of argument appraisal. This, though, seems a rather unambitious project and a very limited conception of a virtue argumentation theory, as a mere complement to informal logic. This is not intended as a criticism of Aberdein’s proposal, but rather as encouragement to develop a complete virtue theory of argumentation. While, as we will see in the remainder of this section, such a project entails considerable difficulties, I believe it is worthwhile, and all we need to do is to abandon certain assumptions in order to make it possible. Specifically, as will be clear by the end of this section, I propose that we should not expect a virtue approach to argumentation to give us cogency. But, first, let us look at the second problem, which will help in understanding my proposal.

An explanation of the second problem requires more detail. It arises out of one of the examples that Aberdein presents. Again, the following remarks are not intended to criticise Aberdein’s position—after all, I am commenting on only one of his several examples—but to recommend that we be careful about our assumptions regarding virtue argumentation theory and the examples we offer. Aberdein (2014, pp. 86–87) mentions Scott Aaronson’s article *Ten signs a claimed mathematical breakthrough is wrong* (2008), where Aaronson provides a list of ten clues, some of which point to the author’s vices, which indicate that an alleged solution to a “famous decades-old math problem” is wrong. These signs, Aaronson says, help him decide “whether to spend time on a paper.” The signs are found in the conduct of the authors of the papers, not in their arguments themselves, and they range from “The authors don’t use TeX” to “The paper doesn’t build on (or in some cases even refer to) any previous work.”

The problem with this example is that those are actually *heuristics*, facts about the author that make it *more likely* that his or her arguments are wrong. In this sense, even though they might illustrate a legitimate agent-based appraisal of arguments, Aaronson admits that it is an act-based evaluation which ultimately determines the validity of the argument: “If a paper fails one or more tests [...] that

doesn't necessarily mean it's wrong; conversely, if it passes all ten that still doesn't mean it's right." Aaronson follows that guide just for practical reasons: "If I read all such papers, then I wouldn't have time for anything else." While this fact does not necessarily make an agent-based appraisal of arguments illegitimate, it might pose an important problem for a virtue approach to argumentation in which the qualities of the arguer are intended to be *conceptually prior* to the qualities of the argument. For, if facts about the arguer are simply signs that make it likely that the argument is wrong, how could the former explain the latter? Let me explain this point in detail.

Virtue theories—or, as we will see, some of them—seek to explain or define the qualities of acts on the basis of the qualities of the agents. That is what we will call the *conceptual priority thesis*, according to which the virtues of the agent are basic and the goodness of the acts are explained in terms of those virtues. Aberdein seems to endorse this thesis when he claims (2010, p. 170):

In the case of argument, this [virtue approach] would mean that virtues were qualities of the arguer, rather than of his arguments. Of course, it is entirely reasonable to speak of the 'virtues of an argument', and we could take *these* virtues as primitive instead. In that case, we could still talk of virtuous arguers, by defining their virtues in terms of the virtues of their arguments, making the virtuous arguer one disposed to advance or accept virtuous arguments. However, the virtue talk in this approach would be wholly ornamental, since the 'virtues of an argument' could presumably be cashed out in terms of more familiar forms of argument appraisal. Hence, if a virtue theory of argumentation is to do any work, it must be agent-based.

Aberdein (2014, p. 88) also says that "virtue theorists are not prevented from addressing acts just because they understand agent-based appraisal as conceptually prior to act-based appraisal." So, presumably, Aberdein himself holds the conceptual priority thesis. Daniel Cohen seems to defend this thesis as well (2013b, p. 482):

Virtue Argumentation Theory zeroes in on the conduct of the arguers, rather than on propositions, rules, inferences, procedures, or even outcomes, as the heart of argument evaluation. Everything else branches off from there.

I agree with Aberdein that characterising the virtuous arguer in terms of the goodness—or virtues—of his or her arguments empties the concept of virtue of its essence. Therefore, we have two options: either the goodness of the argument is



explained by the virtues of the arguer, or the virtues of the arguer are independent of (not definable by) the goodness of the argument. Linda Zagzebski (1996, p. 16) takes those two possibilities into account with her distinction between what she calls *weak* and *pure* virtue theories. By a pure virtue theory she means a theory that derives act evaluation from the more fundamental notions of an agent's virtues and vices. In contrast, a weak virtue theory does not infer the correctness of an act from an agent's virtues or vices: "They focus on the agent and her traits as a way of determining what is right but do not maintain that what is right is right because it is what a virtuous person would do." A weak virtue theory of argumentation, then, could define virtues as qualities of the arguer, not reducible to the qualities of the arguments she puts forward, but still acknowledge the existence of independent criteria for the evaluation of arguments.

As we have seen in the quotations above, both Aberdein and Cohen appear to defend the first option—a pure virtue theory of argumentation, which includes the conceptual priority thesis. But here is where examples like Aaronson's list turn out to be problematic. Aaronson explicitly presents his list as enumerating *signs* that indicate that it is *likely* that the arguments in a paper are wrong. That is, he uses arguments from sign—from qualities of the arguer to qualities of the argument. If an author does not use TeX or does not refer to any previous work, for instance, these are reasons from which one could infer the presumptive conclusion that the mathematical proof is wrong. However, as Douglas Walton (2006, p. 114) points out: "Quite often, argument from sign is a weak form of argument that cannot be relied on uncritically." Of course, arguments from sign can sometimes provide strong reasons for the conclusion, but admittedly the example of Aaronson's list involves a rather weak argument from sign—that is why he calls them *heuristics*. On the other hand, if Aaronson could read all the papers he receives and evaluate them according to act-based standards, his judgements would be much more definite. Hence, it seems that what agent-based standards can offer in this case is not preferable to what traditional act-based standards can provide.

I believe this point is acknowledged by most theorists. Thus, for example, the virtue epistemologist Heather Battaly (2010) holds that the speaker's intellectual character is relevant for argument appraisal because "arguments that result from

intellectual vices are not *likely* to be valid (if deductive) or strong (if inductive), are not likely to produce true conclusions” (p. 362). Nevertheless, she adds (p. 367):

Legitimate ad hominem merely conclude that we should not believe what the speaker says *solely* on her say-so. The speaker’s arguments should still be evaluated on their logical merits. After all, speakers who have bad intellectual character might still produce sound arguments.

The example of Aaronson’s list illustrates the implications of Battaly’s remarks: in that case, an agent-based appraisal is not as accurate as an act-based appraisal. In my view, this fact poses a challenge to the conceptual priority thesis. Moreover, even if we assumed that Aaronson’s heuristics were accurate, note that they are completely uninformative as to what exactly might be wrong with the argument. The fact that the authors do not refer to previous work or that they do not use TeX might somehow indicate that their proof is likely to be wrong, but tells us nothing about the concrete flaws of the proof—surely the proof is not wrong *because* the authors do not use TeX. Thus, since an agent-based appraisal seems to be less accurate and less informative, it is hard to see how the qualities of the arguer could explain or define the qualities of the argument.

Remember, however, that I am limiting my analysis to one of the examples provided by Aberdein. Admittedly, he presents other examples that do not rely on arguments from sign. Why, then, have I drawn rather broad conclusions from that single example? Even though it was based only on the case of Aaronson’s list, I believe my discussion points to a serious threat for a virtue approach to argument appraisal. The first problem I discussed concerned the need to show how an agent-based appraisal of arguments can be generalised, rather than how agent-based standards turn out to be relevant in particular instances. And perhaps the most natural way to generalise an agent-based appraisal of arguments is precisely to take argumentative virtues and vices as indications that the argument is probably wrong. This seems to be Battaly’s view, quoted above. Although Aberdein does not explicitly state his view on this point, there are reasons—beyond his use of the example of Aaronson’s list—to suspect that he might have a similar move in mind.<sup>4</sup> For ex-

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<sup>4</sup>Another example that Aberdein presents and that might turn out to be equally problematic is the criticism of intelligent design theorists (Aberdein, 2014, p. 87). Aberdein highlights the fact that ID theorists ignore relevant work and evidence, and hence display argumentative vice. But, it is *the evidence itself* that undermines their arguments, not their argumentative vices. The fact that they

ample, when he discusses the legitimacy of *ad hominem* (or ethotic) arguments, he proposes that virtue argumentation theory provide the criteria for distinguishing between legitimate and illegitimate *ad hominem* arguments (2010, p. 171):

Virtue theory may contribute a simple solution: negative ethotic argument is a legitimate move precisely when it is used to draw attention to argumentational vice. (Similarly, positive ethotic argument would be legitimate precisely when it referred to argumentational virtue.)

On that basis, I believe it is too easy to fall into the trap of considering argumentative virtues and vices as signs that indicate that an argument is likely to be wrong. I have warned against that strategy because it would yield a method of argument appraisal that is less accurate and less informative than a traditional act-based method—and therefore it would make it very difficult to hold the conceptual priority thesis. But, actually, if we exclude that move, I cannot see how an agent-based appraisal of arguments can be generalised—rather than used in particular, special cases. The good news, however, is that we do not need to actually do that. Virtue argumentation theory *does not need* to be a theory of argument appraisal.

Recently, Fabio Paglieri (2015) has provided an insightful analysis of the discussion about the feasibility of a virtue approach to argumentation. According to Paglieri, Howell and Kingsbury's criticism that virtue argumentation theory cannot provide standards of cogency is actually misguided, for the motivation for developing a virtue approach to argumentation arises out of a dissatisfaction with the narrowness of the concept of cogency itself (p. 73): "Why should anyone want to belabour on a fairly rich and complex theory of virtues, and then tie that theory to a definition of quality which is extremely narrow and pays only minimal attention to extra-textual features?" Thus, I believe Paglieri accurately detects the key problem with the debate between Howell and Kingsbury and Andrew Aberdein (p. 81):

By insisting on cogency as key in argument evaluation, Howell and Kingsbury (2013) focused attention on something which holds relatively little interest for the general rationale and purposes of VAT [virtue argumentation theory]; in turn, by taking up their challenge and dealing with it, it could be said that Aberdein (2014) allowed the debate on VAT to be momentarily derailed towards matters that are, at best, tangential to it.

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ignore relevant work and evidence simply makes it more likely that their arguments are wrong.

Pagliari explains that virtue argumentation theorists may adopt various stances on the issue of cogency; what all of them have in common is the view that *cogency is not sufficient* for argument quality (p. 71): “The virtue theorist thinks that what makes an argument good *cannot just be cogency*.” Beyond that, one may also deny that cogency is necessary for argument quality—being *radical*, in Paglieri’s terms—or admit that it is necessary—being *moderate*. I do not think that strong reasons have been given to reject the necessity of cogency altogether, yet in this section I have explained my concerns about the attempt to appraise arguments in terms of argumentative virtues and vices. Hence, the stance I intend to defend is what Paglieri calls the *modest moderate* (p. 77):

*Modest moderate VAT*: cogency is necessary, albeit not sufficient, for argument quality, and moreover it is an aspect of quality that does not require considerations of character to be established.

Using Zagzebski’s terms, I would call it a *partially weak* virtue theory, given that the evaluation of the act is not completely based on the qualities of the arguer. Notice, however, that, if one believes that cogency is not the whole story of argument evaluation—as I certainly do—then it is possible to explain another part of the story by means of a *pure* virtue theory. Virtue argumentation theory, then, could focus not on what a cogent argument is, but on how arguers behave and what they do with their arguments—in my view, a neglected dimension of argumentation. While conceding that putting forward cogent arguments is part of what makes a virtuous arguer, and that an act-based approach is more apt for explaining cogency, virtue argumentation theory could at the same time hold that the arguers’ attitude is also an important component of argumentative discussions, and that *this* component *can* be explained by a pure virtue theory. In the following section, I will elaborate on this and I will attempt to show why we should be interested in such a virtue approach to argumentation.

### 3.3. The value of a virtue approach to argumentation

If it has been assumed—in my view, mistakenly—that a virtue approach to argumentation should deal with argument appraisal, this has probably been due to the

fact that arguing well and putting forward cogent arguments are often conflated. Howell and Kingsbury, for example, define good argument as follows (2013, p. 23):

A good argument is an argument that provides, via its premises, sufficient justification for believing its conclusion to be true or highly probable, or for accepting that the course of action it advises is one that certainly or highly probably should be taken. This account of good argument has both logical and epistemic elements.

And then they explicitly state: “we think that what makes it the case that an arguer has argued well is that they have presented an argument that is good in the sense described in the previous paragraph.” Obviously, if I endorsed this characterisation of arguing well, my arguments in the previous section should be understood as opposing the project of virtue argumentation theory. But actually this strikes me as a very narrow characterisation of the practice of arguing. Arguing well involves much more than putting forward good arguments, and therefore, in spite of the inadequacy of virtue argumentation theory as a theory of argument appraisal, it could be a valuable theory of *argumentative practice*.

Aberdein explicitly acknowledges that argument appraisal might not be the most appropriate task for a virtue approach to argumentation when he says that “(rhetorical or dialectical) accounts of argument evaluation” are “most congenial to a virtue-theoretic approach” (2014, p. 78, note 1). Other authors have also pointed out the importance of the arguers’ character in argumentative practice. Thus, Ralph Johnson says (2000, p. 14):

We find that the practice of argumentation also places demands on character; that is, the rules that govern the arguer and his behavior are such that for the arguer to satisfy them, certain character traits appear to be necessary.

Eemeren and Grootendorst also state that the arguers’ character is an important factor in the correct development of a reasonable discussion (2004, pp. 187–189). They explain that their norms of a critical discussion are “first-order conditions,” and that there are “second-order’ conditions relating to the state of mind the discussants are assumed to be in” and their attitude. They conclude (p. 189): “Only if these higher order conditions are satisfied can critical reasonableness be fully realized in practice.”

Thus, although the arguers' character and attitude have been recognised as important factors that influence the way an argumentative discussion is carried out in practice, argumentation theorists tend to focus instead on the evaluation of arguments and on procedural rules. This is a gap that a virtue approach to argumentation could fill. The insights that virtue argumentation theory could provide, then, are not into how to present good arguments and how to assess the arguments of others, but into how arguments *are used* and how we *behave* in discussions.

In the previous section I have warned against grounding the standards of informal logic in the virtues of the arguer, so I am willing to concede that virtue argumentation theory cannot be an integral and exhaustive theory of argumentation. However, neither is informal logic, for—as I intend to show in this section—there is more to argumentation than cogency. Virtue argumentation theory could be in a better position than informal logic to explain what it is to display lack of bias, open-mindedness, or intellectual humility, for example, and these are arguably crucial aspects of argumentation. Thus, it seems that both approaches—as well as, undoubtedly, rhetoric and dialectic—need each other.

In this sense, the approach that I advocate could be considered a weak virtue theory in Zagzebski's terms. The cogency of the argument can still be established by a traditional act-based approach—presumably, informal logic. But from the point of view of virtue argumentation theory, which focuses on argumentation as a practice rather than on arguments as products, the quality of the arguers' interventions is not limited to the cogency of their arguments. A cogent argument can be used viciously—the arguer can present it aggressively, for example, or be biased. Informal logic provides an excellent set of skills, but as Cohen says (2013b, p. 16): “Not every skill is a virtue; skillful arguers can be quite vicious!”

Yet, the question remains, if act-based approaches can already tell us what arguments are cogent and convincing, why should we be interested in the way arguers behave and use those arguments? My aim in this section is to show why our attitude in argumentative settings matters—provided that, while conceding that argumentation is a means of “resolving a difference of opinion” (Eemeren and Grootendorst, 2004, p. 52) and of propagating truth (Aberdein, 2010, p. 173), we understand that argumentation is also a communicative activity with social and ethical dimensions.

The most conspicuous way to show this is to present cases in which the norms and criteria of both informal logic and pragma-dialectics are respected but where there is still something wrong in the interaction. Let us see some examples.

George Tsai (2014) has argued convincingly that rational persuasion, understood as “the activity of offering reasons, evidence, or arguments to another person” (p. 78), does not exclude an objectionable paternalistic behaviour. In fact, even if one uses arguments that are cogent, the mere act of putting them forward could amount to paternalistic behaviour if, by offering reasons that are easily accessible to the listener, or by offering them before the listener has had enough time to consider the question, one conveys a sense of distrust in that listener’s capacities. Whether an act of presenting arguments constitutes paternalistic behaviour does not depend on qualities of the argument itself, but on why, when and how the argument is presented. Specifically, rational persuasion is paternalistic if it is motivated by distrust in the listener’s capacity to recognise the relevant reasons, if it conveys that the listener is incapable of figuring out those reasons, and if it occludes an opportunity for the listener to assess them (p. 97). Consider the following, rather extreme but compelling example that Tsai presents (p. 103):

Suppose that a group of us are at a restaurant, including you and your long-term boyfriend. Your boyfriend surprises everyone by proposing to you. It seems that it would be disrespectful for one of the witnesses at the table to lean over and advise you to reject, on the grounds, say, that you should not “settle.”

The witness’ advice might be very well supported by cogent arguments, but it seems obvious that it is inappropriate to give advice on such a personal matter and in that situation. What is lacking here is a virtuous sensitivity to the situation, as Tsai concludes (p. 111): “judging well whether and how one can offer another person reasons respectfully is an art, or a kind of wisdom, a virtue one can develop.” This is actually one of the benefits that Daniel Cohen envisages for a virtue approach to argumentation (2007, p. 1):

I believe this kind of re-orientation can help answer a cluster of outstanding questions for argumentation theorists: when, with whom, about what, and, above all, why should we argue. And, as a corollary but of no less importance, it can help us answer when, with whom, about what, and why we should not argue.

### 3. THE ADEQUACY OF A VIRTUE APPROACH

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In our next example, the problem is not the timing but the way the protagonist argues. To me, this is a very illustrative example of the difference between being skilful and being virtuous. It is a dialogue taken from the 2005 film *Thank you for Smoking*:

Child: My Mommy says smoking kills.

Nick Naylor: Oh, is your Mommy a doctor?

Child: No.

Nick Naylor: A scientific researcher of some kind?

Child: No.

Nick Naylor: Well, then she's hardly a credible expert, is she?

To my mind, the only objection that informal logic could raise to Naylor's interventions is that he assumes that the child is putting forward an implicit argument, while this could actually not be the case.<sup>5</sup> All the child explicitly states is that her mother says that smoking kills, and this is not necessarily an argument from authority. However, I find it more plausible to consider the child's statement as an implicit argument, for otherwise it is difficult to see how it is relevant to the conversation—taking into account the context, which is a speech about Naylor's job in a tobacco company, not about the child's mother.

Assuming, then, that the child presents an argument, it is admittedly very weak. She appeals to her mother's authority to support the claim that smoking causes death, but—as Naylor's enquiry makes manifest—her mother is not an expert in that field. Naylor's critical questions show the weakness of the child's argument, succeeding in undercutting it. This example shows that Nick Naylor is no doubt a skilful arguer and knows how to apply the evaluative criteria of informal logic. The questions he asks correspond to one of the critical questions proposed by Douglas Walton (2006, p. 88) to evaluate appeals to expert opinion, the field question: "Is *E* an expert in the field that *A* [the claim] is in?"

Notice that, had Naylor argued that smoking does *not* cause death, then his arguments would probably fail to fulfil the conditions for cogency, for he does not take into account the overwhelming amount of evidence that shows that smoking kills and that therefore would undermine his arguments—and this fact could be considered either a lack of *sufficiency* or a failure in the *dialectical tier* (Johnson, 2000).

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<sup>5</sup>I owe this observation to Cristina Corredor.



But here Naylor is not presenting a counter-argument, he is merely objecting to the child's argument, undermining its strength by means of critical questions, without defending any standpoint whatsoever. This becomes apparent in the continuation of the dialogue:

Child: So, cigarettes are good for you?

Teacher: No!

Nick Naylor: No, that's not what I'm getting at. My point is that you have to think for yourself.

Critical questions, like the ones Naylor uses, are not a way to defend the opposite standpoint, but simply to call the argument into question or to criticise it. That is, successful critical questions do not *rebut* the argument, they only *undercut* it. As Walton explains (2006, p. 27, my emphasis):

Thus there are two basic ways to attack an argument. One is to present a rebuttal or counter-argument, a comparatively strong form of attack. The other is to ask questions that raise doubts about the argument but *not going so far as to rebut it by putting forward a counter-argument*.

We must conclude, then, that Naylor is making a good use of critical questions, skilfully showing that the child's argument is very weak without committing himself to any claim. Pragma-dialectics could not object to Naylor's intervention either, for he does not violate any of the norms for a critical discussion nor any of the "ten commandments" for reasonable discussants (Eemeren and Grootendorst, 2004). Neither can he be accused of being dishonest or insincere (Ibid., pp. 76–77) since, as has been argued, simply asking critical questions does not commit him to the opposite claim. I would like to emphasise though that I do not consider these remarks as pointing to a flaw in these theories—they are designed for a specific purpose, which is not my present one—but as showing that they do not explain all there is to argumentation.

Can we say that Naylor is arguing *virtuously*? Certainly not. Firstly, a child of such an early age cannot be expected to produce arguments and to provide reasons that are as good as those an adult would present. The source of much information and many ethical rules for a child is inevitably his or her parents, but this fact cannot imply that children systematically use fallacious *ad verecundiam* reasoning.

Moreover, the child is too young to understand that Naylor's response merely means that, although she has a point, her argument should be improved, and as a result there is a real risk that Naylor's critical questions undermine the child's confidence in the belief that smoking kills. For all these reasons, Naylor displays a complete lack of *intellectual empathy*, understood as the willingness to "put oneself in the place of others in order to genuinely understand them" (Paul, 1993, p. 261) and in order to adjust one's argumentation to the other's motives, beliefs, and capacities. In this case, the problem is that Naylor is completely ignoring the fact that he is arguing with a young child, treating her as though she was a mature and informed adult. In ideal argumentative models it is commonly assumed that all arguers operate on an equal level—they have similar capacities, knowledge, and so forth—but in the real world that is often not the case, and a virtuous arguer should take all contextually relevant differences into account.

Secondly, Naylor surely knows that there is a considerable amount of evidence which supports the child's standpoint ("Smoking kills"), but he chooses not to mention it and takes advantage of the weakness of the child's argument. He knows that smoking kills, but focuses on undercutting the child's argument. This attitude reveals a lack of *intellectual good faith* or *integrity*, understood as "the need to be true to one's own thinking" (Ibid., p. 262). And, finally, in relation to that, perhaps we could consider the virtue of *cooperativeness* in argumentation, whose absence in this case makes Naylor focus on winning and prevents him from pointing out to the child that there are much better arguments than the one she produced that support her position.

Informal logic and pragma-dialectics, two of the main current approaches in argumentation, have doubtless provided many important insights from their respective points of view. A discussion in which the arguers put forward cogent arguments—arguments that fulfil the conditions of acceptability, relevance and sufficiency—in which the arguers ask relevant critical questions, and in which the arguers follow the rules for a reasonable discussion, is certainly a desirable argument. What the preceding example shows, however, is that this is not the whole story. There is more to argumentation than cogency and procedural rules—as important as they are. Notice, then, that the kind of virtue argumentation theory I am proposing is not designed to evaluate arguments. Surely Naylor's objection that the

child's mother is not a credible expert is justified and the child's argument is indeed weak, according to the standards of informal logic. My analysis, however, focuses on Naylor's behaviour, on how he uses his objections. Saying that someone's behaviour is not virtuous does not entail that we should reject his or her arguments, nor even that his or her arguments are not convincing; it only means that the arguer could have done better—he or she could have been more empathetic, honest, cooperative, reasonable, critical, or unbiased, for example.

My proposal, then, is that virtue argumentation theory should *not* be conceived of as a theory of argument appraisal. If one is presented with an argument that is cogent according to the standards of informal logic, then (as a general rule) one has all the reason to accept it regardless of the arguer's character.<sup>6</sup> In fact, I believe that the value of a virtue approach to argumentation does not lie in the evaluation of others' behaviour so much as in the fostering of argumentative virtues in education. I envisage it as a theory that one should apply primarily to oneself—as a therapy in the Stoic sense, if you will. Perhaps the kind of virtue argumentation theory I am proposing will not give solid definitions and criteria to the theorist, but its value is actually pedagogic.

I will conclude with two examples by way of illustration. The first one, while not being a complete theory, is the only genuine agent-based approach to argumentation that I have found, and the second one has an obvious pedagogic purpose.

Wayne Brockriede (1972) used a peculiar analogy when he proposed a classification of arguers into three types. Although Brockriede's paper contains suggestions and advice rather than a systematic theory, what makes his metaphor a good example of an agent-based approach to argumentation is that he classified arguers according, not to the kind of arguments they put forward, but to their behaviour. The three kinds of arguers are:

**The *rapist*:** He wants to maintain a position of superiority. His main goal is to force assent, to conquer by the force of the argument.

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<sup>6</sup>I believe that Aberdeen (2014) is right and *sometimes* the arguer's character might be relevant when assessing an argument, but I also believe that *in general* this is not the case.

**The seducer:** He operates through charm or deceit. The seducer tries to charm his victim into assent by using tricks and fallacies.

**The lover:** He acknowledges the other person as a person and wants power parity. The lover asks for free assent and criticism, and he is willing to risk his very self in the discussion.

We do not need to discuss the details of Brockriede's classification—not to mention the strong language. The relevant point here is that Brockriede did not refer to the kind of arguments each kind of arguer puts forward, but to the attitude with which they engage in argumentation: whether they treat the other as a peer or as an inferior being, whether or not they are willing to accept criticism—even to ask for it—and question their core beliefs, whether they see the practice of argumentation as an opportunity to grow or as an opportunity to conquer. Interestingly, Brockriede claimed (p. 1):

I maintain that the nature of the people who argue, in all their humanness, is itself an inherent variable in understanding, evaluating, and predicting the processes and outcomes of an argument.

My second example is much more recent. *Arguing with People* (Gilbert, 2014) is a brief handbook addressed to people that already have basic notions of critical thinking, and which intends to explain how to use that skill in a constructive and cooperative way. Although he does not use the term “virtues,” Gilbert does present some characteristics that describe the *ideal arguer* (p. 94): she is reasonable, not dogmatic, a good listener and empathetic. The whole handbook is intended, not to judge our interlocutors' behaviour, but to improve *our own* argumentative practices and attitudes—one of Gilbert's proposals is the *golden rule of argumentation* (p. 95): “Argue with someone as you would want to be argued with.” The theory behind such pedagogic efforts—which Gilbert himself developed in *Coalescent Argumentation* (1997)—is part of what a virtue approach to argumentation could be.

### 3.4. Conclusion

As Fabio Paglieri (2015) points out, it has been assumed in the debate on the feasibility of a virtue theory of argumentation that such a theory should have to deal with cogency, while that is not necessarily the case. Actually, if our only concern is cogency, virtue argumentation theory will be of little use to us. As I have tried to show in section 3.2, a virtue approach to argument appraisal is liable to provide weaker and uninformative evaluations of arguments. Paglieri ends his article with the following advice (p. 85): “If you are a cogency buff, probably you will not find much satisfaction in VAT—*live with it!*” I believe he is completely right.

My suggestion, then, is that we should abandon the assumption that virtue argumentation theory would be a theory of argument appraisal. Arguing well involves much more than simply putting forward good arguments, for cogency in arguments does not exclude bias, dogmatism, or aggressiveness—to mention but a few vices. Argument appraisal is doubtless an important task, but I hope our concerns about issues like the criteria of cogency or the identification of fallacies will not prevent us from appreciating that there is much more to argumentation—as a *practice*—than that. As some theorists have pointed out, the outcome of every argumentative discussion depends on the arguers’ character and attitude as well. Daniel Cohen insists that “arguing well requires good arguers” (2013a, p. 482). Although this might seem like a truism, it embodies the spirit of a virtue approach to argumentation.



## VIRTUE AND ARGUMENT AS PRODUCT<sup>1</sup>

### 4.1. Introduction

A virtue approach of argumentation, which has been proposed by Daniel Cohen (2013a; 2013b) and Andrew Aberdein (2010; 2014), could be an excellent framework for addressing issues like education in critical thinking, but it would also imply a considerably different analysis from those we are familiar with in informal logic, pragma-dialectics and rhetoric. One of the main theoretical concerns may be the relationship between the goodness of the argument and the virtue of the arguer. In act-based approaches, the virtue or goodness of the arguer could be explained in terms of whether her actions conform to certain standards of goodness. A good arguer, in informal logic terms, can be defined as an arguer that consistently produces good arguments according to the standards of informal logic. Alternatively, a bad arguer can be defined in informal logic as an arguer that consistently puts forward poor arguments.

The steps from good arguments to good arguers and from bad arguments to bad arguers are deemed relatively unproblematic. It is natural, almost immediate, to conceive of the goodness or badness of arguers as a function of the quality of their products and actions. A single bad argument does not make a bad arguer, of course, but the habitual production of bad arguments indubitably does.

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In a virtue theory of argumentation, the relationship between the quality of the arguers and the quality of the arguments would be the reverse. As Aberdein (2010, p. 170) notes, a virtue approach to argumentation should take the virtues or vices of the arguer as primitive, and explain the qualities of the arguments in terms of the qualities of the arguer. However, this implies a step that does not seem so evident. In particular, it is commonly assumed that arguments must be assessed on their own merits, and that basing the assessment of an argument on the arguer's traits constitutes an *ad hominem* fallacy. Aberdein (2014) deals with this problem and provides several examples of arguments in which the arguer's traits are relevant for the evaluation. However, we should remember that in act-based theories of argument the quality of the arguer follows from the quality of the arguments she habitually presents, not from a single argument. The reverse relationship, I believe, holds: the quality of the arguments an arguer habitually puts forward follows from her virtues or vices. This is so because one of the conditions for being virtuous is performing well on a reliable basis. As the virtue epistemologist Linda Zagzebski (1996, p. 134) puts it:

Virtue possession requires reliable success in attaining the ends of the motivational component of the virtue. This means that the agent must be reasonably successful in the skills and cognitive activities associated with the application of the virtue in her circumstances.

Note, however, that this does not provide us with an evaluation of any *specific* argument in isolation. If a person is a virtuous arguer, it does not follow that a particular argument that she puts forward on one occasion is good. It is generally believed that a virtuous individual has a reliable disposition to produce good products, not an infallible one.

What, then, is the precise relationship between a virtuous arguer and a good argument? What I have said so far may sound reasonable—at least I hope so—but it is not very clarifying. Does such relationship consist merely in the fact that the majority of arguments that the virtuous arguer puts forward are good? Could it all come down to the proportion of good arguments she produces? Of course, virtue argumentation theory could always stipulate that a good argument is one that a virtuous arguer would put forward, thus strengthening the link between arguers and arguments, but this still strikes me as of little explanatory value.



As is well known, arguments can be regarded either as products or as processes—as “something one person makes” or as “something two or more persons have” (O’Keefe, 1977, p. 121). When Ralph Johnson developed his own theory of argument, he wrote (2000, p. 154):

To develop an adequate understanding of argument, we must situate it within the practice of argumentation, which includes as components (a) the process of arguing, (b) the agents engaged in the practice (the arguer and the Other), and (c) the argument itself as a product.

A virtue theory of argumentation must focus on the agents and attempt to explain how they relate both to the process of arguing and to its products. In this chapter, I will explore the relationship between informal logic, as the main approach to the study of arguments as products, and (my own view of) a virtue theory of argumentation. Much can—and should—be said about the relationship between dialectical approaches, such as pragma-dialectics, and a virtue theory of argumentation, and this would shed light on the relationship between the argumentative virtues and argumentation as a process. That is the topic of the next chapter. Here I will focus on how a virtue approach to argumentation could deal with arguments as products.

The appraisal of arguments has been, in fact, the first matter of concern for both proponents and critics of a virtue approach to argumentation. *Bowell and Kingsbury (2013)* have warned against using traits of the arguer as the basis for argument appraisal, while *Aberdein (2010; 2014)* has argued that it can be done and can actually be a fruitful methodology. *Fabio Paglieri (2015)* offers an insightful analysis of this discussion, and claims that one of the benefits of virtue argumentation theory could precisely be the adoption of a broader conception of argument than that of informal logic. This is one of the paths that I will pursue in this article. *Cohen*, on the other hand, has argued for a strong link between the traits of the arguer and the quality of the argument. He claims (2013b, pp. 482–483):

Isn’t an accidentally produced good argument just as good as a virtuously produced one? [...] the answer is still “No” and for the same reasons that accidentally true beliefs do not count as knowledge. Otherwise, arguers would not have the requisite “ownership” of their arguments, a relation that grounds responsibility and the assignment of blame and credit.

This is an interesting idea. Indeed, it seems that a virtue theory of argumentation, with its focus on arguers, could emphasise the responsibility that arguers have for the arguments they put forward in order to assign blame and credit. Responsibility and assignment of blame and credit are key features of virtue approaches to ethics as well as of virtue responsibilist approaches to epistemology. But, as I intend to show in the next section, such “ownership” is not so easily explained in argumentation theory as it is in epistemology. The traditional approach to arguments does not allow for the introduction of the agent, as opposed to the traditional approach to beliefs. My proposal, though, is that virtue argumentation theory should adopt Cohen’s claim, and then work out a conception of argument that give sense to that idea. The reason is that taking the agent into account and holding her accountable for her products are, I believe, among the most valuable features of virtue theories.

In the previous quote, Cohen (a) acknowledges that a good argument can be accidentally produced, presumably by a non- virtuous arguer, but at the same time (b) holds that a virtuously produced argument is *something more* than simply a good argument. I believe it is safe to assume that a virtuously produced argument means an argument produced by a virtuous arguer, and that an accidentally produced good argument is an (intentionally produced) argument that is luckily good. Thus, it seems that a non-virtuous arguer can in fact put forward a good argument, but that being a virtuous arguer consists in producing arguments that are somehow better.

This distinction between good arguments and virtuously produced arguments will be the key to my explanation of the relationship between informal logic and virtue argumentation theory. But first, in the following section, I will discuss some relevant differences between argumentation theory and epistemology, which might help explain why virtue argumentation theory faces some important challenges that virtue epistemology does not.

## 4.2. The good and the virtuous

What makes a good argument? According to the traditional account of informal logic, there are three requirements that the premises of an argument must satisfy

for that argument to be considered to be good: *acceptability*, *relevance*, and *sufficiency* or *good grounds*. Instead of the goodness of the argument, we should talk more precisely about *cogency*. Trudy Govier (2010, p. 87) explains the three criteria for cogency: *acceptability* means that “it is reasonable for those to whom the argument is addressed to believe these premises;” *relevance* means that the premises are relevant to the conclusion, state evidence or offer reasons that support the conclusion; and *good grounds*—or *sufficiency*—means that the premises, considered together, give sufficient support to the conclusion.

In order to ensure that we take a sufficiently strong conception of the cogent argument, let us consider an additional requirement. Johnson (2000, pp. 206–208) argues that the very presence of an argument implies that the issue is at least potentially controversial: there might be different opinions, arguments for and against each view, well-known objections, and so forth. A cogent argument must take into account this dialectical dimension, hence the necessity of a dialectical criterion: the *dialectical tier*. The assessment of the dialectical tier should include, among other possible issues:

- Anticipating standard objections to a premise of the argument.
- Anticipating standard objections to the conclusion of the argument.
- Addressing alternative positions.
- Anticipating the consequences and implications of one’s position.

We have then three criteria—acceptability, relevance, and sufficiency or good grounds—corresponding to what Johnson (2000, p. 190) calls the *illative core*, as well as the dialectical tier. A brief reflection on these standards might help our inquiry into the relationship between arguments and arguers.

Firstly, note that the criteria of relevance and sufficiency are properties of the argument; they assess an internal relationship of the argument, that between its premises and its conclusion. Secondly, the criterion of acceptability concerns the relationship between the premises and the audience; it is intended to assess the extent to which the premises are consistent with the audience’s beliefs or the extent

to which the audience is willing to accept the premises. And, finally, the dialectical tier involves the assessment of the relationship between the argument and other well-known or expected arguments—how well the argument fares in the presence of contrary arguments.

Ralph Johnson (2000, p. 334) explicitly analyses the relationships that each criterion involves. He represents the argument as “an intellectual force determined by three vectors.” The first vector, corresponding to the criteria of relevance and sufficiency, “goes from the premises to conclusion.” The second vector, representing the criterion of acceptability, “goes from the premises to the audience.” Whereas it is still under discussion whether the first criterion should be acceptability or truth, Johnson (pp. 195–198) adopts both criteria. Hence, the vector of truth “is determined by the direction that goes from the premises of the argument to the world.” Finally, Johnson holds that the criteria for the dialectical tier “can be accounted for in the vector from the premises to the audience” (p. 335). This differs from my proposal that the dialectical tier be understood as the relationship between the present argument and other arguments, but that does not affect the point I am interested in making.

Notice that, consistent with the traditional assumption that every argument must be assessed on its own merits, *the arguer himself or herself is not taken into consideration* by any of those standards. Arguments, therefore, are evaluated without reference to the individuals that put them forward—they could just as well be evaluated as if they were anonymous. It is therefore understandable that some authors are suspicious of the virtue theorists’ attempt to incorporate the arguer into the evaluation of the argument—and what is more, to make the arguer’s character the basis of such evaluation. Thus, *Bowell and Kingsbury* (2013) hold that it is never legitimate to adduce traits of the arguer to reject her argument, and that for this reason “virtue argumentation theory does not offer a plausible alternative to a more standard agent-neutral account of good argument” (p. 23). In a similar vein, *David Godden* (2016) argues that virtue argumentation theory “cannot provide a complete account of argumentative goods and norms” (p. 12) for it has to rely on an “entirely independent, non-aretaic normative condition—namely, a *good reason*” (p. 8, his emphasis).

Even though I do not share these authors' concerns, I believe that it would be a mistake to ignore or downplay their criticisms, for they illustrate an important difference between argumentation theory and the other disciplines that have adopted a virtue approach—ethics and epistemology. As will be shown, Cohen's contention, cited earlier, that an accidentally good argument is not so good "for the same reasons that accidentally true beliefs do not count as knowledge" is not so evident.

Both ethics and epistemology have traditionally included the subject of action or knowledge in their evaluations. Consider the case of epistemology. The traditional definition of knowledge states three conditions for a given belief ( $p$ ) to constitute knowledge:

1. The individual believes  $p$ .
2. The individual is justified in believing  $p$ .
3.  $p$  is true.

Conditions 1 and 2 make explicit reference to the individual; for this reason, one cannot decide whether a certain belief constitutes knowledge without taking into consideration the person who has that belief. Moreover, condition 2 is intended to rule out accidentally true beliefs: for a belief to be knowledge, the individual must have obtained it through a reliable process, or she must have good reasons to believe it, or the like. An accidentally true belief, by its very definition, is not knowledge.

This might be one of the reasons why virtue epistemology has been so successful. There is an obvious relationship between true beliefs constituting knowledge and virtuous agents; beliefs cannot be evaluated without reference to the agent. For this reason, the definition of knowledge that virtue epistemology provides, which takes the agent's traits as the basic concept, seems plausible. One of the definitions that Zagzebski (1996, p. 271) provides, for example, is: "Knowledge is a state of true belief arising out of acts of intellectual virtue." This definition, then, explicitly rules out beliefs that are accidentally true, just as the traditional definition of knowledge does.

The situation is similar in ethics. Although many exceptions could be discussed in this regard, in general most ethical theories include the concept of *intention* in one way or another,<sup>2</sup> and this concept establishes a link between the action and the agent. In order to decide on the rightness or wrongness of an action, it is therefore necessary to know, among other things, what the agent intended to accomplish. An action cannot be evaluated without taking into account the agent, even if that action has manifestly good or bad consequences. The reason is that, in most accounts, an action that accidentally has good consequences does not count as a right action.

Thus, we can see what the crucial difference is between argumentation theory, on the one hand, and ethics and epistemology, on the other. Not only has the arguer been traditionally excluded from the evaluation of arguments, but taking the arguer into account has even been considered in most cases as a fallacious move—*ad hominem*. It seems, then, that from this point of view an accidentally good argument is just as good as a virtuously produced one.

How can that be so? We can gain some insight by reading Aristotle's arguments, in *Nicomachean Ethics* (II.4.1105a), for his distinction between virtues and skills:

Again, the case of the skills is anyway not the same as that of the virtues. For the products of the skills have their worth within themselves, so it is enough for them to be turned out with a certain quality. But actions done in accordance with virtues are done in a just or temperate way not merely by having some quality of their own, but rather if the agent acts in a certain state, namely, first, with knowledge, secondly, from rational choice, and rational choice of the actions for their own sake, and, thirdly, from a firm and unshakeable character.

A chair, for example, is doubtless the product of a skill, for as long as the chair is of good quality there is no need to learn about the carpenter's character. Since, as we have seen, from the perspective of informal logic arguments are assessed solely on their own merits, perhaps informal logic is actually a skill rather than a virtue. If that is the case, then a virtue approach to argumentation should adopt a different perspective. Informal logic would doubtless be an important skill for a virtuous arguer to have, but argumentative virtue would not be just informal logic. In order to establish a stronger link between the arguer and the argument, argumentative virtue should involve something more.

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<sup>2</sup>Some consequentialist theories, which evaluate the rightness or wrongness of the actions according to the consequences they bring about, speak of *intended* and *foreseen* consequences.

I believe that is a promising hypothesis. What, then, could we add so that the quality of the argument bears a stronger relationship to the arguer's traits? I can see two possibilities. In the first place, a straightforward solution would simply be to include the requirement that the arguer have a certain (virtuous) state of mind among the criteria for the evaluation of the argument. That is, an argument would be virtuously produced if it is cogent—if it complies with the standard criteria of informal logic—and if it is produced by a virtuous arguer. When developing a virtue approach to argumentation, perhaps this is the easiest path to take. However, there is another, subtler possibility. Virtue argumentation theory could broaden the definition of argument, adopting a richer conception than that of informal logic. In this case, it would be possible to specify more criteria for the evaluation of the argument—in addition to the strictly logical criteria of acceptability, relevance, sufficiency, and the dialectical tier. Those additional criteria could thus be shown to depend more closely on the arguer's traits.<sup>3</sup>

In the following two sections, I will consider the two possibilities that have been mentioned. Then, in section 4.5, I will propose a solution based on both possibilities and I will explain some important consequences it has for a virtue approach to the argument.

### 4.3. The requirement of the state of mind

If informal logic is actually a skill, something more is needed for an arguer to be virtuous. After all, as Daniel Cohen (2013a, p. 16) says: “Not every skill is a virtue; skillful arguers can be quite vicious!” What else do we need? A possibility is the requirement, which some virtue theories highlight, that the individual must be in a particular state of mind. This is in fact what Aristotle points out in the passage cited above: virtuous actions are those that the agent performs (a) with knowledge, (b)

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<sup>3</sup>There is, of course, a third possibility, which is to define the criteria of informal logic in virtuous terms. Paglieri (2015, pp. 79–80) explores the possibility of defining relevance as a virtue. Likewise, both Andrew Aberdein and Hubert Marraud (personal communications) suggested that the dialectical tier could be characterised on the basis of the arguer. Although these are intriguing suggestions, I am not sure whether an agent-based account of those terms would be clearly explanatory—perhaps it would, but I prefer to keep a conservative view until convinced otherwise.

from rational choice, and (c) from a firm and unshakeable character. An accidentally good action, on this account, cannot be a virtuous action, it is also necessary that the agent be aware of what she is doing, choose to do so, and have a reliable disposition to act that way in similar circumstances. In other words, not only the action itself, but also what is going on in the agent's head is crucial for it to be a virtuous action.

Modern virtue ethics theorists emphasise this requirement as well. A distinction is commonly made between actions that are *right* and *virtuous* actions—or *acts of virtue*. Robert Adams (2006, p. 9), for example, explains that virtue cannot be defined merely in terms of right actions—as, say, a reliable disposition to perform right actions—for such a definition offers us “an impoverished conception of virtue.” Moreover, Julia Annas (2011, p. 43), from the point of view of her own theory of virtue, insists on the uninformative nature of the weak concept ‘right’:

That is, an action's being the right thing to do merely locates it somewhere on a range from a barely acceptable action to a highly meritorious action, but with no indication where on that range it falls. This is not very informative about an action, especially since an action's being right is also no indication of what kind of action it is: brave, generous, loyal, kind, and so forth.

On this account, it is therefore perfectly possible that someone does the right thing without being virtuous—or even being vicious. As Annas (p. 45) says: “A cruel person can do the right thing, where this is a compassionate action, because she is motivated by sentimentality, for example.” In order to do, not only the right thing, but the *virtuous* thing, then, certain thoughts and feelings need to be present in the agent's mind. Annas (p. 47) concludes:

Only the truly virtuous do the right thing as the virtuous person would do it, exhibiting independent understanding of what should be done in a way that takes into account all relevant features of the situation.

What would that amount to in a virtue theory of argumentation? A possible answer lies very close to the field of argumentation theory: in the *critical thinking* movement. Authors in the critical thinking movement realised that instruction in the skill of producing good arguments and detecting bad ones is not enough. Richard Paul (1993) distinguished between a weak sense of critical thinking, that



is, “as a list or collection of discrete intellectual skills,” and a strong sense, “as a mode of mental integration, as a synthesized complex of dispositions, values, and skills necessary to becoming a fairminded, rational person” (p. 257). Paul claimed that “critical thinking, in its most defensible sense, is not simply a matter of cognitive skills” (p. 258), and he advocated the fostering of virtues like “intellectual (epistemological) humility, courage, integrity, perseverance, empathy, and fairmindedness” (p. 259). Likewise, Harvey Siegel (1993) defended the view that critical thinking involves both skill and character, arguing that “a worthy product can be achieved by the most uncritical of means” (p. 167). And he claimed that (Ibid.):

one’s status as a critical thinker depends not only on the (propositional) products of one’s thought. It depends as well on the process of that thought. It is here that considerations of character arise.

In argumentation theory, Vasco Correia (2012) argues for an approach that includes argumentative virtues, holding that the logical and the dialectical rules are insufficient for the evaluation of everyday arguments. Correia emphasises a number of biases that instruction in the analysis of the structure of the argument cannot purge. He says (p. 225):

Arguments may be correct from a logical and dialectic perspective and nonetheless “unfair” and tendentious. [...] Discussants may scrupulously observe the pragmatic-dialectical code of conduct and nevertheless argue tendentiously.

The requirement of the state of mind, thus, could entail that the argument must be a manifestation of a virtuous character. The arguer must be in a virtuous state of mind, which in this case means that the arguer must produce her arguments out of a virtuous character.

Furthermore, I believe that it is possible to include an additional component in this requirement. Even though virtue theories tend to highlight the naturalness and spontaneity of virtuous acts,<sup>4</sup> in the case of argumentation theory it is, arguably, sensible to add the condition that, for an argument to be virtuously produced, the arguer must put it forward *in a conscious manner*. The reason is that the arguer must, among other things, be aware of the argument’s strengths and weaknesses,

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<sup>4</sup>I thank Jesús Vega for pointing this out to me.

she must know how convincing it is, in which cases it would fail to convince, and why the reasons (or data, premises) are justified.<sup>5</sup> An account of virtue in argumentation could therefore explain why an accidentally produced cogent argument is not as good as a virtuously produced argument.

One can ask, are such considerations really relevant in the evaluation of the argument? After all, as Godden (2016, p. 7) argues, an automated device could in principle be programmed to reliably produce good (“cogent, dialectically adequate, rhetorically persuasive”) arguments, even though such device cannot be considered an arguer, let alone a virtuous one. I concede that, in principle, such a device would produce good arguments. However, the automated device cannot *answer questions* regarding the truth, the relevance or the sufficiency of the reasons (or data, premises), it cannot *respond to objections*, it cannot *provide further support* for some of its claims, and all this is due to the fact that it does not even *understand* the argument.<sup>6</sup> Godden (Ibid.) claims that “we ought to be moved by the arguments<sub>1</sub> produced by such a device,”<sup>7</sup> but the idea of an isolated argument by which we should be moved without the necessity of asking any question strikes me as unreasonable. I would not advise anyone to accept any argument unquestioningly, no matter how good.<sup>8</sup> Granted, the argument would be good, but just in the sense that there would be nothing inherently wrong with it—it would be *right*. If, on the other hand, the argument is virtuously produced, that is, if at least the arguer understands it and can defend it and respond to objections, *then* it is reasonable for us to be convinced by it at some point. Arguably, the arguer has an obligation to—at the very least—answer questions regarding her argument. In that sense, the arguer should be held accountable for her arguments, and perhaps this sheds light on Cohen’s reference to the “ownership” of arguments.

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<sup>5</sup>All of this, of course, can only be true to a limited extent. If virtuous arguers were *completely* aware of *all* those things, it seems that they would not even need to argue at all. I owe this observation to Cristina Corredor.

<sup>6</sup>If the automated device could do all of that, I would seriously wonder whether it counts as an *arguer* capable of being virtuous.

<sup>7</sup>See O’Keefe (1977) for the distinction between arguments<sub>1</sub>, the products, and arguments<sub>2</sub>, the processes.

<sup>8</sup>It is quite possible that my disagreement with Godden actually reveals a different conception of argument. He might be thinking of an extended written argument, similar to Johnson’s (2000) conception, whereas here I am assuming a conception of argument as a piece of oral communication, which I take as primary. Nevertheless, I insist that, if a device could produce an argumentative text in which it supports potentially contentious reasons and takes into account different points of view, then I am not so sure that it does not count as an *actual* arguer.

Annas (2011, p. 51, her emphasis) proposes an analogy between virtue and the skill of speaking a foreign language that might be enlightening in this case:

Suppose we press this: how do we get *guidance* in action by following directions to become honest and brave? A major theme of this work has already made the answer clear: this is like asking how we get guidance in communicating with Italians by learning Italian.

This is exactly what virtue is about: one does not ask what the honest thing to do is in a particular situation, one asks *how to become an honest person*, and the honest actions will naturally follow from that. The focus, then, is on education and development of the character, not on rules or principles.

Using Annas' analogy, we can distinguish two kinds of people who might utter a sentence in Italian:

- Someone who does not speak Italian, and who merely repeats a sentence in Italian she has heard somewhere, or accidentally puts together a few words in the right order.
- Someone who does speak Italian, who knows precisely what she is saying and who is capable of having a conversation in Italian.

We can see here that in both cases the sentence uttered might be grammatically correct, but the utterance in the first case is not as good as the utterance in the second case. They both uttered a *correct* sentence in Italian, but only the Italian speaker can be said to *speak* Italian. Only the Italian speaker can understand the listener's reply and continue the conversation. Likewise, in a sense, accidentally produced good arguments are just as good as virtuously produced arguments—they are both cogent. However, in a different sense, accidentally good arguments are not produced in a *conscious* and *meaningful* manner, and hence they do not count as virtuously produced, but as merely right. Some degree of virtue is required if the arguer is to successfully continue the argumentative dialogue by defending her argument, responding to objections, or providing further support for contentious reasons. Thus, the difference does not lie in the product itself—the sentence or the argument—but in the speaker's disposition.

## 4.4. An enriched conception of argument

The other possibility we could consider is that arguments are something more than a set of premises and a conclusion, plus an inferential step. In that case, the evaluation of the argument would involve something more than the criteria of acceptability, relevance, sufficiency, and dialectical tier. If we take into account properties of the argument that depend more conspicuously on the arguer, then it is legitimate to explain (at least an important part of) the quality of the argument on the basis of traits of the arguer. Indeed, this appears to be Cohen's view when he states (2013b, p. 484): "The common concept of an argument does need some expansion." Michael Gilbert (1995), for example, defends an enriched conception of argument, and concludes (p. 132, his emphasis):

If we are going to deal with arguments in a more than critical way we need to shift the focus from the *argument* to the *arguer*, from the *artifacts* that happen to be chosen for communicative purposes to the *situation* in which those artifacts function as a component.

Although Johnson's (2000) theory of argument is focused on arguments as products and on the four criteria explained above, he opens up the "possibility of other normative criteria to be applied to argument," suggesting "such qualities as originality, fertility, ingenuity, and so forth" (p. 336). A broader conception of argument could in fact give us a more comprehensive and down-to-earth picture of what arguments are for ordinary people in everyday situations. The representation of the argument that informal logic assumes, consisting of a set of propositions and an inferential step, is doubtless a useful analytic tool for the study of a specific component of arguments, but it does not give us a complete picture of what is going on in argumentative discussions. As Schreier and Groeben (1996) have shown, people typically evaluate others' interventions in argumentative discussions not just according to logical criteria. Based on empirical research, these authors propose four argumentative conditions that contributions to argumentative discussions must meet "if a rational and cooperative solution is to stay within reach" (p. 124). These conditions are (Schreier et al., 1995):

**Formal validity:** This condition applies to the arguments. The reasons put forward

by the arguer must be linked both materially and formally to the claim by means of a warrant.

**Sincerity/truth:** This condition applies to the relation between the speaker and the argument. The attitude expressed by the arguer—such as that of believing a proposition—must correspond to her real attitude.

**Justice on the content level:** This condition applies to the relation between an argument and the person to whom the argument is addressed. The argument must be just toward the person who receives it.

**Procedural justice:** This condition applies to the relation between the arguer and the listener. The argumentative procedure must be conducted in such a way that the opportunities for communication and understanding are not restricted.

Along these lines, arguments could be understood more broadly as a sort of *behaviour* or *communicative act* taking place in an argumentative context. For example, Michael Gilbert's (1997; 2014) theory of *coalescent argumentation* begins with a proposal to go beyond the logical analysis of arguments and take into consideration other components that are present in every discussion. Gilbert distinguishes four components, or *modes*, of every argument. The first mode is the *logical* mode, which involves the elements traditionally studied by informal logic, such as the premises and the inferential step, with which we are all very familiar. The three other modes account for those aspects of the argument that are not logical, but that it is important to consider if we are to make sense of what happens in argumentative interactions. These modes are (2014, pp. 58–62):

**Emotional:** Emotional signals conveyed by words, tone, context, posture and expression.

**Visceral:** The setting; all aspects of argument that are physical and circumstantial, such as the location of the participants or the physical actions performed during the discussion (offering a beverage, touching the other's arm, smiling, and the like).

**Kisceral:** Values or beliefs that cannot be empirically tested and that are frequently used in the arguments, and that for this reason should be, if not shared, at least understood by the participants.

So rich a conception of the argument would allow for one of the key ideas of virtue approaches: the notion, not of mere rightness, but of *excellence*. This notion, I believe, takes us closer to the answer to the question that troubles Cohen (2013b, p. 477): “What would make an argument satisfying to the point that the participants could say at the end, ‘Now that was a good argument?’”

Admittedly, though, such a definition of argument—the product—as a sort of behaviour could lead us quite far away from the usual conceptions shared by the traditional perspectives in argumentation theory—logic, rhetoric and dialectic. And perhaps so radical a departure from tradition is not necessary. Nevertheless, whether or not the word ‘argument’ is used—instead of, say, *argumentative intervention*—a virtue theory of argumentation should depict people’s interventions in argumentative discussions as what they actually are: very rich interactions that involve many factors. Only from such a perspective does it make sense to say that a bad or vicious arguer cannot produce a truly good argument.

## 4.5. The purpose of a virtue theory of argumentation

The options sketched in the two previous sections offer the possibility of a virtue approach to the study of the argument by taking into account traits of the arguer. According to the first option, the virtuous arguer must act out of a virtuous character and understand the strengths, weaknesses, and implications of her arguments—and thus the possibility of an accidentally produced good argument is ruled out. According to the second option, we can adopt an enriched conception of argument so that its goodness depends at least partially on traits of the arguer. Which path should we take? It seems to me that both alternatives are compatible and equally important for an understanding of what being a virtuous arguer consists in. Therefore, I suggest that virtue argumentation theory should adopt both views.

Although some authors, such as Aberdein (2014), argue that a virtue approach to argumentation can be a theory of argument appraisal, I am not convinced that it can provide a better, more insightful account of cogency than that of informal logic. For this reason, I have proposed that informal logic be considered as a skill that is crucial for the virtuous arguer to have. Naturally, this implies that virtue argumentation theory—at least as I envisage it—will not be a complete, self-standing theory of argumentation. Some will regard this as a fatal flaw of the theory. But notice that all virtue theories incorporate a component that is best analysed according to act-based criteria: surely the *consequences* of our actions are relevant in virtue ethics, just as the *truth* of our beliefs matters in virtue epistemology. On the other hand, some other important aspects of argumentation are arguably best handled by a virtue approach—such as bias and dogmatism. So, in an important sense, no single approach can ever be a complete theory of argumentation.

Viewed from a pedagogical perspective, informal logic can be regarded as the answer to the question ‘How can I produce good arguments and decide whether my interlocutor’s arguments are good?’, whereas virtue argumentation theory could answer a broader question, that is, ‘How can I become a good arguer?’ Some informal logicians, such as Howell and Kingsbury (2013, p. 23), conflate both questions. But—and this insight is, in my view, one of the merits of a virtue approach to argumentation—they are not the same, for an arguer can produce good arguments and still be biased, intellectually arrogant, or dogmatic, to name but a few vices. Even though it is true that a virtuous arguer reliably produces cogent arguments, mere reliability cannot tell us what being a virtuous arguer *consists* in. A conception of the virtuous arguer as a mere reliable producer or detector of cogent arguments would be rather poor. More broadly, it is an individual’s character, including her insight and sensitivity to good reasons, which characterises a virtuous arguer—and possessing a virtuous character consists *in part* in having a disposition to produce cogent arguments.

Act-based approaches tend to be analytical and to isolate particular features of the act. The analytic study of arguments is, of course, a very important enterprise, but it should not make us lose sight of the whole picture in all its complexity and richness. ‘Do the premises support the conclusion?’ is surely an important question, but there are others. For example: Is the arguer biased? Does the arguer show

a respect for everybody's motives, goals, and feelings? Has the argument been put forward in order to encourage critical thinking, enquiry, and open exchange of ideas, or is it just aimed at silencing the others? Does the arguer show a disposition to change her mind, or does she exhibit a dogmatic attitude?

I am aware, however, that my proposal that cogency not be defined in agent-based terms has an important—and perhaps undesirable to some—consequence. Godden (2016, p. 7) insists on this point:

Seemingly, the probative merits of arguments<sup>1</sup> are independent of the virtue (or even the capacity for virtue) of the arguers advancing them, or generally of the means by which they were produced.

I agree. If we accept that cogency—or, for that matter, validity or soundness—is the best notion when it comes to deciding whether a claim has been adequately supported or not, then by declining to define cogency in agent-based terms, my view of virtue argumentation theory cannot assess the “probative merits” of arguments. The interest in a virtue approach to argumentation, however, lies in the fact that it focuses on other aspects of the argument that the notion of cogency cannot grasp. Of course, arguments have a “probative” component, but that is not all arguments are. Arguments can also be respectful or disrespectful to the listener, they can be timely or disruptive, they can reflect open-mindedness or dogmatism, they can be fair or biased, and so on. Even though virtue argumentation theory might not explain whether a claim has been well supported, this does not mean that such a theory has nothing to say about *how to argue reasonably*. Quite the contrary.

As was pointed out in the last chapter, Paglieri (2015, p. 73) asks: “why should anyone want to belabour on a fairly rich and complex theory of virtues, and then tie that theory to a definition of quality which is extremely narrow and pays only minimal attention to extra-textual features?” That is exactly the point. The interest of a virtue approach to argumentation lies in the fact that it provides a different perspective from that of informal logic, and this helps us realise that our previous central concerns—such as cogency—were not the only legitimate ones. Virtue theories usually arise out of a dissatisfaction with the perspective and the central concepts of the time. In the case of virtue ethics, G. E. M. Anscombe (1958) famously argued against deontology's focus on the notion of “moral ought.” Somewhat less



controversially, the virtue epistemologist Christopher Hookway (2003) holds that virtue epistemology can offer a perspective in which the concepts of ‘knowledge’ and ‘justification’ are less central, and which focuses instead on other important aspects of epistemic evaluation: “Thus virtue epistemology might fall into place as an account of the evaluations required for well-regulated inquiries and theoretical deliberations” (p. 194). To be clear, though, I am not proposing that we abandon the notion of cogency, but I do believe that we should not narrowly focus on cogency as all that can be said about argument quality.

## 4.6. Conclusion

I confess that in this chapter I have focused on an issue that I consider rather tangential and not very enlightening from the point of view of a virtue approach to argumentation: the argument as product. Indeed, in my view, the main advantage of virtue theories is that they offer a novel and interesting perspective on *habits* and *practices*—and that is why a virtue approach to argumentation attracted my attention, rather than the prospect of studying isolated arguments, let alone cogency. Nevertheless, recent discussions on virtue argumentation theory (Aberdein, 2014; Howell and Kingsbury, 2013; Godden, 2016; Paglieri, 2015) have focused on precisely this point, so an answer seemed necessary.

The main concern of a virtue approach to argumentation, as I envisage it, should be the arguers themselves and their character. That is, the arguer’s character should not be regarded as a means to study something else—the argument, say—but as the main interest. This has an obvious pedagogical purpose. The practice of argumentation will be, I believe, naturally improved once character is cultivated. Aberdein (2014, p. 78, n. 1) notes that “(rhetorical or dialectical) accounts of argument evaluation” are “most congenial to a virtue-theoretic approach.” It is not accidental that both accounts focus on the process and practice of argumentation. For a verdict on the goodness of specific arguments, though, virtue argumentation theory might not be the best approach.

Informal logic, as we have seen, can be regarded as a skill, and as such it is not sufficient for differentiating between virtuous and non-virtuous arguers. I have

proposed two possible additional requirements for an argument to be virtuously produced: that the arguer be in a specific (virtuous) state of mind, which is consistent with virtue (responsibilist) approaches' focus on the character and disposition of the individual, and that the argument be not only excellent from a logical point of view but also conceived of as a complex and rich communicative act. Since both requirements are compatible and one of the benefits of a virtue approach to argumentation could be its contextually rich and broad perspective, which includes the arguers, I propose that the two possibilities be adopted. In sections 4.3 and 4.4, I have tried to show that both ideas are not wholly new, but that they have already been proposed by several authors.

Some might consider that the term 'argument' is inappropriate for the admittedly vast and vague picture that I presented—argument as behaviour that takes place in an argumentative context, following Gilbert. After all, what I depicted is arguably the opposite of the argument as “the distillate of the practice of argumentation” (Johnson, 2000, p. 168). For this reason, I have proposed instead the term 'argumentative intervention.' Note, however, that this term suggests a dialectic framework and therefore blurs the boundaries between the process and the product. Given what has been said so far, this should come as no surprise. If we expect—as I do—virtue argumentation theory to provide a richer and broader picture, it is only understandable that this theory will not handle distillates properly—that was never its purpose. Thus, the distinction between process and product might not be so relevant to virtue argumentation theory after all.

## VIRTUE AND ARGUMENT AS PROCESS<sup>1</sup>

### 5.1. Introduction

The last chapter concluded that virtue argumentation theory has more to offer on argumentation as a practice than on arguments as products. Some examples of argumentative vices and virtues, such as dogmatism or open-mindedness, for example, are more conspicuously relevant to an extended argumentative discussion or even regular habits rather than to any specific argument as product. What is more, it was argued (p. 60), in response to Godden's (2016) suggestion that we should be moved by an argument produced by a computer, that convincingness should not be the result of an isolated argument but rather of a whole process involving supporting arguments, questions, and satisfactory replies. For these and other reasons, stated in the previous chapter, the present virtue approach to argumentation will not address the probative merits of specific arguments understood as sets of premises and claims. I have not provided a specific definition of argument as product, nor have I detailed which components of the argumentative interventions are relevant to the attainment of knowledge or to the reasonable resolution of a conflict—they are context-dependent and they are to be spotted by the virtuous arguer in each given case.

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<sup>1</sup>Originally published (with a different introduction) in: Gascón, J. A. (2017). Brothers in arms: Virtue and pragma-dialectics. *Argumentation*, DOI: 10.1007/s10503-017-9423-0.

By explicitly renouncing to an attempt to define cogency in virtuistic terms, I ruled out the possibility of studying an important component of argumentation, that of the supporting relation between the reasons (or data or premises) and the claim (or conclusion). Thus I admit that in general the convincingness of an argument is not to be studied by a virtue approach.<sup>2</sup> In a sense, then, virtue argumentation theory can be taken as focused on how we use cogent arguments. The previous chapter compared a virtue approach to argumentation with virtue ethics and virtue epistemology, and pointed out that the case of virtue argumentation theory in relation to the cogency of arguments is similar to that of virtue ethics in relation to the goodness of consequences and to that of virtue epistemology in relation to truth. They all are external components of the theory, not analysable in virtuistic terms; but the interest of the respective theories does not lie in them.

In this chapter, I will discuss the relation between virtue argumentation theory and argumentation as a *process*. The study of the argumentative process has traditionally been undertaken by dialectics. Nowadays, the most successful and widely accepted dialectical theory is no doubt pragma-dialectics. Therefore, in order to clarify the relationship between virtue argumentation theory and argumentation as a process, I think it is useful to explain what insights such a virtue approach could arguably provide that are not already in pragma-dialectics.

Hence, this chapter is not intended as a criticism of pragma-dialectics—even though some critical remarks will be made. Since I believe that *no* theory provides the whole picture, my aim is merely to show what the benefits of a virtue approach would be when it comes to understanding the argumentative process. It should also be pointed out that, even though I will restrict my remarks to argumentative discussions as pragma-dialectics regards them, a virtue approach does not commit one to a view of discussions as necessarily taking place between a protagonist and an antagonist. From the perspective of virtue argumentation theory, argumentation can take place between two or more discussants, in oral or written form, between an orator and her audience, between a writer and her readers, or what have you. My reason for taking for granted the pragma-dialectical model of critical discussion is simple: any other pragmatic and dialectic theory could provide a different

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<sup>2</sup>As I said in p. 45 n. 6, I admit that this is the case *in general*. Yet there are particular cases in which an argument might be more or less convincing depending on the arguer.

model, whereas I am interested in showing what *specifically* a virtue approach could provide.

In the following section, I will outline the main features of the pragma-dialectical theory, especially those that focus on argumentation as a dialectical process. In section 5.3, I will argue that merely having the set of rules that pragma-dialectics provides does not guarantee that the discussants' behaviour will be virtuous—something which, to some extent, the authors themselves admit. This is not intended as a criticism of the whole theory, but merely as the contention that a virtue approach has something to offer which is not already present in the pragma-dialectical theory. In section 5.4, I will argue that, in pragma-dialectics, the norms of argumentative discussions are too dependant on the discussants' will and that the source of those norms is obscure. The virtue approach that I propose could answer the question about the source of those norms in a more sensible way. Finally, in section 5.5, I will provide a few remarks about the other side of this relationship: the status of virtue argumentation theory and the pragma-dialectical insights that this new approach should adopt.

## 5.2. Pragma-dialectics: an overview

During the 1970s and the early 1980s, Frans H. van Eemeren and Rob Grootendorst developed what would become known as the *pragma-dialectical* theory of argumentation. The first complete elaboration of the theory was offered in *Speech Acts in Argumentative Discussions* (Eemeren and Grootendorst, 1984). The pragmatic aspect of the theory lies in the fact that it is based on Searle's theory of speech acts and Grice's cooperative principle. Argumentation, then, is regarded as a *complex speech act*, comprised of *elementary* speech acts that belong to the category of assertives. The essential condition of the complex speech act of argumentation is that advancing that constellation of statements—i.e. the assertives that comprise it—counts as “an attempt by the speaker to justify *p*, that is to convince the listener of the acceptability of his standpoint with respect to *p*” (Eemeren and Grootendorst, 1992, p. 31). Thus, the perlocutionary effect that is associated with argumentation is that of *convincing* (1984, p. 47).

In the most mature form of the theory, the authors also combine Searle's and Grice's insights in order to propose an alternative to Grice's cooperative principle (Eemeren and Grootendorst, 2004, p. 76): the *communication principle*, which covers the general principles of *clarity, honesty, efficiency and relevance*.<sup>3</sup> This communication principle is the basis for five rules of the use of language that can be substituted for the Gricean maxims, and that forbid speech acts that are incomprehensible, insincere, redundant, meaningless, or not appropriately connected with previous speech acts (2004, p. 77).

What is of most interest here, however, is the dialectical aspect of the theory. Pragma-dialectics regards argumentative (or critical) discussions as discussions between a protagonist and an antagonist about a particular standpoint, where the protagonist attempts to defend her standpoint against the critical reactions of the antagonist (1984, p. 17; 2004, p. 1). The purpose of the discussion is the resolution of the difference of opinion, either in favour of the protagonist if the standpoint has been successfully defended—in which case the antagonist must retract her doubt—or in favour of the antagonist—in which case the protagonist must retract her standpoint (2004, p. 61).

The pragma-dialectic ideal model of a critical discussion consists of four *discussion stages* with which the discussants have to deal, either explicitly or implicitly (2004, pp. 60–61):

**Confrontation stage:** A difference of opinion or dispute arises when a standpoint is not accepted or the possibility is assumed that it will not be accepted.

**Opening stage:** The necessary conditions for a fruitful critical discussion are fulfilled in this stage, either explicitly or implicitly. The discussants find out how much common ground they share and establish the starting points of the discussion, the procedural rules of the discussion are agreed, and the roles of protagonist and antagonist are assigned.

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<sup>3</sup>Notice that the principle of honesty might be in tension with the pragma-dialectic principle of *externalisation*, according to which speculations about what the arguers “think or believe” should be avoided (1992, p. 10). I will not delve into that, however, because arguably speech act theory offers the possibility of making reference to the speaker's intentions and sincerity.

**Argumentation stage:** The protagonist advances argumentation intended to overcome the antagonist's doubts or refute the antagonist's critical reactions. The antagonist critically evaluates the protagonist's argumentation and may either accept it or react with further critical arguments, in which case the protagonist must provide further argumentation, and so on. As such, the antagonist merely casts doubt on the protagonist's standpoint, she does not defend the opposite standpoint nor any other standpoint.

**Concluding stage:** Both discussants establish the result of the discussion. The difference of opinion can only be considered to be resolved if the discussants agree either that the standpoint is acceptable or that the protagonist must retract it.

The previous model represents the simplest form of a critical discussion, that of a *single non-mixed* dispute—*single* because the disagreement concerns only one proposition, and *non-mixed* because only one standpoint has been adopted regarding that proposition. If the dispute is around more than a single proposition, it is *multiple*. If the antagonist not only reacts critically to the standpoint but also defends the opposite standpoint, it is *mixed*—in which case both roles of protagonist and antagonist are assumed by each discussant in relation to the respective standpoints (2004, pp. 119–120).

Eemeren and Grootendorst then established which speech acts are permitted in each stage of a critical discussion and which specific purpose they serve—beyond the general purpose of resolving the difference of opinion that they all must serve (1984, p. 105; 2004, p. 68). Of much more interest here, however, are the rules that the authors proposed as necessary for conducting a reasonable and fruitful discussion that leads to the resolution of the difference of opinion. In accordance with the principle of *externalisation* that guides pragma-dialectics, the rules do not apply to beliefs or psychological states but primarily to speech acts (2004, p. 135).

At the beginning, Eemeren and Grootendorst (1984) postulated a “code of conduct” with seventeen rules that specified in great detail which speech acts the discussants are entitled, prohibited or obliged to perform as well as the conditions of success for the protagonist and the antagonist. In (1992) the authors presented a

list of ten “rules for critical discussion” whose violation amounted to the commission of a fallacy. Finally, when the mature form of the theory was presented (2004), the previous seventeen rules evolved into a list of fifteen “rules for a critical discussion,” and the previous list of ten rules was incorporated, with slight modifications, as a “simple code of conduct for reasonable discussants” which was less technical “for practical purposes” (2004, p. 190).<sup>4</sup>

By way of illustration, it will be enough to present the list of ten rules, all of them prohibitions, which are also known as the “ten commandments:”

1. Discussants may not prevent each other from advancing standpoints or from calling standpoints into question.
2. Discussants who advance a standpoint may not refuse to defend this standpoint when requested to do so.
3. Attacks on standpoints may not bear on a standpoint that has not actually been put forward by the other party.
4. Standpoints may not be defended by non-argumentation or argumentation that is not relevant to the standpoint.
5. Discussants may not falsely attribute unexpressed premises to the other party, nor disown responsibility for their own unexpressed premises.
6. Discussants may not falsely present something as an accepted starting point or falsely deny that something is an accepted starting point.
7. Reasoning that in an argumentation is presented as formally conclusive may not be invalid in a logical sense.
8. Standpoints may not be regarded as conclusively defended by argumentation that is not presented as based on formally conclusive reasoning if the defence does not take place by means of appropriate argument schemes that are applied correctly.

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<sup>4</sup>For a more detailed account of the development of the pragma-dialectical rules, see Zenker (2007).



9. Inconclusive defences of standpoints may not lead to maintaining these standpoints, and conclusive defences of standpoints may not lead to maintaining expressions of doubt concerning these standpoints.
10. Discussants may not use any formulations that are insufficiently clear or confusingly ambiguous, and they may not deliberately misinterpret the other party's formulations.

Do the rules guarantee that the dispute will be resolved in a reasonable way? The authors make clear that, even though compliance with the rules is a necessary condition, it is not *sufficient* (2004, p. 134):

Of course, the rules cannot offer any guarantee that discussants who abide by these rules will always be able to resolve their differences of opinion. They will not automatically constitute a sufficient condition for the resolution of differences of opinion, but they are at any rate necessary for achieving this purpose.

What else is needed? The authors explicitly state that their rules constitute *first-order conditions* for conducting a critical discussion, and that there are also *higher-order conditions* that must be fulfilled (2004, p. 189). There are second-order conditions, relating to the psychological state of the participants, and third-order conditions, relating to the social circumstances in which the discussion takes place. Hence, as I will argue in the next section, pragma-dialectics leaves open the possibility of integrating a virtue approach into the theory.

### **5.3. The role of the arguers' character in the application of rules**

It is not entirely clear what precisely pragma-dialecticians regard as second-order conditions for a reasonable discussion. Sometimes it seems as if those "internal conditions" amount to little more than a willingness to comply with the rules of conduct (2004, p. 189):

Compliance with second-order conditions can to some extent be stimulated by education that is methodically directed at reflection on the first-order rules and understanding their rationale.

Other times the scope of the second-order conditions seems to be slightly broader, including proper motivations and the ability to engage with different points of view (Eemeren, 2015, p. 838):

Second order conditions concern the internal states of arguers: their motivations to engage in critical discussion and their dispositional characteristics as to their ability to engage in critical discussion.

Second order conditions require that participants be able to reason validly, to take into account multiple lines of argument, to integrate coordinate sets of arguments, and to balance competing directions of argumentation.

And, finally, it seems that when Eemeren and Grootendorst first developed the pragma-dialectical theory, they had a rather broad conception of the second-order conditions, a conception that included at least some *virtues*. The authors described the discussant who fulfils these internal conditions as a member of Popper's *Open Society* (Eemeren and Grootendorst, 1988, p. 287):

A member of the Open Society is anti-dogmatic, anti-authoritarian, and anti- *Letztbegründung*; in other words against monopolies of knowledge, pretensions of infallibility, and unfaltering principles.

It is safe to conclude, then, that there is room in pragma-dialectics for the integration of a virtue approach to argumentation. There is no need to present both theories as opposite accounts of the same thing: they are merely different approaches to argumentation, one concerned with first-order conditions and the other with second-order conditions.

In fact, given that the purpose of pragma-dialectics is the evaluation of argumentative discourse and the identification of fallacies, I regard as a virtue of the theory its principle of externalisation, according to which the focus is on “what people have expressed, implicitly or explicitly,” avoiding speculation about “what they think or believe,” given that “internal states of mind are not accessible” and that “it is not clear to what extent people can be held accountable” for them (1992, p. 10). That, however, should not make us ignore the fact that certain aspects concerning the psychological states of the arguers, even though they may not be relevant *to the evaluation of argumentative discourse*, are nevertheless very important to the practice of argumentation. The most obvious of these aspects is perhaps *bias*—which does not necessarily imply non-cogency of arguments or infringement of dialectical

rules. A theory whose main purpose centres around education and the formation of virtuous arguers—such as the virtue argumentation theory that I advocate—should no doubt have something to say about the arguers’ motivations and biases.

Let us see, then, what a virtue approach to argumentation could contribute to a rule-based dialectical theory such as pragma-dialectics. First of all, as the first quote of this section suggests, the appropriate application of pragma-dialectical rules may require a suitably motivated and virtuous character. This idea has already been advanced by Correia (2012), who points out that the reasonableness of argumentative discussions can be *unintentionally* undermined by the arguers’ cognitive biases. Given that such biases tend to be unconscious, Correia claims, mere knowledge of the rules and intentional efforts to follow them may prove insufficient.

Consider, for example, the seventh and the eighth commandments, which prescribe that arguments must be either logically valid—if presented as formally conclusive—or instances of the appropriate argumentative scheme correctly applied. In order to comply with these rules, the discussants must be capable of assessing the quality of the arguments they put forward. However, psychological research shows that we are not very good at that. One of the obstacles to the correct assessment of arguments, as Evans (2004) explains, is *belief bias*, the tendency to evaluate the quality of arguments according to whether we agree with the conclusion. For example, in an experiment that Evans presents, subjects were given syllogisms and they were asked to decide whether the conclusion necessarily followed from the premises. There were four kinds of syllogisms: valid syllogisms with either believable or unbelievable conclusions, and invalid syllogisms with either believable or unbelievable conclusions. It was shown that the acceptance of syllogisms with believable conclusions, either valid or invalid, was higher than the acceptance of syllogisms with unbelievable conclusions—only 56% of the subjects accepted valid syllogisms with unbelievable conclusions, whereas 71% of them accepted invalid syllogisms whose conclusions were believable. An explanation for this is belief bias (p. 139):

One idea is that people accept arguments uncritically if they agree with their conclusions, so they do not notice when believable conclusions are supported by invalid arguments and only check the logic when the conclusion is disagreeable.

A related and well-known human tendency is *confirmation bias*. This largely unconscious bias is responsible for the selective gathering of evidence that supports our own views (Nickerson, 1998, p. 177). The preferential treatment of evidence that supports a desired conclusion is also called *my-side bias*, and it has been considered as a *motivational* problem rather than a cognitive limitation (p. 178). Another aspect of confirmation bias does not concern the selection of evidence but the interpretation of evidence in a way that fits our previous views. Several studies show that “people tend to overweight positive confirmatory evidence or underweight negative disconfirmatory evidence” (p. 180). An extreme case of this tendency was an experiment that showed that “people sometimes interpret evidence that should count against a hypothesis as counting in favor” (p. 187).

It could be argued that the selective search for information that supports one’s view is consistent with an adversarial approach such as that of pragma-dialectics. However, when the effect of confirmation bias is to *give more weight* to evidence that counts in one’s favour, that could impede a proper appreciation of the quality of arguments—thereby obstructing compliance with the eighth commandment. Consider a famous study that Lord et al. (1979) conducted. The subjects in the study, who were either proponents or opponents of the death penalty, were given two fictitious studies, one that confirmed the deterrent effectiveness of the death penalty and another that disconfirmed it, and were asked to evaluate them. As expected, subjects evaluated as less convincing and of less quality the study that contradicted their initial beliefs.

For another example, take the first commandment, which forbids arguers from preventing each other from advancing standpoints or critical remarks. According to the way Eemeren and Grootendorst understood this rule, the abusive variant of the *ad hominem* argument constitutes a violation of it, given that when an arguer portrays another as “stupid, unreliable, inconsistent, or biased, one effectively silences him, because if the attack is successful he loses his credibility” (1992, p. 110). A number of psychological studies show, however, that a human tendency exists to regard others as less objective than ourselves, and that could make it difficult to effectively avoid that kind of personal attack. This bias is known as the *bias blind spot*: the tendency to recognise and even exaggerate bias in others but to deny the

effect of bias in ourselves. According to Pronin (2007, p. 39), this effect can be explained as the result of three components: unconscious bias, disagreement, and ego concerns. In the first place, the fact that biases are usually unconscious makes us prone to believe that our opinions and behaviour are not affected by bias—and that therefore our views are objective (Pronin, 2008, p. 1178). This happens because, in order to understand our own behaviour or opinions, we often rely too heavily on introspection (Ibid., p. 1177):

[...] we tend to perceive ourselves via “introspection” (looking inwards to thoughts, feelings, and intentions) and others via “extrospection” (looking outwards to observable behavior). In short, we judge others based on what we see, but ourselves based on what we think and feel.

People, for instance, are more prone to view the others as motivated by self-interest than to view themselves as so motivated (Pronin, 2007, pp. 37–38):

They assume that people who work hard at their jobs are motivated by external incentives such as money, whereas they claim that they personally are motivated by internal incentives such as feeling a sense of accomplishment.

The reason why we do not detect the effects of bias in ourselves is that introspection is not a reliable method for detecting bias (Pronin et al., 2004, p. 783):

Most of us are willing, at least on occasion, to entertain the possibility that our own judgments or decisions are tainted by bias. [...] However, when we entertain such possibilities of bias, we are unlikely to find any phenomenological trace of the bias in question.

In the second place, when disagreement with another person arises, our stance of “naive realism” (Ibid.), according to which our views reflect the world in an objective manner, leads us naturally to the belief that the other person must be biased. And, finally, given that considering oneself objective contributes to a positive image of oneself—and given the pejorative connotation of the word “bias”—a *motivation for self-enhancement* probably bolsters the bias blind spot as well (Pronin et al., 2004, p. 788).

It is easy to see how the bias blind spot can lead to direct personal attacks. Of course, the fact that we tend to believe that whoever disagrees with us is biased

does not immediately imply that such belief will be externalised in the form of an *ad hominem* argument. In order to comply with the pragma-dialectical code of conduct, an arguer could deliberately avoid accusing her interlocutor of being biased, partial or self-interested even if she firmly believes that the accusation holds. This, however, does not seem to me to be a realistic and practical solution; in many—perhaps most—cases, asking the arguers to restrain themselves from displaying their genuine attitudes towards their interlocutors may well be asking too much. Furthermore, such a way of concealing what the arguer truly believes about her interlocutor could arguably be regarded as behaviour that is at odds with the pragma-dialectical principle of honesty.

As Correia (2012, p. 231) points out, given that these biases are unconscious, arguers who fall prey to them cannot be said to have violated the principle of honesty. It seems, then, that something more is needed than honesty and effort in order to follow the pragma-dialectical rules. An approach to argumentation that deals with those kinds of biases should address the discussants' *dispositions* and *motivations*, at least if such an approach is intended to have a relevant influence on practice and education. Such an approach would provide some insight into the second-order conditions, concerning the internal state of mind and the character of the arguers, that—together with the third-order conditions, concerning the social context—precede and facilitate the fulfilment of the first-order conditions. It seems to me that a virtue approach to argumentation would be the most suitable theory for this purpose.

Some authors have already argued that a virtue theory is a fruitful framework that would allow us to address the problem of bias. Roberts and West (2015), for example, argue that a virtuous intellectual character might help correct some of the biases that make us prone to error. They propose two epistemic virtues that are corrective in this sense: self-vigilance and intellectual vitality. The virtue of self-vigilance relates to the suggestion that (p. 2563):

Some (at least) of the biases that undermine our epistemic reliability will be rendered less harmful by our recognizing that we are subject to them. [...] Thus, an appreciation of our own susceptibility to natural epistemic mishaps is the first aspect of the virtue of self-vigilance, and the empirical literature on cognitive defects ought to be an invaluable resource for our education in such appreciation.

In fact, Pronin (2007, p. 40) claims that, even though explaining to people the effects of biases produces scarce results, educating them about the lack of conscious awareness of these biases and about the limited value of introspection tends to eliminate the bias blind spot. Such education could no doubt contribute to the formation of the self-vigilant person, someone who “appreciates her susceptibility to natural epistemic failings” (Roberts and West, 2015, p. 2566). The virtue of intellectual humility could also help the arguer understand that she is unlikely to be more objective than the average person, and thus to counteract the natural stance of “naive realism.”

Intellectual vitality, on the other hand, is understood by Roberts and West as “the virtue corresponding to intellectual laziness” (p. 2570). It seems to me to closely resemble the virtue of willingness to inquire proposed by Hamby (2015, p. 77): “the firm internal motivation to employ one’s skills in the process of critical inquiry, seeking reasoned judgment through careful examination of an issue.” Intellectual vitality enables the virtue of open-mindedness (Roberts and West, 2015, p. 2571) and, by driving us towards the search for information and the consideration of both sides of an issue, could help us counteract the belief bias and the confirmation bias.

Lastly, consider the virtue of intellectual humility as it has been proposed by Ian James Kidd (2016). He characterises humility as “a virtue for the management of intellectual confidence—that is, confidence as it manifests in intellectual activities such as arguing, understanding, forming beliefs, and so on” (p. 396). Intellectual humility as Kidd conceives of it requires “discipline, active self-monitoring, receptivity to other persons, and a sense of the contingency and fragility of intellectual confidence” (p. 397). He holds that the practice of argumentation can contribute to the cultivation of intellectual humility insofar as argumentation is “conceived and practiced as an edifying discipline” that is “sensitive to psychological and social facts about the ways that anxiety, bias, confidence and other phenomena affect our capacity to engage in shared intellectual practice” (p. 401). He concludes (Ibid.):

Crucially, ‘good argumentation’ must be conceived to include certain virtues and, with them, certain styles of good agential intellectual conduct, in all its affective, bodily, and cognitive aspects.

## 5.4. The social foundation of argumentative norms

The previous section shows how, in my view, the compatibility between pragma-dialectics and a virtue approach to argumentation is clear in that pragma-dialectics explicitly acknowledges that the internal state of the arguers is a relevant topic for the argumentation theorist.<sup>5</sup> My contention in this section will be more theoretical, as opposed to my concerns about the applicability of the rules of discussion in the previous section. My arguments will perhaps also be considered more critical of the theoretical foundations of pragma-dialectics. In any case, I do not take what I will say in this section as substantial objections to the pragma-dialectical model of critical discussions. I will merely attempt to show that pragma-dialectics cannot stand on its own when it comes to offering a descriptively adequate explanation of the source of argumentative normativity. For that enterprise, pragma-dialectics can benefit from a virtue approach to argumentation that regards virtues as part of an evolving tradition, or at least so I will argue.

The central questions of this section will be: what is the source of pragma-dialectical rules? Where does their normative strength come from? Eemeren and Grootendorst (2004) claimed that the soundness of the rules of discussion derives both from their *problem validity*, the extent to which they contribute to the resolution of differences of opinion, and from their *conventional validity*, their acceptability to the discussants. Eemeren explains the two requirements as follows (2010, p. 32):

This means that the various components that together constitute a pragma-dialectical discussion procedure are to be checked, on the one hand, for their capability “to do the job” they are designed to do, namely for their adequacy for resolving differences of opinion, and, on the other hand, for their intersubjective acceptability to discussants—which can lend them conventional validity.

The criteria so stated do not seem to pose great problems. However, as I intend to show, when we get into the details things prove to be more complicated. Let us begin with the requirement of problem validity. Sometimes pragma-dialecticians put more emphasis on this requirement, rather than the criterion of intersubjective agreement. For example (Eemeren et al., 2000, p. 418):

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<sup>5</sup>It is, however, a forbidden topic for the arguers during the discussion.



The soundness of the pragmadialectical rules is first and foremost based on their *problem validity*: the fact that they are instrumental in resolving a difference of opinion.

Yet surely not *any* way of ending a difference of opinion is acceptable. For this reason, Eemeren and Grootendorst distinguished between “resolution” and “settlement” of a dispute (2004, p. 58). A dispute or difference of opinion is only resolved when “a joint conclusion is reached on the acceptability of the standpoints at issue on the basis of a regulated and unimpaired exchange of arguments and criticism,” while it is settled when the arguers agree to end it in any other way—by voting, say. In that sense, it does intuitively seem that the pragma-dialectical rules might be problem valid. Nevertheless, the question still remains, why precisely *these* rules and not others?

According to van Eemeren and Grootendorst (1988, p. 283), the best test for the problem validity of the system of rules is the extent to which “it is possible with each of the formulated discussion rules to indicate precisely which classical fallacies can be controlled through these rules.” Providing an account of the fallacies has been a main concern for pragma-dialecticians from the beginning, and the very definition of fallacy has been linked to the system of rules. It would seem, then, that the traditional list of fallacies serves as an external criterion. We soon realise though that this is not the case (Eemeren and Grootendorst, 1992, p. 105):

We think that all traditional categories have their proper place in our system, but even if one or more of the traditionally listed fallacies could not be analyzed pragmadialectically, this would not automatically mean that there is something wrong with the theoretical apparatus. It would be a mistake to treat the traditional list as a sacrosanct gift from heaven.

The last sentence constitutes, in my view, a very sensible standpoint. However, it creates complications for the theoretical status of pragma-dialectical rules. If fallacies are defined as violations of rules for critical discussion (2010, p. 194; 1992, p. 104) and the problem validity of the rules depends on their suitability for ruling out fallacies, the justification of the rules is then circular. *By definition*, the rules will necessarily be effective in avoiding fallacies. This circularity has recently been exposed by Popa (2016) in a very insightful article. He says (p. 197):

And yet, the problems solved by the pragma-dialectical rules come into sight only as negations of the rules themselves. In other words, the “problematic” character of the

situations in which the rules are violated seems to consist of the fact that the rules are being violated.

The requirement of problem validity, then, is only trivially fulfilled by pragma-dialectical rules. This does not really give us a solid justification of the rules. Nevertheless, perhaps there is hope in the requirement of conventional validity, according to which the arguers must accept the rules for critical discussions. I will now turn to this second criterion.

Conventional validity requires that the rules be accepted by the arguers (Eemeren et al., 2000, p. 418):

To resolve a difference of opinion, however, besides being effective, the rules must also be acceptable to the parties involved in the difference: They should be intersubjectively approved or “conventionally valid.”

I regard this emphasis on intersubjective acceptance as a merit of the theory. My objections will be, however, that pragma-dialecticians put too much weight on separate instances of argumentative discussions and on explicit agreement.

Several authors, such as Siegel and Biro (2008) and Tindale (1996), have argued that participants in an argumentative discussion enjoy too much freedom to determine which rules will be acceptable in the discussion in which they engage. As Tindale (p. 26) observes, sometimes van Eemeren and Grootendorst emphasised the existence of objective criteria, but other times they seemed to put more emphasis on agreement between the discussants. A matter of concern, for example, has been the fact that according to the pragma-dialectical model the discussants are free to determine the starting points of the discussion. This could lead to agreement on a quite unreasonable standpoint, as Siegel and Biro point out (p. 194):

For example, if you and I are white racists and are engaged in a critical discussion about the wisdom of voting for a black candidate—I plan to vote for him because, despite his skin color, he reminds me of my father, say—your reminding me of my general attitude concerning the abilities of blacks, in moves that comport perfectly well with the pragma-dialectical rules, might well resolve our difference of opinion in accordance with rules we both accept, but my new belief that I should not vote for this candidate is still not justified by my racist prejudices, despite our agreement on the matter and the appropriateness of the procedure by which I arrived at it.

I believe, however, that good answers have been provided to this objection. Eemeren (2012, p. 453) writes that the pragma-dialectical theory is “neither a ‘positive’ branch of study like physics, chemistry, or history, nor equivalent with pools of intellectual reflection like ethics, epistemology, rhetoric or logic.” Pragma-dialectics is then solely concerned with the resolution of differences of opinion by reasonable means, not with the epistemological or ethical value of the standpoint agreed by the discussants. In the same vein, Garssen and van Laar (2010, p. 127) argue: “We leave it up to the various disciplines to provide methods and criteria that help scholars to assess the acceptability of premises, and we leave it up to individual disputants to create what they conceive of as an appropriate common ground.” But this response would only dispel Siegel and Biro’s accusation of relativism if, as Garssen and van Laar hold (*Ibid.*), what depends on the agreement of the discussants is merely the material starting points and not the rules for critical discussions. And it seems that the rules themselves are agreed on by the discussants as well.

According to the pragma-dialectical critical-rationalist perspective on reasonableness, argumentation is acceptable when it is “an effective means of resolving a difference of opinion in accordance with discussion rules *acceptable to the parties involved*” (Eemeren and Grootendorst, 2004, p. 16, my emphasis). Likewise, the authors explain that in the opening stage the arguers establish their common ground, “which may include *procedural commitments* as well as substantive agreement” (p. 60, my emphasis). In fact, agreement on the procedural rules is explicitly stated in rule 5 (p. 143):

The discussants who will fulfill the roles of protagonist and antagonist in the argumentation stage agree before the start of the argumentation stage on the rules for the following: how the protagonist is to defend the initial standpoint and how the antagonist is to attack it, and in which case the protagonist has successfully defended the standpoint and in which case the antagonist has successfully attacked it. These rules apply throughout the duration of the discussion, and may not be called into question during the discussion itself by either of the parties.

There is more. According to rule 7, the success of an attack or a defence of the justificatory or the refutatory force of a complex speech act of argumentation depends on whether it is validated by the “intersubjective testing procedure” (p. 150). This procedure consists in checking whether an argument scheme that has been used is acceptable by the parties. Hence, the parties must have agreed beforehand

on “which argument schemes may and may not be used,” and it is explicitly stated that “the discussants are free to decide on this” (p. 149).

In a reply to his critics, Eemeren (2012, p. 453) says that their mistake lies in supposing that “the propositions and types of inferences initially agreed upon drop out of the sky.” Indeed, Eemeren and Grootendorst (1992) acknowledged that “these rules may have been established in the community long before the discussants first met.” I believe that this is the key to finding a way out of this predicament. The authors (2004, p. 142) stated that, when the discussants do not explicitly agree on the rules of the discussion but instead tacitly assume that they accept roughly the same rules, then they “assume that they are bound by *conventions*.” The appeal to implicit social conventions would be, in my view, the appropriate response to the aforementioned objections. But then, what is the benefit of focusing so much on *explicit* agreement in the ideal model? And why would the discussants have the last word, having the possibility of rejecting firmly established rules or accepting bizarre ones? Pragma-dialecticians’ appeal to conventions seems to lose all its force when Eemeren and Grootendorst (2004, p. 143) stress that: “The rules apply as long as *this* discussion between *these* discussants continues.”

Having shown that the requirement of problem validity is circular, my contention is that the pragma-dialectical rules must be assessed according to their conventional validity. However, as we have seen, the rules place an undue emphasis on what the particular arguers in a particular discussion decide to do. Where, then, does the intersubjective acceptability lie? In discussing the validity of pragma-dialectical rules, Hansen (2003, p. 61) makes an illuminating remark:

In this way, then, the concept of a “critical discussion” gives rise to the rules, and the rules are constitutive of Critical Discussions as a normative model. I think this is really a large part of the explanation: the idea of a critical discussion gives rise to the need for regulation (that is, for rules) and as individual rules are identified and added to the list, the concept of a critical discussion comes into sharper relief. The Pragma-Dialectical rules I quoted above define “Critical Discussion” at its present state of philosophical evolution.

Thus, the rules are intended to capture the concept of critical discussion that is already present, even if *implicitly*, in our society. This (evolving) conception of what a critical discussion is, which is no doubt moulded and enriched by philosophical thought, is what tacitly imposes constraints on particular arguers in particular

discussions—if the arguers decide to follow rules that clash with our idea of critical discussion, they can be said to be arguing poorly or even not to be arguing at all. Therefore, in ordinary circumstances, procedural rules are never explicitly agreed on—neither by particular discussants nor by their community—but are instead an implicit part of a *tradition* (Cohen, 2013b, p. 474). Being optimistic, one could say that our present concept of critical discussion mirrors what we, as a society, have learnt so far. The merit of pragma-dialectical theory is that it makes explicit what is only implicit and diffuse. It is against this concept of critical discussion that the validity of pragma-dialectical rules must be assessed. As Aberdein (2010, p. 169) writes: “The practice comes first, and the rules strive to capture what makes it effective.”

Virtue theories are usually sensitive to this cultural background of norms. MacIntyre (2007) famously advocated a conception of virtue that is inextricably linked to social practices. And Annas (2011, p. 52), for example, says:

The present account of virtue insists on the fact that virtue is understood in part by the way it is learnt, and that it is learnt always in an embedded context—a particular family, city, religion, and country.

Hence, a virtue approach to argumentation could not only complement the pragma-dialectical model of critical argumentation for practical (educational) purposes, as contributing to the fulfilment of the second-order conditions, but also provide a theoretical foundation for the pragma-dialectical rules. Rules would be, then, grounded in social practices, from which their normative strength stems. There is, of course, still much to be explained, but I believe the suggestion is promising. I do not know to what extent pragma-dialecticians could accept what has been proposed in this section. At any rate, as I have emphasised throughout this article, I do not regard my criticism as a fundamental attack on pragma-dialectics, nor do I believe that pragma-dialectics and virtue argumentation theory are opposite approaches.

## 5.5. The other side of the coin

So far I have focused on the elements that pragma-dialectics could adopt from a virtue approach to argumentation. But, what about the adjustments that virtue

argumentation theory should make in order to adapt to pragma-dialectics? In this section, I will briefly introduce some remarks about what, in my view, pragma-dialectics could teach virtue argumentation theory, and what the status of virtue argumentation theory would be. Since this is not the main topic of the paper, I will not be able to develop it in detail, but it can be fruitful to offer a few indications. Notice, however, that, whereas in the rest of the article I attempted to adopt a general perspective of a virtue approach to argumentation, in this section I will need to rely on some features of the kind of virtue argumentation theory that I envisage.

First of all, should pragma-dialectics impose some limitations on virtue argumentation theory? I have not addressed this complementary part of the relationship between the two theories because of the modest scope of this article, but, in fact, I believe there are some limitations for virtue argumentation theory. For the sake of brevity, I will give only one example that I consider particularly important. As we saw in the previous sections, the pragma-dialectical principle of externalisation forbids references to the arguers' state of mind; the focus is on "what people have expressed, implicitly or explicitly," avoiding speculation about "what they think or believe" (Eemeren and Grootendorst, 1992, p. 10). I believe there are very good reasons for upholding this principle—at least *as a general rule*. If nothing prevented the arguers from freely referring to the other's state of mind, that could easily lead them to ignoring the actual arguments put forward by the other arguer and resorting to *ad hominem* attacks instead. Argumentation theory should not regard that as a legitimate move. But, what are the consequences of this principle for a virtue approach, whose main interest is precisely the arguers' character and state of mind?

Aberdein has argued that, in fact, virtue argumentation theory could shed light on the issue of when an *ad hominem*—or, as he calls it, *ethotic*—argument is legitimate. His proposal is (2010, p. 171):

Virtue theory may contribute a simple solution: negative ethotic argument is a legitimate move precisely when it is used to draw attention to argumentational vice. (Similarly, positive ethotic argument would be legitimate precisely when it referred to argumentational virtue.)

However, as Bowell and Kingsbury (2013, p. 26) point out, *ad hominem* arguments can be legitimate when they are used to cast doubt on a claim, but they

cannot legitimately be used in order to reject an argument.<sup>6</sup> Godden's (2016) contention that considerations of character are not relevant to the evaluation of arguments points in the same direction. I believe that, in general, these authors are right. An intellectually arrogant, dogmatic, or close-minded person can in fact produce a good argument, so what *determines* the quality of the argument is not the arguer's traits. To be sure, a virtue approach to argumentation could *define* a good argument as one that a virtuous arguer arguing virtuously would produce (Godden, 2016, p. 349). But, in order to evaluate the *actual* argument put forward in a specific instance, the *actual* arguer's traits tend to be irrelevant.

I have emphasised that the pragma-dialectical principle of externalisation holds *as a general rule*. Admittedly, there are cases in which the arguer's traits are relevant to the evaluation of the argument. For example, when assessing some defeasible arguments, sometimes the arguer must be trusted to provide all the relevant evidence and not to conceal anything from us. Hence, it is not a rule without exceptions. Nevertheless, the core evaluation of the argument is still made on the basis of characteristics of the argument—it is the kind of argument that tells us whether and in what respects the arguer's traits count. Some of the arguer's traits may turn out to be relevant, but it is not the case that reference to argumentative virtue or vice is always relevant.

It seems, then, that in most cases virtue argumentation theory should respect the pragma-dialectical principle of externalisation and, as a consequence, contrary to Aberdeen's claim, not take over the task of argument evaluation. Even allowing for exceptions, the principle of externalisation should function as a general rule that forbids arguers to refer to each other's traits in the assessment of arguments that do not require such references.<sup>7</sup>

Given all the above, what would the status of virtue argumentation be? My

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<sup>6</sup>Bowell and Kingsbury say that it is *never* legitimate to do so. I do not endorse such a strong claim, but the weaker one that *in general* it is not legitimate. Aberdeen (2014) provides several examples in which considerations of character might be relevant in order to accept or reject an argument.

<sup>7</sup>Another way of looking at this issue could be to hold that the only variant of virtue argumentation theory that is compatible with pragma-dialectics is the *modest moderate*, in Paglieri's (2015, p. 77) terms: "cogency is necessary, albeit not sufficient, for argument quality, and moreover it is an aspect of quality that does not require considerations of character to be established." It is certainly the variant of virtue argumentation theory that I am defending here.

arguments in section 5.3, where I argued that a virtue approach to argumentation could explain the second-order conditions of the pragma-dialectical theory, as well as my arguments in the present section, might seem to suggest that such a virtue approach would merely be a complement of pragma-dialectics. That, however, is due to the fact that, in my view, whereas concrete discussions are the proper domain of pragma-dialectics, a virtue approach to argumentation would have a different and broader scope. Intellectual vices such as intellectual arrogance or close-mindedness, as well as intellectual virtues such as intellectual humility or fair-mindedness, clearly influence how an arguer will behave during a discussion, but those traits cannot be understood only within the boundaries of a concrete discussion. What happens in that person's intellectual life between one discussion and the next is relevant to a virtue approach to argumentation. Moreover, the education that the person has received and the habits that she has acquired must be part of the explanation of these traits—of how the person developed into the kind of arguer she is now. Thus, virtue argumentation theory is in a better position than pragma-dialectics to provide insights into the development of virtues (Annas, 2011) and into the meaning and relationship of virtues to human life (MacIntyre, 2007).

To conclude with another example, the fact that the scope of virtue argumentation theory would predominantly include argumentative habits throughout a person's life makes this theory apt to address an issue that pragma-dialectics leaves out of its range of competence. Pragma-dialectical rule 1 grants the discussants an unconditional right to put forward any standpoint and to call into question any standpoint. As the authors themselves admit, such a rule allows for an allegedly vicious behaviour (Eemeren and Grootendorst, 2004, pp. 136–137):

A consequence of the unconditional rights that are granted the discussants under rule 1 is, for example, that a discussant who has just lost a discussion in which he defended a particular standpoint against another discussant reserves the right to put forward *the same* standpoint to *the same* discussant again. This even applies to a discussant who has first successfully defended a particular standpoint and then proceeds to call it into question or to defend the opposite standpoint. Of course, it is debatable whether the other discussant will be prepared to begin a new discussion with such an idiosyncratic or unpredictable discussant, and also whether it is reasonable to expect him to do so.

Indeed, nothing in pragma-dialectical rules precludes the possibility that the discussants revert back to their previous beliefs once the discussion has ended,



whatever the result of the discussion was, and even to initiate the same discussion again. In my view, such a behaviour would not only be “idiosyncratic” and “unpredictable;” it would in fact be argumentatively vicious. Virtue argumentation theory, on the other hand, is interested in the person’s long-term argumentative behaviour. Whether the person adjusts her beliefs to the reasons presented during a discussion—as well as whether the person’s beliefs display some consistency throughout different discussions—are matters relevant to whether that person can be regarded as a virtuous arguer. Therefore, a virtue approach to argumentation could offer some insight into issues related to argumentative habits, such as the one just mentioned.

## 5.6. Conclusion

Nowadays pragma-dialectics is probably the most systematic, detailed and best developed rule-based dialectic approach. For this reason, I have taken it as the paradigm of a theory of argument as process. My main objective has been to elucidate what the relation would be between a virtue approach to argumentation and the pragma-dialectical theory. For, given that virtue theories focus on the agent and her character, it becomes necessary to explain how they relate to actions and behaviour.

As I hope to have shown, virtue argumentation theory and pragma-dialectics would not be opposite theories of the same thing. Pragma-dialectics is a theory of evaluation of argumentative discourse—a task for which virtue argumentation theory is, in my view, much less apt.<sup>8</sup> A virtue approach to argumentation could complement pragma-dialectics by providing some insight into the second-order conditions concerning the arguers’ character and state of mind. Moreover, even though pragma-dialecticians might regard this proposal as a modification of their theory, virtue argumentation theory could contribute to the justification of pragma-dialectical rules by explaining the social and cultural character of our ideas

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<sup>8</sup>Not all virtue argumentation theorists would agree with this, however. As Paglieri (2015) shows, some proponents of a virtue approach to argumentation hold that the quality of arguments is not determined by the informal logicians’ notion of cogency—the *radicals*—and others hold that a virtue approach to argumentation can explain cogency—the *ambitious moderates*.

of critical discussion and of a virtuous arguer on which the rules are based. On the other hand, what pragma-dialectics provides—and a virtue approach to argumentation cannot—are detailed rules that make explicit what is only implicit in our conception of what arguing reasonably (virtuously) is.

## RESPONSIBILIST AND RELIABILIST VIRTUES

### 6.1. Introduction

A great part of the interest in a virtue approach to argumentation comes from the prospects of addressing certain aspects of argumentation for which more traditional, act-based approaches seem to be less apt. Whether the arguer is biased or whether the arguer displays open-mindedness are examples of issues for which virtue argumentation theory seems to be the most appropriate approach. It has been argued, however, that virtue argumentation theory could not be a complete theory, for the question of whether an argument should be considered good or bad still depends on the qualities of the argument itself, not the arguer's traits (Bowell and Kingsbury, 2013; Godden, 2016). I agree with the critics that virtue argumentation theory should not be intended to replace the standard notion of cogency, or to define it in virtue-theoretic terms. The version of virtue argumentation theory that I advocate, then, is *modest moderate*: “cogency is necessary, albeit not sufficient, for argument quality, and moreover it is an aspect of quality that does not require considerations of character to be established” (Paglieri, 2015, p. 77).

Does that mean that a virtue approach to argumentation has nothing to say about the kinds of arguments that virtuous arguers put forward? Would it be possible, from the perspective of virtue argumentation theory, that a virtuous arguer

systematically produced bad arguments? One of the main purposes of this chapter is to rule out this possibility. Even though cogency must be determined by an evaluation of the product—i.e. the argument—I will argue that the skills related to the production of good arguments can be integrated as virtues into virtue argumentation theory. Thus, although virtue argumentation theory will not cover argument evaluation, it will acknowledge and incorporate the skills that make an arguer reliably produce cogent arguments. This will give us a more complete characterisation of the virtuous arguer—and one that acknowledges the importance of informal logic skills.

In the following sections, I will present the two different accounts of epistemic virtues that the two main perspectives in virtue epistemology provide. I agree with Battaly (2008) that these two varieties of virtue epistemology, the *reliabilist* and the *responsibilist*, are not in fact two opposite accounts of the same thing, but two perspectives that shed light on different aspects of epistemic practice. I will argue that, if this is transferred to argumentation theory, we have again two different kinds of virtues that account for two different aspects of argumentative virtue. One of these kinds of argumentative virtues will explain the informal logic skills that the virtuous arguer must have; the other kind of argumentative virtues will account for the character-based, ethical traits that the virtuous arguer must cultivate and display. After outlining the meaning of these terms in virtue epistemology in the following section, in section 6.3 I will propose a characterisation of two kinds of argumentative virtues on the basis of the two kinds of epistemic virtues.

## 6.2. Virtues in virtue epistemology

After the rebirth of virtue ethics in the 20th century, the possibility was considered that a virtue approach to epistemology could help solve some of the fundamental problems that challenged other epistemological theories. In 1980, Ernest Sosa published his article *The raft and the pyramid: Coherence versus foundations in the theory of knowledge*, where he criticised coherentist and foundationalist accounts of knowledge and concluded with the proposal of a *reliabilist* account based on *intellectual virtues*. His proposal was agent-based in the sense that justification was grounded primarily in virtues (1980, p. 23):

Here primary justification would apply to *intellectual* virtues, to stable dispositions for belief acquisition, through their greater contribution toward getting us to the truth. Secondary justification would then attach to particular beliefs in virtue of their source in intellectual virtues or other such justified dispositions.

Since then, Sosa has developed a theory that follows the tradition of reliabilism in epistemology, but instead of focusing on reliable processes, as traditional reliabilism does, he focuses on reliable *faculties*. He criticises the traditional sort of reliabilism that relies on processes of belief acquisition or retention because such an approach to epistemology must face several problems, for example that of how to individuate processes in a way that does not allow the consideration of too specific and artificial processes that can only produce one output ever or that necessarily produce true beliefs (2000, pp. 19–20). Instead Sosa’s reliabilism is grounded in our faculties—that is, dispositions or competences. Faculties or intellectual virtues<sup>1</sup> are reliable only relative to a field and a set of normal conditions. So we have the following definition of intellectual virtue in Sosa’s account (Ibid., p. 25):

Let us define an intellectual virtue or faculty as a competence in virtue of which one would mostly attain the truth and avoid error in a certain field of propositions F, when in certain conditions C.

What kind of intellectual virtues does Sosa have in mind? He does not restrict them to the Aristotelian sense of virtues as dispositions based on deliberate choices, given that surely many of our beliefs are not deliberate choices. Rather, he says (1991, p. 271): ‘there is a broader sense of “virtue,” still Greek, in which anything with a function—natural or artificial—does have virtues.’ He distinguishes between two broad sorts of faculties that lead to beliefs: *transmission* faculties take other beliefs already formed as input, whereas *generation* faculties do not (1991, p. 225). Among the former he mentions faculties such as deductive reason and memory. Generation faculties, on the other hand, are intuitive reason, perceptual faculties, and introspection, among others. These are all examples of natural faculties, which Sosa calls *fundamental* virtues, but he also takes into account *derived* virtues that are more similar to acquired skills (1991, p. 278): “*Derived* virtues are virtues acquired by use of the more fundamental as when one learns how to read and use an instrument through a friend’s teaching or through reading a manual or through

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<sup>1</sup>Sosa seems to use both terms interchangeably, at least in his early articles.

empirical trial and error methods.” Nevertheless, his early work focused almost exclusively on the natural virtues, and this seems understandable given his definition of intellectual virtue in terms of reliability.

Sosa is mainly interested in traditional epistemological issues such as the definition of knowledge, the Gettier problem, and the sceptical challenge. And, indeed, his virtue reliabilist theory contains the resources to provide a plausible definition of knowledge. Instead of simply defining knowledge as justified true belief, Sosa distinguishes between animal and reflective knowledge. Apt belief, that is, belief that is acquired “*correctly* (with truth) through the exercise of a competence in its proper conditions” (2007, p. 33), constitutes animal knowledge if true. If the belief is produced by intellectual virtues or faculties—here, competences—then that is enough for animal knowledge. The more demanding reflective knowledge, however, requires “apt belief that the subject aptly believes to be apt, and whose aptness the subject can therefore defend against relevant skeptical doubts” (Ibid., p. 24).<sup>2</sup>

Another proponent of this variety of virtue epistemology is John Greco (1999). He calls his theory *agent reliabilism* because, instead of considering reliable processes, as traditional reliabilism does, he holds that “knowledge and justified belief are grounded in stable and reliable cognitive character” (p. 287). That is, he makes the same move as Sosa. Furthermore, just as Sosa does, Greco takes into account both natural faculties, such as accurate vision, and acquired habits, such as methods of inquiry. However, Greco also allows for proper motivations in his account, or what he calls “conscientious thinking” (p. 290).

As in the case of Sosa, Greco’s main concern is providing a definition of knowledge and addressing the problem of scepticism, among others. He argues that a reliabilist approach that relies on cognitive dispositions can solve many of those problems. Thus, he offers the following definition of subjective justification, that could be the basis of a definition of knowledge (p. 289):

A belief *p* is subjectively justified for a person *S* (in the sense relevant for having knowledge) if and only if *S*’s believing *p* is grounded in the cognitive dispositions that *S* manifests when *S* is thinking conscientiously.

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<sup>2</sup>It is Sosa’s characterisation of intellectual virtues that most interests me here. The details of his theory of knowledge can be mentioned only briefly.

On the other hand, a few years after Sosa published his foundational article, Lorraine Code presented the *responsibilist* variety of virtue epistemology. Although she supported Sosa's overall project of focusing on the epistemic agent and intellectual virtues, she nevertheless proposed a slightly different perspective (1984, p. 39):

I call mine a 'responsibilist' position in contradistinction to Sosa's proposed 'reliabilism', at least where it is human knowledge that is under discussion. This is because the concept 'responsibility' can allow emphasis upon the active nature of the knower/believer that the concept 'reliability' cannot.

Indeed, even though Code does not deny that the epistemically virtuous person must be reliable, she sets reliability aside and chooses to focus instead on other important aspects of epistemic virtue. She claims (1984, p. 41):

To be intellectually virtuous is not just to have a good score in terms of cognitive endeavours that come out right. It is much more a matter of orientation toward the world, and toward one's knowledge-seeking self, and other such selves as part of the world.

Moreover, Code is not as interested as Sosa and Greco are in providing a definition of knowledge or in solving problems like those of Gettier and of scepticism.<sup>3</sup> Intellectual virtue, she argues, is of central relevance to judging a knowledge claim, but the fact that a person is intellectually virtuous does not automatically make her belief an instance of knowledge (p. 29). Intellectual virtues bear on our attitudes and our ways of relating to the world more than on the content of our knowledge claims (pp. 52–53).

Instead, she takes the characterisation of the epistemically virtuous character as her central concern. In her essay *Epistemic Responsibility*, where she develops her epistemological approach, she provides a broad picture of what being intellectually virtuous means. In order to do that, she uses examples and narratives, rather than abstract definitions. She emphasises the role of responsibility, which is, according to her, "a central virtue from which other virtues radiate" (1987, p. 44). She also discusses epistemological issues in relation to ethics, understanding, and especially the role of epistemic communities. Knowledge, she argues (p. 167), is a common

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<sup>3</sup>"A theory of intellectual virtue cannot offer an easy calculus for assessing knowledge and belief claims." (Code, 1984, p. 47)

achievement, and her epistemological theory stresses the importance of interdependency, testimony, and trust. Her approach, then, is not so much focused on isolated beliefs and instances of knowledge as it is in cognitive practice (p. 8):

My emphasis upon cognitive *activity* is intentional and important. The major contrast between the line of approach to be developed here and the predominant tradition is in the way this new position moves away from a concentration upon products, end-states of cognition. It turns, instead, to an examination of process, of efforts to achieve these end-states.

Thus, the kind of virtues that Code considers are not natural faculties that make us reliable knowers, but those that influence the choices we make and the habits we develop, such as intellectual honesty, integrity, wisdom, and prudence. One of the reasons why she emphasises this kind of intellectual virtues, rather than natural faculties such as accurate vision, is that according to her, traditional approaches to epistemology have focused on excessively simple and rare instances of knowledge—like seeing a hand or doorknob (p. 7)—and have neglected the complexity of most of our actual knowledge, which *requires* responsibilist virtues.

Roberts and Wood (2007) present an approach to intellectual virtue that is similar to Code's in these respects: they call their approach *regulative* epistemology, for their purpose is to provide guidance for epistemic conduct, as contrasted with *analytic* epistemology, whose aim is to produce theories of justification, knowledge, and the like (pp. 20–21). They develop an account of intellectual virtue that emphasises the role of human *will* and *motivations*, and consequently the kind of virtues that they discuss is similar to Code's: intellectual courage and caution, humility, firmness, practical wisdom, but also love of knowledge, autonomy and generosity.

These approaches to virtue epistemology that do not aim to produce a definition of knowledge have been called by Heather Battaly (2008) virtue *anti-theories*, as opposed to virtues *theories*.<sup>4</sup> She distinguishes, then, between two kinds of virtue theorists (p. 640):

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<sup>4</sup>It seems to me that Battaly's terminology is biased in that it implies that an epistemological theory *must* include a definition of knowledge. But, in my view, a theory that focuses in the analysis of epistemic virtues *is* a theory, even if it is not a definition of knowledge. Nevertheless, Roberts and Wood seem to be comfortable with the assumption that they are not strictly speaking offering a theory (2007, p. 26): "In light of what mostly counts as theory among philosophers today, we prefer to say that we are offering no theory."



- Some construct *theories* which define or otherwise ground knowledge and justified belief in terms of the intellectual virtues.
- Others, *anti-theorists*, shun formulaic connections between the virtues and knowledge, but argue that the intellectual virtues are the central concepts and properties in epistemology and warrant exploration in their own right.

What we have seen so far seems to suggest that responsibilist virtue theorists tend to be virtue anti-theorists in Battaly's sense. Indeed, some authors have argued that one of the merits of this variety of virtue epistemology is precisely that it allows us to address epistemological issues that more traditional theories usually overlook. Roberts and Wood argue that (2007, p. 20): "The concept of an intellectual virtue invites us to a new way of thinking about epistemology, but one that has, up to now, not been far pursued." In a similar vein, Christopher Hookway (2003) holds that virtue epistemology has the potential to draw our attention to important and previously neglected aspects of our epistemic activity, such as those related to "well-regulated inquiries and theoretical deliberations" (p. 194), thus showing that the analysis of knowledge and true belief may not be *the* fundamental concern of epistemology after all.

That is not always the case, however. One of the most prominent responsibilist virtue theorists, Linda Zagzebski (1996), aims to provide a proper definition of knowledge and to solve Gettier problems. Following Code—and Aristotle—Zagzebski regards virtues as acquired traits of the epistemic agent, and she therefore excludes natural faculties (pp. 102–103). She is interested in those qualities of people for which they are responsible (p. 104): "A virtue is a deep quality of a person, closely identified with her selfhood, whereas natural faculties are only the raw materials for the self." Even though she includes a component of reliability in the intellectual virtues, a certain *motivation* is also required (p. 166): "the individual intellectual virtues can be defined in terms of motivations arising from the general motivation for knowledge and reliability in attaining the aims of these motives." Now, from that conception of the virtues, she presents a simple definition of knowledge as "a state of belief arising out of acts of intellectual virtue" (p. 271), where "act of intellectual virtue" is defined as follows (p. 270):

*An act of intellectual virtue A* is an act that arises from the motivational component of *A*, is something a person with virtue *A* would (probably) do in the circumstances, is successful in achieving the end of the *A* motivation, and is such that the agent acquires a true belief (cognitive contact with reality) through these features of the act.

Defining knowledge on the basis of intellectual virtues as acquired excellences solves, according to Zagzebski, a problem that affects virtue reliabilism: the *value* problem. It is widely agreed that knowledge has more value than mere true belief. However, Zagzebski holds that reliabilism cannot explain why this is so. She explains this with an analogy (2000, p. 113):

A reliable process is good only because of the good of the product of the process. A reliable espresso-maker is good because espresso is good. A reliable water-dripping faucet is not good because dripping water is not good. Reliability per se has no value or disvalue. Its value or disvalue derives solely from the value or disvalue of that which it reliably produces. [...] Similarly, a reliable truth-producing process is good because truth is good.

The conclusion is that a belief acquired through a reliable process, if true, is no better than a true belief acquired otherwise. The same happens, she says, with reliable faculties (p. 115). Processes and faculties are good to the extent that their products are good. Zagzebski admits that reliability is no doubt important, but she adds that by itself reliability cannot explain why knowledge is better than accidentally true belief. “Non-accidentality is not valuable enough to give us the value we think knowledge has” (p. 117). Reliabilism seems to focus on truth and does not allow for further value. Her definition of intellectual virtues, however, contains a reliability component *and a motivation component*. The motive to get the truth, in her conception of intellectual virtues, is intrinsically good and this goodness transfers from the agents to their beliefs. Thus, this explains why knowledge is better than mere true belief.

I do not know to what extent this criticism of reliabilism succeeds. Sosa has provided an answer that might help reliabilism avoid the value problem.<sup>5</sup> In any case, I am drawing attention to Zagzebski’s criticism because, interestingly, it could be an important insight if applied to argumentative virtues. For, in fact, it seems

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<sup>5</sup>Sosa argues that “the value of apt belief is no less epistemically fundamental than that of true belief” (2007, pp. 87–88). He contrasts the example of the coffee maker with examples of a ballerina and of an archer, where it seems that we would value the performance less were it not a manifestation of skill.

plausible that an accidentally produced *argument* is no less valuable than a reliably produced *argument*. In the next section, I will apply this idea in order to characterise a certain kind of argumentative virtues.

Zagzebski's definition, however, does not seem to rule out Gettier-type counterexamples, as she intends it to do (Battaly 2008, p. 654; Roberts and Wood 2007, pp. 12–13). What is worse, even though one of the merits of the definition is that it takes into account complex and interesting instances of knowledge, including scientific knowledge, it seems to leave out very simple cases. Consider the following (Roberts and Wood, 2007, p. 10):

I am sitting in a room at night with the lights blazing, and suddenly all the lights go out. Automatically, without reflection or any other kind of effort, I form the belief that the lights have gone out. Clearly, I *know* that the lights went out, and it didn't take any act of intellectual courage, humility, attentiveness, perseverance, or any other virtue to do so.

Hence, it seems that, whatever the merits of the responsibilist variety of virtue epistemology, offering an adequate definition of knowledge does not seem to be one of them. As Roberts and Woods write (Ibid.): “the kind of virtue that Zagzebski makes central has potential for deepening and humanizing epistemology, but little potential for the routine epistemological goal of e-defining [that is, giving sufficient and necessary conditions for] knowledge.”

In conclusion, let us put some order in what we have seen in this section. The main points that I would like to emphasise in order to make sense of argumentative virtues in the next section are the following:

1. The value problem identified by Zagzebski suggests that, in the case of reliabilist virtues, primary value is attached to the quality of the products (beliefs), and secondarily to the virtues only to the extent that they lead to valuable products.
2. Responsibilist virtues, on the other hand, do not seem to provide a firm and broad enough basis for a definition of knowledge—in terms of necessary and sufficient conditions. It does not fare well in very simple cases of low-grade knowledge.

3. However, responsibilist virtues are most adequate for more complex cases of knowledge that involve epistemic *activity* rather than perceptual *passivity*, and that have been neglected in the past. Virtue responsibilism broadens our understanding of our overall epistemic life and draws our attention to issues that have been ignored by traditional epistemology—which was focused on rather simple beliefs such as “this is a hand” and “that is red.”

### 6.3. Two kinds of argumentative virtues

In the previous section, I have provided a picture of the strengths and weaknesses of both varieties of virtue epistemology—reliabilist and responsibilist virtue epistemology. I am not claiming that it is an accurate picture of the respective merits of each theory—I hope it is, at least to a significant extent, but that is not crucial for the purposes of this article. Rather, my claim is that *that picture* provides us with a way to understand the argumentative virtues by analogy with *that depiction* of the differences between reliabilist and responsibilist virtue epistemology. In this section, I will argue that such an analogy may be useful for virtue argumentation theory.

In considering whether virtue reliabilism or virtue responsibilism is correct, Baty (2008; 2015) argues that both are, since both identify intellectual virtues that are relevant to knowledge. Virtue reliabilism, she proposes, can account for low-grade knowledge, where the epistemic agent needs little more than reliable faculties in order to passively receive inputs, while virtue responsibilism is more adequate for high-grade knowledge, where active inquiry is necessary (2008, p. 661). This seems to be a reasonable and fruitful proposal, and I suggest that, similarly, considering two kinds of virtues in argumentation may help us solve some problems of virtue argumentation theory and would give us a rich and interesting picture of argumentative practice. On the one hand, we want to say that the virtuous arguer is someone who *reliably* produces good arguments; on the other hand, the virtuous arguer should also display a virtuous argumentative character, which includes manifestations of open-mindedness, humility, firmness, and so on. Let us see all this in detail.

As was explained in the introduction, the proponent of a virtue approach to argumentation faces a problem. Either (a) one takes argumentative virtues as the basis from which the quality of arguments derives, or (b) one admits that cogency is not to be defined in terms of qualities of the arguer. Option (a) clashes with a widespread and well-established intuition that arguments should be evaluated on their own merits, regardless of who puts them forward. On the other hand, option (b) leads to a gap in virtue argumentation theory regarding argument quality—a crucial part of argumentation—so that seemingly a virtuous arguer could systematically produce bad arguments or assess arguments incorrectly. Aberdein (2014) opts for option (a) and his solution to the corresponding problem is to deny that characteristics of the arguers are not relevant to the evaluation of their arguments. He presents several examples in which arguments can be evaluated in terms of traits of the arguer. Here, however, I am following the second option, so I will have to address the issue of the incompleteness of virtue argumentation. I will argue that such a problem is not unavoidable. The conclusion that a virtuous arguer may be *unreliable* in argument assessment and argument production can be avoided, precisely, if we allow for a special kind of virtues whose value derives from the quality of the product: *reliabilist* virtues.

As we saw, the distinction between both kinds of virtues in virtue epistemology, according to Battaly, could be interpreted as a distinction between two kinds of knowledge: low-grade knowledge in the case of reliabilist virtues and high-grade knowledge in the case of responsibilist virtues. This is not a distinction that can be straightforwardly applied to virtue argumentation. Moreover, in virtue argumentation we cannot say, as we said in the case of virtue epistemology, that virtues of one kind are more passive while virtues of the other kind are more active.<sup>6</sup> Both the production and evaluation of arguments and the overall behaviour during the course of a discussion are active enterprises. What, then, would the distinction between reliabilist and responsibilist virtues correspond to in argumentation? A crucial point of difference could be the kind of issues that those virtues are intended to address. Aberdein (2016b) shows how the distinction between *classical* epistemology, which focuses on problems such as the definition of knowledge, and *inquiry* epistemology, could be applied to argumentation. Thus, we have, on the one hand, more *classical*

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<sup>6</sup>Tracy Bowell drew my attention to this important difference.

projects, such as the determination of the cogency of arguments, and on the other hand projects that address less familiar and often neglected issues, which Aberdeen calls *activity* approaches. The difference between the two kinds of virtues, then, could be understood on the basis of the kind of issues that the theory that endorses them is intended to address.

Is it possible to say something more about the distinction between reliabilist and responsibilist virtues in argumentation? In virtue epistemology, as we saw, the core component of reliabilist virtues is reliability, whereas the core component of responsibilist virtues is motivation. Certainly, a certain reliability is necessary even for responsibilist virtues, but, as Code and Zagzebski argue, reliability cannot be the central element in those virtues. Similarly, in the case of argumentative virtues, I believe that what characterises the virtues related to the production and evaluation of arguments is precisely that they make the arguer *reliable* in grasping cogency, and what mainly characterises responsibilist virtues is the *motivation* that prompts the arguer to act in a certain way. Here, again, the arguer must not only have the relevant motivation but also reliably bring about the desired result, but what ultimately defines a given responsibilist virtue is its intrinsic motivation.

Battaly's (2015) pluralist account of virtues recognises the existence of both kinds of virtues as well. She contrasts virtues as qualities that involve reliable success in attaining good ends or effects with virtues in which such a success is not required, but that rather involve good motives (p. 9):<sup>7</sup>

One way that qualities can make us better people is by enabling us to attain good ends or effects—like true beliefs, or the welfare of others. But this isn't the only way for qualities to make us better people. Qualities that involve good motives—like caring about truths, or about the welfare of others—also make us better people, and do so even if they don't reliably attain good ends or effects.

Such a distinction seems to fit well with our present purposes in virtue argumentation theory. The kind of virtues that I am introducing here, reliabilist virtues, get their value and meaning from their final products—cogent arguments or proper appraisal of arguments. Responsibilist virtues, on the other hand, are valued and differentiated mainly on the basis of their intrinsic motives, and they are mostly

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<sup>7</sup>I thank Andrew Aberdeen for point out Battaly's distinction to me.

displayed not in the dealings with arguments as products but rather in the larger activity of arguing. The distinction, then, is first and foremost based on whether the focus is on motivation or the final products.

Let us look at reliabilist virtues first. Whatever the importance of the relation between a belief and the believer for the notion of justification, such a relation between the product and the producer is admittedly much weaker in argumentation. As *Bowell and Kingsbury* argue (2013, p. 26), traits of the person may provide reasons to doubt the truth of a *claim*, but—in general—they do not allow us to reject her *arguments*. As a consequence, we must admit that the quality of arguments should be explained and determined by an act-based approach to argumentation that focuses on the intrinsic merits of the argument. As I have already pointed out, however, this does not mean that virtue argumentation theory has nothing to say regarding argument quality. The solution lies in allowing for a certain kind of virtues in which the value or goodness derives from the value or goodness of their outcomes. If *Zagzebski's* criticism is correct, that is precisely the case with reliabilist virtues.

This solution allows virtue argumentation theory to recognise that the appropriate approach to argument quality is an act-based approach—such as informal logic—while at the same time including a reference to argument quality in its conception of the virtuous arguer. It is possible, for example, to include in the characterisation of the virtuous arguer a component that *Harvey Siegel* includes in his characterisation of the critical thinker: that she is “appropriately moved by reasons” (1997, p. 49). It is also possible to discuss the different ways an arguer could come to put forward or appreciate good reasons—and this is a substantial matter. Whether, for example, the production and appreciation of good reasons and good arguments always require conscious reasoning or rather the strength of some reasons is “felt” (*Ibid.*, p. 52). These are significant issues that a virtue approach to argumentation could address, through the notion of reliabilist virtues, without denying that what ultimately makes reasons and arguments good is their intrinsic characteristics.

Reliabilist virtues so understood are analogous to *skills* in an Aristotelian sense. Aristotle points out that one difference between virtues and skills is that “the prod-

ucts of the skills have their worth within themselves,” whereas actions that are virtuous are so “not merely by having some quality of their own, but rather if the agent acts in a certain state” (*Nicomachean Ethics* II.4.1105a). Hence, it is important for a virtuous arguer to possess reliabilist virtues, but just as happens with skills, the outcomes of these virtues—arguments, evaluations, and the like—will be assessed (to a great extent<sup>8</sup>) on their own merits, regardless of how or by whom they were produced.<sup>9</sup>

Acknowledging a conception of reliabilist virtues in this sense has consequences in the way such virtues can be taught and learnt. If the focus of reliabilist virtues is on the arguments, it seems plausible that education in reliabilist virtues should foster such things as understanding, correct appraisal, construction and appreciation of good arguments. Consider, for instance, the following set of skills in an argument curriculum that Deanna Kuhn (2005, pp. 153–154) designed:

- Generating reasons.
- Elaborating reasons.
- Supporting reasons with evidence.
- Evaluating reasons.
- Developing reasons into an argument.
- Examining and evaluating opposing side’s reasons.
- Generating counterarguments to others’ reasons.
- Generating rebuttals to others’ counterarguments.
- Contemplating mixed evidence.

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<sup>8</sup>I am making an effort to qualify claims such as this because I do not believe that considerations of character are *never* relevant to the quality of the argument. I am merely claiming that *in general* they are not relevant. They may be relevant in specific cases, such as defeasible arguments, although only to a limited extent.

<sup>9</sup>Are all argumentative skills reliabilist virtues? In his commentary to my paper, Aberdeen points out that, rather than regarding all skills as a special sort of virtue, I should also consider skills that are necessary for the proper exercise of a virtue—a prerequisite. He is right that I have not considered this issue and I am certainly describing reliabilist virtues as if they were simply argument skills. His comment raises an interesting issue that unfortunately I cannot fruitfully address here.



- Conducting and evaluating two-sided arguments.

The goal of these activities that Kuhn includes in her curriculum serve to develop skills that are obviously focused on dealing with reasons, evidence, arguments and counterarguments. All of them are arguably important skills that a virtuous arguer must have, and here I am proposing that they could be conceived of as reliabilist virtues.

On the other hand, there are what, following the trends in virtue epistemology, we could call *responsibilist* virtues. These virtues have to do with the arguer's attitude, with her character and motivation, rather than her faculties or skills. One of the differences between responsibilist virtues and reliabilist virtues—or skills—in argumentation lies in the fact that their significance and their meaning derive from the arguer itself, from the attitude, the behaviour, and the habits that the arguer cultivates. The value of responsibilist virtues does not stem from the value of their outputs—although, of course, the arguer must reliably *display* those virtues, and hence there is also a reliability component in them. In the case of virtue epistemology, we saw that responsibilist virtues could not account for basic instances of knowledge, such as knowing that the lights have gone out when that is the case. Similarly, in my view, the relation between responsibilist argumentative virtues and the products of this activity—reasons, arguments—is at best weak. One can be a very open-minded person but lack the skills necessary to properly assess an argument. One can be an intellectually humble arguer but rely on a hasty generalisation during a discussion—even if, as it is to be expected, during the course of the discussion one will listen to criticisms of that argument and will recognise that mistake. In short, as it has often been pointed out: a virtuous arguer can put forward a bad argument, and a vicious arguer can put forward a cogent argument.

Where, then, lies the value of responsibilist virtues? As we have seen, in virtue epistemology, several responsibilist virtue theorists suggest that one of the merits of a virtue approach is precisely the change in focus in epistemology. Just as, according to those authors, a virtue approach helps us see that knowledge and justified belief are not the only legitimate concerns in epistemology, so too a virtue approach to argumentation may make us see that the quality of arguments is not all there is to argumentative discussions—as important as it is. Virtuous arguers should not only

present cogent arguments, but also be open to different points of view, willing to subject their own beliefs to rational criticism, respectful to other arguers, and the like. Those behaviours are best explained in terms of the kind of character that the arguer manifests, rather than in terms of the arguments she produces.

In the critical thinking community it is already widely agreed that a characterisation of the critical thinker must include a component of character. Richard Paul (1993) warned against assuming a “weak sense” of critical thinking, which is limited to skills, and argued for a “strong sense” of critical thinking that includes also intellectual virtues. Similarly, Siegel (1988; 1997) conceives of the critical thinker as possessing not only skills, but also what he calls “critical spirit.” Actually, it seems plausible to assume that there will be few differences between the critical thinker and the virtuous arguer, so virtue argumentation theorists would do well to pay attention to the insights that the critical thinking movement can offer.

The list of argumentative virtues that Andrew Aberdein (2010, p. 175) has proposed seems, to my mind, to focus precisely on responsibilist argumentative virtues.<sup>10</sup> Most virtues in Aberdein’s list are character traits in which the motivation of the arguer seems to play an important role. They offer a conceptual framework in which *argumentation* as a social practice—rather than the *argument* as a static product—becomes important, thus drawing attention to new aspects of argumentation. And, to my mind at least, most of them do not bear a direct relation to argument quality—that is, not as direct as in the case of reliabilist virtues. Let us see the list in detail:

- *Willingness to engage in argumentation*
  - Being communicative
  - Faith in reason
  - Intellectual courage
  - \* Sense of duty

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<sup>10</sup>Interestingly, however, Aberdein argues for a virtue approach to *argument appraisal*. In his commentary to the present paper, he suggests that the virtue of *common sense*, which he understands as analogous to Aristotle’s *phronesis*, is associated with the recognition and formulation of good arguments. I must confess this is an intriguing idea. However, as it stands, it still strikes me as a kind of virtue that must be explained in act-based terms.

- *Willingness to listen to others*
  - Intellectual empathy
    - \* Insight into persons
    - \* Insight into problems
    - \* Insight into theories
  - Fair-mindedness
    - \* Justice
    - \* Fairness in evaluating the arguments of others
    - \* Open-mindedness in collecting and appraising evidence
  - Recognition of reliable authority
  - Recognition of salient facts
    - \* Sensitivity to detail
- *Willingness to modify one's own position*
  - Common sense
  - Intellectual candour
  - Intellectual humility
  - Intellectual integrity
    - \* Honour
    - \* Responsibility
    - \* Sincerity
- *Willingness to question the obvious*
  - Appropriate respect for public opinion
  - Autonomy
  - Intellectual perseverance
    - \* Diligence
    - \* Care
    - \* Thoroughness

Arguably, some of these virtues, such as *recognition of reliable authority*, *recognition of salient facts*, or *common sense* can be regarded as reliabilist virtues as I have described them above. However, most of the other virtues—such as *intellectual courage*, *intellectual empathy*, *fair-mindedness*, or *intellectual integrity*—seem to be responsibilist virtues, for they are character traits and they are more relevant to argumentative practice and habits than to arguments as products.

As I did with reliabilist virtues, I will include a short comment about the consequences that this notion of responsibilist virtues could have on education. The core of this virtues is, we have said, proper motivations—as well as on reliability in attaining the proper end of those motivations, as Zagzebski points out. Hence, the goal of education in responsibilist virtues will not be the development of an understanding of arguments and reliable production of good arguments, as in the case of reliabilist virtues. How are proper motivations to be cultivated? Some virtue theorists have emphasised the importance of *exemplars* (Code, 1987, p. 141), of virtuous individuals or stories of manifestation of virtue. Roberts and Wood's (2007) approach is explicitly based on this idea, and they use numerous examples of intellectual virtue as part of their explanation of each intellectual virtue—from characters of novels to scientists like Jane Goodall and even Jesus Christ. The important role of teachers themselves in modelling behaviour should be evident as well. Consider, as an example, the following story:<sup>11</sup>

Albert Einstein was giving a conference on physics and in the question and answer session, a young man stood up at the back of the room and in a very rough German suggested that the equations Einstein had written on the blackboard were incorrect. There was silence in the room and all eyes stared at the bold complainant. But Einstein turned and looked at the blackboard, stroked his mustache with his hand and acknowledged that the young man was right, asking the audience to forget everything he had explained earlier. That intrepid young man was Lev Davidovich Landau.

The point of this story has nothing to do with the strength of the arguments. There is not even a reference to the specific details of Einstein's equations and of Landau's criticism. Nevertheless, I believe that we learn something when we read it. We can see in Einstein's reaction an exemplary case of intellectual humility, and seeing this may (hopefully) motivate us to cultivate the same kind of humility in

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<sup>11</sup>[http://www.en.globaltalentnews.com/current\\_news/reports/3609/As-a-student-Landau-dared-to-correct-Einstein-in-a-lecture.html](http://www.en.globaltalentnews.com/current_news/reports/3609/As-a-student-Landau-dared-to-correct-Einstein-in-a-lecture.html)

us. This is, I believe, an important lesson, and one that we can come to appreciate within the framework of a virtue approach to argumentation.

Finally, I would like to conclude with a brief remark about the relationship between the two kinds of virtues that I have considered, reliabilist and responsibilist. Are they two different sets of virtues that have a bearing on two clearly separated sets of issues? Are reliabilist virtues relevant to the arguments as products only and responsibilist virtues relevant only to the activity of arguing? Actually, there are strong reasons to believe that the possession of certain virtues of one kind has an influence on the manifestation of virtues of the other kind. Specifically, one could argue that responsibilist virtues, associated with motivations, affect the manifestation of reliabilist virtues.

The social psychologist Ziva Kunda (1990) defended the notion of “motivated reasoning,” according to which motivation affects the cognitive processes that lead us to a given conclusion. There is a distinction between two kinds of motivations: “those in which the motive is to arrive at an accurate conclusion, whatever it may be, and those in which the motive is to arrive at a particular, directional conclusion” (p. 480). Kunda called them *accuracy* goals and *directional* goals respectively. According to her, “directional goals bias the selection and construction of beliefs, as well as the selection of inferential rules” (p. 489). Thus, biases are explained, not on the basis of flawed beliefs or inferences, but on the basis of the prior selection of the beliefs and inferential rules that will be used in the subsequent reasoning—which may be correctly applied. She reviewed several studies that showed the plausibility of that explanation (p. 493):

Directional goals have been shown to affect people’s attitudes, beliefs, and inferential strategies in a variety of domains and in studies conducted by numerous researchers in many paradigms.

Motives, then, would be “an initial trigger for the operation of cognitive processes that lead to the desired conclusions” (Ibid.). Therefore, in the explanation of biases, both motivation and cognitive processes play a role. People cannot simply come to believe whatever they desire, but only that for which they are able to provide a proper justification (p. 483):

The biasing role of goals is thus constrained by one's ability to construct a justification for the desired conclusion: People will come to believe what they want to believe only to the extent that reason permits.

On the other hand, it has been shown that the presence of accuracy goals weakens several kinds of bias. When the main goal is to arrive at the right answer to an issue, people expend more cognitive effort and process relevant information more carefully and deeply. In conclusion, she wrote (p. 481):

[...] accuracy goals lead to the use of those beliefs and strategies that are considered most appropriate, whereas directional goals lead to the use of those that are considered most likely to yield the desired conclusion.

How could these results be interpreted in our framework? In the present virtue approach to argumentation, motivation has clearly been related to responsibilist virtues. Cognitive processes, on the other hand, are responsible for the production and evaluation of arguments, and therefore they are arguably the field of reliabilist virtues. What this means, in my view, is that possessing responsibilist virtues may naturally help the accomplishment of a better exercise of reliabilist virtues—that is, to a less biased production and evaluation of arguments. If one takes accuracy goals to be akin to a motivation to argue virtuously—to the possession of the proper motivations that characterise responsibilist virtues—then Kunda's theory seems to support the idea that responsibilist virtues influence the display of reliabilist virtues. These two kinds of virtues can be fruitfully separated for the purposes of definition and analysis, but it seems likely that in practice they are not two clearly separated sets that make a difference on two independent and unrelated activities only.

## 6.4. Conclusion

In this chapter, I have tried to reconcile the view that the quality of arguments should be assessed on their own merits with the view that a virtue approach could offer important insights on argumentation. I have drawn an analogy between virtue argumentation theory and virtue epistemology, considering two kinds of virtues in argumentation, analogous to the respective virtues of the two main varieties of virtues epistemology. Whereas, arguably, the main interest in a virtue approach

to argumentation lies in the consideration of responsibilist virtues, the acknowledgement of reliabilist virtues—here, akin to skills—helps us integrate the concern with the quality of arguments into the theory. Of course, the quality of arguments will ultimately have to be determined by an act-based approach—such as informal logic—so I am not claiming that what I have proposed here makes virtue argumentation theory a *complete* theory of argumentation. My goal was merely to show how reliability in the correct assessment of arguments and the production of good arguments can and should be included in the characterisation of the virtuous arguer. Having done that, my suggestion is that the responsibilist aspect of virtue argumentation theory is much more promising, and that we should focus on that, rather than on reliabilist virtues.





# THE NATURE OF ARGUMENTATIVE VIRTUES

## 7.1. Introduction

So far I have attempted to show that a virtue approach to argumentation can be theoretically sound and what some of its explanatory benefits could be. In chapter 3 I explained that current approaches to argumentation miss certain important aspects of argumentative discussions. These aspects might, in general, not be regarded as relevant from a logical or dialectical perspective, but within the framework of a virtue theory of argumentation these aspects become crucial. This change of focus, in my view, is one of the reasons why a virtue approach to argumentation is philosophically interesting. I have argued that the interest of virtue argumentation theory lies in the insights it could provide into argumentative habits and argumentation as an activity, rather than into the argument as a product. Nevertheless, in chapter 4 I attempted to answer the question, if we focused only on the argument as a product, how would it be regarded from the perspective of virtue argumentation theory? What kind of features of the argument would a virtue approach emphasise? Having conceded that, in general, the agent-neutral principles of informal logic are what determines the cogency of arguments, the aspects of the argument that I outlined in chapter 4 might not be considered by logicians as of much import. In my view, however, even though these aspects may not affect the probative strength of the argument, they are relevant to argumentative discussions and they

should be taken into account by a virtue approach to argumentation. Whether or not the arguer is capable of continuing the discussion and of defending her argument, and whether or not her argument manifests not only logical but also ethical virtues, are points worthy of consideration. Finally, in chapter 5 I addressed the issue of argumentation as a process, which is more appropriate for a virtue approach to argumentation. I attempted to explain what kind of insights this theory could offer that are not already in the currently most successful dialectical theory: pragma-dialectics.

Chapter 5 concluded with a promise. In section 5.4, it was suggested that a virtue approach to argumentation, with a focus on the social foundation of argumentative norms and standards, could provide a sensible account of the origins of the normative force of such standards. In the present chapter, I intend to fulfil that promise—but, given the kind of theory that I am developing in this dissertation, the focus will be on argumentative virtues rather than rules. Even though, in the previous chapters, I have emphasised the practical and pedagogical import of a virtue approach to argumentation, a philosophical account of the nature of argumentative virtues is needed. This chapter will therefore be of a more theoretical character.

Before addressing the issue of what virtues are and where they come from, some clarifications and distinctions are in order. In the following sections, I will refer to argumentative *virtues* and argumentative *skills*. This distinction is justified by my claim in chapter 4 to the effect that informal logic can be considered a skill, whereas argumentative virtues are truly agent-based—argumentatively virtuous acts are explained on the basis of the character of the arguer. In accordance to that distinction, producing a cogent argument is a skill, and the cogency of the argument is explained on the basis of characteristics of the argument itself.<sup>1</sup> I will refer to both categories, both virtues and those aspects of the argument that require skills, as argumentative ‘norms’ or ‘standards’ as general terms covering all normative aspects of argumentation.

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<sup>1</sup>Surely, a virtuous arguer must not only possess what I am calling here argumentative virtues, but must also be skilful. Both aspects should be integrated in a virtue approach to argumentation, even though argumentative skills will not be explained on the basis of traits of the arguer. In chapter 6 I will attempt such an integration by resort to the difference between *responsibilist* and *reliabilist* virtues. For now, however, the distinction between virtues and skills will do.

Another important distinction in this chapter is that between *argumentation* as a public activity and *reasoning* as something that happens “inside the head.” This distinction, which is sometimes neglected in argumentation theory, will be crucial in subsection 7.3.2. What I am developing in this dissertation is *not* a general theory of reasoning—it is not intended to cover, for example, the issue of how to make the best decisions in order to achieve some end. Rather, my main interest lies in argumentation as a communicative, public exchange that in principle necessarily involves two or more people. I admit that the distinction between private reasoning and public argumentation is not clear-cut; but, even if the boundaries are diffuse and certain cases may not clearly and indubitably fall in one of those categories, the distinction is worth preserving. The consideration of argumentation as a public activity that takes places among people makes it easier to understand how political or ethical factors may influence argumentative norms, as I will argue in subsection 7.3.3.

The purpose of this chapter is not to provide a list of argumentative virtues. I will, of course, mention certain virtues—which should be part of a virtue theory of argumentation—during the course of my discussion about the source and characterisation of virtues. This should not be taken as a commitment on my part to any particular list. I do not know whether a specific and final list of virtues can be given—actually, I am suspicious of the idea of a definitive list of virtues—and I will certainly not present one in this dissertation. Rather, the purpose of this chapter is to outline a theory of what it means for a character trait to be an argumentative virtue and of the different personal and social aspects involved in argumentative virtues. The basis of this characterisation of argumentative virtues will be MacIntyre’s model of moral virtues, according to which virtues arise in the context of a practice, of a conception of the human *telos*, and of a tradition. These three dimensions of virtues—to be explained in the following sections—are all inherently social. Thus, in the following section, I will argue that it is in the social reality that argumentative virtues should be located. In section 7.3, I will focus on the three aforementioned dimensions that provide argumentative virtues with purpose and meaning. This method, I believe, will yield something more valuable than a mere list of virtues arbitrarily stipulated; it will lay the foundation for a meaningful and fruitful discussion about what traits should be considered virtues.

## 7.2. The social foundation of virtues

In the previous chapters I have mentioned some argumentative virtues, such as intellectual empathy or intellectual humility. But what is it that makes those character traits virtues? Where do their status as virtues and their normative strength come from? In the last section of the previous chapter, when I was looking for the source of pragma-dialectical rules, I already provided the beginning of an answer: the source of our normative claims lies in an implicit social conception of how a critical discussion should be conducted. There, I pointed to such a conception as the source of the kind of rules that pragma-dialectics attempts to make explicit. In this chapter I will defend the view that it is precisely that social conception of what good arguing is that provides us with an idea of the virtuous arguer, and therefore one of the tasks of a virtue theory of argumentation would be presenting in an explicit and coherent manner the kind of traits that characterise such a virtuous arguer.<sup>2</sup>

Several virtue theorists have argued for the view that the proper place of virtues is a social conception of the good that is shared by a community. Julia Annas (2011) develops a theory of virtue according to which virtues are always situated in a social context. In the previous chapter (p. 87) I quoted her claim that in order to understand virtues we must see how they are learnt in a specific context. If we simply focus on the virtues a mature adult must possess then we run the risk of conceiving of them as static goods, as some kind of Platonic universals or naturalistic concepts. In Annas' view, virtue is an "essentially developmental notion" (2011, p. 38). She holds that "we do not have an adequate account of a virtue until we have an account of how it is taught and learned; and this in turn encourages us not to develop an account which focuses exclusively on mature adults" (p. 163). The picture that she presents, then, is that of an individual who learns how to be virtuous, first, by learning what sorts of acts our community—our family, our church, our school—considers virtuous. But virtue, according to Annas, does not consist merely in that learning; it also requires a drive to aspire. This involves an understanding of what one is doing and why. Becoming virtuous is not a matter of imitation of routines, but an acquisition of the ability of self-direction and an aspiration to improve (pp. 17–18). Thus, even though in Annas' account virtues are

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<sup>2</sup>Notice, though, that I am not reducing the purpose of a virtue theory to that task.

unavoidably linked to a social view of the good, this entails neither a static view of the virtues nor the suppression of the individual's autonomy and critical stance—in fact, what Annas proposes entails the opposite. As she writes (p. 40):

When we begin, we do indeed take over and act on what our parents and teachers say is generous or brave. Where else could we learn this from? This is no more threatening than the fact that when we learn to play the piano or ski we learn from teachers whom we accept as experts at a time when we are in no position to check their credentials. If becoming virtuous never got beyond this stage then indeed it would have a weak claim to be taken seriously as an ethical option. But as we have seen this is just the beginning; we develop to using virtue terms on the basis of our own understanding and in a self-directed way, improving either from the need to make sense of new experience or as a result of more conscious reflection.

Actually, Aristotle's account of virtues can be understood as having a basis in his own culture of the city-state. Of course, the idea that virtues somehow depend on a social context with certain values is at odds with Aristotle's ethical theory, since he did not intend to formulate a contingent and historical view, but simply the truth of the matter. Nevertheless, in the *Nicomachean Ethics* Aristotle does not present his ideas as if they were a new proposal but rather as something that is already present, even if implicitly, in the mindset of the Athenian society (MacIntyre, 2007, pp. 147–148). He writes time and again about what “is thought,” about what “we claim,” and about what “people agree on.” He probably would not have endorsed my claim that virtues are rooted in a specific society at a particular time, but he was clearly and conspicuously drawing his remarks about the virtues from the implicit views of his society.

Moving from the field of virtue ethics to that of virtue epistemology, we find another account of the social foundation of virtues in Lorraine Code (1987). She emphasises the fact that knowledge is not the achievement of a solitary individual; rather, knowledge is shared within an epistemic community whose members rely on each other in common cognitive practices (pp. 167–168). This communal character of knowledge puts testimony and the relations of trust on which it is based in a central place. There are, then, in every epistemic community, “intricate networks of shared trust” that “are maintained by tacit agreement” (p. 178). Code presents three models that together may explain in part this structure of epistemic communities. First, the model of an epistemic *contract*, understood as a tacit agreement,

can explain why “it is reasonable to assume that people will provide accurate information, to the best of their ability” (p. 179). Second, Wittgenstein’s concept of *form of life* serves to explain how we come to recognise each other’s cognitive requirements and how we come to appreciate the epistemic imperatives on which our interactions are based—and which, just as happens with ethical imperatives, cannot be evaded. And, finally, in the third place, MacIntyre’s model of *practices* provides an explanation of the teleological dimension of intellectual virtue. MacIntyre’s particular conception of a practice, understood as an activity with internal goods and where the virtues can be exercised, provides Code with a basis for her notion of *epistemic responsibility*, which in her account is the central epistemic virtue (p. 44). Her whole book is intended to provide insight into this virtue, which she claims (p. 54) is almost identical to wisdom (p. 53): ‘wisdom has to do with knowing how best to go about substantiating beliefs and knowledge claims, where “best” does not mean “cleverly” or “skillfully” as much as “with intellectual honesty and due care.”’ Code argues that epistemic responsibility and the intellectual virtues that stem from it can be accommodated in MacIntyre’s model for ethical virtues (p. 186):

Intellectual virtues are analogous to MacIntyre’s moral virtues, at least in the following ways. First, to be acceptably formulated, intellectual virtues require an account of the features of cognitive interaction prevalent in certain times and places. Second, intellectual virtues can best be recognized by participating in a practice: those who lack the relevant experience are thereby incompetent judges of internal goods.

If we intend to accommodate intellectual virtues in a model for ethical virtues, however, a departure from the Aristotelian model of virtues is necessary. For Aristotle in the *Nicomachean Ethics*, intellectual and ethical virtues are two different kinds of virtues in important respects (II.1):

Virtue, then, is of two kinds: that of the intellect and that of character. Intellectual virtue owes its origin and development mainly to teaching, for which reason its attainment requires experience and time; virtue of character ( ἡθικὴ ) is a result of habituation ( ἔθους ), for which reason it has acquired its name through a small variation on ‘ ἔθους ’.

This distinction between the different ways of acquiring each kind of virtues, intellectual and ethical virtues, is based on an Aristotelian doctrine of the division of the soul that Code (p. 53) rejects, and so do I. As we saw in Annas’ account of virtue, teaching and learning are involved in the first steps towards acquiring ethical

virtues. And surely virtuous cognitive and argumentative practices can also be understood as the result of habits. Moreover, the distinction between intellectual and ethical virtues becomes diffuse when we consider some virtues that Aristotle did not—and, given his historical background, could not—take into account, such as intellectual empathy. Therefore, I believe that an account of argumentative virtues can be grounded on a model for ethical virtues, where both learning and habituation are necessary.

As we have seen, Code considers MacIntyre's model as the most appropriate for an explanation of the teleological nature of the virtues. In my view, it also provides an excellent account of the social foundation of the virtues and an answer to the question of why some character traits are considered as virtues and others are not. In the rest of this chapter, then, I will outline MacIntyre's theory of virtues and I will argue that argumentative virtues fit in his model. Notice, though, that I will not be able to provide a *complete* explanation of argumentative virtues in MacIntyre's terms—a task that would require a whole book. My purpose is merely to show that argumentative virtues could be properly understood in a MacIntyrean framework.

In *After Virtue*, MacIntyre (2007) argues that all morality must be understood in the context of a particular social reality and a tradition from which we inherit an understanding of our moral concepts. According to MacIntyre, modern moral theories cannot settle their differences because they are based on different and incommensurable principles, and this disagreement among theoretical principles simply mirrors the disagreements on ethical issues in our society (p. 252). What is needed, he says, and what we have lost, is the existence of a community whose “central bond is a shared vision of and understanding of goods” (p. 258). The concept of a virtue, then, “always requires for its application the acceptance of some prior account of certain features of social and moral life in terms of which it has to be defined and explained” (p. 186). In the light of what he regards as a theoretical dead end in ethics, MacIntyre defends an Aristotelian account of the virtues, but he argues that such an account cannot be separated intelligibly from the Aristotelian tradition with its conception of the good community and the human good.

Of most interest here is MacIntyre's emphasis on the social character of ethics and the virtues (p. 265–266):

[...] the subject matters of moral philosophy at least—the evaluative and normative concepts, maxims, arguments and judgments about which the moral philosopher enquires—are nowhere to be found except as embodied in the historical lives of particular social groups and so possessing the distinctive characteristics of historical existence: both identity and change through time, expression in institutionalized practice as well as in discourse, interaction and interrelationship with a variety of forms of activity. Morality which is no particular society's morality is to be found nowhere.

Just as happens with morality according to MacIntyre, I believe that argumentative virtues arise out of and are sustained by a particular social conception of what arguing well means. Thus, in my view, the proper foundation of argumentative virtues lies in the practices and the tradition of particular social groups. Locating argumentative virtues in our social world, however, does not mean claiming that facts about our natural world have no bearing on our conception of argumentative virtues. Indeed, given the characteristics of the society in which we live, one can only expect that facts about the natural world will influence our conception of argumentative virtues. Scientific discoveries are accorded a great significance in our society. The information that science delivers in current Western societies tends to be assimilated by our world view, therefore influencing our interpersonal dealings and our lives personally. More concretely, the science of psychology provides many insights that are relevant to the concerns of argumentation theorists. In several sections of the previous chapters I have relied on psychological research and I will continue to do so. The natural world, however, cannot provide a solid foundation neither for ethical virtues nor for argumentative virtues. The proper location of virtues is and must be the social world.

MacIntyre provides an interesting and useful model on the basis of which we can understand what virtues are—why some things are virtues and why other things are *not* virtues. His model comprises three stages, each of which involves conditions that must be satisfied for a human quality to be properly considered a virtue (p. 275). These stages characterise the “logical development” of the concept of virtue (p. 186), so they must not be seen as chronological periods. The purpose of the three-stage model is to provide an account of the complex, multi-layered concept of virtue, an explanation of how argumentative virtues are excellences that serve *both* to attain intrinsic goods *and* to achieve some *telos* that lies beyond argumentation itself. I will attempt to show that argumentative virtues can be explained



on the basis of this model, so first I will outline the three MacIntyrean stages. He presents them as follows (pp. 186–187):

The first stage requires a background account of what I shall call a practice, the second an account of what I have already characterized as the narrative order of a single human life and the third an account a good deal fuller than I have given up to now of what constitutes a moral tradition.

What, according to MacIntyre, each stage involves is sometimes not easy to discern. Furthermore, in the next section I will need to depart slightly from his view in some specific points and to propose certain modifications. Nevertheless, I believe that, on the whole, the picture that emerges is MacIntyrean.

In the first stage, then, virtues are exhibited in a *practice* and the primary definition that they receive is in terms of that practice. The fact that this is only the first stage, and that there are two more stages, should make it clear that virtues are not only exercised and understood within a practice; but a practice is what provides a first understanding, even if incomplete, of the virtues. As is well known, MacIntyre uses a particular definition of a practice (p. 187):

By a 'practice' I am going to mean any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended.

A practice, then, possesses internal goods. This is not to deny that there can be external goods as well, however. MacIntyre uses the—admittedly hackneyed—example of chess. One can play chess in order to attain external goods such as fame or money, but as long as those are the only motivations to play chess, there is no reason not to cheat or obtain those goods by different means. On the other hand, the practice of chess offers internal goods, such as particular kinds of analytical skill and strategic thinking, that can only be obtained by playing chess and trying to excel at it. What characterises a practice, therefore, is the presence of such internal goods. The range of practices, MacIntyre says, is wide (p. 188): “arts, sciences, games, politics in the Aristotelian sense, the making and sustaining of family life,

all fall under the concept.” Hence, in the first subsection of the next section, my aim will be to show that argumentation can be considered a practice in this sense.

In the second stage virtues are considered as “qualities contributing to the good of a whole life” (p. 273). We are no longer in the narrow context of a practice, but in the context of an entire human life considered as a narrative from beginning to end. In this stage, qualities that were beneficial in the context of a specific practice might turn out not to be virtues at all because of their harmful effects for a human life taken as a whole. MacIntyre gives the example of ruthlessness and relentlessness, which can lead to achievement in a practice such as the exploration of wilderness, but surely do not contribute to the good of a human life (p. 275): “Transpose that complex of qualities into participation in the practice of creating and sustaining the life of a family and you have a recipe for disaster.” Virtues, then, must satisfy the requirements of the three stages.

In this second stage a person’s particular actions must be seen, not isolated in atomistic terms, but in the light of the larger whole of a human life. “The unity of a virtue in someone’s life is intelligible only as a characteristic of a unitary life, a life that can be conceived and evaluated as a whole” (p. 205). MacIntyre emphasises that, for human actions to be intelligibly characterised, they must be considered as embedded in a “narrative embodied in a single life” (p. 218). This is what allows us to speak about the overall character of a person, of which her actions are a manifestation. In the case of argumentative virtues, as I will argue in the next section, the unity of a whole life can be viewed from the perspective of the development of reason as the person acquires argumentative skills and virtues. Our focus of interest will be on the contribution that argumentative skills and virtues make to the formation of intellectually mature, critical, and reasonable individuals. What I will present can arguably be considered MacIntyre’s second stage in the sense that it will describe how argumentative virtues contribute to the good human life. MacIntyre, from his own conception of the narrative of life and using the language that such a conception involves, writes that in the second stage virtues are to be understood as those dispositions that “sustain us in the relevant kind of quest for the good” (p. 219). I will show, then, how argumentative virtues contribute to what is widely considered as the intellectual good of a human life.

Finally, the third stage relates the virtues to “the pursuit of a good for human beings the conception of which can only be elaborated and possessed within an ongoing social tradition” (p. 273). This stage focuses on communities and their traditions. It is based on the fact—if, as I believe, it is a fact—that our conception of the virtues is part of a tradition which has evolved through continuous argument about the goods that identify the character and purpose of that tradition. Virtues sustain “those traditions which provide both practices and individual lives with their necessary historical context” (p. 223). However, the acknowledgement and preservation of a tradition should not be confused with mere submission and compliance. A tradition is sustained through argument and criticism, and it is when argument stops that traditions decay. Tradition, MacIntyre writes, is not to be contrasted with reason (p. 222): “For all reasoning takes place within the context of some traditional mode of thought, transcending through criticism and invention the limitations of what had hitherto been reasoned in that tradition; this is as true of modern physics as of medieval logic.” Claiming that virtues are nothing more (and nothing less) than ideals embedded in the practices and the tradition of a specific culture does not imply blind conformity. On the contrary, it means *acknowledging* the cultural character of virtues and *allowing for* criticism and reform.

It is not difficult to show, as I will attempt do in the third subsection of the next section, that argumentative virtues are part of an evolving tradition. A whole account of that tradition is, of course, impossible here, but my purpose is merely to show that such an understanding of argumentative virtues as the MacIntyrean third stage requires is plausible. Moreover, even though this point might perhaps be an addition to MacIntyre’s views, I will also show how argumentative virtues contribute not only to the good for the individual, but also to the good for the community. In this third stage, I believe it will be relevant to point out how argumentative virtues help sustain the democracies in which we are living today.

So much for virtue ethics. Having presented the main features of MacIntyre’s model, then, the challenge now is to show how the argumentative virtues can be explained on that basis. As I have already pointed out, I do not intend to provide a complete account of the argumentative virtues from a MacIntyrean approach, because it would be necessary to carry out an exhaustive historical and sociological research on argumentative practices. Nor will I present a complete and definitive

list of argumentative virtues. My purpose is merely to show that argumentative virtues can be accommodated in MacIntyre's model—and that, therefore, such a model offers a background against which we can judge whether something is or is not an argumentative virtue. In the next section, divided in three subsections, I will address each one of the stages that MacIntyre posits in relation to argumentative practices and virtues.

### 7.3. Argumentative virtues in practice, in human flourishing, and in society

#### 7.3.1. Argumentation as a practice

The first stage in a MacIntyrean model of argumentative virtues, then, involves showing that argumentation is a practice with intrinsic goods. Notice, though, that this does not imply that argumentation has no external goods. In fact, philosophers from different fields have indicated some of the external goods that the argumentative practice produces—such as gain of knowledge or legitimate political decision<sup>3</sup>—and these I do not need to deny. However, unless it can be shown that argumentation has intrinsic goods, it will not be possible to defend that argumentation is a practice in MacIntyre's sense.

First of all, though, it must be clarified what is regarded here as argumentation. Many definitions have been proposed and unfortunately here I cannot present them and argue for the better one. The virtue approach to argumentation that I am proposing is intended to cover as many instances of argumentative discussions as possible—scientific controversies, political deliberation, juridical argumentation in the courtroom, and even, I hope, a couple's argument—so I will adopt a definition that seems to me to be general enough for this purpose. Luis Vega's definition<sup>4</sup> of argumentation relies neither on any particular conception of the argument structure

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<sup>3</sup>Although, as will be noted below, these are probably best characterised as *ends* instead of goods.

<sup>4</sup>“Por *argumentar*, en general, cabe entender la manera de dar cuenta y razón de algo a alguien o ante alguien con el propósito de lograr su comprensión y asentimiento.” (Vega Reñón and Olmos, 2012, §Argumento/Argumentación)

nor on the assumption of a particular goal—epistemic, practical, or whatever—of the dialogue, focusing instead on the act of providing acceptable grounds for something—a belief, a decision, an evaluation, or what have you. Therefore, in my view, it is an excellent candidate for the kind of virtue argumentation theory that is being presented here, for it singles out what is characteristic of arguing in general without excluding special instances of argumentation. With minor adjustments, the definition that I will assume heavily relies on Vega’s definition:

Argumentation consists in the act of giving an account of something together with grounds for it directly or indirectly to someone with the intention of gaining their understanding and assent.

Thus, the main feature of argumentation is that it is the way of providing grounds for something. Notice the absence of any reference to a claim, a position, or a decision; that makes it possible to say that even someone who merely provides grounds for *doubt* is arguing—as is the case with the opponent in a traditional dialectical dialogue. The suitability of my assumption of this definition, then, should be assessed according to whether it manages to encompass all the manifestations of argumentation that I will consider in this chapter and also, importantly, in Part II of this dissertation.

Let us face now the main question of this subsection: do we have reasons to believe that there are intrinsic goods in argumentation? Certainly, several philosophers have defended argumentation on the grounds of external goods. In fact, we can find an explicit proposal for the *telos* of argumentative virtues by an advocate of a virtue approach to argumentation (Aberdein, 2010, p. 173):

Instead we might say that the virtues of argument *propagate* truth: where virtuous knowers are disposed to act in a way that leads to the acquisition of true beliefs, virtuous arguers are disposed to spread true beliefs around. The outcome of an argument between virtuous arguers would be a wider distribution of true beliefs (or a reduction in false beliefs).

My discussion in the preceding paragraphs already suggests why I consider Aberdein’s proposal problematic. It is too narrowly focused on the epistemic function of argumentation. Of course, acquiring true—or, probably better, justified—beliefs and correcting mistaken beliefs is *one* of the functions of argumentation, and an

important one, but it is not the only one. What about practical deliberation, for example? There seems to be no room in such a conception for a discussion about the best course of action, but it should be possible to exercise argumentative virtues in that kind of discussion.

The same problem arises with epistemic approaches to argumentation in general. There is no doubt that they characterise an important aspect of argumentation, but the range of argumentative virtues cannot be reduced to that of epistemic virtues. For Biro and Siegel (2006), for example, “the central aim of arguments is to yield knowledge or reasonable belief” (p. 92). Notice that these authors focus on arguments, and in fact their interest lies in the quality of arguments, whereas what I am searching for here is the good of argumentation broadly understood. So, strictly speaking, I am not criticising their epistemic approach —unless, of course, they restrict good argumentation to simply putting forward good arguments, as *Bowell and Kingsbury* (2013, p. 23) do, a view that I criticised in chapter 3 (p. 39). Biro and Siegel provide compelling reasons that “the intrinsic goal of arguments is to provide reasons for belief,” but my focus is not on arguments as products. Rather, my contention is that such epistemic approaches do not capture something that a virtue approach to argumentation could consider as *the good* of argumentation. If that were the case, then we should conclude that the good of argumentation (knowledge or true belief) is an external good, which we could obtain by other means, such as reading books. Therefore, its main good not being internal, argumentation could not be considered as a practice in MacIntyre’s sense. At this point, however, one could cast doubt on the idea that the value of argumentative virtues consists in the fact that they are conducive to or spread true belief; consider, for instance, Cohen’s (2007, p. 4) claim that open-mindedness could be counter-productive to knowledge but that he “*would still count it as a virtue even if it turned out to be generally detrimental to the production of knowledge*” (his emphasis).

In the last chapter of his handbook of argumentation theory, Luis Vega asks, “why give good reasons or argue well, instead of doing it poorly or fallaciously, provided we are to argue?”<sup>5</sup> This is an important question in an investigation about the internal goods of argumentation. As MacIntyre points out in the case of chess,

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<sup>5</sup>“Y la cuestión es: ¿por qué dar buenas razones o argumentar bien, en vez de hacerlo mal o de modo falaz, puesto que de argumentar se trata?” (2015, p. 212)

those who pursue only the external goods of chess, such as fame or prizes, have no reason not to cheat—as long as they are not caught. The pursuit of internal goods, however, requires an effort to excel in that practice. Thus, an answer to the question of why we should argue well may point to the internal goods of argumentation. If, on the other hand, we regarded knowledge or true belief as the goods of argumentation, then the question would arise: why not resort to fallacies or other tricks in order to spread a true belief at a given time?

Vega begins (2015, p. 212) by making an important remark about the “functional justifications” of the good argumentation, those that are based on the good outcomes of good argumentation: the development of knowledge, the resolution of problems, or the development of a public critical rationality. These justifications, he writes, have a weakness, for those outcomes might be appreciated only by those who already acknowledge the value of reason. If someone disregards the importance of reason and argumentation, he or she is not likely to value the reasonable resolution of disagreements, for instance. So, Vega asks, how can that first decision or disposition be justified? At this point, the author reminds us of a relevant observation made by Popper when he criticised “uncritical rationalism,” the attitude of those who only accept what has been justified (1947, pp. 217–218):

The rationalist attitude is characterized by the importance it attaches to argument and experience. But neither logical argument nor experience can establish the rationalist attitude; for only those who are ready to consider argument or experience, and who have therefore adopted this attitude already, will be impressed by them. That is to say, a rationalist attitude must be first adopted if any argument or experience is to be effective, and it cannot therefore be based upon argument or experience.

I believe this claim reveals an important truth. Unless one is already engaged in argumentation, and is willing to consider arguments and to be convinced by them, no justification of good argumentation will be possible. Other authors have also advanced justifications of rationality that are in this sense circular; for example, Rescher (1997, p. 61) writes about the “unavoidable self-justification of rationality.” And Siegel (1988, p. 132) says: “Rationality is *self-justifying*. By this I mean that, in order seriously to question the worth of rationality, one must already be committed to it” (his emphasis). I believe what these authors hold about rationality can be applied to argumentation. As soon as one tries to provide a justification of argumentation, one is already engaged in argumentation itself. This circularity is,

in my view, not vicious. What I propose is not that argumentation justifies itself, but that argumentation can indeed be considered as a practice with internal goods that “can only be identified and recognized by the experience of participating in the practice in question” (MacIntyre, 2007, pp. 188–189).

However, Vega does not stop there. He offers some possible justifications of argumentative normativity that do not rely on external goods or on the outcomes of argumentative practice, but that are intrinsic to argumentation itself. The justification that seems more plausible is based on Brandom’s (1994) model of the practice of giving and asking for reasons. According to this view, the normativity is implicit in our communicative practices, and simply by engaging in linguistic communication one is expected by the other members of the community to understand and respect the implicit norms that govern our entitlements and commitments. Uttering a claim entails being committed to other claims and being entitled to utter further claims. Failing to comply with these implicit norms is simply failing to be rational. As Vega explains, this has important normative consequences:<sup>6</sup>

If a discursive agent does not master the game of entitlements, commitments, and incompatibilities that prevails among those that cultivate a speciality or discipline, he or she will be disqualified or even excluded from the community of professional practitioners.

We must argue well, then, once we have decided to engage in argumentation, because the activity of argumentation *presupposes* compliance with an implicit set of argumentative norms. Vega points out (p. 234) that even fallacious strategies rely on the systematic respect for argumentative norms, for “their systematic employment would destroy the foundations of argumentation.” This, however, does not seem to me to be a *justification* of argumentation—an idea that does not make much sense in my mind—but rather a recognition of the internal goods of the argumentative practice once we are engaged in it.

I believe, then, that the conception of argumentation as a practice with internal goods is plausible. What would those internal goods be? Given that internal goods are to be grasped during the process of engaging in the practice, it seems difficult to

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<sup>6</sup>“Si un agente discursivo no domina el juego de habilitaciones, compromisos e incompatibilidades que prevalece entre quienes cultivan una especialidad o una disciplina, se verá descalificado o, incluso, excluido de la comunidad de practicantes profesionales.” (Vega Reñón, 2015, p. 230)



spell them out. A good place to start could be the *values* that we come to appreciate during the course of the activity of arguing. Vega gives us a hint of what those values could be, but of course this cannot be taken as a list of necessary and sufficient items:<sup>7</sup>

Among the values of argumentation are, for example, sensible mutual understanding; respect for oneself and for our interlocutors as autonomous and competent discursive agents in the activity of giving and asking for reasons; full adoption of the commitments incurred through one's intervention in the course of the argumentative conversation; effective control of public or shared information and knowledge.

Ralph Johnson (2000) has also proposed that argumentation can be considered as a practice in MacIntyre's sense. He defines the practice of argumentation as "the sociocultural activity of constructing, presenting, and criticizing and revising arguments" (p. 154). He explicitly addresses the issue of what goods are internal to the practice of argumentation, and he proposes (p. 155):

The goods internal to that activity are generally an increase in rationality and specifically a deeper understanding, and-or being rationally persuaded, and-or coming closer to an acceptable position.

All of the above seem to me to be plausible candidates for the goods internal to argumentation, even though they cannot be completely identified and grasped unless one is engaged in the practice. At this point, however, an objection must be addressed. Kvernbekk (2008) criticises Johnson's adoption of MacIntyre's notion of practice on the basis that his characterisation of argumentation does not fit the MacIntyrean conception of practice.<sup>8</sup> Her main point is (p. 270):

While the notion of internal goods may capture a number of important things about an activity, the same notion makes a practice close in on itself and become inward-looking. [...] If argumentation is a practice, then arguers argue for the sake of arguing, for the sake of perfecting an argument, for the sake of satisfying the standards of excellence. But this is not what Johnson envisions for argumentation.

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<sup>7</sup>"Entre los valores de la argumentación se cuentan, por ejemplo, el cabal entendimiento mutuo; el respeto a uno mismo y a nuestros interlocutores como agentes discursivos autónomos y competentes en la actividad de dar y pedir razones; la asunción plena de las responsabilidades contraídas con la propia intervención en el curso de la conversación argumentativa; el control efectivo de la información y del conocimiento públicos o compartidos." (Vega Reñón, 2015, p. 233)

<sup>8</sup>I thank Hubert Marraud for drawing my attention to Kvernbekk's article.

Regarding Johnson's account, Kvernbekk might be right. Indeed, some of Johnson's comments seem to characterise argumentation as a purposive activity whose aim lies outside the activity itself (2000, p. 209):

The practice does not exist for itself but rather because it yields a product of value to human society. Hence, broadly speaking, the practice may be deemed to be in good shape if it yields good products.

Be that as it may, whether or not Johnson's approach is compatible with MacIntyre's is not so relevant here. Kvernbekk, however, holds that argumentation, *in general*, cannot be characterised as a MacIntyrean practice. She argues that "argumentation serves a number of other practices, activities or domains" (p. 273). Therefore, the end of argumentation is external to itself. On the basis of a distinction between self-contained practices and purposive practices, according to which in purposive practices "internal goods are no longer specifiable exclusively in terms of the practice, but also in terms of the larger purpose that the practice serves" (p. 275), she proposes that argumentation is a purposive practice. "Purposive practice, as I understand it, encompasses all that a 'practice' encompasses, plus the idea of an end beyond itself" (p. 276). If argumentation were a self-contained practice, then, as Kvernbekk argues in the quote above, "arguers argue for the sake of arguing." Therefore, in her view, argumentation is better characterised as a purposive practice than as a MacIntyrean self-contained practice.

As Kvernbekk points out (p. 272), MacIntyre's characterisation of practices and internal goods is less than clear. However, I believe, contrary to her, that there are good grounds for the existence of an argumentative practice with an end in itself. I am not sure to what extent my arguments will be faithful to the details of MacIntyre's original conception of virtues, but at any rate I believe that the framework is still MacIntyrean. First of all, it should not be forgotten, as I said at the beginning of this subsection, that the fact that a practice has internal goods *does not exclude* its having external goods as well. Excelling at chess, for instance, can lead us *both* to enjoy the internal goods of chess *and* to win a monetary prize. In the same vein, we could say that arguing well can help us *both* enjoy the internal goods of the practice of argumentation—related to, say, a critical stance and reasonableness—*and* obtain knowledge or make a good decision. Moreover, importantly, MacIntyre also includes architecture and farming among their examples of practices (p. 187), but it

seems very implausible to interpret him as claiming that people work in architecture or farming solely for the sake of architecture or farming. It seems more plausible to me to assume that MacIntyre does not regard practices as self-contained in the way that Kvernbekk characterises them.

I am not sure to what extent MacIntyre would regard knowledge and good decisions as external goods—he writes that external goods are “characteristically objects of competition in which there must be losers as well as winners” (p. 190), which does not seem to be the case with knowledge and good decisions. They are probably best characterised as *teli*, as ends of argumentation. But, if that is the case, then those ends are to be addressed, not in this first stage of MacIntyre’s model of virtues, but in the following stages, for they pertain to the good of a human life and to argumentative tradition in society. It is important not to lose sight of the fact that we are in the first stage only and, therefore, argumentative virtues will be only partially characterised in the context of argumentative practice. Of course argumentative virtues are also important and developed in the context of a whole human life and in society—as we will see in the next subsections—but those issues do not yet arise in this conceptual stage.

The idea of the *telos* of argumentation leads us to my second point, which has to do with Kvernbekk’s contention that argumentation should have a purpose beyond itself. I will not deny that some ends can be attached to argumentation beyond itself. Some of them will appear in the following stages. But what in my view is important to emphasise, and Kvernbekk neglects, is the importance of the internal goods of argumentation. She argues (p. 274): “A categorization of argumentation practice as a purposive practice could help us avoid the dangers of self-indulgence and self-perfection and yet allow us to keep a notion of internal goods.” And remember that one of her main objections to the consideration of argumentation as a practice was (p. 270): “If argumentation is a practice, then arguers argue for the sake of arguing, for the sake of perfecting an argument, for the sake of satisfying the standards of excellence.” Here, I do not share Kvernbekk’s concerns. In fact, in my view, the virtuous arguer *should value argumentation for itself*, not merely as a means to some other end—however honourable that end can be. This is the reason why MacIntyre’s model strikes me as valuable for understanding argumentative virtues.

Consider the following situation. Imagine that I support the vision of a non-governmental organisation, and that at a certain time that organisation criticises a situation that I consider unjust as well. The NGO's public statement, however, incurs in a manifest fallacy in order to support its main claim. I am faced with the dilemma of turning a blind eye for the sake of a cause that I support, or pointing out the fallacy even though I share the NGO's purpose. If the latter, I could damage the public image of the organisation and hinder its efforts in pursuit of justice, with no clear benefit. I would provide—even if unwillingly—the enemies of the organisation with resources that they could use against a statement that I actually support. Why would I opt to call attention to the fallacy, if that could only damage the end that both the organisation and I pursue? The answer, in my view, is an appreciation of the internal goods of argumentation, goods that a virtuous arguer may not be willing to sacrifice for the sake of something else. Perhaps this is precisely the kind of behaviour that Kvernbekk would criticise as a case of “self-indulgence” and “self-perfection.” Nevertheless, I believe that valuing the internal goods of argumentation and not being willing to disregard them when some other end comes into view would be characteristic of a virtuous argumentative attitude. As MacIntyre points out (p. 198): “It is of the character of a virtue that in order that it be effective in producing the internal goods which are the rewards of the virtues it should be exercised without regard to consequences.”

Consider, further, the number of argumentative activities that have been practised throughout history in different cultures, whose only end seems to be argumentation itself. In modern scholar debates in high schools and universities, for example, students have to defend a claim with which they sometimes do not agree themselves, there is not a decision to be made about a certain course of action, there is rarely a conclusion that could be considered as knowledge that they have obtained, and, in general, there is no specific end beyond the debate itself. Just as happens with chess, the only point seems to be to become better at arguing.

A similar case is the medieval disputation. There were several kinds of disputation during the Middle Ages. The *scholastic* disputation was mainly a teaching method and its aim was to arrive at the truth of some matter; in contrast, in a *dialectical* disputation “the aim was not to find the right answer to a question, but to win the debate, applying strict dialectical rules” (Weijers, 2007, p. 141). One of

those dialectical disputations is the obligation game that Hamblin (1970, pp. 125–130) describes. On the basis of Aristotelian dialectic, the obligation game is played by a respondent, who is committed to defend a thesis—called the *positum*—and an opponent that puts forward propositions—called *proposita*—for the respondent’s assent or dissent. The *positum* was generally a false statement that the respondent had to accept, suspending his own beliefs, and the aim of the opponent was to lead the respondent to an inconsistency. Naturally enough, the respondent would have to accept some false *proposita* in order to maintain consistency. If the respondent managed to be consistent, he won the game; if, on the other hand, the opponent managed to lead him to a contradiction, then the opponent was the winner. We can see, then, that the ability to maintain consistency among one’s beliefs is an important skill that helps participants succeed in the obligation game. By engaging in this kind of disputation, individuals begin to learn how to appreciate, respect, and exercise one of the internal norms of argumentation. Arguably, the requirement of consistency does not come from outside, but it is an internal requirement in a similar sense as Brandon’s idea of compatibility of commitments, a requirement which, he argues, is implicit in our linguistic practices.

Those practices can be considered as truly self-contained, in the sense that their internal goods can be specified exclusively in terms of the practices themselves. And some virtues—that is, acquired human traits that enable us to achieve the internal goods of the practice—can already be identified, even if imperfectly in this stage. Notice that I am *not* claiming that those specialised, self-contained practices are *chronologically* prior to purposive argumentative practices—that would admittedly be a very implausible claim. MacIntyre points out that the three stages characterise the “*logical* development of the concept [of virtue]” (my emphasis) that serves to explain the “complex, historical, multi-layered character of the core concept of virtue” (p. 186). So self-contained practices like the examples above are merely intended to provide a first, incomplete characterisation of argumentative virtues. For example, in order to perform well in those kinds of debates, one should be *fair-minded* in the appraisal of opposite arguments. It is also important that the arguer displays *intellectual humility* so that she is aware of the limits of her argumentative capabilities and attempts not to undertake more commitments than she can handle. And, to name just another example, a virtue that partially arises in this context

is *intellectual perseverance*, understood as a trait that helps the arguer continue in her intellectual endeavour in the face of difficult obstacles, such as the pressure of the opponent and the difficulty involved in her search for better arguments and responses (King, 2014).<sup>9</sup> Needless to say, the skills of producing good arguments and assessing opposite arguments—as well as the skill of maintaining consistency, already mentioned—are important as well in order to excel in those practices.

### 7.3.2. Argumentative virtues and human flourishing

As we saw, MacIntyre mentions chess as an example of a practice. However, the traits that enhance performance in this game might not pass the test of MacIntyre's second and third stages, and therefore those traits could not be considered virtues. Moreover, many people never learn how to play chess, and even those who do may not consider that chess plays an important role in their lives. Argumentation is not like that. Argumentation does not merely take place in practices such as the medieval disputation or the modern scholar debate, practices that people may or may not perform during their lives. Argumentation is present in the lives of all of us. And therefore argumentative virtues and skills are not merely exercised in an isolated practice that individuals may or may not engage in, as is the case with chess skills.

In this subsection, I must show how argumentative virtues and skills contribute to the fulfilment of what is considered in our society as the human *telos*. My claim will be that the development of argumentative skills and virtues contributes to the fulfilment of human potentialities—particularly, of human reason. The exercise of argumentative skills and virtues contributes in an essential way to the development of the individual, and in that sense I believe that it contributes to a conception of *human flourishing*. Not only is argumentation all-pervading, it is also a vital part of what makes us human. Were someone incapable of arguing, we would have to conclude that such a person lacks a crucial component of personhood, a component that he or she *should* have as a human being; this case would be similar in certain respects to that of a person that cannot distinguish good acts from bad acts. Just

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<sup>9</sup>These are examples of argumentative virtues taken from Aberdein (2010, p. 175).

as happens with ethical capacities, argumentative capacities are part and parcel of what a mature and sane person is supposed to have.

Several philosophers have pointed out that being human crucially involves engaging in argumentation, that is, engaging in the practice or giving and asking for reasons. Christopher Tindale, for example, writes that we are “essentially argumentative beings” (2015, p. 3). He dedicates a chapter of his book *The Philosophy of Argument and Audience Reception* to the relationship between argumentation and personhood. Drawing from insights of theorists such as Chaim Perelman or Robert Brandom, Tindale argues not only that the exchange of reasons must necessarily take place in a social context, but also that it is an intrinsic part of what being a person consists in. As he puts it (p. 179): “A being that could not argue would lack a self.” This is so because the capacity of exchanging reasons in a social world which we all inhabit and where argumentative exchanges take place is one of the aspects that define a person (p. 178):

An important, perhaps fundamental, aspect of the status-sense of personhood is the recognition by others that I act for reasons and, when called upon, can provide further reasons in justification of my actions.

According to a traditional philosophical view, public argumentation is merely a manifestation of a deeper capacity of reason and private deliberation. Private reason, thus, would be a much more stable and critical foundation for our beliefs than the activity of presenting arguments and submitting them to public scrutiny—an activity sometimes called *rhetorical* with disdain. Take, for example, Socrates’ claim that “I shall not be eager to make what I say seem true to my hearers, except as a secondary matter, but shall be very eager to make myself believe it” (*Phaedo* 91a). As Perelman and Olbrechts-Tyteca observed (1969, p. 41): “This individualistic outlook has done much to discredit, not only rhetoric, but, in general, any theory of argumentation.” These authors reversed the order of explanation and importance. They proposed considering self-deliberation as just a special case of argumentation with others, and not one that provides a safest ground. For, as they point out (p. 42): “Depth psychology has taught us to distrust even that which seems unquestionable to our own consciousness.” If, therefore, self-deliberation is a special case of argumentation, then public argumentation could be said to contribute to the individual capacities of reasoning.

Interestingly, according to Mercier and Sperber (2011), the capacity of reasoning itself may have evolved in human beings with the main function of arguing. They hold that “reasoning is best adapted for its role in argumentation” (p. 59). Therefore, they argue, the main function of reasoning is argumentative (p. 60):

Reasoning enables people to exchange arguments that, on the whole, make communication more reliable and hence more advantageous. The main function of reasoning, we claim, is *argumentative*. [...]

Reasoning has evolved and persisted mainly because it makes human communication more effective and advantageous.

An interesting feature of Mercier and Sperber’s theory is that, as they point out, it entails “falsifiable predictions” (p. 60), and therefore it can be tested. Several predictions that the authors make are (p. 61):

- Reasoning should be good at producing and evaluating arguments.
- Reasoning should produce its best results when used in argumentative contexts.
- Reasoning should exhibit a strong confirmation bias—given that, in order to convince an interlocutor, we should look for arguments in favour of our own claims.
- When people reason on their own, they anticipate a dialogic context, and mostly to find arguments in support of their own opinion—what is called *motivated reasoning*.
- Reasoning drives people towards decisions that they can justify, even if these decisions are not optimal.

Mercier and Sperber then go on to review the literature about research on reasoning and bias, and they show how the results fit the predictions of their theory. A remarkable example is how their argumentative theory of reasoning can explain confirmation bias much better than other theories (p. 63):

For standard theories of reasoning, the confirmation bias is no more than a *flaw of reasoning*. For the argumentative theory, however, it is a consequence of the function of reasoning and hence a *feature* of reasoning when used for the production of arguments.



The same happens with other kinds of bias, which standard theories consider as flaws of reasoning but which, from the point of view of the argumentative theory, can be explained simply as expected outcomes. Most interesting, however, is the fact that people's reasoning is at its best when it takes place in the context of a group discussion where the members of the group disagree, that is, in a proper argumentative setting (p. 63). Even when people deliberate alone, Mercier and Sperber argue that what they do is search for reasons that could justify their decision if it were challenged by someone in a public discussion—and this leads not necessarily to the best decision, but to the most easily justifiable decision (pp. 70–71). Thus, according to the authors (p. 71): “the function of reasoning is primarily social. In particular, it allows people to anticipate the need to justify their decisions to others.” The normal conditions under which reasoning produces the best results, then, are not those of an individual thinking in isolation. Consequently, Mercier and Landemore argue that (2012, p. 253):

[...] reasoning should not be evaluated primarily, if at all, as a device that helps us generate knowledge and make better decisions through private reflection. Reasoning, in fact, does not do those things very well.

Rather, they claim (2012, p. 248): “These normal conditions are now to be found in a disagreement between at least two individuals in the course of a conversation.” Actual and public discussion between people with different views is, in fact, regarded as a better setting for the exercise of reasoning than a single person reading or listening to arguments (Mercier, 2016, p. 697): “Discussion is also much more effective than the simple presentation of arguments at changing people's minds.” Therefore, when one is reasoning alone, being good at reasoning means, among other things, being good at anticipating objections to one's beliefs and decisions. Taking into account possible objections no doubt contributes to the quality of our arguments, as Johnson (2000, pp. 206–208) emphasises. And the examples of argumentative practices that we saw in the previous subsection, such as the medieval disputation, can serve as an exercise that enhances this and other argumentative skills (Mercier and Sperber, 2011, p. 73).

So far, then, this discussion has shown not only that argumentation does not merely take place in the kind of self-contained practices that we saw at the end of the previous section, but also that, in fact, argumentation is, in a very important

sense, an essential part of what being a person means. Giving and asking for reasons is an unavoidable part of our lives and in fact of our essence as human beings. Reasoning, what arguably differentiates humans from the rest of animals, has precisely that function. This way, we begin to see how argumentation can contribute to our development as human beings—to our *telos*. This, however, merely points to an essential component of human reality, a minimum, so to say: we are all able to—and bound to—participate in the activity of giving and asking for reasons simply because we are rational. This does not yet show how argumentative virtues and skills—i.e. arguing *well*—contribute to the good of a human life. To this topic I turn now.

Here, the significance of education—which is, as we saw, crucial to an understanding of the virtues according to Annas—enters the picture. For, when we ask what kind of education should society provide children, the underlying fundamental question is what kind of persons we would like to shape. And arguably what such discussions assume—or explicitly argue about—is a view of what the *telos*, the end of a human life is. That is, discussions about what kind of education society should provide are in great part discussions about how infants should develop. They assume or explicitly discuss an envisaged picture of how a mature adult should be, what traits and skills he or she should possess.

During the last decades, the importance for children of developing good reasoning or critical thinking skills has been emphasised. Deanna Kuhn (2005) proposes that the goal of education must be “education for thinking,” and her book is intended to explain what is meant by that. In the same vein as Mercier’s argumentative theory of reasoning, Kuhn emphasises the social background of thinking (pp. 13–14):

Thinking rarely remains a solitary activity conducted inside people’s heads. Thinking is most often and most importantly a social activity, embodied in the discourse people engage in to advance their individual and shared goals.

As in the case of Mercier’s theory, Kuhn’s proposal is supported by empirical research—in her case, conducted in classrooms of middle schools. According to Kuhn, there are “two major families of thinking skills” that “constitute a core of effective thinking,” and these are the skills of inquiry and the skills of argument

(pp. 12–13). The first set of skills has to do with the capacity to research and learn independently. Authentic inquiry skills “require comprehension and communication abilities” (p. 47) and, importantly, the ability to distinguish between a thesis and the evidence that supports or undermines it, so that the thesis “is understood as capable of being disconfirmed by the evidence” (p. 57). More relevant to our present purposes, however, are the skills of argument.

The skills of inquiry and of argument are not intuitively given and do not develop naturally in children; schools must instil those skills in them (p. 28)—which gives us a reason to think also of argumentative virtues and skills as acquired traits. Even though argumentation pervades our lives and has its origins in everyday conversation, effective argumentative skills do not emerge spontaneously (p. 116). But, why should those skills be developed? Argumentation, she holds, enhances the quality of reasoning (p. 115):

Engaging in argumentative discourse is thought to enhance individual thinking competencies by forcing normally covert, meta-level questions—How do you know? What makes you say that? Are there any other possibilities?—out into the open. Through participating in such discourse, students acquire the skills and values that lead them to pose the same questions to themselves [...]. The result is enhanced monitoring and management of their own thinking.

As we saw before, Mercier’s argumentative theory of reasoning establishes an essential link between reasoning and argumentation. In fact, he makes a claim that is similar to Kuhn’s previous quote regarding the improvement of reasoning through engagement in argumentation (Mercier, 2016, p. 696):

Engaging in argumentation provides students with the experience of having one’s arguments refuted and of being exposed to counterarguments. As a result, they can become better not only at arguing about the topic at hand but also at arguing about other topics. These improvements transfer, to some extent, to solitary reasoning, as students who have argued extensively with others come to write more balanced essays, anticipating more counterarguments and using better evidence for their arguments. The same techniques can be used to improve teachers’ argumentation skills.

Moreover, according to Kuhn, the mere acquisition of skills does not suffice. It is also crucially important that students understand the significance of inquiry and argumentation and that they value them for their own sake (2005, p. 14):

Fully important as the cognitive skills themselves are the values that support them, because these values govern the extent to which the skills will be applied and practiced.

This point has also been emphasised by Siegel (1988), who holds that education should foster not only skills but also *dispositions* and *character traits*; that is, it should aim at “the development of certain sorts of persons” (p. 112). The mere possession of skills would be of no value were the students not motivated to use them. But Kuhn makes a stronger point, one that relates this discussion to our previous subsection. She argues that schools should help students conceive of inquiry and argumentation as activities with *intrinsic* value (2005, p. 27):

The value of an intrinsically valued activity, in contrast, lies in the activity itself. The benefits of the activity emanate directly from it. People engage in it because it is experienced as valuable in its own right. The advantage is clear: Continued commitment to the activity is ensured. It is not dependent on a relation between the activity and some independently valued outcome.

Activities that have clear, readily discernible intrinsic value thus provide the firmest basis for sustaining intellectual motivation through childhood and adolescence and into adulthood.

Inquiry and argumentation will not be valued by themselves, however, as a result of the teacher’s exhortations. These activities reveal their “value and power in the course of being practiced” (p. 113). Hence, we have yet another argument for considering argumentation as a practice with intrinsic goods. People’s engagement with argumentation—in fact, with arguing *well*—depends on their conviction that argumentation is not a mere means to some end, but is actually a self-rewarding practice, and this can only be achieved by actually engaging in that practice. Nevertheless, given that we are now in the second stage of MacIntyre’s model, our concerns should go beyond the intrinsic goods of argumentation to the contribution that argumentative virtues make to the development of a person. Thus, Kuhn argues that teachers should design authentic dialogic arguments in classroom so that they “have a purpose and a goal;” students, she says, “must come to see argument not only as purposeful and fruitful, but also as yielding the same potential dividend as does inquiry: richer understanding, individually and collectively” (p. 127).

However, some thinkers have argued that the development of a good (virtuous) argumentative character requires something more than argumentative skills and

the motivation to apply them. This leads us beyond argumentative *skills* to the consideration of argumentative *virtues*. As we saw in previous chapters, Richard Paul (1993) criticised what he called critical thinking in a weak sense, that is, “as a list or collection of discrete intellectual skills” (p. 257). In contrast, he argued for critical thinking in a strong sense, which he presented as “a mode of mental integration, as a synthesized complex of dispositions, values, and skills necessary to becoming a fairminded, rational person” (Ibid.). Critical thinking in the weak sense is the characteristic of the self-serving critical person, who can produce sophisticated rationalisations in the service of her vested interests and desires (p. 258). Thus, critical thinking in the weak sense is limited to skills. Critical thinking in the strong sense, on the other hand, includes a number of *intellectual virtues*, without which “intellectual development is circumscribed and distorted, a caricature of what it could and should be” (p. 256).

Paul, therefore, talks about *intellectual virtues*. However, in my view, the virtues in his list—which includes *intellectual humility*, *intellectual empathy*, and *intellectual perseverance*, among others—can be considered argumentative virtues as well. This is so because Paul’s virtues find their natural place in argumentative discussions with people that hold different points of view. So even with the distinction, that I endorsed (p. 117), between private reasoning and public argumentation, it is difficult to clearly demarcate the virtues that belong to argumentative contexts and the virtues that belong to reasoning. But, given what I have said in this subsection, this is only to be expected. In this second stage of MacIntyre’s model, the primitive meaning that argumentative virtues acquired in the first stage is enriched with the idea of a *telos*, and that *telos* has to do with the enhancement of our intellectual capacities. Hence, in this stage, argumentative virtues as I conceive of them cannot be limited to internal goods, as was the case in the first stage. Rather, now argumentative virtues also involve *broader* intellectual goods. I claim, then, that as we move beyond the first stage where only internal goods matter, and as argumentative virtues acquire a fuller meaning, the boundaries of what is *strictly speaking* argumentative become blurred. This will become even more manifest in the next subsection, where I will discuss the third stage of the model.

In conclusion, then, both argumentative skills and virtues enhance people’s reasoning and contribute to their development into mature, critical, reasonable adults.

They contribute to the formation of what we consider a successful, truly developed, and in fact admirable human being. Argumentative skills and virtues are indispensable to the attainment of the intellectual human *telos*—according to our present understanding of such a *telos*.

At this point, it is crucial to observe that we have not lost sight along the way of the goods internal to the argumentative practice that were introduced in the first stage. They still belong to what we could call the *core* of argumentative virtues. So there is a sense in which argumentative virtues are exercised *for the sake of argumentation*. But, in the second stage, that sense is no longer the only sense that argumentative virtues have. Now, taking into account that argumentative virtues must contribute to the intellectual *telos* of human life, there are goods such as knowledge, truth, insight, or understanding that must be taken into consideration as well. I am not saying that argumentative virtues have *different* meanings; I am saying that argumentative virtues have *complex, multi-layered* meanings (MacIntyre, 2007, p. 186).

For instance, Paul characterises intellectual humility as follows (1993, p. 259):

Having a consciousness of the limits of one's knowledge, including a sensitivity to circumstances in which one's native egocentrism is likely to function self-deceptively; sensitivity to bias, prejudice, and limitations of one's viewpoint. Intellectual humility depends on recognizing that one should not claim more than one actually knows. It does not imply spinelessness or submissiveness. It implies the lack of intellectual pretentiousness, boastfulness, or conceit, combined with insight into the logical foundations, or lack of such foundations, of one's beliefs.

Thus, this is no longer a trait that simply helps achieve excellence in a self-contained argumentative practice. Intellectual humility helps improve our beliefs by paying attention to our biases and therefore it contributes to the acquisition of knowledge. It helps us take our limitations into account and hence it contributes to the improvement of our beliefs. In short, it contributes to the attainment of intellectual goods and to our development as cognitive agents.

Similarly, intellectual perseverance is not exercised *solely* for its own sake; it must have a purpose. As King points out (2014, p. 3510): “Subjects who choose to pursue *pointless* truths will not exhibit intellectually virtuous perseverance even if they endure obstacles in the pursuit of those truths.” The same happens when “one

persists in a project that is not worthwhile, or persists despite strong evidence that no further progress on the project is forthcoming” (p. 3508). Thus, the importance of an intellectual inquiry and the possibilities of success are crucial. Intellectual perseverance is in part a matter of what intellectual goods one is trying to attain.

Finally, intellectual empathy is characterised by Paul as an awareness of “the need to imaginatively put oneself in the place of others in order to genuinely understand them” (1993, p. 261). Genuine understanding of others’ views not only involves considerations of intellectual goods, such as knowledge, but it arguably involves *ethical* considerations as well. I have not addressed the issue of whether there is any ethical component in this stage, but I suspect that, given that we are dealing with the development of human beings, ethics cannot be completely and clearly separated from argumentative virtues. A full account of argumentative virtues should probably include a discussion on their ethical aspects.

### 7.3.3. Argumentation and argumentative tradition in society

We have reached the final stage of MacIntyre’s model. In the first stage, my aim was to argue that argumentation can be considered as a practice with internal goods, and that in the context of argumentative practices at least a rudimentary version of argumentative virtues emerge. In the second stage, I argued that the development and exercise of argumentative virtues and skills contribute to the development of reason in a way that can be regarded as the achievement of the intellectual human *telos*. Now, in the present third stage, the scope of argumentative virtues broadens from the individual human life to society. In this subsection, my goal is to support the claim that argumentative virtues are part of an evolving tradition in which argumentative standards and norms are discussed and modified, and which contributes and adapts to other traditions and goods of society. Here, what I am interested in is not merely an argumentative tradition, but more broadly in certain political and juridical traditions in which arguing—and more specifically arguing in particular ways—occupies a prominent place.

Some authors have already held that argumentative or, more broadly, rational standards are not fixed once and for all, but they are actually subject to the evolu-

tion of our understanding of them. For example, Siegel, in his book about critical thinking in education, writes (1988, p. 59):

Education, on this view, amounts to the initiation of the student into the central human traditions. These traditions—science, literature, history, the arts, mathematics, and so on—have evolved, over the long history of their development, guidelines concerning the role and nature of reasons in their respective domains. [...]

Such appraisal is, moreover, not static. Standards of rationality evolve and must be seen as part of a constantly evolving tradition.

But perhaps the theory of argumentation that most patently takes into account the evolving, situated nature of reasonableness is Perelman and Olbrechts-Tyteca's (1969) new rhetoric, with their idea of the *universal audience*. The universal audience sets the standard of good argumentation in these authors' theory. Being a rhetorical approach, their theory is centred on audience and effectiveness, and therefore without the concept of universal audience it could only explain actual acceptance by particular audiences. The universal audience is not, of course, a real existing audience. It is, the authors explain, "imagined by the speaker" (p. 31). It is not an actual audience that as a matter of fact accepted or will accept a certain argument, but an audience that exists in the arguer's mind and whose imagined adherence functions as the standard against which the arguer must assess the strength of her arguments. As Tindale explains (2015, p. 216): "This is the audience that provides a norm for objective argumentation; that filters out contingent factors like prejudice and self-interest." Hence, the resort to the idea of universal audience allows the authors to incorporate a standard of *good*—not merely *effective*—argumentation while at the same time avoiding any appeal to "impersonal validity" (Tindale, 2015, p. 73). Perelman and Olbrechts-Tyteca explain (p. 33):

Everyone constitutes the universal audience from what he knows of his fellow men, in such a way as to transcend the few oppositions he is aware of. Each individual, each culture, has thus its own conception of the universal audience.

To say that is simply to say that the standards of reasonableness in argumentation depend to some extent on the time and the culture in which one lives. Writing about Perelman and Olbrechts-Tyteca's concept of universal audience, Tindale observes that the evaluation of arguments is always a matter of a particular social community at a certain historical time (2015, p. 73):



Unlike the isolated arguments of a demonstration, argumentation always has a social history. The community of reasoners that judges the strength of an argument has reasoned before, and those decisions will influence future decisions, just as they are recoverable in an empirical analysis.

Obviously, as I said in the previous section, an explanation of the whole history of the evolution of standards of argumentation would require an entire book, but I will provide some examples in order to make the claim plausible. The first example concerns the topic of fallacies—which, despite the fact that it was criticised by Hamblin (1970) because of its excessive adherence to tradition, it was arguably shown by Hamblin himself to have evolved.<sup>10</sup> As is well known, the type of argument called *ad hominem* was first proposed by John Locke in his *Essay Concerning Human Understanding*. Locke identified four types of arguments that, according to him, people ordinarily use when they argue with each other, and which he named *ad verecundiam*, *ad ignorantiam*, *ad hominem*, and *ad iudicium* (Book IV, Chapter XVII, §19–22). Although he did not clearly present any of these types of arguments as a fallacy, he did state that the argument *ad iudicium* was the only one of the four that “brings true instruction with it, and advances us in our way of knowledge” (§22). Locke’s definition of the *ad hominem* argument is too brief and it is not entirely clear what he meant, but what he wrote may be enough to conclude that his conception of the *ad hominem* was very different from the way it is usually understood nowadays (§21):

A third way is to press a man with consequences drawn from his own principles or concessions. This is already known under the name of *argumentum ad hominem*.

Such an understanding of the *ad hominem* argument actually seems to fit the practice of the medieval disputation, and still today can be considered as a way of testing the acceptability of a person’s principles or viewpoints. Perhaps Locke’s rejection of this way of arguing could be seen as a reaction against the medieval disputation, where the opponent’s task was to press the proponent as hard as he could with consequences drawn from his concessions, and to skilfully lead the proponent to an inconsistency. Whatever the case, this is not the meaning with which the *ad hominem* argument has come to us. In Whately’s *Elements of Logic* we already find

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<sup>10</sup>A more recent account of the history of fallacies, with a bigger emphasis on the changes that the theory of fallacies has undergone, can be read in Spanish in Vega Reñón (2013).

a definition that is closer to the current understanding of this type of argument. According to Whately, an *ad hominem* argument (ch. III, §15):

is addressed to the peculiar circumstances, character, avowed opinions, or past conduct of the individual, and therefore has a reference to him only, and does not bear directly and absolutely on the real question.

Whately points out that this type of argument is not universally fallacious, but only “when unfairly used”. As Walton (1998) shows, however, at the beginning of the 20th century most textbooks on logic regarded *all* instances of the *ad hominem* argument as fallacious. During the second half of the 20th century, some textbooks began to acknowledge that it can be a legitimate kind of argument in some cases, but many other textbooks still defined the *ad hominem* in a way that made it inherently fallacious. It was not until very recently that the *ad hominem* argument was widely acknowledged as a reasonable type of argument in certain cases—in great part, due to the work of Walton.<sup>11</sup> Thus, as can be seen even in this short overview, both the definition and the evaluation of the *ad hominem* argument have changed throughout history.<sup>12</sup>

This example of the change in meaning and status of the *ad hominem* argument should not be seen merely as a peculiarity of academic interest only. The *ad hominem* argument is a widely known kind of argument today, a part of people’s culture, and in fact in everyday discussions it is not infrequent to hear accusations that someone has committed an *ad hominem* fallacy. It can be seen, I suggest, as an example of the change in our social views of what is and what is not reasonable argument.

The case of the transformation of the *ad hominem* argument pertains to the kind of arguments that are used and how they are evaluated—and hence it belongs to what I am calling here *argumentative skills* and, arguably, it can be aptly studied by an act-based theory such as informal logic or pragma-dialectics. But virtues have also undergone change. A prominent case is that of humility. In the

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<sup>11</sup>Notice, though, that this discussion ignores the distinctions that have been made of different types of *ad hominem* arguments—abusive, circumstantial, *tu quoque*, etc. See Walton (1998) for a detailed account.

<sup>12</sup>In chapter 12 we will see how some conceptions of the *ad hominem* and of other fallacies have been criticised and I will present new ways of conceiving of them that have been proposed.

*Nicomachean Ethics*, Aristotle presents five intellectual virtues (VI.3): skill (τέχνη), scientific knowledge (ἐπιστήμη), practical wisdom (φρόνησις), wisdom (σοφία), and intellect (νοῦς). Humility, however, is to be found nowhere—neither as an intellectual nor as an ethical virtue. It is even possible to find, among the ethical virtues, a trait that seems to be opposed to humility: the virtue that Aristotle calls magnanimity (μεγαλοψυχία) and defines this way (IV.3):

Now, the magnanimous man appears to be he who, being really worthy, estimates his own worth highly; for he who makes too low an estimate of it is a fool; and no man who acts according to virtue can be a fool, nor devoid of sense.

Thus, Aristotle might have regarded humility actually as a vice, rather than a virtue. In fact, the absence of any comment about humility in his ethical work might suggest that, in the Ancient Greek world view, the virtuous person<sup>13</sup> was not humble. Today, however, intellectual humility occupies a privileged position in most catalogues of intellectual virtues. It can be found, as we saw, in Paul's (1993) list of intellectual virtues, but it is also mentioned as an epistemic virtue by Code (1987, p. 234), and Aberdein (2010, p. 175) includes it among the argumentative virtues as well.<sup>14</sup> A detailed account of what happened in between, from Aristotle to the present day, cannot of course be given here, but the striking contrast in the consideration of humility can serve as an example that shows how virtues have evolved.

The evolution of argumentative standards and virtues, however, does not take place in isolation from the rest of society. Now, in the third stage of MacIntyre's model, my main interest lies in how argumentation contributes to the good of society and how argumentation is influenced by broader social traditions. The extent to which argumentation is valued, the form it takes, the kinds of arguments that are considered strong or weak, and the behaviour that is to be expected from a virtuous arguer, are all aspects of argumentation that change and adjust to the needs of society at a particular time. If it is true that argumentation possesses internal goods that the virtuous arguer should appreciate by themselves, as we saw in the first stage, it is no less true that argumentation also serves as the way of attaining a number of social goods, and consequently those social goods must influence what is regarded

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<sup>13</sup>Actually, the virtuous *man*.

<sup>14</sup>Other examples include Kidd (2016), Roberts and Wood (2007), and Zagzebski (1996, p. 114).

as *good* argumentation and what traits are regarded as argumentative *virtues*. In order to make this idea plausible, I will mention just a few examples from two social traditions—the juridical and the political tradition in Europe. Viewing how argumentation has been conceived of and what modes of arguing have come to be valued will shed light on what has been regarded as argumentative virtues—given that those virtues emerge from a general conception of argumentation.

Argumentation has played a crucial role in the courtrooms since Ancient Greece. The form and character that argumentation took in Greece during the time of Socrates and Plato can be seen in the writings of the Sophists—who arguably understood much better than Socrates and Plato themselves what was expected from citizens in the Athenian democracy. As we saw in the previous subsection, Socrates sometimes speaks as if being himself certain of something after self-deliberation was more important than achieving the acceptance of his peers through argument. In the *Gorgias* (486a), Callicles warns Socrates that “you could not make a speech correctly to the council of justice, nor seize anything likely and persuasive” and therefore, if Socrates had to defend himself before court: “you know you’d have no idea what to do with yourself; you’d be dizzy, you’d gape, not knowing what to say.” As we all know, this actually happened. In the year 399 BCE, Socrates was accused of impiety and corruption of the youth, and sentenced to death. In the *Apology*, where Plato depicted Socrates’ speech before the court, Socrates indeed declares his lack of oratory skills. Moreover, he draws a contrast between “the truth” and “speeches finely tricked out with words and phrases” (17b), thereby belittling the latter. The Sophists, on the other hand, grasped the significance of speech and of the effort to achieve the adherence of their audience in the context of the Athenian democracy, and especially in the courtroom. As Tindale explains (2010, p. 13):

The mainstay of the legal institution in fourth-century Athens was speech making, and in this area the sophistic influence was powerful and again pervasive. The purpose of law was to express the will of the *demos*—ordinary citizens who made up the core of the state. Represented by a selected body of citizens, the *demos* would hear the cases of prosecutors and defendants, effectively in debate, and would then decide the issue by vote. Thus the power to persuade through speech was an essential skill for those engaged in civic life.

Tindale (2010) studies the main argumentative moves that the Sophists employed and that were useful in Ancient Greek courtrooms. One of the most impor-

tant types of arguments that the Sophists developed and that were used in courtrooms was the argument from likelihood or probabilities (εἰκότα). The argument from likelihood was in fact prominent in Ancient Greek rhetoric, and it was also acknowledged by Aristotle in the *Rhetoric* (I.2). As Tindale (p. 70) points out, probability, as it was used by the Sophists, is not to be confused with induction, with scientific probability, or with any sense of *objective* probability. Instead, it is based on what seems more *plausible*: “what is likely involves a case-by-case determination and is accepted by the crowd on the grounds not of their opinion alone but of their *experience*” (his emphasis). We can find a good illustration of what the arguments from likelihood involved in the *Tetralogies*, written by Antiphon around the year 430 BCE.<sup>15</sup> The *Tetralogies* comprises three series of texts in which litigants present opposing arguments before a court. In such texts, a crime has been committed and, given the lack of conclusive and direct evidence, both parties have to present arguments in support of what, in their view, was *likely* to have happened. For example, in the first tetralogy, a man and his servant have been killed in the street during the night, and another man, who was about to be taken to court by the victim—and hence was an enemy of the victim—is accused of the crime. Before dying, the servant identified the accused as the murderer. The defendant then argues that he is actually *unlikely* to have committed that crime (2.2.3):

They claim that my cleverness makes it hard to establish my guilt, but they also accuse me of foolishness when they argue that my actions show that I did the deed. For if the enormous hostility between us leads you now to consider me the likely suspect, then it was even more likely that before committing the crime I would foresee that I was going to be the obvious suspect, and far from committing the murder myself and willingly incurring the obvious suspicion, I would even prevent others from killing him if I learned they were planning to do so. For if the deed itself showed that I was the killer, I was doomed, and even if I escaped detection, I was quite certain I would incur this suspicion.

This is just an example of the numerous arguments from likelihood that are used by both parties in the first tetralogy. Other examples—used by the prosecution—are: that it is unlikely that they were killed by professional criminals, given that their cloaks were not stolen; that their death was not the result of a quarrel, because people usually do not quarrel during the night in a deserted spot; and that the

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<sup>15</sup>Tindale (2010, pp. 71–75) discusses the use of arguments from likelihood in Antiphon’s *Tetralogies*.

murderer did not intend to kill someone else and ended up killing the victim by mistake, because in that case the servant would have not been killed as well (2.1.4).

These argumentative moves, which seem to have been very common in the Greek courtrooms, would no doubt be regarded with suspicion in a courtroom today. They would look like mere speculations showing no respect for the factual evidence of the case. Were Ancient Greeks wrong in accepting such kind of arguments and are we right in rejecting them in a criminal procedure? The answer is that it all depends on the social circumstances and the juridical tradition to which argumentation adapts. The Sophists already recognised that arguments from likelihood are important when no evidence is available, but that first-hand evidence and the testimony of witnesses carry greater weight (2010, p. 74). Nowadays, the development of the sciences allows a much stronger reliance on factual evidence, together with a disregard for speculations about what could have happened. In the present times, there is always more factual evidence available than there was in Ancient Greece, and hence the courts can rely on it. Even Johnny Cochran, with his infamous “if it doesn’t fit you must acquit,” was appealing to empirical evidence in support of his client’s acquittal—it was a *fact* that the glove did not fit.<sup>16</sup>

Furthermore, today the principles of the law are also different. A stronger emphasis on the principle of equality before the law brings to the fore the crucial importance of the *argument from precedent*, characteristic of contemporary legal argumentation—especially in common law systems. As MacCormick explains (2005, p. 143):

[...] if you ought to treat like cases alike and different cases differently, then new cases that are relevantly like ones previously decided ought (prima facie, anyway) to be decided in the same or an analogous way to the previously decided ones. Connected to this is the idea of an impartial legal system that does the same justice to everyone, regardless of who are the parties to a case and who is judging it. In a modern state with many in many courts, and a structured hierarchy of appeals, the same rules and rulings should be acted on without regard to which judge is deciding the case.

For another example, today a criminal case could not be resolved simply on the basis of what most likely happened. According to the presumption of innocence in criminal law, which is a fundamental principle and “one fundamental aspect of

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<sup>16</sup>Of course, the interpretation of the evidence is another matter.

the respect for persons that human rights instruments encapsulate” (MacCormick, 2005, p. 239), the standard required for conviction in criminal law is proof beyond reasonable doubt (Ibid., p. 165). Therefore, this principle changes the way a party can be considered to have successfully proved her case: the standards are relaxed for the defendant, who merely needs to cast doubt on the case, and are more demanding for the accuser, who needs to remove all reasonable doubt that the defendant is guilty. This, I claim, influences the way argumentation is practised and how argumentative concepts—such as the burden of proof—are understood. Therefore, it bears on what kind of virtues and skills are expected from an arguer.

Another domain in which argumentation undoubtedly plays a crucial role is the political realm, especially in the context of modern democracies. Both Mercier and Kuhn, that were mentioned in the previous subsection in support of the view that argumentation enhances good reasoning, also point out the importance of good argumentation—what I am calling *argumentative virtues and skills*—for deliberative democracy. Kuhn, for example, argues that her proposal for an education with an emphasis on inquiry and argumentation is relevant to a healthy democracy (2005, p. 14):

To produce individuals who can thrive in and contribute maximally to a democratic society, we need to ensure they develop the intellectual skills needed to inquire and to argue, individually and collectively, and to value these activities as the soundest path to achieving goals, solving problems, resolving conflicts, and maximizing individual and group welfare.

Mercier, in turn, claims that his argumentative theory of reasoning supports deliberative democracy (2016, p. 696):

The potential of deliberative democracy to achieve sound epistemic outcomes is supported by the argumentative theory of reasoning, as it claims that people should be less biased in their reasoning when they engage in dialog rather than reason on their own.

In fact, the democratic political tradition that has come to us and has its roots in the Enlightenment is one that emphasises and encourages free argumentative discussion. In our democratic tradition, the focus is not on the outcome of the decision process but rather on the process itself. What makes a political decision—or, in general, a government—legitimate is mainly a matter of the procedure that

led to that decision. And the ideal procedure consists in the exchange of reasons in an open and free discussion in which everybody involved is and feels included and listened to. This creates demands for our institutions and social practices—for instance, laws allowing free speech and public respect for disagreement and variety of views—and it also places personal demands on citizens. The latter, what is expected from citizens, is what interests us here and what gives full sense to argumentative virtues.

Given that here it is not possible to offer a detailed account of the political theories of the last two centuries—and that this chapter must at some point come to an end—I will limit myself to a few representative examples. The first example is one of the main symbols of the Enlightenment: the text *What is Enlightenment?* written by Kant in 1784. Kant famously defended the *free public use of reason*, although he understood that concept in a particular way: public use of reason is “that use which anyone makes of it *as a scholar* before the entire public of the *reading world*” (1996, p. 60). In contrast, the *private* use of reason refers, not to the solitary activity of self-deliberation, but to “that use which one makes of his reason in a certain *civil post* or office which is entrusted to him” (Ibid.). For example, a teacher must deliver a specific content to her students, as instructed by the government, and she cannot argue about that. The teacher can, however, argue when she is not performing her duties as a teacher but addressing the public as a scholar. And this is the part that Kant emphasises (p. 59): “the public use of reason must at all times be free, and it alone can bring about enlightenment among men.”

Kant’s argument is a political argument for free speech, based on the conviction that dissenting, having different ideas and arguing contribute to the cultural improvement of society. However, even though he claims that freedom to make a public use of reason is enough for enlightenment, the famous statement with which his essay begins seems to suggest that something more is needed (p. 58):

*Enlightenment is mankind’s exit from its self-incurred immaturity. Immaturity is the inability to make use of one’s own understanding without the guidance of another. Self-incurred* is this inability if its cause lies not in the lack of understanding but rather in the lack of the resolution and the courage to use it without the guidance of another. *Sapere aude!* Have the courage to use your own understanding! is thus the motto of enlightenment.



It seems, then, that what was lacking before was not only freedom of speech, but also *intellectual courage*. Humankind was immature partly because of the lack of this intellectual virtue—which is arguably among the intellectual virtues that, as I argued at the end of the previous subsection, can also be considered argumentative virtues. Political freedom is no doubt necessary—and that was the main concern of the German philosophers of the Enlightenment—but without some amount of intellectual virtue, citizens could hardly develop their minds.

Later on, in the 19th century, we find one of the most fervent defenders of freedom of speech: John Stuart Mill. In his essay *On Liberty*, Mill roundly condemns any kind of censorship on the basis of its damaging effects (1864, p. 33):

But the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.

Thus, the arguments that Mill presents (pp. 94–95) in support of freedom of speech are based on two main ideas. The first one is that human reason is fallible, and hence we can never be sure of whether or not a silenced opinion is true, or at least partly true. The second idea is that, even if we already knew the truth, unless opinions are vigorously and earnestly contested they tend to be held as mere prejudices, without a comprehension of their grounds, and they tend to lose their meaning and their effects on character and conduct. This second idea is especially interesting, since it points directly to the importance of argumentation for the comprehension of our own beliefs. Mill encourages the consideration of different points of view and of the reasons that support them in order to properly understand our own views (p. 67): “He who knows only his own side of the case, knows little of that.” His main purpose is the condemnation of censorship, but, just as happened with Kant’s, we can also find in Mill’s essay references to certain argumentative virtues that citizens should have. In this case, Mill encourages *open-mindedness* (p. 39):

In the case of any person whose judgment is really deserving of confidence, how has it become so? Because he has kept his mind open to criticism of his opinions and conduct. Because it has been his practice to listen to all that could be said against him;

to profit by as much of it as was just, and expound to himself, and upon occasion to others, the fallacy of what was fallacious. Because he has felt, that the only way in which a human being can make some approach to knowing the whole of a subject, is by hearing what can be said about it by persons of every variety of opinion, and studying all modes in which it can be looked at by every character of mind.

In another passage, which can be interpreted as a criticism of the vice of *intellectual arrogance*, Mill rejects the idea that certain principles or doctrines should be excluded from free discussion because they are *certain* (pp. 41–42): “To call any proposition certain, while there is any one who would deny its certainty if permitted, but who is not permitted, is to assume that we ourselves, and those who agree with us, are the judges of certainty, and judges without hearing the other side.”

More recently, the theories of Jürgen Habermas and of John Rawls, from very different perspectives, place argumentation at the foundation of the legitimacy of political norms. The arguments of Habermas and Rawls, Elster (1998, p. 5) writes, have in common the idea that “political choice, to be legitimate, must be the outcome of *deliberation about ends among free, equal, and rational agents*” (his emphasis). Proponents of deliberative democracy adopt that idea, thus linking essentially argumentation to political legitimacy. Even though there are different views of deliberative democracy, Elster identifies two claims that they have in common (p. 8):

- The notion includes collective decision making with the participation of all who will be affected by the decision or their representatives.
- It includes decision making by means of arguments offered *by* and *to* participants who are committed to the values of rationality and impartiality.

As we can see, Elster includes the personal commitment to certain values in the core ideas of deliberative democracy. This is noteworthy, for proponents of discursive theories such as Habermas tend to focus mainly on the validity of the *procedure*. However, as the Spanish philosopher Adela Cortina (2007) argues, procedures are not empty and neutral; they always incorporate some *values* (p. 199). Engaging in communication with others, as a cooperative search for justice, involves accepting a number of aspects that are much more rich than simply a set of argumentative rules (p. 195). Once arguers are engaged in a discussion in which they attempt to resolve

their ethical differences, Cortina argues, recognising the best argument does not depend any more simply on the internal logic of arguments; arguers must possess *the capacity to appreciate values* (p. 196). They must also be capable of “tuning” themselves to each other—which, from the perspective of virtue argumentation theory, could be understood as an exercise of *intellectual empathy*—and of *recognising* each other with all their differences; arguers must possess a specific *character*, as well as a deep sense of *compassion* towards those who are acknowledged as not only valid interlocutors but also their own flesh and blood.<sup>17</sup> Acceptable solutions to ethical problems require that the evaluation of arguments be not only a matter of their internal logical properties but also, importantly, of whether they satisfy universalizable interests (p. 210). And success in finding out what propositions are true and what norms are just not only requires a good procedure and conditions of symmetry, it also places demands on character: arguers must be *willing to be convinced* by the force of the better argument<sup>18</sup> (pp. 160–161).

Cortina draws our attention to the requirements of political and ethical deliberation, and she emphasises the fact that procedures and rules are not enough. Arguers must also exercise some virtues of character, which include *fairness* and *intellectual empathy*. What this shows, in my view, is that in the present third stage of MacIntyre’s model, argumentative virtues and skills not only acquire their full meaning; they also become *entangled* with virtues belonging to other domains, such as the ethical domain, and the line separating different domains becomes blurred. Ethical and political traditions influence the way an argumentative discussion is supposed to be conducted and the way arguments are to be evaluated. For example, the view that critical discussions must be free and open to the participation of all the interlocutors, that no discussant must be excluded or silenced, a view that virtually all theories of argumentation endorse, is no doubt heir to political views such as John Stuart Mill’s—as we saw above. For another example, regarding arguments as

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<sup>17</sup>“Y para ello, han de contar con *capacidad de estimar valores*, con un *sentir común* que les permita sintonizar con los demás afectados, con *narraciones* suficientes como para comprender la fuerza de los argumentos, con la *capacidad de reconocer al otro en su alteridad* y de construir la propia *identidad moral*, con un *carácter* forjado día a día para intentar descubrir el mejor argumento, y con un *profundo sentido de la compasión* que brota del reconocimiento recíproco de los que se saben, no sólo interlocutores válidos, sino carne de la misma carne y hueso del mismo hueso.” (Cortina, 2007, p. 196)

<sup>18</sup>Recently, Michael Baumtrog (2016) has proposed the virtue of “willingness to be rationally persuaded” as the fundamental argumentative virtue.

products: the issue of whether an appeal to pity is a legitimate argument or a fallacy can hardly be resolved on the basis of the logical properties of the argument itself; it is an *ethical* matter that depends on whether, in the case at hand, compassion is genuinely called for. Thus, as it was argued at the beginning of this subsection, argumentative standards and virtues evolve, and their evolution is marked by the evolution, the opportunities, and the requirements of other traditions.

## 7.4. Conclusion

The explanation of argumentative virtues based on MacIntyre's model that I have outlined in this chapter provides us, I have claimed, not with a *historical* view of the development of the virtues, but with an analysis of the different *layers* of the virtues, that is, of their complex meaning and different aspects and purposes. MacIntyre's three-stage model helps explain, in my view, how it is that argumentative virtues and skills have intrinsic value—we should argue well for its own sake—while at the same time the exercise and development of argumentative virtues and skills contribute to personal and social ends. This model also explains why it is so difficult to disentangle the norms and standards that are strictly argumentative from those that belong more properly to ethics or politics. As we move from the consideration of internal goods in a first, partial characterisation of the virtues, to the consideration of personal and social ends, argumentation becomes an activity that contributes to and is influenced by other traditions. Hence, the argumentative virtues and skills that emerge from such a conception of argumentation must be influenced by other traditions as well.

In subsection 7.3.1, I have focused on supporting the claim that argumentation has internal goods. I have pointed out how several philosophers hold that rationality cannot be justified on grounds external to rationality itself, and how some philosophers view rationality as something that is implicit in our communicative activity—that must be presupposed for any communicative act to make sense. I have taken these remarks about rationality as applying to argumentation as well. That, in my view, supports the claim that argumentation possesses internal goods that can only be appreciated within argumentation itself. This is only the first

stage, and therefore the focus is on establishing the intrinsic value of argumentative virtues and skills, but I argued that this does not exclude considerations of ends beyond argumentation itself, and the next two stages are intended to show exactly that.

Subsection 7.3.2 discussed how argumentative virtues contribute to the intellectual human *telos*. Both Mercer's argumentative theory of reasoning and Kuhn's education for thinking emphasise the value of argumentation in the development of reason—and the development of reason is arguably widely regarded as at least part of the intellectual human *telos*. Reason and self-deliberation are viewed by various philosophers as dependent on or derivative of argumentation. I have discussed, first, how argumentation as an activity fosters reason; then, how argumentative skills contribute to the development of reason; and, finally, how argumentative virtues are essential to the development of critical thinking in a strong sense. In this stage, the meaning of the virtues is enriched with considerations related to the personal development, and therefore, I argued, argumentative virtues begin to acquire features that go beyond what could be considered as strictly argumentative—for instance, ethical features.

Finally, in subsection 7.3.3, I have placed the virtues in an evolving argumentative tradition that is shaped in important respects by other traditions. I have focused on specific examples taken from the juridical and the political traditions. In the third stage, the characterisation of argumentative virtues and skills is completed, and I have attempted to show how this characterisation involves aspects from the other traditions. Both the kinds of arguments that are used, their meaning, and the virtues that are expected from arguers, have evolved throughout history and have adjusted to the needs and hopes of society.

Thus, without neglecting the specifically and intrinsically argumentative goods, that have been established in the first stage, we can acknowledge the rich and complex meanings of argumentative virtues. We can recognise that argumentative virtues and skills serve a variety of ends, while at the same time taking into account the intrinsic value of argumentation. The possibility of explaining this complexity is, in my view, the great merit of applying MacIntyre's model to argumentative virtues.



## CONCLUSIONS

In the first part of this dissertation, I have outlined the basics of a virtue theory of argumentation and I have addressed several problems that had already been identified by Aberdein. The first of these problems—the one that has attracted more attention from other scholars—is the *ad hominem* problem. As several argumentation theorists have pointed out, it seems that evaluating arguments on the basis of characteristics of the arguer would imply systematically committing the *ad hominem* fallacy. I happen to agree with them, to a great extent. The solution, as I explained in chapter 3, is to abstain from developing a virtue approach to *argument appraisal*, and developing instead a virtue approach to *argumentation as an activity*. I have argued that arguing well does not consist merely in putting forward cogent arguments, and that therefore such a virtue theory of argumentation could provide some insights into what arguing well means. Our attitudes and behaviour in discussions are important as well. Hence, this move from the study of arguments as products to the study of argumentation as an activity is not merely a strategic move. It is, in my view, what makes a virtue approach to argumentation interesting. One of the merits of a virtue theory of argumentation is that it allows us to take into consideration issues to which we were blind before.

Nevertheless, I have also discussed principles and rules that correspond to the quality of argument, both as a product and as a process—what, in chapter 6, I have called ‘reliabilist virtues.’ I hope to have made clear that the introduction of this aspect into a virtue theory of argumentation is not intended to *replace* a more tradi-

tional agent-based approach. My main purposes were two. First, including the requirements of informal logic and pragma-dialectics as part of the virtuous behaviour of an arguer—even if a virtue theory cannot explain them, or at least not so successfully. Second, offering a philosophical theory about the *sources* of those principles and rules on the basis of the MacIntyrean concept of ‘practice’—both responsibilist virtues and act-based norms are attempts to capture what constitutes excellent performance in argumentation as a social practice. None of these purposes involves substituting logical or dialectical act-based standards with agent-based standards in the study of argument.

Similarly, my remarks in chapter 4 about how a virtue theory of argumentation could conceptualise the argument as product should not be taken as an invasion of the field of informal logic. In that chapter, I have explicitly admitted that cogency is a matter of act-based criteria, and that cogency is what determines the “probative merits” of an argument. So, when I write, in that chapter, about the “goodness” of an argument or about a “virtuously produced argument,” it should be clear that those concepts have nothing to do with the issue of how well such an argument supports its conclusion. But *that* issue is not the only legitimate issue in the study of arguments as products. The whole point of this chapter was to show what *other* considerations, beyond that of the strength or the cogency of the argument, a virtue theory of argumentation could highlight. A logician might insist: but, what bearing does any of this have on the issue of whether we should be convinced by a particular argument? Probably not much. Again, if that were my concern, I would likely be studying informal logic. Rather, what interests me is how one should behave during the course of a discussion in order to be an *excellent*—that is, virtuous—arguer *in every respect*.

There is here, however, a certain tension, or an issue that has not been clarified. I have repeatedly said that considerations about the arguer are not relevant to the cogency of arguments *in general*. In which cases, then, would they be relevant? I am afraid there is no straightforward answer to this question. My intuition is that it is the sort of argument itself that determines whether characteristics of the arguer are relevant and to what extent. For instance, it seems clear enough that, if we are dealing with a deductive argument, the question of who has put it forward is beyond the point. Similarly, it can be argued that the merits of an analogy



depend exclusively on the similarities and the differences between the two objects or events. An induction, however, seems to me to be a paradigmatic argument in which considerations about the arguer *do* matter: we must trust that the arguer is honest enough to present all the relevant instances, that she is careful enough to have spotted all of them, and so on. This is doubtless just the beginning of an answer, and more research should be put into this topic. But what this suggests is that, in the evaluation of arguments, informal logic is primary and agent-based considerations would enter the picture only when the criteria of informal logic consider it appropriate.

The conclusion of chapter 4 was that the concept of ‘argument’ is probably not a very useful one for a virtue theory of argumentation, given that the focus of such a theory would be rather on the *activity* of arguing. But, then, perhaps a dialectical theory with a stronger emphasis on argumentation as a process, such as the pragma-dialectical theory, already covers that ground. Chapter 5 is my response to that concern. There, I have defended two main points: first, pragma-dialectics acknowledges that the arguers must fulfil certain requirements of character and state of mind—the second-order conditions—for the discussion to be fruitful and reasonable; and secondly, in practice, compliance with the pragma-dialectical rules requires some virtues in the arguers that help them, among other things, overcome their biases. These two considerations do not raise issues that can be solved during the course of a single discussion. Rather, they are a matter of long-term education and habituation. That is why a virtue theory of argumentation, which is concerned with the development of character, is more adequate for addressing them. And, finally, at the end of this chapter I suggested that a virtue theory of argumentation could explain the origin of all those rules, principles and virtues—argumentative standards in general. The pragma-dialectical justification of the validity of its rules, as we saw, faces several problems, and the solution may simply lie in the implicit normative practices of the participants in a critical discussion. Later, in chapter 7, a sketch of such an explanation, on the basis of the MacIntyrean conception of virtues, has been outlined.

Chapter 6 is an attempt to avoid the conclusion that, since the virtue approach to argumentation that I propose has nothing to say about cogency, an arguer could be considered virtuous even if she usually produced incorrect or weak arguments.

I distinguished between responsibilist virtues, which can be explained on the basis of characteristics of the arguer, and reliabilist virtues, whose value stems from the quality of the arguments she reliably produces. Undoubtedly, this move involves introducing act-based concepts into the theory. I do not think that this should worry us. After all, many theories of informal logic, such as Johnson's in *Manifest Rationality*, include dialectical components, and pragma-dialectics included rhetorical components into the last version of the theory. It would be misguided to demand purity to any theory to the detriment of clarity and good judgement. Nobody would ask virtue epistemologists to define 'truth' in virtue-theoretic terms, just as nobody would ask virtue ethicists to define the consequences of actions in virtue-theoretic terms. Similarly, I find it sensible to acknowledge act-based concepts from the point of view of a virtue approach to argumentation. As critical thinking theorists have been arguing for decades, being a genuine critical thinker involves *both* character *and* skills.

And, finally, the topic of chapter 7 is quite different from the previous ones. It is an attempt to provide a philosophical explanation of the source of argumentative standards—a category in which I included both virtues and rules. As I warned in the introduction to this dissertation, even though it is the longest chapter, it is also probably the most insufficiently developed, given the complexity of the topic. I am aware, then, that I have not even come close to offering a complete and satisfactory account of argumentative virtues. Nevertheless, my hope is that have provided several considerations that make plausible the hypothesis that argumentative virtues could be explained on the basis of MacIntyre's model for ethical virtues. Such an account, in my view, has several merits. First of all, locating the foundation of argumentative virtues in argumentative practices, in MacIntyre's sense, could explain why the pragma-dialectical requirement of conventional validity is the most promising. Our conceptions of rules and virtues are attempts to make explicit what leads to excellent performance in argumentation. Further, the notion of goods internal to a practice could also explain why we value the merits of argumentation in themselves, and why it is so difficult to justify them to someone who does not already appreciate them. And, finally, the interrelationships of traditions that I have proposed explains, in my view, the presence of many non-logical elements among our argumentative standards—why should arguers be empathic, or why should ev-

everybody involved be given a chance to speak, or why must the innocence of the defendants in criminal cases be presumed?

I am aware that this last chapter will be the most contentious one of this part of the dissertation. I merely hope to have provided some initial plausibility to the idea. There is, however, an objection that immediately arises when explaining argumentative standards on the basis of social practices and traditions: does it not unavoidably lead to relativism? The aim of the second part of the present dissertation will be to provide an answer to this challenge. After a first chapter in which I discuss the problem of relativism, I will present an exposition of three different perspectives on argumentation. The task of the theorist, as I see it, should involve a comparison and discussion of several conceptions of argumentative virtues. It will not be possible to do that here, but the conclusions to part II will include a few clues on how that task might be performed.



# II

## ARGUMENTATIVE TRADITIONS AND VIRTUES



## THE THREAT OF RELATIVISM

### 9.1. Introduction

As was pointed out in chapter 3, Aberdein (2010) presents some of the problems that a virtue approach to argumentation would have to address. In that chapter, I focused on the *ad hominem* problem, that is, the risk that a virtue approach to argumentation might systematically commit the *ad hominem* fallacy. A great deal of the previous part of the present dissertation was intended to provide a solution to that difficulty—with the clarification, in the previous chapters, of the purpose of virtue argumentation theory, the distinction between responsibilist and reliabilist virtues, and so on. Now, in this chapter, I will discuss another one of the problems suggested by Aberdein, one that is usually considered to affect especially virtue theories. That problem is the threat of *relativism*. As Aberdein explains it (p. 167):

A problem arises from the different conceptions of the ideal arguer within different cultures or communities. If we are comfortable with this heterogeneity, we appear to sacrifice the traditional assumption of logical universality; if not, how do we ground a common conception? Different cultures endorse different virtues. In ethics these can differ profoundly. In argumentation the differences are perhaps less extreme, but concerns may remain.

The virtue approach to argumentation that was developed in the previous chapters, based on MacIntyre's conception of ethical virtues, is admittedly even more clearly prone to relativist charges. MacIntyre explicitly locates the foundation of

virtues in a social conception of the good, the human *telos* and a tradition. Recall that, according to him, “morality which is no particular society’s morality is to be found nowhere” (2007, pp. 265–266). In a similar vein, in chapter 7 I have proposed that the argumentative standards—i.e., norms and virtues—must be understood in the context of specific (social) argumentative practices, a conception of reasoning as being part of the human good, and an argumentative tradition that is influenced by and has a place among other traditions. Thus, my account of argumentative virtues could be subject to accusations of relativism just as easily as MacIntyre’s account of ethical virtues has been.

The topic of relativism has a long tradition and, in much the same way as happens with scepticism, relativist conclusions tend to be treated in philosophy as a “threat” that our theories must avoid—hence the title of this chapter. But, what exactly is relativism? And what is supposed to be so wrong with it?

Even though it is not easy at all to define relativism in precise terms, if we restrict ourselves to the field of argumentation theory, we could roughly say that it involves the refusal to acknowledge some kind of universal validity of argumentative standards, regarding them instead as valid only within a specific social group, culture or tradition.<sup>1</sup> Quite understandably, such a view has been seen with suspicion since ancient times. A first concern is theoretical: if all the different argumentative practices and standards do not have anything in common, some universal feature that is *constitutive* of argumentation, how are we to tell whether or not a given activity is argumentative?<sup>2</sup> A second concern is of a more practical character: if argumentative standards are relative to specific social groups and practices, and there is no universal criterion on the basis of which to assess their adequacy, that would put an end to any critical work. The result would seem to be simply the acceptance of *any* standard within the context of its own cultural group.

I admit that both consequences are unacceptable and that therefore a relativism that entails them must be avoided. My main purpose in this chapter will be to develop some details of the MacIntyrean model of argumentative virtues that I presented in chapter 7, in order to show how those pitfalls may be avoided. While I

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<sup>1</sup>Notice that my focus on argumentative standards leaves out other kinds of relativism, such as relativism about *truth*, which do not concern me here.

<sup>2</sup>Cristina Corredor pointed out to me this important point.



refuse to stipulate an artificial set of argumentative standards that could be taken as universal and eternal, I hope to be able to show that this does not necessarily lead us to an untenable relativistic view. Indeed, after presenting MacIntyre's own response to the relativist charge in section 9.2, in section 9.3 I will argue against a strong version of relativism that would entail the mentioned consequences. Then, in section 9.4, I will present some examples of universal principles or features in argumentation that have been proposed, and I will argue that *they are indeed* universal and constitutive of argumentation—even though they do not provide sufficient grounds for a whole account of argumentative standards. Regarding our second problem, that of critical paralysis, I will argue in section 9.5 that we can in fact criticise and justify<sup>3</sup> any argumentative standard, even without the resort to objective and universal criteria.

## 9.2. Relativism in MacIntyre's model of virtues

After MacIntyre's *After Virtue* was published in 1981, his account of the virtues was criticised for leading to relativism. For example, in his review of the book, Wachbroit (1983) argues that, if virtues are those excellences that contribute to the achievement of the good, and the good is defined within the context of a social practice, then it seems that anything could be a good—relative to that practice. Practices are the ultimate foundation of virtues, and there seems to be no way, in MacIntyre's theory, to justify or criticise practices. Wachbroit writes (p. 572):

Plainly, not every practice is justifiable, and we might begin to wonder whether this crucial appeal to practices leads to moral relativism. It must be possible to evaluate practices, but this may seem problematic for a virtue-centered view of ethics if virtues are understood in terms of practices.

There is, then, no universal criterion for the assessment of virtues—such an assessment is always relative to a practice. Therefore, he concludes, MacIntyre's theory of virtues is utterly relativistic (p. 576):

MacIntyre's approach is to place the virtues in the context of practices, to understand such practices in terms of the narrative unity of a quest for the good, and to place that

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<sup>3</sup>I am using the term 'justification' here in a weak sense, not as a *proof* but rather as something like a preponderance of arguments.

good within a broader narrative embodied in a tradition. Prima facie, this account does not avoid relativism; it embraces it: Individuals from different traditions cannot rationally dispute, much less resolve, moral disagreements.

In the second edition of his book, published in 1984, MacIntyre addressed some of the criticisms that it had triggered. Regarding the concern that his proposal might lead to relativism, his response was simple: he was quite comfortable with that consequence, insofar as it was regarded as *a logical possibility*. His words (2007, p. 277):

For nothing that I have said goes any way to show that a situation could not arise in which it proved possible to discover no rational way to settle the disagreements between two rival moral and epistemological traditions, so that positive grounds for a relativistic thesis would emerge. But this I have no interest in denying. For my position entails that there are no successful *a priori* arguments which will guarantee in advance that such a situation could not occur.

Before acknowledging this implication, however, he offered several remarks intended to show that such a situation is not so likely and that there are grounds, even in his social and cultural approach of virtues, for justification and criticism. In actual encounters in the real world, there are plenty of opportunities for comparison between distinct traditions and for considering some better than others. When two traditions clash, MacIntyre says (p. 276), we do not have to choose between either stipulating some set of principles independent of any tradition or concluding that any resolution is impossible, for those are not the only alternatives. It is always possible to appeal to some considerations that both traditions have in common—and they *must* have something in common if they can understand each other. There will be some common features about the human goods, for example. Therefore, he argues (pp. 276–277):

It will thus sometimes at least be possible for adherents of each tradition to understand and to evaluate—by their own standards—the characterizations of their positions advanced by their rivals. And nothing precludes their discovering that these characterizations reveal to them features of their own positions which had hitherto gone unnoticed or considerations which by their own standards they ought to have entertained, but had not. Indeed nothing precludes the discovery that the rival tradition offers cogent explanations of weaknesses, of inability to formulate or solve problems adequately, of a variety of incoherences in one's own tradition for which the resources of one's own tradition had not been able to offer a convincing account.

My own answer, in the following sections, to the relativist challenge in argumentation theory will be inspired by this answer that MacIntyre offers for ethical virtues. When two distinct argumentative traditions disagree on, for instance, whether the virtuous arguer should be humble, or whether intellectual humility is rather a vice, I will argue, some common considerations can likely be found that will make discussion or perhaps even a verdict possible. These considerations might have to do with other traditions—political, ethical, epistemological, and so on—for, as I argued in chapter 7, argumentative virtues are in the end entangled with other kind of virtues and traditions. This is what, in my view, makes it possible to justify and criticise argumentative standards, as well as to improve them. This will be discussed in more detail in section 9.5.

Even though I do not intend to be completely faithful to MacIntyre’s model for ethical virtues, two explicit caveats are in order. First, as I explained in the preceding paragraph, I am considering argumentative traditions in relationship with other traditions, and not only with regard to their internal coherence—as, it seems to me, MacIntyre does. Second, as I pointed out in the introduction, I will acknowledge the existence of some criteria—even if minimal—that do not depend on any specific tradition. That argumentation is an activity by means of which people provide grounds for a claim, or a decision, or whatever, in order to gain their audience’s assent, is not something specific to any particular tradition. Moreover, in the case of argumentative standards, what we know about *the world* functions as an external criterion as well. Thus, even though I maintain that a rich and complete account of argumentative standards needs to be based on social practices and traditions, I do not deny that *some* external criteria exist that may help us decide on the adequacy of *some* of those argumentative standards.

In the following two sections, I will explain in more detail my rejection of relativism (section 9.3) and my contention that, even though some universal principles can be found, a complete theory of argumentation cannot stand merely on those abstract grounds (section 9.4).

### 9.3. The relativist fiction

Even though my purpose in this section will be to argue against a relativism of argumentative standards, it will be useful to discuss different, albeit closely related, versions of relativism, such as relativism about reasoning and rationality. I will attempt to show that, despite the fact that I explained argumentative virtues on the basis of social practices and I denied that a universal model exists that could explain those virtues, it is not the case that *any* set of argumentative virtues is simply correct relative to their own tradition and therefore nothing can be said from the perspective of another tradition. Virtues are, in practice at least, *not* incommensurable. As I pointed out in the previous sections, I have no interest in ruling out the possibility of incommensurability *a priori*, so most of my arguments will be empirical rather than theoretical. My point will merely be that *there are* criteria for the criticism and justification of standards—both between cultures and within a single culture—and that those are the criteria we use—and that we *should* use—when we argue over standards. Adding to this the recognition of some (very basic) universal standards in the next section should dispel worries about relativism.

Virtue theories, especially in ethics, are usually accused of relativism because they tend to explain the nature of the virtues on the basis of social conceptions of them and an education in a given community. Julia Annas (2011) addresses this problem. As we saw in chapter 7, she stresses the fact that virtue is not mere repetition of what we have learnt but requires the drive to aspire. It is true, she claims, that we first learn how to be virtuous in the context of a particular community and through some models, but this is just the first step towards the acquisition of virtue. The next steps must involve *understanding* the virtues and *striving to improve*. These further steps take us beyond our community where our learning began. For example (p. 56):

Thus, I may come to find, as I learn about honesty, that my family is dishonest. I may also discover that in my society this kind of dishonesty is taken for granted and not criticized. I may then find that the general opinion of my society, that this kind of dishonesty is unremarkable, is in conflict with my understanding of honesty, which is such that it applies both inside and outside my society. My understanding of honesty is now pulling me away not only from the context of my family but also from the community I share with my fellow citizens.

Annas, however, acknowledges the concern that such an account of the virtues might still lead to relativism, in the sense that different conceptions of the virtues might be incommensurable. Her answer, beyond insisting that our drive to aspire has the potential to pull us apart from our original social context, is to point out that in the real world we find *differences*, but *not incommensurability* between conceptions of the virtues. Annas' argument is very relevant here because my main purpose is not to rule out relativism *in principle*, but merely argue that it is not so likely *in practice*. She uses the example of the different conceptions of bravery that a soldier and a pacifist hold (pp. 52–53):

If the embeddedness of virtue encouraged relativism we would find that warriors thought of the pacifists' notion of bravery as so different from their own as to be simply irrelevant to it, and vice versa. This is not what we find. Pacifists have never denied that soldiers are brave, but have protested that their view of bravery and its point is too narrow. Similarly soldiers have recognized the bravery of pacifists when the latter have endured hardships without abandoning their beliefs.

However, someone could retort that my account of argumentative virtues involves a deeper relativism than the one Annas' virtue theory can avoid. For, in chapter 6, I have considered not only what I called responsibilist virtues—arguably, the kind of virtues in Annas' theory—but also reliabilist virtues, which are act-based argumentative norms, such as the norms of informal logic that govern argument quality. As we will see in the next section, I am willing to concede that some of these norms are universal, but an answer to the relativist challenge still seems necessary. If (at least some) argumentative norms are relative to a given cultural practice, then it would seem that such an intelligible exchange as Annas' dialogue between the soldier and the pacifist could be ruled out *in principle*. Is this a *real* possibility?

In this respect, I believe we can learn something from the thought of one of the most famous philosophers that have been accused of relativism of the 20th century: Paul Feyerabend. As is well known, Feyerabend was widely accused of relativism. He certainly seemed to have endorsed it in certain passages. But, in other passages, he complained that 'relativism' was not a label he felt comfortable with. In his *Dialogues*, he wrote (1991, pp. 151–152):

A: So you *are* a relativist.

B: In a way, yes. But I have great difficulties with some forms of relativism. According to some forms of relativism whatever one says is valid only 'within a certain system'.

This assumes (a) that all the elements of a given system are unambiguous [...]. This is a very unrealistic assumption [...]. To regard statements, emotions, and all utterances of a human life as being 'relative to a system' also assumes (b) that one cannot learn new ways of life. [...] Thirdly, different 'forms of life' have a different fate when put in the same surroundings, and some of them fare badly in the eyes of their own practitioners. This shows that there is something like a resistance in the world.

Surprisingly—and probably suspiciously to some—I take the points that Feyerabend makes here as my basis for rejecting a relativist conclusion regarding argumentative standards. Let me summarize them as I understand them:

1. A relativist conception of standards that are 'valid within a certain system' requires an unrealistic view of cultures as monolithic, homogeneous bodies.
2. Relativism ignores the possibility for members of a culture to learn and disagree—thereby ignoring evolution and change.
3. Relativism ignores the “resistance in the world” that imposes a universal constraint. Different standards can be compared, then, according to the pragmatic effects—predictions, discoveries, peaceful resolution of disputes, and the like—that they produce in the world.

The first two points obviously count, it seems to me, against relativism. Cultures are not homogeneous and they are in constant change, so it is not at all clear that there is a 'system' relative to which standards are to be assessed. Moreover, those relativist assumptions deny the very drive to aspire for which Annas argues. Relativism arguably arose out of the discovery of very different cultures and was prompted by an understandable impulse of tolerance. However, the existence of different cultures by itself does not make *all* of their standards equally valid, even in the absence of a universally valid model, and denying that cultures have the potential to learn and evolve goes against the very spirit of respect that moved relativists in the first place. The third point will be taken into account in section 9.5 as a basis for comparison and criticism of standards.

Amartya Sen (1999) makes a few remarks that resemble Annas' emphasis on personal choice and Feyerabend's rejection of the conception of cultures as static

and homogeneous. Even though they are all discussing different varieties of relativism—Annas in ethics, Feyerabend in science, and Sen in politics—their arguments are also relevant here. First, Sen acknowledges the fact that “the communities or cultures to which a person belongs can have a major influence on the way he or she sees a situation or views a decision” (p. 22). Nevertheless, he argues, this fact should not make us ignore the important role of reason and choice (p. 23):

It is certainly true that the way we reason can well be influenced by our knowledge, by our presumptions, and by our attitudinal inclinations regarding what constitutes a good or a bad argument. This is not in dispute. But it does not follow that we can reason only within a particular cultural tradition, with a specific identity.

If there is no reasoning in a vacuum, but only within a particular culture, how can we avoid a relativist conclusion? Sen points out, first, that we are talking here about *influence*, not about *complete determination*. The influence of our cultural way of reasoning does not deprive us of “our ability to consider other ways of reasoning” (Ibid.). And, secondly, he argues that “the so-called ‘cultures’ need not involve any *uniquely* defined set of attitudes and beliefs that can shape our reasoning” (p. 24). There are many differences, variations and disagreements within a single culture. This point is similar to Feyerabend’s remark quoted above. Moreover, I would add that the dramatic expansion of communications worldwide during the last centuries, with the subsequent influence of different traditions on each other, has made us all more capable of understanding each other. Dialogues and arguments among members of different cultures might be difficult sometimes, but they are certainly not impossible.

Nevertheless, some might find my previous arguments convincing,<sup>4</sup> but still point to the deep differences that, *in fact*, have been found in the way certain cultures reason and argue. If those incommensurable differences do exist, they will undermine my main point. I will conclude this section with a few remarks on those differences. I will argue that, even though of course differences exist, they are not so deep as to entail incommensurability, as it is sometimes assumed. I can only mention a few cases, but I hope that my brief remarks will serve to show that claims of incommensurability should not be made lightly.

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<sup>4</sup>For those who are already anti-relativist but are still concerned that my account of argumentative virtues might entail relativism, see the next two sections.

Mercier (2011) discusses several of those alleged differences in reasoning across different cultures. One of the cases he discusses is that of the famous and striking findings made by Alexander Luria, the Soviet neuropsychologist, when he was studying the reasoning of indigenous people in Uzbekistan in the 1930s. The most frequently cited experiment is that in which Luria presented the subjects with a syllogism and then asked them to draw the conclusion; for example: “In the Far North, where there is snow, all bears are white. Novaya Zemlya is in the Far North. What color are bears there?” (1976, p. 107). The subjects typically denied the possibility of drawing any conclusion from the premises given. Time and again they refused to give an answer due to lack of personal experience. Here are some of the comments they made when pressed (pp. 109–112):

Well, it's like this: our tsar isn't like yours, and yours isn't like ours. Your words can be answered only by someone who was there, and if a person wasn't there he can't say anything on the basis of your words.

A person who had traveled a lot and been in cold countries and seen everything could answer; he would know what color the bears were.

You've seen them, you know. I haven't seen them, so how could I say?!

Even though a few participants acknowledged that the *researcher's words* entailed that bears in Novaya Zemlya are white, the majority of them could not draw the conclusion. Within the group of illiterate peasants, no more than 30% of them found the answer (p. 116). Given that those people seemed incapable of performing so basic an inference, could they be said to be capable of arguing at all? If being illiterate or belonging to a specific culture could entail being incapable of arguing, then argumentation *in itself* could be *nothing more* than a particular social practice, which could simply be absent in some cultures. That would bring us closer to a relativistic view.

That would also be a great problem for Mercier's argumentative theory of reasoning, according to which the main function of reasoning is arguing. He holds, however, that this is not the case. The illiterate peasants from Uzbekistan studied by Luria were *not* incapable of grasping the syllogisms. They were simply *unwilling* to accept the premises and perform the inferential step. He argues (2011, p. 90):



After all, why should they accept, however temporarily, everything the experimenter is saying? Used that we are to empty school exercises, we take for granted something that is, as a matter of fact, utterly strange. Creating random facts out of the blue and trying to draw inferences from them is not what you would otherwise expect of a rational individual. Reasoning is costly and tiring, and there are plenty of other things to do with one's mind. Outside of a specific institutional context, we tend to see anyone intensely engaging in such activities as, well, slightly deranged (a common popular perception of academics).

This interpretation is supported by the empirical evidence. Miercier cites several studies that show that the problem is not faulty reasoning but “the unwillingness of the participants to accept random, unfamiliar premises as true” (p. 91). Once the researchers managed to make the participants accept the premises, or when the context was modified, the results were as expected. “This,” Mercier concludes, “should put to rest the claims that natives and/or illiterates are incapable of abstract thought.”

Finally, Mercier also addresses the frequently mentioned issue of the alleged lack of argumentation and debate in Eastern countries such as China (cf. for instance Becker, 1986), as well as their supposed rejection of the principle of non-contradiction. The reasons usually adduced in support of the claim that argumentation does not take place in these countries have to do with alleged limitations in East-Asian languages (Mercier, 2011, pp. 93–94) and a cultural rejection of discussion and debate (Ibid., pp. 94–95). But Mercier presents convincing arguments against both kinds of reasons. The linguistic reasons have to do with contentions such as that the Chinese and Japanese languages do not allow the expression of logical concepts, or that counterfactuals cannot be expressed in Chinese. Mercier, however, points out that it has been shown that “all the logical relations required for logic were available in classical Chinese” and that “the expressive power of Chinese was not lost over time” (Ibid., p. 94; cf. Harbsmeier 1998).

The alleged rejection of argumentation by Eastern cultures is usually supported by statements made by some of their scholars. Thus, for instance, in the *Tao Te King* we can read: “A good man does not argue; he who argues is not a good man” (quoted by Becker, 1986, p. 79). Even though such statements are certainly recurrent in the Eastern literature, Mercier's main objection is that their significance should not be exaggerated. First, it is also possible to find similar statements in the

Western culture—some of the most prominent Christian thinkers viewed philosophy as subordinated to theology, and Francis Bacon criticised the scholastic excesses of abstract discussion (Mercier, 2011, p. 96). And, secondly, regardless of those explicit maxims and precepts, argumentation did take place. There is evidence of numerous arguments used by Confucians, Buddhist monks, and Taoists in China (Ibid., p. 98), and there were political, ethical and scientific debates (Lloyd, 2007). And, to conclude, Mercier argues that the evidence for the absence of the principle of non-contradiction in the Chinese culture is poor and has been misinterpreted. In fact, he claims (2011, pp.100–101):

Chinese scholars also used contradictions between words and deeds, between statements, or between actions as rhetorical weapons against their opponent's position, and they were aware of the need to reply when caught uttering such contradictory statements.

The lesson to be drawn here is, in my view, that we should be suspicious of hasty claims of incommensurability. Argumentative practices indeed vary across cultures—as the theory developed here acknowledges—but this does not necessarily mean that different practices will be incommensurable. Even when one realises the diversity of practices throughout the world, the default presumption cannot be that they are incommensurable or simply valid ‘within a certain system.’ That would simply amount to giving up the possibility of understanding them, criticising them and learning from them. Rather, the presumption should be that all the different argumentative practices and traditions have something in common that makes them intelligible—even if truly understanding them requires great effort. To such universal elements of argumentation I turn in the next section.

## 9.4. The search for universality

In the previous section, I suggested that argumentation cannot be *merely* a social practice among others, for then a relativistic conclusion would be harder to avoid—rules of chess are valid only within the game of chess, for example, and they are meaningless otherwise. In chapter 7, however, I presented a model for argumentative virtues that was entirely based on social practices. Is it possible to reconcile both views?

In fact, in chapter 7 I did *not* present *everything* in argumentation as dependent on social practices. First of all, I began by assuming a definition of argumentation that was based on Luis Vega's (see p. 127):

Argumentation consists in the act of giving an account of something together with grounds for it directly or indirectly to someone with the intention of gaining their understanding and assent.

Such a definition must be assumed in advance if we are to intelligibly characterise an activity as argumentative. There must be a universal characterisation of argumentation, however general, if we can classify an activity in any cultural group as argumentation. And from that characterisation at least, some universal features must follow.

Given this requirement, and given that I argued in the previous section that, as a matter of empirical fact, we do not find incommensurability—as opposed to variety—across cultures, some common elements should actually have been found in the different ways argumentation takes place in different cultures. Moreover, if the argumentative standards from different cultures can be compared and criticised, and if members of different traditions can argue with each other about the adequacy of their respective standards—as I will show in the next section—there must be some common ground and they should be able to use reasons that are (potentially) universally sound. In the field of critical thinking, Harvey Siegel has been one of the strongest critics of relativism and has defended the idea that reasons must be universally sound. He is not a naive universalist, however. First of all, he acknowledges some of the premises on which relativistic arguments usually rely (1997, p. 175):

We always judge from the perspective of our own conceptual scheme; there is no way to escape from all schemes and judge from a God's-eye point of view. Since our schemes reflect our cultural/historical circumstances, then these circumstances constitute limits on our judgment; we can't escape them entirely.

Nevertheless, he adds, it does not follow from this that “our judgments cannot, in principle, have any force beyond the bounds of our own location or scheme” (Ibid.). Even though we always judge from a certain perspective, “our judgments and their legitimacy regularly extend beyond the bounds of those schemes” (p. 176).

The particularity of our point of view does not undermine the universality of some of our judgements. He offers as examples mathematical and scientific statements, but also moral and political judgements—oppression and marginalisation, for example, can be criticised from within a society which approves of them.

Mercier’s argumentative theory of reasoning, as we saw, presupposes the universality of argumentation. If our reasoning skills evolved with the main function of engaging in argumentation, as Mercier holds, it would be fatal for his theory if some human communities did not argue. For this reason, Mercier rebuts those interpretations of certain cultures that conclude that their members lack the ability to argue. Instead, he contends: “people everywhere, irrespective of their language or culture, can and do argue, even if this requires abstract reasoning” (2011, p. 106).

In Mercier’s discussion, some elements that could be taken as intrinsic to any kind of argumentation come to light. The principle of non-contradiction, for instance, seems to be “a necessary prerequisite of argumentation” (p. 88). Likewise, the syllogisms that Luria used in his experiments in Uzbekistan involved the application of a relatively simple rule that has the basic structure of a *modus ponens*. Given that something follows from something else ( $p \rightarrow q$ ), and given the latter ( $p$ ), then it must be recognised that the former ( $q$ ) follows. This seems to be another essential feature of argumentation. This is why the suspicion that the peasants could not infer the conclusion of those syllogisms appeared to rule out their ability to argue. Mercier concluded that the peasants from Uzbekistan did not lack the ability to use the *modus ponens*, but rather the willingness to do so in unfamiliar contexts.

Therefore, there are essential features of argumentation that are shared by all human beings. But then the question arises, if the essential characteristics of argumentation are universal and can be explained on the basis of human nature, why did I choose to follow MacIntyre in my characterisation of argumentative virtues on the basis of social practices?

Notice that I am not offering an account of *argumentation* itself, but of argumentative *virtues*. My purpose in this dissertation is not to study those minimum features that are constitutive of argumentation; rather, the virtue theory of argumentation developed here attempts to address the particularities of the ways argumentation is performed in practice. Consider the following issues:

- When is an appeal to compassion legitimate?
- Who are the proper authorities on whom we can rely in a given field? Are there any fields in which no authority would be appropriate?
- When is an *ad hominem* argument considered as a fallacy or rather as a legitimate argument?
- When should an arguer display firmness, defending her standpoint from criticism, and when should she be humble and withdraw it?
- To what extent is open-mindedness one of the traits that an arguer must possess?

Questions such as these cannot be answered by the bare essentials of argumentation that have been identified in this section—such as the principle of non-contradiction or the *modus ponens*. Those basic principles cannot account for the richness and complexities of the standards that govern argumentative behaviour broadly understood. It is in these fine-grained aspects of argumentation that we find diversity among traditions, and it is there that, I argued, we can take argumentative practices and traditions as the basis of our explanation. But, even in this case, a relativistic conclusion does not follow. Argumentative standards based on a specific tradition can still be defended or criticised, they can be considered more or less adequate, and this can be done without recourse to an ‘objective’ or ‘external’ model of standards. The next section will address this point.

## 9.5. Justification, criticism and progress

We have already seen how Feyerabend ended up rejecting a relativism that regards all standards as simply valid within their own culture. Admittedly, at the beginning, Feyerabend held certain ideas that led to relativism. In *Against Method*, he acknowledged that his claims that traditions are neither good nor bad in themselves and that their properties are desirable or undesirable *only* when judged on the basis of the standards of other traditions led to a relativism similar to that of Protagoras (1993, p. 226):

Protagorean relativism is *reasonable* because it pays attention to the pluralism of traditions and values. And it is *civilized* for it does not assume that one's own village and the strange customs it contains are the navel of the world.

Such a conclusion, however well intentioned, would indeed be very problematic for my theoretical purposes. But he did not stop there. Immediately afterwards, he proposed what he called an “open exchange”—as opposed to a “guided exchange,” which is conducted according to the standards of one tradition only—in which the participants truly engage with traditions different from their own and which is not guided by the logic of a particular tradition. Such an open exchange, he argues, “establishes connections between different traditions and transcends the relativism” of his previous points (p. 228).

I believe that this idea of an “open exchange” is one of the keys to introducing an assessment of traditions, so that justification and criticism of others' as well as our own standards are possible. There are, we have seen, criteria that can be taken as universally valid. Perhaps one of the most obvious candidates is *coherence*. In section 9.2 we saw how MacIntyre argues that a dialogue with different traditions might reveal internal incoherences or weaknesses in our own tradition. In fact, a tradition may prove to be “the best theory so far” to the extent that it is able to overcome challenges (2007, p. 277):

Yet it is also the case, as I noted earlier, that if in such successive encounters a particular moral tradition has succeeded in reconstituting itself when rational considerations urged upon its adherents either from within the tradition or from without so required, and has provided generally more cogent accounts of its rivals' defects and weaknesses and of its own than those rivals have been able to supply, either concerning themselves or concerning others, all this of course in the light of the standards internal to that tradition, standards which will in the course of those vicissitudes have themselves been revised and extended in a variety of ways, then the adherents of that tradition are rationally entitled to a large measure of confidence that the tradition which they inhabit and to which they owe the substance of their moral lives will find the resources to meet future challenges successfully.

The detection of incoherences is also, according to Annas, one of the things that explain how we can come to criticise the context in which we first learnt the virtues and so transcend it. As we saw at the beginning of section 9.3, Annas presents the example of someone who learns about honesty and then finds out that the behaviour of some of her fellows is not consistently honest. The realisation of such

incoherences may pull us apart from our family, our friends and our fellow citizens, it may make us adopt a different behaviour from the usual one in our society, and when more and more people act like us it can bring about a change in the normative standards of our culture—in fact, it often does.

MacIntyre and Annas refer to internal incoherences within a single tradition, but I want to consider also the case in which different traditions within the same society—think about ethics, politics, and argumentation, for example—are shown to be incoherent in some respect. In chapter 7 I argued that traditions intersect and influence one another. A political tradition may change on ethical grounds, an argumentative tradition may change on political grounds, and so on. Think, for example, about the first commandment in the pragma-dialectical theory of argumentation, which “is designed to ensure that standpoints, and doubt regarding standpoints, can be expressed freely” (Eemeren and Grootendorst, 2004, p. 190). To what extent is this dialectical rule influenced by our tradition of deliberative democracy, according to which all the people affected by the resolution of an issue must be included in the process? Similarly, the consideration of the argument from authority has varied, from the Middle Ages when it was taken as a conclusive argument, to the individualism of the Post-Enlightenment period when it was generally regarded as a fallacy, to the recent decades when epistemology has acknowledged the importance of testimony and expertise and so this sort of argument has come to be considered legitimate in many instances. Argumentative standards, then, can be criticised or justified, and improved, on the basis of their coherence with ethical, political, or epistemological standards (and vice versa).

In section 9.3 I mentioned a further criterion: the world. Facts about the world are not a large and stable enough foundation for a whole theory of argumentation in the broad sense intended here—for that, I argued, we need social practices and traditions—but of course they impose constraints on the kind of standards we can reasonably have. This can perhaps be most clearly seen in the kind of arguments that are regarded as convincing. Consider the famous argument used by the astronomer Francesco Sizzi in the 17th century against Galileo’s discovery of the satellites of Jupiter (quoted in Taylor, 1982, p. 94):

There are seven windows given to animals in the domicile of the head, through which the air is admitted to the tabernacle of the body, to enlighten, to warm and to nourish

it. What are these parts of the microcosmos: Two nostrils, two eyes, two ears and a mouth. So in the heavens, as in a macrocosmos, there are two favourable stars, two unpropitious, two luminaries, and Mercury undecided and indifferent. From this and from many other similarities in nature, such as the seven metals, etc., which it were tedious to enumerate, we gather that the number of planets is necessarily seven.

Such a use of the argument from analogy might have been considered reasonable during some period of our history—a period which doubtless came to an end with the scientific revolution of the 17th century. As Charles Taylor (1982, p. 95) explains, the standards according to which such an argument was acceptable were based on the assumption that the universe exhibits a meaningful order of which the human being is a part—a view that comes from Plato. Nowadays, this argument looks ridiculous precisely because we no longer share that assumption. But we can be charitable with Sizzi, acknowledging the fact that the argumentative standards were different then, and *at the same time* defend the superiority of our modern scientific view of the universe. Even Taylor, who holds that both conceptions of the universe are incommensurable,<sup>5</sup> argues that it is possible to *compare* and *judge* them. Modern science has achieved a degree of prediction and technological development without parallel in our history, and this should tell us something about the accuracy of our view of the world. And, importantly, this is a criterion that we all can acknowledge. Taylor reminds us that “many of the figures of high Renaissance sciences, like Giordano Bruno, for instance, or John Dee, seemed to have very far-reaching ambitions of technological achievement” (p. 100). The criteria of predictive capacity and technological development are not peculiar to our modern culture. “And this means,” Taylor concludes (p. 102), “that the protagonist of modern science has an argument which the Renaissance magus must listen to.”

It is then possible, in principle, to compare argumentative standards from different traditions on the basis of criteria that, as a matter of fact, everyone is prepared to acknowledge—such as coherence or adequacy to the world. Relativism in the sense that any standard is valid “within a certain system” can be avoided. My purpose was to show how this is possible without elevating our own standards to abstract principles that are ‘objectively’ valid. As a last point, this conception of argumentative standards also allows for the possibility of criticism and progress, which would have to be ruled out by a theory that took them to be universally and eternally valid.

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<sup>5</sup>He uses that term to refer to activities that are “incompatible in principle” (1982, p. 98).



## 9.6. Conclusion

In this chapter, I attempted to dispel the concern that my account of argumentative virtues based on social practices and traditions could imply a relativism according to which any standard is valid within its own tradition, and comparison, criticism, and justification of standards is impossible. In section 9.3, I argued that such a relativistic view would require a simplistic conception of traditions (or cultures or social groups) that is in fact rejected here. Therefore, the present theory of argumentative virtues does not warrant that kind of relativism. Then, in sections 9.4 and 9.5, I argued that there is a basis for the assessment of standards. Even acknowledging that there is no ‘view from nowhere,’ we can (indeed, we must) point to some universal features of argumentation and we can compare standards from different traditions on the basis of criteria that are recognised by everyone. This gives us the opportunity to defend some standards (presumably, our own) against others, to learn from different traditions, to acknowledge an improvement in our standards throughout history, and to allow for future improvements.

Given all the above, what would the role of the virtue theorist be? Just like everyone else, she comes from a specific tradition and must recognise this. She should not pretend to be in the position of an outsider from which she can perceive an ‘ideal’ set of ‘objective’ standards—an impossibility which is perhaps most evident in the case of responsibilist virtues. However, I have tried to emphasise the fact that there is room for understanding and criticism. The proposal of modifications of the current virtues in our society or of new virtues, and the defense or criticism of our present virtues, can be done; it simply cannot be done in a vacuum. The virtue theorist must be knowledgeable about the evolution and rationale of our virtues and the virtues in different traditions. Her point of view is not that of an impartial spectator but that of an informed participant.

The point of the next three chapters, with which this dissertation will conclude, will precisely be offering an overview of one of the tasks that the virtue theorist should undertake. It will no doubt be insufficient, for the task is vast, but it seemed to me that the kind of virtue approach to argumentation I am developing here would be incomplete without even a summary presentation of various argumentative prac-

tices. In order to be charitable, the focus will be, not on what people *do* when they argue, but on what they *should ideally* do according to their most representative scholars. For this reason, I have focused on writings that deal with argumentative issues. In many cases, as will be seen, argumentative norms and standards are only implicit in them. So it is important to point out that what I will offer in the next chapters is an interpretation—an accurate one, I hope.

Because of lack of space and time, I had to limit my survey to three points of view on argumentation. My choices have been arbitrary to some extent: I have selected the Jewish and Buddhist traditions due to the important place that argumentation occupies in them, and the feminist criticisms because feminists have recently turned their attention to argumentative standards within our own societies. What follows, then, is simply an exposition of their views as I have understood them, and in the last chapter of this dissertation a few evaluative comments will be made.

## ARGUMENTATION IN BUDDHIST INDIA

### 10.1. Introduction

The people of Ancient India had an argumentative spirit and a tradition of debate that were comparable to those of Ancient Greeks. Public debates (*kathā* or *vāda*) were very common, and sometimes the king acted as a judge (Stcherbatsky, 1962, p. 34). Dialectic was the ordinary method of philosophical reflection and, just as happened in Greece, the earliest philosophical writings were in the form of dialogues (Solomon, 1976, p. 5). One of the most significant examples are the *Upaniṣads*, treatises written as conversations or debates. Furthermore, already in the Vedic times there was a sort of assembly (*sabhā*) where juridical decisions were taken through discussion and debate (Ibid., p. 91). India even engendered, just as Ancient Greece, a class of professional debaters who used this activity for economic profit (Stcherbatsky, 1962, p. 356).

The practice of debate was already widespread in India in the 6th century BCE. Buddha must have felt the necessity of curbing debate, for he is mentioned in the Pāli writings as criticising it and the Buddhist circles even forbade it as leading to rivalry, unnecessary bitterness and unhealthy competition (Cabezón 2008, p. 73; Solomon 1976, p. 23). Even so, it seems that the interest in the dialectical practice remained, especially among Buddhists, given the number of narratives of great debates taking place during the first centuries of the Common Era in which important

Buddhist characters participated (Cabezón, 2008), and given the fact that Buddha himself took part in debates.

Shortly after Buddha's death, the early Indian Buddhists fostered public reasoning with their "Buddhist councils," as Sen explains (2005, p. 15):

The so-called 'Buddhist councils', which aimed at settling disputes between different points of view, drew delegates from different places and from different schools of thought. [...] These councils were primarily concerned with resolving differences in religious principles and practices, but they evidently also addressed the demands of social and civic duties, and furthermore helped, in a general way, to consolidate and promote the tradition of open discussion on contentious issues.

Moreover, at least since the time of Nāgārjuna (2th–3th century), a monk could travel to a monastery in order to request a debate—the custom was to strike a bell at the gates of the monastery to signal the request (Cabezón, 2008, p. 76).

The Buddhist text *Fang Bian Xin Lun*, of unknown authorship and date, defends the usefulness of the debate in the propagation of the Buddhist doctrine. For example, it is said (Gillon, 2008, p. 23): "If the world had no debate, the confused would be many." And also:

Therefore, all those who wish to produce real wisdom and to distinguish right from wrong, ought to practice assiduously debate (in accordance) with these proper principles.

Thus, on the basis of these and other Buddhist texts, it can be concluded that there was a very ancient dialectical and logical tradition, and that proficiency in these disciplines was highly regarded (Solomon, 1976, p. 40). But this is not only true of Buddhism, for the same can be said of other Indian schools; for example, in the Jaina canonical literature (6th–5th centuries BCE) we find many narratives of arguments and debates (Ibid., p. 42), and in the early brahmanical literature the practice of public debate is frequently mentioned (Gillon, 2008, p. 17).

In the Vedic tradition we find the philosophical school Nyāya-Vaiśeṣika (an early synthesis of the epistemological realist school Vaiśeṣika with the logical school Nyāya), which had already developed an entire logical system when Buddhism began to manifest an interest in logic and debate (Stcherbatsky, 1962, p. 26). The fun-

damental logical text of the Nyāya school is the *Nyāya-sūtra*, a collection of aphorisms written by Gautama Akṣapāda probably around the 4th century CE, which is one of the first handbooks on logic and on the rules of debate. It seems likely that handbooks on the art of debate existed previously, but the *Nyāya-sūtra* presents the dialectical and philosophical problems in such a systematic way that it must have overshadowed all of them (Solomon, 1976, p. 29). When Buddhist thinkers such as Asaṅga or Vasubandhu (4th–5th centuries CE) undertook the study of debate and reasoning, the *Nyāya-sūtra* was their point of reference and the target of their criticisms. Moreover, as Stcherbatsky points out, “Buddhist logic was created in a spirit of decisive opposition to the logic of these Realists [i.e., the Nyāya-Vaiśeṣika school]” (Stcherbatsky, 1962, p. 24).

The logic of the Nyāya-Vaiśeṣika school and of India in general is not strictly formal (Schorr, 2015, p. 171), in the sense that it is not limited to the manipulation of symbols or terms, but it is always an important part of a metaphysic and a theory of knowledge. The Indian philosophers were interested in the sources, methods or criteria for the acquisition of knowledge (*pramāṇa*). According to the Nyāyayikas, the sources of knowledge were four: perception, inference, analogy and verbal testimony (Bharadwaja 1997, p. 209; Schorr 2015). What we nowadays call ‘logic’ corresponds to the study of the conditions of validity of inference (*anumāna*). As for testimony, it is a recognition of the appeal to authority; what is interesting, however, is that the Nyāyayikas held that any authority must be justified and they defined an authority (*āpta*) as someone who speaks the truth, not as someone whose views constitute the truth. In the *Nyāya-sūtra*, Gautama says (1.1.7):<sup>1</sup> “Word (verbal testimony) is the instructive assertion of a reliable person.”

The *Nyāya-sūtra* (1.1.32) established the model of a fully formed reasoning<sup>2</sup> (*nyāya*), consisting of five parts. This model of reasoning was conceived of as a method of argumentation and presentation of inferences to others. It began with the formulation of the thesis that was intended to prove, it then presented the reason and an example (a particular case), and it concluded with the repetition of

<sup>1</sup>I am following here Vidyabhusana’s (1913) translation.

<sup>2</sup>I am following here Bharadwaja (1997, p. 216), who translates “nyāya” as “fully formed reasoning.”

the thesis. Here we can see the five parts of the fully formed reasoning together with a real example that appears frequently in Indian philosophy:

1. Thesis (*pratijñā*): This hill is fiery.
2. Reason (*hetu*): Because it is smoky.
3. Example (*dr̥ṣṭānta*): Whatever is smoky is fiery, as a kitchen.
4. Application (*upanayana*): So is this hill (smoky).
5. Conclusion (*nigamana*): Therefore this hill is fiery.

As can be seen, the reasoning process begins with the particular (the smoke), it ascends to the general (the rule that wherever there is smoke, there is fire), and it finally goes back to the particular in order to prove the thesis. In the Indian tradition, deduction is inseparable from induction: they justify each other. It is also interesting to notice that the terms of the Indian model of reasoning are made up of singular cases (events, objects, and the like), as opposed to the Aristotelian syllogism, which only admits of classes as terms.

However, probably the most remarkable difference between the Indian model of reasoning and Aristotle's syllogism is the example or particular case. The (necessary) introduction of an example in the Indian reasoning shows that, even though for the Indian thinkers the thesis of a fully formed reasoning constituted certain knowledge, it was not a strictly logical deduction. Thus, the Indian model of reasoning was slightly closer to ordinary arguments (Dreyfus, 2008, p. 46). The example is something on which everyone, both scholars and laymen, can agree (Solomon, 1976, p. 160).

What are the principles that govern the inferences? The principles of validity of the fully formed reasoning are not formal but, as Schorr (2015) explains, they are closely associated with the criteria of the four sources of knowledge. Both the *thesis* and the *example* must meet the established conditions for perceptual knowledge: they must express a fact that matches perception, they must obey the grammatical rules and they must be sincere. The *reason* is the part of the reasoning that

must satisfy the actual inferential conditions, which roughly establish that inferential knowledge must conform to the usual behaviour of speakers—something that resembles a pragmatic rule. Thus, if speakers behave in a way that “whenever there is smoke, there is fire” seems to be a rule, then “there is fire on the hill because there is smoke” is inferential knowledge. And, finally, the *application* must satisfy the conditions of analogical knowledge: two things can be regarded as similar if they play the same role in a particular context.

The first thinker that introduced the theory of the five-membered reasoning into Buddhist circles was Asaṅga (4th century CE), who also followed the Nyāya school in establishing a body of rules of debate (Stcherbatsky, 1962, p. 29). But the really novel Buddhist proposals in the field of logic began with the work of Vasubandhu, Asaṅga’s younger brother, who wrote three treatises on discussion and debate, of which only one has come to us: the *Vādaśāstra* (*Method for Argumentation*).<sup>3</sup> In this treatise (or at least in the fragments that have survived), Vasubandhu begins with an explanation of the components of a fully formed reasoning and then shows a number of (spurious or incorrect) responses that an opponent could give to various arguments, and how to deal with those responses. The *Vādaśāstra* presents a fully formed reasoning with only three members, as opposed to the five members of the *Nyāya-sūtra*: the *thesis* to be proved, the *justification* or indication of “invariable concomitance” between two events, and the *exemplification* or a particular indication of the invariable concomitance (*Vādaśāstra*, 2–5). For example (Anacker, 2005, p. 32):

1. Thesis: This mountain is fire-possessing.
2. Justification: Because of its state-of-possessing-smoke and wherever there is a state-of-possessing-smoke, a state-of-possessing-fire must occur.
3. Exemplification: As in a kitchen (Parallel Positive Example) and unlike in a lake (Parallel Negative Example).

Vasubandhu’s disciple, Dignāga, limited the fully formed reasoning to two parts: the *general rule* (the justification, including the example), and the *application* to

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<sup>3</sup>Translated into English by Anacker (2005).

a particular case (including the conclusion or thesis). His follower, Dharmakīrti (7th century CE), also held that the necessary parts of the reasoning are only two (Stcherbatsky, 1962, pp. 279–280).

The Buddhists also established two *figures* that correspond to the two methods of inference: the method of agreement (similar to our *modus ponens*) and the method of difference (similar to our *modus tollens*). Any fully formed reasoning that is valid can be reduced to one of these two types. Thus, for example (Ibid., p. 285):

Agreement (*anvaya vyāpti*)

Wherever there is smoke, there is fire, as in the kitchen.  
Here there is smoke,  
There must be some fire.

Difference (*vyatireka vyāpti*)

Wherever there is no fire, there neither is smoke, as in water.  
But here there is smoke,  
There must be some fire.

The Buddhists' interest in logic, in the study of inferences, and in the fully formed reasoning (as well as epistemology) might seem to have shifted the focus from the study of argumentative practice and debate, but actually they never lost sight of the public and argumentative character of the fully formed reasoning. In the first place, the Buddhist thinkers differentiated between *inference* and *fully formed reasoning*. While inference is, together with perception, one of the sources of knowledge (*pramāṇa*), the fully formed reasoning is not used in order to obtain knowledge but to express an inference correctly and convincingly in the form of a series of propositions so that knowledge can be communicated to an audience (Ibid., pp. 290–291). Dignāga calls the fully formed reasoning an “inference for others” (*parārthānumāna*), and Dharmakīrti writes: “a fully formed reasoning consists in communicating the three aspects of the logical mark to others” (adapted from Ibid., p. 275). And, secondly, in Dharmakīrti we also find a manual of debate, the *Vādānyaya* (*Logic of Debate*), which will be discussed in the next section.



Even though, owing to constraints of time and space, I am limiting my remarks to the Buddhist period in India, actually the whole history of this country is characterised by the practice of discussion and debate. For example, in the 16th century, the Moghal Emperor Akbar—who governed from 1556 to 1605, and whose personal religion was Islam—sponsored public discussions between members of different religious schools, with the conviction that “the pursuit of reason’ rather than ‘reliance on tradition’ is the way to address difficult problems of social harmony” (Sen, 2005, p. 16).

## 10.2. Argumentative practice

Very early in the philosophical Indian literature we find a distinction between two kinds of debates: cooperative debates (*sandhyāsambhāṣa*) and aggressive debates (*vigryasambhāṣa*). The most recent reference is found in a section on learning and teaching of a medical text,<sup>4</sup> the *Caraka Saṃhitā*, written around the 1st century CE (Solomon, 1976, p. 74). In this text, the two kinds of debates are characterised as follows:

**Friendly or genuine debate:** It is carried on in a spirit of cooperation. It takes place when the person with whom one is arguing is well versed and possesses specialised knowledge, she is capable of arguing, is not easily irritable, is not dogmatic and can be reasonably persuaded, she knows the art of persuasion y appreciates discussion. When one is engaged in this kind of debate, the following principles must be followed: one should ask questions confidently and explain things clearly, one should not be afraid of defeat or boast about a victory, one should not stick to an extreme view due to ignorance, one should not refer to subjects of which the other party is ignorant, and one should be very attentive and careful when attempting to persuade the other in the right way (Ibid., pp. 74–75).

**Hostile debate:** It is carried on in a spirit of opposition. In this kind of debate, the principles to be applied are different from those of the friendly debate. First

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<sup>4</sup>The two fields of the Indian tradition where the practical effects of dialects were most evident were in effect the medicine and the administration of justice.

of all, one should examine one's own relative strength and the opponent's relative merit, as well as the audience's character, in order to determine the appropriateness of entering into the debate. The traits that count as merits in this kind of debate are: learning, specialised knowledge, retentive grasp, genius and eloquence. Bad qualities are: irritability, lack of proficiency, timidity, lack of retention of the grasp or of retentive grasp and inattentiveness. One's own merits must be compared to those of the other party (Ibid., p. 75).

In Gautama's *Nyāya-sūtra* there is also a classification of debates (*kathā*), but in this case we find three types of debates (Solomon, 1976, pp. 101-113):

**Discussion (*vāda*):** It occurs when a party defends a proposition (*pakṣa*) and the other party defends the contrary proposition (*pratipakṣa*). The *vāda* is an ideal discussion with the purpose of arriving at the truth, as opposed to defeating the other party or looking for mistakes in his reasoning. There are no winners or losers. Thus, the participants must not limit themselves to putting forward one argument after another for their views, but they must pay attention to the other party's arguments and take them into account. The other party should not be regarded as an opponent to be silenced, but as an honest seeker after truth who is to be enlightened. (N.S. 1.2.1)

**Disputation (*jalpa*):** The procedure in this case is similar to that of the *vāda*, but here the only purpose is winning and silencing the opponent—often seeking a material gain. Sometimes this leads to arguments that are not as good and sincere as those in the *vāda*, and even to deliberate use of tricks in defending one's thesis. The participants in a *jalpa* are indifferent with regard to the quality of their arguments, they pursue only victory. (N.S. 1.2.2)

**Wrangling (*vitaṇḍā*):** It is a special kind of *jalpa*, in which the opponent neither proposes nor defends a proposition that is contrary to that of the proponent, but she limits herself to attacking the proponent's proposition. The wrangler (*vaitaṇḍika*) does not argue for any thesis, but only attempts to refute the proponent's thesis and to find errors in her arguments. (N.S. 1.2.3)

From our point of view, it might seem strange that Gautama defined the *vitaṇḍā* as a kind of *jalpa*, where the aim is victory by means of trickery and not the pursuit of truth; after all, Socrates claimed that he pursued only the truth precisely by means of critical questions and without holding any thesis. It seems, then, that in the Indian tradition the honest pursuit of the truth must be carried on by means of proposals, and not merely criticisms to the other party.

Even though it is a different time and place, we still can find the *vitaṇḍā* as the characteristic way of debating in the Tibetan scholasticism of the Geluk tradition, which arose in the 15th century. George Dreyfus (2008, pp. 45–46) explains the procedure of Geluk debates as follows:

Tibetan debates involve two parties: a defender (*dam bca' ba*), who answers, and a questioner (*rigs lam pa*). The roles of defender and questioner imply very different commitments. The defender puts forth assertions for which he is held accountable, whereas the questioner is responsible for raising qualms to the defender's assertions without being accountable for the truth of the statements he puts forth. [...] These questions are meant to draw out the consequences of the defender's statements in order to oblige him to contradict himself or to take a blatantly absurd position. Hence, their truth content is irrelevant, for the questioner's task is not to establish a thesis but to oblige the defender to contradict either previous statements or common sense.

The Nyāya school had in view some actual debates when they characterised the *jalpa* and the *vitaṇḍā*, so their description of the different kinds of debates may be considered realistic or descriptive (Solomon, 1976, p. 123). As Cabezón (2008) shows, a great number of historical and biographic writings have come to us from Chinese and Tibetan sources in which we can read about famous debates involving Buddhist monks. In those narratives, we can see the great importance that was given to victory and defeat in debate in Ancient India; the fear of defeat was such that they even made important efforts to prevent a challenge. Actually, they had very good reasons to do so, because the participants in a debate had to agree before the debate on what was at stake, that is, what punishment the loser should receive, and this could be quite severe: from their renouncement of their own religion to physical punishment or even death. For example, we can find the history of Dharmapāla (530–561), an important Buddhist monk who engaged in a debate with a master of the school of the king (Cabezón, 2008, p. 81):

The stakes were high. If the Buddhists lost, then their religion would be destroyed throughout the kingdom, while if the Śāstra Master lost, he would cut off his tongue.

Thus, in those circumstances, the fact that the *jalpa* was regarded as a legitimate form of debate is understandable, and it might have been this situation that caused Buddha's ambivalence towards argumentative practice. However, it is difficult to find in the *Nyāya-sūtra* any evaluative statement at all about the three kinds of debate. Only the following brief remark can be read (4.2.118):

Disputations [*jalpa*] and wranglings [*vitaṇḍā*] may be employed to keep up our zeal for truth just as fences of thorny boughs are used to safe-guard the growth of seeds.

Could this remark be taken as a sign that the *jalpa* and the *vitaṇḍā* are ill regarded in this text, considered useful only in certain circumstances? Though possible, it seems unlikely, given that it is merely an isolated remark and in general there is no consideration of the value of one or another form of debate in this treatise.

Dharmakīrti, the first Buddhist that wrote something about the kinds of debates (Solomon, 1976, p. 121), was less descriptive and more evaluative in this respect. In his work *Vādanyāya*<sup>5</sup> (*Logic of Debate*), Dharmakīrti argued that there can only be debate when two individuals hold contrary opinions on the same issue, and consequently the *vitaṇḍā* is explicitly ruled out, given that “there is no debate in the absence of hypothesis” (§83). Moreover, he also rejects the *jalpa* with an emphatic statement: “Therefore, there is no such thing as a legitimate debate between persons desirous of victory” (§37). Contrary to what was defended in the *Nyāya-sūtra*, Dharmakīrti says that the cheating techniques that characterise the *jalpa* are useless even as a way of protecting the truth: “The noble person's means to protection of truth is: presenting the (sound) proof and refuting the fallacious proof” (§37). For Dharmakīrti, therefore, only the *vāda* is a legitimate kind of debate.

As a last point, the final conclusion of the *Vādanyāya* suggests that debate might have even an ethical value (§93):

This logic of debate, which tears the curtain of the darkness of ignorance covering the philosophical vision of people, has been constructed by good persons engaged with the well-being of others.

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<sup>5</sup>I have used Gokhale's (1993) translation.

### 10.3. Virtues of the arguer

It is probably needless to say that nowhere can we find, in the Indian texts on argumentation, a complete and explicit theory of the virtues of the arguer. Nevertheless, we can find certain references to the character that a good arguer should have, to the behaviour with which she should engage in discussion, and narratives that somehow praise particular aspects of an arguer's character. An analysis of those references in the Indian texts will allow us to point out certain argumentative virtues that seemed to be important for the Indian thinkers.

In the previous section we already saw Dharmakīrti's view, which subsequent Buddhists also held, in favour of cooperative discussions in which the aim is not victory at any cost but truth, pursued in a honest and reasonable way. In fact, in the *Vādanyāya* we find a statement that could be taken as a defence of respect for the other party in a debate (§78):

It should be said here that good persons do not tend to trouble the opponents nor are sciences created for that.

The final conclusion of that treatise (§93), quoted at the end of the previous section, is also significant. Dharmakīrti has a conception of debates that is very different from the characterisation that we find in the *Nyāya-sūtra* and in the historical and mythical Ancient narratives. For Dharmakīrti, only reason can protect truth, and certainly not the cheating strategies or the dishonest exploitation of the rules of debate.

Sara McClintock (2008) studied the works of Śāntarakṣita and Kamalaśīla, two Buddhist philosophers of the 8th century, and found several observations made by them regarding the virtuous qualities that an arguer must possess. These two thinkers refer to the *prekṣāvant* (person who possesses investigation) or *prekṣāpūrvakārin* (person who undertakes an investigation prior to acting), who seems to be for them an ideal of reasonable person. Briefly, the traits that McClintock identifies as characteristic of the *prekṣāvant* are (2008, pp. 34–35):

- She is eminently rational, respecting the laws of both non-contradiction and the excluded middle.
- She is eminently practical, since the actions of a judicious person are invariably directed toward some purpose or goal.
- She does not act toward this goal in a haphazard or whimsical manner, but rather proceeds upon completing a suitable investigation into the means for attaining the goal.
- She avoids wasting time in investigating useless things, that is, things that logically cannot exist—a common example is: the son of a barren woman.
- She does not resort to mere proclamations to clear up doubt in some matter; rather, a judicious person relies on *pramāṇas* or “instruments of knowledge”—which for Buddhists were limited to perception and inference.
- She is anti-dogmatic, and will necessarily accept any position that is established through reasoning (*nyāya*), even if that position does not accord the dogmas of the community in which he stands.

This last trait, *anti-dogmatism*, appears in different forms in various Buddhist texts—given that they did not accept the authority of the Vedic texts, just as they did not accept, in general, the existence of a god, the soul, or the matter, Buddhism stands out in India as a sceptical tradition. A related virtue, the critical spirit, is emphasised by Buddha himself (Stcherbatsky 1962, pp. 76–77, quoting the *Nyāya-bindu-pūrva-pakṣa-sankṣipti* by Kamalaśīla):

O Brethren! he exclaimed, never do accept my words from sheer reverential feelings! Let learned scholars test them (as goldsmiths are doing by all the three methods) of fire, of breaking (the golden object into pieces) and of the touching stone.

The goldsmith metaphor can also be found in the *Tattvasamgraha*, written by Śāntarakṣita (McClintock, 2008, p. 33):

Just as wise persons test gold by burning it, cutting it and rubbing it on a touchstone, so, too, oh monks, should you accept my words, and not out of respect for me.

Additional virtues can be found implicitly in at least some of the Indian texts, even though they are not explicitly given the same theoretical significance. For example, an interesting detail of the Buddhist debates that appear in the narratives of the Chinese and Tibetan texts is that, in virtually every case, the individual that will win the debate is depicted from the beginning as *humble*, whereas a proud behaviour is a sign that the individual in question is about to be defeated (Cabezón, 2008, p. 80).

Finally, it might also be interesting to conclude with an example in which knowledge and reasoning are associated with ethics, even though it is not strictly speaking a case of argumentation. It is found in the *Mahābhārata*—one of the great epic poems of Ancient India, together with the *Ramayana*. In this episode of the poem, a female ascetic Sulabhā is speaking with the philosopher-king Janaka (Solomon, 1976, p. 26). Janaka suspects her to be a spy and interrogates her, and she makes several observations on the principles of good speech. And she concludes (*Śāntiparva* 309):<sup>6</sup>

O king, who though not conversant with the Vedas is nevertheless humble and has a keen desire for acquiring the knowledge of Brahma. It should never be imparted unto one that is wedded to falsehood, or one that is cunning or roguish, or one that is without any strength of mind or one that is of crooked understanding, or one that is jealous of men of knowledge, or one that gives pain to others. Listen to me as I say who they are unto whom this knowledge may safely be communicated. It should be given to one that is endued with faith, or one that is possessed of merit, or one that always abstains from speaking ill of others, or one that is devoted to penances from the purest of motives, or one that is endued with knowledge and wisdom, or one that is conversant of the sacrifices and other rites laid down in the Vedas, or one that is possessed of a forgiving disposition, or one that is inclined to take compassion on and do good to all creatures ; or one that is fond of dwelling in privacy and solitude, or one that is fond of discharging all acts laid down in the scriptures, or one that is averse to quarrels and disputes, or one that is possessed of great learning or one endued with wisdom or one possessed of forgiveness and self-restraint and tranquillity or soul. This high knowledge of Brahma should never be communicated to one that is not possessed of such qualifications.

As can be seen, together with epistemological requirements such as wisdom and knowledge, there are many ethical requirements, such as forgiveness, compassion, inclination towards the good, and self-restraint, and event religious requirements.

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<sup>6</sup>Translated by Chandra Roy (1962, p. 440)

## 10.4. Summary

In this (admittedly, extremely brief) discussion of the argumentation of Buddhist scholars in India, it was possible to identify a few characteristics of argumentative practice and virtues. First, I made a few remarks about the importance of argumentation and logic in the Indian culture—which is one of the reasons why I chose that culture in this chapter. Secondly, I explained how, at least since the publication of the *Nyāya-sūtra* in the 4th century, Indian scholars in general—and Buddhist scholars in particular—show a strong interest in the form of correct arguments. Even though the argument as product is not the main concern in this dissertation, it seemed to me important to show how the Indian tradition had an interest in the form of arguments that is not strange to us. The general idea that convincing arguments have a certain form was not exclusive of the Greek tradition.

Then, I focused on two aspects of Indian argumentation that are more relevant to the present work: the Indian conception of argumentative practice and the virtues that an arguer must possess. In the first case, we have textbooks available that explicitly discuss the kind of debates that were recognised and how they should be carried on. As we saw, the *Nyāya-sūtra* simply presented the three kinds of arguments without any evaluative remark, but in Dharmakīrti we finally find a proposal regarding the kinds of debates to be encouraged or discouraged. This is important for our purposes, for the idea of how debates should be tells us something about how the virtuous arguer should behave. Thus, Dharmakīrti criticised those debates in which one of the parties does not propose any thesis, but simply asks critical questions (*vitaṇḍā*), and those debates in which the arguers merely pursue victory (*jalpa*). Instead, he emphasises truth and respect as the aims of argument.

Finally, I pointed to several virtues that could be found in the Buddhist Indian literature. To be sure, they are only present in implicit form and had to be inferred from an interpretation of the textbooks and the stories. My remarks, then, should not be taken as the last word, but as a starting point for further discussion. Thus, according to several interpreters, the virtuous arguer respects the logical laws, is practical, and is anti-dogmatic. Some of the narratives of great debates also suggest that the virtuous arguer displays humility. And we can also find, in some passages,



an interrelationship between argumentative and ethical virtues.



# ARGUMENTATION IN TALMUDIC JUDAISM

## 11.1. Introduction

Daniel Cohen tells us the following story about the famously argumentative character of the Jewish tradition (2013b, p. 474):

Many years ago, at one of the large synagogues in New York serving a congregation of immigrants from around the world, there was a heated dispute that threatened to tear the congregation apart. Should the canonical prayer, *Shema Y'isroel*, be recited seated or standing? Rather than let the argument destroy the congregation, they all agreed to defer to the Rabbi who would be hired when their current one, who was already quite old, retired. The time came and they conducted an exhaustive international search, settling on a Rabbi with an impeccable reputation as a brilliant scholar. When he arrived at the temple, he was immediately surrounded by elders from the congregation. "Rabbi, Rabbi," one elder asked, "Isn't it traditional for the Shema to be said while seated?"

The Rabbi paused, stroked his beard, and then said,

"No, that is not the tradition."

"Aha!" another elder exclaimed. "So we were right! The tradition is to stand when reciting the *Shema*, isn't that so, Rabbi?"

"No, that is not the tradition either," came the reply.

"But, Rabbi," said another, "we've been arguing about it for years!"

"That's the tradition!"

This joke illustrates a common stereotype about the Jewish community: their argumentative tradition and their passion for discussions. Is this merely a prejudice or is there some truth in it? Actually, at least since the composition of the Baby-

lonian Talmud (around the year 500 CE), as we will see, argumentation is a core part of the tradition of rabbinic Judaism. Disagreements and discussion are at the foundation of Judaism. This, of course, should not be taken as meaning that *all* Jews—or even *most* of them—are characterised by an argumentative spirit; it simply means that they belong to an argumentative *tradition*. In fact, in a recent and controversial article, its author, Evan Goldstein, complains that such a tradition is not being honoured today:<sup>1</sup>

Our disagreements are not a hindrance to communal existence but rather the source of an intellectual diversity. No matter the subject, it is precisely in and through these disagreements that Judaism finds its richest expression.

Indeed, even though there is no explicit theory of argumentation in the Jewish tradition, we do find a broad range of argumentative practices that take place continuously and systematically, in which the diversity of views is highly valued. Argumentation is even a manifestation of a basic principle of the rabbinic system: free will. As we will see, the principle of free choice, even in the face of the unquestionable belief in God's omniscience, is followed to its last consequences (Kraemer, 1990, p. 114).

The basis of Jewish argumentation lies in a very specific activity: the interpretation of the Jewish law (*halakha*). As will become manifest in the next section, the origin of the argumentative tradition in Judaism is to be found in the Talmud, which contains the discussions among rabbis about the best way to interpret the laws in the Torah, both written and oral. Whereas, in India, the debates took place among different schools (Buddhists, Nyāyayikas, Jainas,...) who attempted to demonstrate the superiority of their system before an audience, in the rabbinic Jewish tradition discussion is a communal practice in which the aim is to reach a common agreement about the interpretation of the law—not to defeat the opponent in debate. Rabbinic discussions are genuine deliberations, in which the participants have nothing at stake.

The fact that, in the case of Jewish argumentation, all the participants in discussions belong to the same religion—even though there have been cases of formation

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<sup>1</sup>[http://m.forward.com/blogs/forward-thinking/207236/open-up-hillel-to-all/?picks\\_feed=true&picks\\_feed=true&picks\\_feed=true](http://m.forward.com/blogs/forward-thinking/207236/open-up-hillel-to-all/?picks_feed=true&picks_feed=true&picks_feed=true)

of different schools—contributes to a conception in which disagreement is not regarded as a problem to be solved. It is not dogmas and consensus that strengthen the community, but discussion and debate. That is why argumentation has an intrinsic value, regardless of any conclusion that may be reached (Kraemer, 1990, p. 90). The Jewish tradition is an actual realisation of Cohen’s wish (2013b, p. 475): “Arguing would have to be a way of participating in the community.”

This is one of the reasons why disagreement and minority views are so highly valued (Frank, 2004, p. 81). In the discussions that appear in the Talmud, multiple truths are juxtaposed and recognised (Ibid., p. 185). But, for this to be possible, it is not enough to accept discussion and dissent as an important part of one’s own tradition; it is also necessary to adopt a particular *method* of argumentation. In a paradigm based on a mathematical or deductive approach to argumentation, for instance, the existence of a single truth is presupposed and any other opinion that diverges from that truth is disregarded or even considered irrational. Instead, Jewish argumentation does not consist in a formal operation but follows a *juridical* model and, as Kraemer (1990, p. 172) points out, it often seems to amount to what we could call *common sense*. Some authors, such as David Frank (2003), even claim that the emergence of some of the new models in argumentation theory, such as Chaim Perelman’s *New Rhetoric*, is due to the influence of the Jewish paradigm. Indeed, this is how Perelman himself explains the difference between Talmudic argumentation and the Western philosophical tradition (Perelman, 1979, p. 112):

Western philosophy conceived of reason only as a function which sought to resolve practical problems by assimilating them to problems of knowledge and science and even to mathematical problems. Differently, Jewish Talmudic thought grew by reflection upon the problems of biblical interpretation and the application of the Law. We know the controversies and disagreements which can arise in this regard.

At the same time, however, it is unquestionable that in this case the existence of a community of rabbis is presupposed, so that all the participants in the discussions share at least certain basic assumptions (Kraemer, 1990, p. 111). The Talmudic tradition, Frank (2003, p. 183) points out, assumes that a certain degree of agreement is necessary for genuine argumentation to take place. For this reason, even though rabbis have a considerable amount of freedom to defend their own interpretation of the Torah in the course of an argument, not any interpretation is acceptable (Kraemer, 1990, p. 126):

It is clear, from the perspective of this community, that certain interpretations are to be rejected. For example, the destruction of the Temple cannot mean that God has rejected the Jews for failing to accept Jesus. Such a view, though not inherently less reasonable than rabbinic interpretations of the same event, are nevertheless outside the community. But, even given the boundaries assumed by the rabbinic community, the legitimate alternatives remain theoretically infinite and the room for dissent remains vast.

Obviously, a common belief that every rabbi shares is that there is a God and that the divine will is registered in the Scriptures, the written word of God. How is then possible to acknowledge multiple truths and to value disagreement? After all, there should be a universally valid *single* truth, which is the divine truth. Our experience with the other religions of the Book, such as Christianity or Islam, which share with Judaism the belief in one truth, should lead us to the conclusion that believers are not characterised by the recognition of different points of view. What about what has been said so far about Judaism?

The answer lies in the fact that, in the rabbinic tradition, the belief in a truth recorded in the Scriptures goes together with additional beliefs that open the path to disagreement and argumentation. In Judaism, direct communication with God through prophecy or any other biblical form is no longer available, the only exception being the “heavenly voices” which are regarded as inferior to prophecies and can be legitimately ignored (Kraemer, 1990, pp. 120–121)—as the Talmud (Baba Metzi’a 59b) illustrates with a story that will be discussed in the next section. Thus, God’s part in revelation has concluded and what remains is the record of his will in the Scriptures. The Scriptures are, however, a text, and as such they require an interpretation in order to be understood (Ibid.) As a consequence, now human beings must make their actual contribution to revelation by means of such an interpretation. Kraemer (1990, p. 150) draws the radical implication of that view:

Theoretically, at least, human reason becomes an even more powerful source of meaning than the words of scripture itself, for scripture can be judged only against the background of what it is not (human reason).

Interpretation is a profoundly human activity, with all its imperfections. Given that human reason is not infallible, the truth recorded in the Scriptures cannot be comprehended once and for all. Therefore, it is concluded that, even though the truth has been communicated by God to humans, it is after all indeterminable, so

alternative views on the same issue could grasp different aspects of absolute truth. The letter of the law is open-ended and allows Jews to argue about the implications of the text through *mahloket*, or argumentative discussion. Thus, as James Aune explains (2004, p. 451): “The Jewish approach reads the letter in such a way as to maximize human freedom within the divine command.”

Given that argumentation in the Jewish tradition is not aimed at establishing ultimate conclusions or decisions, naturally its interest lies in *argumentation itself*. Successful arguments are those in which different points of view are presented and defended, and not those in which a final conclusion is reached; in fact, many arguments are reported which do not lead to any conclusion at all (Kraemer, 1990, pp. 92–93). In the Talmud, we can even find praises of individuals whose skills resemble those of the sophists, as in the case of R. Meir (Eruvin 13b):

R. Aha b. Hanina said: It is revealed and known before Him Who spoke and the world came into existence, that in the generation of R. Meir there was none equal to him; then why was not the halachah fixed in agreement with his views? Because his colleagues could not fathom the depths of his mind, for he would declare the ritually unclean to be clean and supply plausible proof, and the ritually clean to be unclean and also supply plausible proof.

This passage—and others, such as Bava Metzi’a 84a, where the ability to present objections to the laws is highly valued—suggests that the ability to argue and to defend alternative interpretations on matters of law (*halakha*) was more highly appreciated than firm and dogmatic beliefs about the pure and impure. As Kraemer (1990, p. 143) points out, the Talmud intends to show that “there is something valuable in the sharpness of reason, even when playfully turned against the halakhic tradition.”

Louis Jacobs (1984, p. 210) even holds that, in order to understand the arguments among rabbis that are recorded in the Talmud, it is necessary to keep in mind the fact that the participants value the argumentative practice in itself, regardless of its practical results. The essentially theoretical and scholarly character of Talmudic discussions is evident in many cases. Several passages depict debates about the application of the death penalty, for example, despite the fact that such a way of punishment was no longer present when those debates took place, as well as deliberations about the sacrificial system which had been abolished long ago.

Other situations seem even ludicrous, such as the argument about whether a bill of divorce is valid if a man, who has two wives, asks the scribe to write it out “for whichever [of my wives] shall go out of doors first” (Gittin 25a, discussed by Jacobs 1984, pp. 24–33). Passages such as these suggest that, as Aune (2004, p. 453) argues: “In Judaism, argument itself becomes a sacred activity.”

In the next section, we will look in more detail at other passages from the Talmud. But first, let us see how even long before the composition of the Talmud there were manifestations of argumentative practices in Judaism. Arguments with God in the Bible are especially noteworthy. God is sometimes portrayed in the Hebrew Bible, as well as in the rabbinic literature, as someone with whom it is possible to argue, and even someone who can change his mind (Waisanen et al., 2015). Thus, arguing with God is not considered as a heinous sin but, on the contrary, as a noble cause if one’s intentions are good. For example, it is well known that Abraham negotiated with God before the destruction of Sodom (Genesis 18:23–33):

Then Abraham approached him and said: “Will you sweep away the righteous with the wicked? What if there are fifty righteous people in the city? Will you really sweep it away and not spare the place for the sake of the fifty righteous people in it? Far be from you to do such a thing—to kill the righteous with the wicked, treating the righteous and the wicked alike. Far be it from you! Will not the Judge of all the earth do right?”

The Lord said, “If I find fifty righteous people in the city of Sodom, I will spare the whole place for their sake.”

Then Abraham spoke up again: “Now that I have been so bold as to speak to the Lord, though I am nothing but dust and ashes, what if the number of the righteous is five less than fifty? Will you destroy the whole city because of five people?”

“If I find forty-five there,” he said, “I will not destroy it.”

Once again he spoke to him, “What if only forty are found there?”

He said, “For the sake of forty, I will not do it.”

Then he said, “May the Lord not be angry, but let me speak. What if only thirty can be found there?”

He answered, “I will not do it if I find thirty there.”

Abraham said, “Now that I have been so bold as to speak to the Lord, what if only twenty can be found there?”

He said, “For the sake of twenty, I will not destroy it.”

Then he said, “May the Lord not be angry, but let me speak just once more. What if only ten can be found there?”

He answered, “For the sake of ten, I will not destroy it.”

Although what we find in this passage is a negotiation rather than an actual argument, Abraham begins the dialogue with a strong and unusual argument: destroying the city with fifty righteous people in it would be an injustice. God, how-



ever, does not respond with violence to such a claim, but he is persuaded by it. A similar event takes place when Moses, after liberating the people of Israel and taking them out of Egypt, finds out that they have built an idol in the form of a golden calf while he was on Mount Sinai. God's first reaction is to decide to destroy the Israelites, but Moses dissuades him from doing so (Exodus 32: 9–14):

“I have seen these people,” the Lord said to Moses, “and they are a stiff-necked people. Now leave me alone so that my anger may burn against them and that I may destroy them. Then I will make you into a great nation.”  
But Moses sought the favor of the Lord his God. “O Lord,” he said, “why should your anger burn against your people, whom you brought out of Egypt with great power and a mighty hand? Why should the Egyptians say, ‘It was with evil intent that he brought them out, to kill them in the mountains and to wipe them off the face of the earth?’ Turn from your fierce anger: relent and do not bring disaster on your people. Remember your servants Abraham, Isaac and Israel, to whom you swore by your own self: ‘I will make your descendants as numerous as the stars in the sky and I will give your descendants all this land I promised them, and it will be their inheritance forever.’” Then the Lord relented and did not bring on his people the disaster he had threatened.

These two passages are examples of a conception of God according to which even he is prepared to change his mind if good reasons are adduced supporting the claim (Waisanen et al., 2015, p. 67). At the same time, they illustrate a confidence in human reason that allows people to challenge God's judgement, sometimes even successfully. This confidence gives humans the courage that they need, notwithstanding God's occasional willingness to argue, in order to challenge him and argue with him. This is the courage that Job, for example, displays when he says (Job 23:4): “I would state my case before him and fill my mouth with arguments.” Of course, this is not what characterises God throughout the entire Hebrew Bible—in many other passages his behaviour is quite another. However, the mentioned examples are significant.

## 11.2. Argumentation in the Talmud

The Talmud is one of the fundamental texts of rabbinic Judaism. It consists of two parts: the *Mishnah*, a collection of laws that were not written in the Torah but were transmitted orally—which is why it is also known as the Oral Torah—and the *Gemara*, the transcription of the interpretations that successive generations of

rabbis (*amoraim*) made of the Mishnah. The Mishnah was the first document that the rabbinic Judaism produced. It was completed around the year 200 CE and it recorded the views of a number of sages (*tannaim*), who presented the lessons of the Hebrew Bible and who lived between the year 10 and the 200 approximately. As for the Gemara, there are actually two versions. On the one hand, there is the Palestinian Gemara or *Yerushalmi*, which was written around the year 400 CE and contains the opinions of the *amoraim* from the Palestinian schools; and, on the other hand, there is the Babylonian Gemara or *Bavli*, which was composed and published around the year 500 CE and contains the views of the *amoraim* from the schools of Babylonia (Jacobs, 1984, p. xii).

The term ‘Talmud’ is used to refer both to the combination of Mishnah and Gemara and also, frequently, to the Gemara only. The *Bavli* is much more comprehensive than the *Yerushalmi* and eventually it came to be known as *the* Talmud, widely recognised. Thus, when the Talmud is mentioned, it is usually the Babylonian Gemara or *Bavli* that is referred to. Here I will use the term ‘Talmud’ in this sense.

Even though the *Bavli* contains the interpretations and discussions of the *amoraim* about the Mishnah, its spirit is also largely independent from the latter. When, for example, some problem arises with a Mishnah, the *Bavli* may suggest that the particular Mishnah is defective in some sense and something must be added in order to correct it, and in more than two hundred cases the *Bavli* even suggests that the Scriptures should have been worded in a different way than they were (Kraemer, 1990, p. 150). This shows that, as we will see, the argument from authority is given less strength in the *Bavli*, and great value is attached to human reason.

As has already been said, the *amoraim*, the rabbis whose arguments about the Mishnah are recorded in the Talmud, belong to different generations. The conventional classification establishes six generations (Kraemer, 1990, p. 28):

- First generation (early to mid third century): Rav, Samuel.
- Second generation (mid to late third century): R. Judah, R. Huna.

- Third generation (late third to early fourth century): R. Sheshet, R. Hisda, R. Nahman, R. Yosef, Rabba.
- Fourth generation (mid fourth century): Abbaye, Raba.
- Fifth generation (late fourth century): R. Pappa.
- Sixth generation (early fifth century): R. Ashi.

The first two generations, as well as the first rabbis of the third generation, stay close to the Mishnaic tradition, which consisted in brief statements and views that were set forth in isolation and without elaboration or argument (Kraemer, 1990, p. 42). It is a tradition based on brevity and authority, where the main activity is not the interpretation of the law but decisions about its application—including its compatibility with new laws. For the purposes of the study of argumentation, then, our main interest lies in the last part of the third generation and the fourth generation. In these two generations we find the greatest innovations of rabbinic Judaism: an increased focus on the interpretation of the law, a remarkably greater presence of argumentation, and a stronger confidence in human reason. From the brevity and firmness that characterise both the Mishnah and the first generations of *amoraim*, we move to the lengthy discussions that frequently end without any conclusions. The importance of argumentation and reasons can be seen in the following remark made by Abbaye (Niddah 24b):

From this incident it may be learnt that when a scholar gives a ruling he should also indicate his reason so that when he is ever reminded of it he would recollect it.

There is also a disposition to appreciate all the different points of view and to pay attention to everybody's reasons. For example, in a passage in which Raba reports a discussion, he says (Eruvin 8b): "I can give my reason and also theirs." In many cases like this one, there is an effort to depict faithfully the arguments of each side, even if the narrator defends a particular view.

In comparison with the third and fourth generations, the fifth and the sixth generations did not make significant contributions. Their greatest achievement was to consolidate the innovation that had taken place: Pappa and Ashi follow the tradition of interpretation of the laws and argumentation, although in more modest

ways. In Kraemer's words (1990, p. 48): "the forms are here, but the energy is gone." Nevertheless, it is possible to find some interesting contributions, such as the following passage, where Ashi seems to put human reason at the same level as the Scriptures (Yevamot 13a):

Whence is this law deduced? —Rab Judah replied: '[From] Scripture [...].' R. Ashi replied. 'It is arrived at by reasoning [...].'

The anonymous authors of the Babylonian Gemara, the *stammaim*, understood the full value and the consequences of the innovations of the middle generations of *amoraim*, and they carried on the actual revolution. The *amoraim* of the middle period introduced argumentation into the study of the law, but at the same time they preserved the brief and conclusive statements that had characterised the Mishnah and the first *amoraim*. For the authors of the *Bavli*, however, *everything* is argumentation (Kraemer, 1990, p. 79). According to some scholars (Jacobs, 1984; Kraemer, 1990), the *stammaim* did not limit themselves to recording the conversations of the *amoraim*, but they actually imposed a complex structure on the text, and even invented some discussions that never took place (Kraemer, 1990, p. 89). In the final period of the development of the *Bavli*, virtually everything takes on an argumentative form.

The outcome, as has already been pointed out, is the move from a tradition resting on divine authority to a tradition in which human reason comes to the fore. As Kraemer concludes (1990, p. 71):

The system whose process is recorded in the argumentation is manifestly human. It may have been grounded in divine authority, and individual justifications may have made reference to the divine, but at the surface the system was profoundly human.

Thus, reason becomes of the highest importance. In the third generation of *amoraim* we already find objections to the law that are not based on authoritative texts, either the Scriptures or a Mishnah, but on reason (*matkif la*) alone (Ibid., p. 36). Of course, the *Bavli* makes frequent use of the argument from authority, but there are also analogies and arguments from comparison, among many others (Jacobs, 1984, pp. 13-17). As Frank says (2004, p. 80):

Talmudic reason expressed through argumentation did not turn directly to God, was rooted in experience and lived time, assumed a set of constant but mutable traditions, placed the beliefs of those who argued at risk, allowed freedom of dissent, emphasized *ad hominem* reasoning, sought reasons for action, and did not seek an end to argument.

A remarkable detail is how God is silenced in the Talmud. As has already been pointed out, for rabbis, the role of God in revelation has concluded, so “heavenly voices” have no authority on matters of law. The Talmud illustrates this with the following story (Baba Metzi’a 59b):

Again he said to them: ‘If the halachah agrees with me, let it be proved from Heaven!’ Whereupon a Heavenly Voice cried out: ‘Why do ye dispute with R. Eliezer, seeing that in all matters the halachah agrees with him!’ But R. Joshua arose and exclaimed: ‘It is not in heaven.’ [Deut. 30:12] What did he mean by this? — Said R. Jeremiah: That the Torah had already been given at Mount Sinai; we pay no attention to a Heavenly Voice, because Thou hast long since written in the Torah at Mount Sinai, After the majority must one incline. [Ex. 23:2].  
R. Nathan met Elijah and asked him: What did the Holy One, Blessed be He, do in that hour? — He laughed [with joy], he replied, saying, ‘My sons have defeated Me, My sons have defeated Me.’

Therefore, given that now the responsibility is exclusively on the side of human interpretation, reason acquires great importance and the argument from authority loses significance. A consequence of this is, as Aune points out (2004, p. 458), that it is not possible to assume that “we can escape taking responsibility for our legal and political actions by claiming that the Almighty has already provided a clear, formalistic guide.”

Nevertheless, the argument from authority is undoubtedly still present. In particular, it is the Scriptures and the Mishnah that guide the discussions of the *amoraim*. Moreover, in the Talmud, human reason does not enter as a replacement for divine authority, but as a participant in a system in which authority as a source of truth is not only present but also, very often, primary. The meaning of those sources of truth depends for its realisation on human reason, but reason by itself is rarely a source of truth (Kraemer, 1990, p. 188).

Finally, in the previous section I have already mentioned the value of diversity of opinions and disagreement in the Talmud. Given that human interpretation is fallible, no single view encompasses the absolute truth but rather all points of view contain a part of the truth. As a result, Frank writes (2004, p. 83): “In Jewish logic,

it does not follow that if two people disagree, only one must be right.” The Talmud offers us a beautiful example of the application of this principle, in a story about the famous dispute between the school of Shammai and the school of Hillel (Eruvin 13b):

For three years there was a dispute between Beth Shammai and Beth Hillel, the former asserting, ‘The halachah is in agreement with our views’ and the latter contending, ‘The halachah is in agreement with our views’. Then a bath kol [voice of God] issued announcing, ‘[The utterances of] both are the words of the living God, but the halachah is in agreement with the rulings of Beth Hillel’.

What does the heavenly voice mean when it is said that “both are the words of the living God”? According to Perelman (1979, p. 113), this message means that both Shammai’s interpretation and Hillel’s interpretation are equally *reasonable*. So, even though one or the other will ultimately be chosen, this choice will not be made on the basis of the *irrationality* of the other.

Since all views are valued, the Talmud also pays attention to the opinions of the minority. Thus, for instance, it is said of R. Meir that he “is of the opinion that the minority must be taken into consideration” (Hullin 11b).

### **11.3. Ethical and practical character of Jewish argumentation**

The passage about the controversy between the schools of Shammai and Hillel, with which the previous section concluded, shows how the heavenly voice chooses Hillel’s interpretation of the law—“the halachah is in agreement with the rulings of Beth Hillel.” Why is that so, if both interpretations are in agreement with the words of God? The answer that the Talmud gives us reveals an interesting point (Eruvin 13b):

Since, however, both are the words of the living God, what was it that entitled Beth Hillel to have the halachah fixed in agreement with their rulings? Because they were kindly and modest, they studied their own rulings and those of Beth Shammai, and were even so [humble] as to mention the actions of Beth Shammai before theirs [...].

Thus, the conclusion is drawn that the Jewish law or *halakha* is in agreement with Beth Hillel's interpretation merely on the basis of *ethical considerations*. The members of the school of Hillel, it is claimed, were "kindly and modest," and humble and respectful towards the points of view of the school of Shammai, and only for these reasons their interpretation of the *halakha* is taken as the correct one. So we can see that, as Frank (2003, p. 179) writes: "In Jewish metaphysics, the tendency is to place ethics before ontology." In another well-known passage, ethics is presented as the essence of Torah (Sabbath 31a):

On another occasion it happened that a certain heathen came before Shammai and said to him, 'Make me a proselyte, on condition that you teach me the whole Torah while I stand on one foot.' Thereupon he repulsed him with the builder's cubit which was in his hand. When he went before Hillel, he said to him, 'What is hateful to you, do not to your neighbour: that is the whole Torah, while the rest is the commentary thereof; go and learn it.'

Furthermore, the recognition that it is not possible to determine a single and definitive truth leads, in Judaism, to an effective division of practice from truth, and "coercion, which may be justified in the presence of truth, yields to considered persuasion" (Kraemer, 1990, p. 139).

Indeed, one of the Talmudic methods of determination of matters of fact is democratic decision, based on the probability (*rubba*) that if the majority believes so then it is so. We can find applications of this principle in several passages of the Talmud, where in case of doubt reliance is put on probability (Jacobs, 1984, p. 50). We have already seen one of them (Baba Metzi'a 59b), in which R. Jeremiah rejects the heavenly voice and explains that the majority must decide. The implications of the *rubba* principle can perhaps more clearly be seen in the following passage (Pesachim 9b):

If there are nine shops all selling meat of [ritually] slaughtered [animals], and there is one shop selling meat of *nebelah*,<sup>2</sup> and a man buys [meat] from one of them, but he does not know from which [shop] he bought the [meat in] doubt is prohibited; but in the case of [meat] found, we follow the majority.

Therefore, if it is not clear whether the meat comes from the nine shops that sell *kosher* or from the one that sells food that is not *kosher*, the Jewish law establishes

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<sup>2</sup>That has not been sacrificed according to the laws of *sheḥitah*.

that it can be assumed that the meat is *kosher* because it is more *likely*—the shops that sell *kosher* are the *majority*.

The principle of probability or *rubba* comes, according to the rabbinic tradition, from the Scriptures. So the Talmud says (Hullin 11a):

Whence is derived the principle which the Rabbis have adopted, viz.: Follow the majority? Whence? [you ask]; is it not expressly written: Follow the majority?

Actually, it is a peculiar interpretation, that came to be a part of the rabbinic tradition, of a verse in which what is explicitly established is *not* that the majority should be followed (Jacobs, 1984, p. 50), and this illustrates once more the freedom of interpretation in the Jewish tradition. What the Bible literally says is (Exodus 23:2):

Do not follow the crowd in doing wrong. When you give testimony in a lawsuit, do not pervert justice by siding with the crowd.

The Talmud also emphasises the importance of *human dignity*, sometimes even subordinating the laws to it. In some of the arguments (see especially Berakhot 19b–20a; discussed by Jacobs 1984, pp. 115–121) the question arises in what cases, if the requirements of the law clash with the dignity of a person, it is possible to relax the law. Sometimes even a Biblical prohibition can be put aside in order to respect someone’s dignity (Menachoth 37b):

But has not a Master said, Great is the dignity of man since it overrides a negative precept of the Torah?

After all, the Talmud focuses on concrete reasoning, located in a particular temporal and spatial context, as opposed to abstract norms. R. Johanan, for example, says (Kiddushin 34a): “We cannot learn from general principles, even where exceptions are stated.” One of the reasons is probably the fact that Jewish argumentation is essentially *practical*—as opposed to Buddhist argumentation, which, as we saw in the previous chapter, was about theoretical issues. Several passages in the Talmud emphasise the value of practical life as opposed to theoretical life. For example (Kiddushin 40b):



R. Tarfon and the Elders were once reclining in the upper storey of Nithza's house, in Lydda, when this question was raised before them: Is study greater, or practice? R. Tarfon answered, saying: Practice is greater. R. Akiba answered, saying: Study is greater, for it leads to practice. Then they all answered and said: Study is greater, for it leads to action.

And also (Avot 1:17):

Study is not the most important thing, but deed; whoever indulges in too many words brings about sin.

We should not forget, however, that there is also a purely theoretical and academic component in the Talmud, as we saw in the introduction, which is evident in several arguments that lack practical consequences (Jacobs, 1984, p. 210). Is this a contradiction? Rather, what probably happens is that there is a mixture of two traditions in the Talmud. Before the composition of the Talmud, it is the practical application of the Torah that was valued. In the *Bavli*, however, we can find the tradition of the study of the Torah for its own sake (*Torah lishma*) (Kraemer, 1990, p. 169). Whatever the case, the discussions of the rabbis are always about issues that were more practical than theoretical, even if they were issues that the political and social context had rendered obsolete, or even if they were plainly implausible. The rabbis' discussions are always deliberations, not philosophical inquiries.

## 11.4. Virtues of the arguer

What we have seen so far allows us to draw some conclusions regarding the kind of argumentative character that was more valued in the Jewish tradition. It was clear, for example that it was very important for an arguer to take into account all the different points of view on the same issue, especially those contrary to his own opinion. In Eruvin 13b, one of the reasons why God chooses the interpretation of the law that the school of Hillel proposes is that they also study the views of the school of Shammai and they present them before their own, as a manifestation of *humility* and *modesty*.

As we saw, in the same passage *kindness* is praised. Ethical virtues, in the Talmud, seem to be an important part of a good arguer, to the point that his views

might even be chosen by God for this reason. The virtues of *courage* and *audacity* were also very important—Abraham and Moses needed to possess them in order to dare argue with God (Frank, 2004, p. 85). In the case of Job, it can be seen how dangerous it could be to carry on such an enterprise, but he nevertheless finds the courage to state his case before him.

Many of the virtues that one can find in the Hebrew Bible and the Talmud are present in the behaviour of God himself. In the following passage, for instance, God teaches us a lesson of humility when he asks a rabbi to bless *him* (Berakhot 7a):

R. Ishmael b Elisha says: I once entered into the innermost part [of the Sanctuary] to offer incense and saw Akathriel Jah, the Lord of Hosts, seated upon a high and exalted throne. He said to me: Ishmael, My son, bless Me!

This story, together with others in which God accepts the arguments that the humans put forward and changes his mind, shows—according to an interpretation—how important *flexibility* is considered to be (Waisanen et al., 2015, p. 64). Despite the fact that there is an evidently hierarchical relation between God and human beings, occasionally he is willing to descend to our level, to listen to arguments and to negotiate, and even to ask a rabbi for his blessing.

Thus, we find here an specifically argumentative virtue. God displays *open-mindedness* when he is willing to accept suggestions from humans and to modify his decisions (Waisanen et al., 2015, p. 67). Another example of this can be found in the following passage of the Talmud (Chagigah 15b):

Rabbah b. Shila [once] met Elijah. He said to him: What is the Holy One, blessed be He, doing? He answered: He utters traditions in the name of all the Rabbis, but in the name of R. Meir he does not utter. Rabbah asked him, Why? —Because he learnt traditions at the mouth of Aher.<sup>3</sup> Said [Rabbah] to him: But why? R. Meir found a pomegranate; he ate [the fruit] within it, and the peel he threw away! He answered: Now He says: Meir my son says [...]

Apart from the surprising fact that God is citing interpreters of the Torah—whose source is *himself*—we can see here that, at the beginning, God rejects R. Meir, but after Rabbah's argument—an analogy—he changes his mind about him and begins

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<sup>3</sup>Name given to Rabbi Elisha b. Avuyah, who became a heretic (Waisanen et al., 2015, p. 67).

to cite him as well: “Meir my son says...” There is even a Midrash<sup>4</sup> (Numbers Rabbah 19:33) which points out three verses of the Bible in which Moses disagrees with God and, at the end, God tells him: “You have taught me” (Waisanen et al., 2015, p. 68).

Finally, regarding the methods of argumentation, a great part of Jewish literature portrays a God who is “interested in abductive and flexible, casuistic reasoning rather than simply unchanging, universalizing deductions” (Ibid.). This is also, as has been shown, the trait that characterises the *amoraim* whose arguments are recorded in the Talmud.

## 11.5. Summary

The argumentative tradition embodied in the Talmud is fascinating in its appreciation of human reason and its passion for argument. As has been pointed out, here the field of discussion is very different from that of Buddhist Indian argumentation: whereas the Buddhist arguers discussed theoretical issues of metaphysical or epistemological nature, the Jewish arguers were primarily concerned with the application of the law. In consequence, the arguments in each tradition were very different. Another important difference is that, if in the previous chapter we could see at least some textbooks in which there were explicit statements about the appropriate ways of arguing, in the Jewish argumentation everything is implicit. I attempted to infer the conception of argumentative virtues in the Jewish tradition from God’s behaviour in the Hebrew Bible and from what rabbis praise in the Talmud.

I have chosen the Jewish tradition because of its distinctively argumentative character, as a great part of this chapter intended to show. The Jewish passion for argument is based, as we have seen, on a strong confidence in human reason. This is an interesting point in a religion in which revelation occupies such an important place, and it is no doubt a confidence that a virtuous arguer should have. But this confidence should go hand in hand with a willingness to argue, to present one’s own reasons and to discuss them.

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<sup>4</sup>Exegesis of Biblical stories.

We have also observed an awareness that the discussions about the law affect people, and that therefore those discussions cannot remain in an abstract level but must take into account the particularities of a given situation. What this signals is a sort of respect, both for those affected by the law and—as was shown—for the other party in an argument. This, in Jewish argumentation, leads to an overlap of logical and ethical considerations—most strikingly when an interpretation of the law is chosen simply due to the behaviour of its adherents. Here, even more than in the case of Buddhist argumentation, ethical principles cannot be separated from argumentative principles.

Apart from the kind of arguments that characterise Jewish argumentation—analogy, comparisons, *ad hominem* arguments—several virtues have also been highlighted. Perhaps the most conspicuous throughout the whole chapter is flexibility, which allows arguers to take into account different points of view, to regard as reasonable views that are different from their own, and to adapt their abstract principles to the particular situation. In fact, it has been suggested that being sufficiently open-minded and skilful to be able to come up with arguments pro and con a given position could be a virtue. Humility has also been seen in some of the actions of God, and has been praised in the rabbis of the school of Hillel. And, finally, it has been pointed out that it takes a lot of courage to argue with God when one believes his case is just.

## FEMINIST INSIGHTS INTO ARGUMENTATION

### 12.1. Introduction

The inclusion of a chapter with feminist insights into the study of argumentation in this part of the dissertation is, of course, not intended to suggest that such voices come from a different *culture*. In a certain sense, those insights come from a different *perception* of human reality, a point of view that has not been properly taken into account in the past and for this reason deserves to be included here. However, perhaps what makes the feminist criticisms of argumentation theory most interesting for my purposes is the fact that they come from critical voices *within our own society*, and this shows that cultures or traditions are not immutable and monolithic systems—as I argued in chapter 9. A culture may possess a common tradition with certain elements shared by all, but it also encompasses different life experiences, heterogeneous and sometimes opposing views, and continuous discussion that both maintains the tradition and makes it evolve. Therefore, this chapter is intended to show a point of view within the ongoing argument that constitutes our own philosophical and argumentative tradition—with the aim of enriching a virtue theory of argumentation with those critical insights.

Among their criticisms of the inferior or subordinate place that women occupy both in the theoretical and the practical realm, feminist thinkers have provided

important insights that are relevant to argumentation theory. From communicative practices to the very idea of reason, feminist philosophy has challenged many beliefs that before seemed to be basic and self-evident truths, or even unnoticed assumptions. Some of those assumptions, as we will see, involve ideas, norms, and ideals—including conceptions of the virtues—that have been erroneously taken as universal, while actually they were representative of males only.

Feminists have, for example, suffered and criticised the lack of a “rhetorical space” (Code, 1995) in philosophy where their concerns and approaches can be presented and discussed. When Lorraine Code developed a responsibilist virtue approach to epistemology in *Epistemic Responsibility*, her book was received with wariness because it was not situated in any of the prevailing views in epistemology—i.e. coherentism and foundationalism. Instead, Code presented a descriptive account of the epistemological work that took into account “considerations of credibility and trust, of epistemic obligations, and of the legitimate scope of inquiry,” and that involved “an analysis of epistemic community” (Ibid., pp. 3–4). The fact that these elements tend to be addressed in ethics, not in epistemology, as well as the discursive style of the book, prompted criticisms from philosophers who did not find it suitable for analytic philosophy. As Code explains (p. 6):

For the simple truth is that there has not been a readily available space within the discourse/rhetoric of epistemology into which this book could fit; hence it has been difficult for it to find a hearing.

In fact, she tells us (pp. 8–9):

One critical reading of the manuscript, which prompted a publisher’s rejection, began “This book is not written in the usual manner of analytic philosophy.” It was not just a descriptive comment, but an argument against publication.

Code does not consider *Epistemic Responsibility* an *explicitly*—or at least *intentionally*—feminist book (p. 12), but its reception tells us something about how philosophical thought is shaped and classified—about the assumptions behind philosophical thought—so that ideas that do not fit in that model are disregarded as unworthy of consideration. And many of the assumptions that form the model, feminists will tell us, are actually *male* conceptions of philosophical thought. Code’s

book was accused of lacking important features that characterise mainstream epistemology, such as a high level of abstraction, a strict separation of epistemology from the domains of political and moral philosophy, definitions based on necessary and sufficient conditions, and the absence of the subject; the prevalence of those elements in philosophy has been criticised by feminists precisely as male assumptions—as we will see in the following sections.

Formal logic has also been criticised by Andrea Nye (1990) as excluding women's discourse.<sup>1</sup> In her famous—and controversial<sup>2</sup>—book *Words of Power*, Nye presents the history of logic from a critical and feminist point of view. She points out that formal logic from Parmenides to Frege has been developed by men and this has determined its abstract and impersonal character, excluding at the same time any other kind of discourse that could not be accommodated within it (p. 177):

Logicians have been men. As men, they have spoken from a men's experience. [...] The arena of logic was made by men for men; it was expressly founded on the exclusion of what is not male, as well as what is not Greek, nor Christian, nor Western, nor Aryan.

Nye criticises the claim of universality of logic, which logicians support with an appeal to the alleged impersonality and objectivity of logic. Thus, challenging these assumptions, she introduces to the reader a history of logic that emphasises the identity of the authors, including their gender, social position and historical circumstances. Nye, like Code, rejects the strict separation of logic from moral or political issues, and therefore she focuses on the moral and political implications of a discourse and a conception of rationality that are modelled by the principles formal logic. For example, in discussing Aristotelian logic, she writes (p. 50):

Once rationality is defined as what is not emotional and emotionality established as the characteristic of women, once rationality is seen as a characteristic of mind, not

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<sup>1</sup>Feminist criticisms of formal logic are presented in the introduction, rather than in the next sections, of this chapter, because admittedly most argumentation theorists have long ago left formal logic behind.

<sup>2</sup>Maryann Ayim (1995), for example, criticises Nye for assuming that “all concerns are necessarily selfish or even limited in their scope to the particular social cultural group of which the communicator in question is a member” (p. 804). Moreover, Ayim points out a baffling flaw in Nye's book (p. 805): “Russell and Mill do not appear in Nye's analysis at all, and one wonders if their support of the women's movement of their time was a factor in her excluding them from the list of prominent male logicians.” Michael Gilbert (1994, p. 107) criticises Nye as well for “not even mentioning a single woman logician,” such as “Barcan Marcus, Stebbing, Anscombe, Haack or Barth to name but a few.”

body, and a slave is understood as what is only a body, there could be no discussion of the institutions of slavery or sexism.

She adds, however, that obviously logic “cannot be credited with beginning the oppression of slaves, women, under-classes, or subject peoples, or even with playing the major role in maintaining these oppressions,” but her point is that logic—and in this passage she is referring to Stoic logic—was “no innocent theoretical bystander” (p. 79). Much lately, with the contributions of the Vienna circle in the 20th century, the main accomplishment of logic would have been the exclusion of a great part of legitimate discourse (p. 165): “Political philosophy or ethics, unless they borrowed from logical analysis and dealt only with the use of words, were not philosophy at all.” For this reason, Nye concludes (p. 171): “Logic in its final perfection is insane.”

Nye observes that she does not intend to enter the arena of logic and refute the logicians’ claims; rather, in contrast to logic, she proposes what she calls *reading*, a method that requires taking into account “the circumstances in which something is said” and the issue of “who says something and why” (p. 183). Yet, later feminist logicians and argumentation theorists *intend* to enter the arena of logic—albeit, in this case, *informal* logic—and they are often accused of committing fallacies—especially the *ad hominem* and the genetic fallacy. In the following sections we will see how feminist philosophy challenges current conceptions of fallacies.

The philosophical concept of *reason* has also been a target of criticism by feminist philosophers. Genevieve Lloyd (1993) analyses the evolution of the idea of reason—which she writes with a capital “R”—in philosophy and intends to show that it has always been a male ideal formed through the exclusion of what were considered as feminine traits. Lloyd’s insightful essay is of special interest in a virtue theory because, as she explains in the preface to the second edition, her criticisms are not directed against logical standards or the way beliefs are assessed, but against the way *character* is assessed (p. xx): “It is with the maleness of these character ideals—the maleness of the Man of Reason—that this book is primarily concerned.” The problem, Lloyd claims, is not simply that women have been deprived from reason or regarded as unreasonable, but that the ideal of reason itself is gender biased (pp. 37–38):



It is not a question simply of the applicability to women of neutrally specified ideals of rationality, but rather of the genderization of the ideals themselves. An exclusion or transcending of the feminine is built into past ideals of Reason as the sovereign human character trait.

Lloyd identifies, as character traits that have traditionally been considered as universal traits of reason but that are actually traits associated with the male, several characteristics that have already been mentioned in this section. For example, as Nye points out above, in the context of the dualism between mind and body, an exemplary character of reason was identified as one in which body is subordinated to mind, but woman has often been associated with the subjection of mind to body (p. 33). Reason is also based on the pursuit of the universal and public, as opposed to the particular and private, and this distinction takes on gendered overtones against the background of a division of labour according to which men alone are in charge of public life while women are restricted to the private household (p. 57). And, finally, since Ancient Greece reason has been identified with the abstraction of the form, the intelligible element, from the indeterminate matter, and the form-matter distinction has been compared to the male-female distinction—for example, by Plato and Aristotle (p. 4). We have, then, three elements of reason—subjection of body to mind, universality, and abstraction—the meaning of which has evolved, if Lloyd’s analysis is correct, through an exclusion of the feminine. Likewise, Phyllis Rooney (1991, p. 77) has argued that “reason (sometimes with its allied concepts, truth and knowledge) has regularly been conceived and understood in terms of images, metaphors, and allegories that implicitly or explicitly involve an exclusion or denigration of some element that is cast as ‘feminine,’ where that element would typically be something like body, nature, passion, instinct, sense, or emotion.” Rooney (2010, p. 225) summarises Lloyd’s thesis thus:

Gender metaphors thus establish a recurring philosophical narrative: following the path of reason, clarity, and knowledge requires a constant vigilance against the ever-lurking threats of distractions of “feminine” unreason: emotion, body, sexuality, instinct, nature, or wily charms. [...] Reason is significantly valued through a simultaneous devaluing of a “feminine” aspect or principle that the man of reason must continually monitor, control, reject, or transcend.

Lloyd concludes—in the same vein as Nye—that the problem is not merely a misogynist exclusion of women from a neutral ideal of reason, but rather “a constitution of femininity through that exclusion” (1993, pp. 106–107). Both reason

and femininity have been characterised as opposites (Ibid., p. 105): “Rationality has been conceived as a transcendence of the feminine; and the ‘feminine’ itself has been partly constituted by its occurrence within this structure.” And Rooney (1991, p. 91) holds that it is not merely a stylistic problem concerning an unfortunate use of metaphors, for “a metaphor regularly functions as a screen through which different aspects of the subject under view can be organized, emphasized, or suppressed.” Therefore, Lloyd says, much work is still needed in order to achieve a conception of reason that includes all the ways of thinking that have traditionally been excluded but that are, nonetheless, legitimate (1993, pp. 108–109):

Notwithstanding many philosophers’ hopes and aspirations to the contrary, our ideals of Reason are in fact male; and if there is a Reason genuinely common to all, it is something to be achieved in the future, not celebrated in the present. Past ideals of Reason, far from transcending sexual difference, have helped to constitute it. That ideas of maleness have developed under the guise of supposedly neutral ideals of Reason has been to the disadvantage of women and men alike.

Finally, the ideal of reason that should be proposed, Rooney (1991, p. 97) concludes, should be “empowering” instead of one that requires “an opposing force over which it needs to gain transcendence.” Aspects of human life that have traditionally been excluded should be integrated into it (pp. 97-98):

Our history has given us what, at best, can only be described as a very impoverished discourse. We have been able to talk about the power of reason but not about the power of empathy. We can talk about the insight and understanding that rational knowledge brings, but we cannot talk about the understanding a deepening sense of compassion brings. Just as we have at best a caricature of reason, we also are left with a caricature of feeling, feeling robbed of any claim to rationality and understanding.

The insights about logic and reason in this introduction are obviously relevant to argumentation theory. But, since around three decades now, feminist thinkers have had something to say specifically within the field of argumentation theory. The integration of their insights into a virtue theory of argumentation, then, can be another step in the way of developing a theory that intends to avoid, to the extent possible, too narrow and parochial a point of view. Therefore, I will focus on those feminist criticisms and proposals that have implications for argumentation and the argumentative virtues. In the following section, I will present the feminist criticisms of what is known as the Adversary Paradigm and related warlike metaphors

in argumentation. Then, section 12.3 will be concerned with the feminist challenge to the traditional assumption that, when evaluating arguments, the identity of the arguer should not be taken into consideration. Finally, in section 12.4 I will outline some ideas that feminist authors have proposed as a way of changing—or complementing—the current paradigm.

## 12.2. The Adversary Paradigm

The core of the feminist criticisms of current practices in argumentation can be found in what Janice Moulton (1983) called the Adversary Paradigm.<sup>3</sup> In her famous, path-breaking essay, intended as a criticism of philosophical practice in general, Moulton identified the paradigm—in Thomas Kuhn’s sense—that, she argued, was dominant in philosophy (p. 153):

Under the Adversary Paradigm, it is assumed that the only, or at any rate, the best, way of evaluating work in philosophy is to subject it to the strongest or most extreme opposition. And it is assumed that the best way of presenting work in philosophy is to address it to an imagined opponent and muster all the evidence one can to support it.

Such a way of doing philosophy, according to Moulton, “accepts a positive view of aggressive behavior and uses it as a paradigm of philosophic reasoning” (p. 149). Aggression, then, is incorporated into philosophical methodology. This is a feminist concern in itself because of the gender-based regard of aggressiveness as a positive masculine trait and a negative trait in women,<sup>4</sup> but it also has a damaging impact on philosophy. It tends to place the focus on extreme philosophical views instead of on the most valuable theories (p. 158):

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<sup>3</sup>Written by her in capital letters.

<sup>4</sup>It has also been held—on the basis of empirical evidence—that men and women communicate differently, men being more confrontational and dominant, and women being more affiliative and cooperative (Ayim, 1991; Burrow, 2010). However, Phyllis Rooney (2010, p. 230) challenges that claim: “Such an assumption typically derives from claims about gender differences that are at best contested, that do not take full account of the ways in which gender operates with other social variables, and differently in different social and cultural contexts.” Here I will attempt to set this delicate issue aside—making reference to claims about women’s way of arguing only when strictly necessary—following Rooney’s (2012, p. 317) warning that, “framed largely in terms of gender differences, discussions about adversarial argumentation regularly devolve into all-too-familiar debates about gender essentialism.” For an outline of gender differences in communication, see Gilbert (1994).

With the Adversary Paradigm we do not try to assess positions or theories on their plausibility or worthiness or even popularity. Instead we are expected to consider, and therefore honor, positions that are most *unlike* our own in order to show that we can meet their objections. So we find moral theories addressed to egoists, theories of knowledge aimed at skeptics.

Furthermore, Moulton argued, the Adversary Paradigm has privileged deductive reasoning, since it is by way of trying to find counterexamples for a universal claim that opposition can most straightforwardly operate (p. 152): “General claims are made and the job of philosophic research is to find counterexamples to the claims.” Given that, according to her, the Adversary Paradigm is considered the only legitimate paradigm in philosophy, other kinds of reasoning tend to be rejected. Thus, she claimed that, in philosophy of science, “non-deductive reasoning is thought to be no reasoning at all” (p. 157).

Notice, however, that Moulton’s criticism was not a mere criticism of an emphasis on disagreement in philosophy, and her essay was not a proposal that we should focus more on agreement. In fact, she claimed that one of the problematic components of the Adversary Paradigm was precisely the method of granting premises that are not really considered acceptable, “for the sake of the argument.” This step must be taken in order to handle isolated disagreements and criticise particular claims or arguments. But, she warned (p. 154): “Such a method can distort the presentation of an opponent’s position, and produce an artificially slow development of thought.”

Part of the Adversary Paradigm, then, is the isolation and focus on specific arguments in order to attempt to refute them, rather than the evaluation of a proposal as a whole. The context, the background of a proposal, and the complexities of its details are, then, ignored. It is no wonder that feminist thinkers have noticed the problems that such a paradigm involves, for, as James Lang holds, this way of doing philosophy makes the feminist enterprise especially difficult (2010, p. 332):

For those of us who present conference papers in feminist theory it can be disheartening to be partnered with a respondent who locks onto a single feature, reduces it to a propositional claim, and then applies positivist-derived formal logic to attempt to discredit it—without even engaging with the overall purpose of the work.

The problem, of course, is not with rigorous criticism *per se*, but with a certain way of doing philosophy that overlooks important aspects of the philosophical proposals. As Lang (Ibid.) argues, rigorous criticism is necessary but it should include “examination of context and details.” In addition to that, it is important to notice that, as Rooney (2010, p. 205) points out, Moulton’s arguments against the Adversary Paradigm—outlined above—are largely independent of whether or not women feel comfortable with it—the arguments would hold even if women were just as comfortable as men.

Moulton’s point, however, was not that the Adversary Paradigm should be replaced by another *dominant* paradigm. Rather, she wanted to open the door for alternative methods in philosophy (1983, p. 153):

My objection to the Adversary Method is to its role as a paradigm. If it were merely one procedure among many for philosophers to employ, there might be nothing worth objecting to except that conditions of hostility are not likely to elicit the best reasoning. But when it dominates the methodology and evaluation of philosophy, it restricts and misrepresents what philosophic reasoning is.

Even though Moulton’s concerns were about philosophical practice in general, her criticism was obviously enough very relevant to argumentation theory in particular. Feminist thinkers in the fields of argumentation theory and critical thinking have drawn the implications that Moulton’s insights have for the way argumentation is modelled and taught.

Actually, even some argumentation theorists who do not have a specifically feminist perspective have contested the implicit view of argumentation as a struggle between adversaries. Daniel Cohen (1995, p. 182) writes about “a largely unexamined ideology to arguments that needs to be subject to its own argumentative scrutiny.” What he calls “ideology” is the metaphor of *argument as war* (p. 178):

We routinely speak, for example, of *knockdown*, or even *killer*, arguments and *powerful counterattacks*, of *defensible* positions and *winning strategies*, and of *weak* arguments that are easily *shot down* while *strong* ones have a lot of *punch* and are *right on target*.

Trudy Govier, however, considers that a minimal level of opposition may be inevitable and acceptable in argumentation: “the existence of controversy is a healthy thing in many contexts, and if controversy implies a degree of adversariality, then

perhaps some modest adversariality is acceptable in the interests of critical thinking and lively debate” (1999, p. 51). She distinguishes between *minimal* adversariality, a degree of adversariality that may be acceptable in argumentation, and *ancillary* adversariality, which involves unnecessary confrontation. Adversariality, she claims, “can be kept to a logical, and polite, minimum” (p. 55).

Yet later philosophers have denied that the minimal level of adversariality that Govier advocates is natural and can be acceptable. According to Rooney (2010, p. 220), minimal adversariality also involves “elements of battle that are not warranted.” Govier claims, for example, that the step from holding an opinion to thinking that everyone who holds the contrary opinion is wrong is quite natural, but Rooney disagrees (2010, p. 221):

To go from saying that I think that your belief not-X is mistaken or incorrect to “you are wrong” is surely an extra and unnecessary step. It illustrates a problematic slippage that is not uncommon in argumentation, the slippage from a person’s belief or claim (as wrong) to the person herself (as wrong). It introduces a level of adversariality that is unnecessary and epistemically confusing [...]

On the basis of Lloyd’s criticism of the philosophical conception of reason—that we saw in the introduction—Rooney argues that war metaphors are deeply rooted in our gender-biased idea of reason (2010, p. 226): “Gender is battle here, and ‘male’ reason is *embattled reason*.” The development of reason is compared to a “battle” or a “struggle,” and reasoning skills are “allies” or “arms.” The metaphor of argument-as-war simply renders the interpretation of any disagreement as adversariality very easy, “perhaps inevitable” (p. 211). And given that gender, as well as reason, is so entangled with war metaphors, the solution cannot consist simply in encouraging politeness and keeping an allegedly harmless minimal level of adversariality (p. 227): “Success in arguing (reasoning) is fundamentally bound up, metaphorically, with success in maleness overcoming or controlling a threatening non-rational femaleness.”

Moreover, Catherine Hundleby holds that politeness is not a solution to aggressive argumentation, for “politeness institutionalizes rather than moderates certain aggressive tendencies in argumentation” (2013, p. 242). The problem with politeness, Hundleby argues, is that it is also gender biased. She explains that “norms of politeness tend to be more severe and restrictive for women, requiring greater

passivity and conformity” (Ibid.) so that, for example, women “appear *aggressive, inappropriate, and impolite* for behaviour that would be perfectly polite for men, especially among other men” (p. 245). This is Sylvia Burrow’s view as well, who claims that “stereotypical norms of feminine politeness reflect women’s cooperation at the cost of subordination and deference” (2010, p. 243). It may be the case, Burrow says, that politeness furthers cooperation, but given that politeness is gendered, “it often comes with significant costs to women” (p. 245) because “what counts as cooperative discourse differs according to gendered stereotypes of politeness in ways that affirm power and status for men, but not women” (p. 246). Women that attempt to transgress feminine norms of politeness and adopt a style of discourse that would be considered polite in men “are seen as overly strident, rude, brash, cold, catty, or bitchy” (p. 256). Hence, the problem is not a simple one of lack of politeness in adversarial argumentation.

Moulton’s Adversary Paradigm bears a close resemblance to what Michael Gilbert (1994) calls the “Critical-Logical Model” (C-L for short). Within the C-L, he says, it is assumed that “the best examples of reasoning are linear and careful,” and the focus is on the text, excluding “extraneous material” such as “emotional content, power relationships and the social consequences of the argument” (p. 96). It is a model that presupposes that (p. 111):

All sound, mature, sophisticated, academic, serious reasoning eschews emotion, intuition and situation, and concentrates on the real content the explicit words and essential implicit assumptions that can be identified, isolated and criticized in the argument *qua* artifact.

This model has been criticised by feminists because it ignores or denigrates “feminine” concepts and ways of arguing, among which Gilbert includes “connectedness or attachment, concern or inclusion, and agreement or consensus” (p. 99). Importantly, Gilbert’s C-L also includes the adversarial component, for it presupposes that “arguments have winners and losers” (p. 100).

As has been already pointed out, many of the arguments against the Adversary Paradigm do not depend on a view of women’s way of arguing or even on specifically feminist concerns. I will conclude this section with two such objections to this paradigm: that it encourages bad habits or bad reasoning, and that it does not

adequately represent argumentative discussions. Let us begin with the first one, regarding the wrongness of the paradigm as an argumentative ideal. Moulton already claimed that a hostile stance may not elicit the best reasoning (1983, p. 151): “Feelings of hostility may be distracting, and a goal of defeating another may sidetrack one to the advantage of a third party.” In the same vein, Rooney argues (2010, p. 231):

To the extent that we are all still influenced by forms of adversarial argumentation that significantly constrain philosophical discussion, insight, and understanding we are poorer reasoners and arguers than we might otherwise be.

Cohen also claims that the paradigm of argument as war requires talking about “winners and losers,” and a scholarly encouragement of “winning” can be fostering the wrong kind of attitude (1995, p. 180):

There is a clear message here, and it is not the officially stated one: Insight and understanding are nice, of course, but if you want to get ahead, cleverness and rhetorical dexterity are what really matter in life.

In an article about adversarial argumentation in the philosophical field, Rooney (2012) characterises typical responses to philosophical theses as possessing a “default skeptical stance” (p. 322) and argues against such a way of doing philosophy. “Skeptical argumentative exchanges,” she claims, “give voice to displays of epistemic arrogance more than they encourage the exercise of epistemic virtues such as epistemic humility and trustworthiness” (p. 324). Furthermore, besides the encouragement of these vices, Rooney argues that “skeptical challenges that take valid deductive reasoning from necessarily true premises as the model or ideal form of argumentation can be quite problematic” (p. 321). The prevalence of deductive reasoning was, as we saw, part of the Adversary Paradigm according to Moulton. Rooney points out that this deductive paradigm, which takes “necessary truths and valid arguments as the ideal” (Ibid.), does not offer an adequate method of assessment of the various kinds of arguments that are offered in philosophy. A consequence, she concludes, is that the “default skeptical stance” that some forms of adversarial argumentation incorporate “can, in some situations, prove to be a convenient and acceptable mechanism to silence, misrepresent, or otherwise discourage those who seek to address inconvenient truths” (p. 330).



Hundleby (2010) explores the effects of the Adversary Paradigm on the popular pedagogy of fallacies. She analyses thirty textbooks and shows how the adversarial and deductivist components of that paradigm dominate their treatment of fallacies through a series of practices, such as “attitudes toward argument repair, insubstantial examples, and highly stylized, as well as carefully constrained, exercises” (p. 281). Given that, in the Adversary Paradigm, the aim is simply defeating opposing positions, the possibility of argument repair is usually neglected in textbooks (p. 286). Likewise, when examples are manufactured, contextual elements are omitted that could make the argument more plausible, thus “increasing an argument’s vulnerability to criticism” (Ibid.). The use of short and decontextualised examples “limits the possibility for sympathetic interpretation” and “makes it easier to defeat arguments” (p. 290). And, lastly, exercises in textbooks overwhelmingly employ a taxonomy of fallacies that assumes that “the presence of an argument scheme that *may* be fallacious always makes an argument fallacious” (p. 287). This taxonomic method encourages the practice of defeating arguments merely by labelling them with names of fallacies, a practice that reduces the critic-student’s *accountability* (p. 292):

The taxonomic technique removes much of the burden of proof from the person (including the instructor) who alleges that a fallacy has been committed. The person simply uses the fallacies taxonomy to evaluate the argument, to decide *why* the argument is *taken* to be weak. This assumption deflects, rather than pursues, the responsibility of engaging another’s argument.

Hundleby acknowledges that “the Adversary Method and oppositional modes of reasoning do not currently dominate philosophy and argumentation to the extent that they did a few decades ago” (p. 295). However, the problem with textbooks on fallacies is that the authors, as well as critical thinking instructors, are not very familiar with the latest development of argumentation theory (pp. 280, 299).

Thus, according to these thinkers, the Adversary Paradigm promotes bad argumentative practices. The second objection to this paradigm is that it misrepresents what happens in argumentative discussions. Moulton (1983, pp. 155–157) already argued that the Adversary Paradigm in philosophy gives undue weight to extreme positions, therefore presenting a distorted picture of the history of philosophy. From within the field of argumentation theory, Rooney also criticises the use of adversarial language as distorting argumentative discussions in general (2010, p. 222):

What I am suggesting with my questioning of this combative wording is *not* that we should resist it in order to be more polite, but that this wording is misdescribing the argument situation, quite significantly from an epistemic point of view.

Epistemically, Rooney argues, talking about “opponents” or about “conflict of beliefs” is not the most adequate way of explaining argumentative situations (Ibid.):

Yet even talking about conflicting or opposing beliefs is already something of a misnomer when we have perfectly fine epistemic or logical terms such as “contradictory” or “inconsistent” which more precisely describe what the “conflict” is.

Furthermore, as we have seen, the Adversary Paradigm requires talking about “winners” and “losers” in an argument; but, Rooney (Ibid.) says, if we argue about something and you convince me of the plausibility of your point of view, “surely I am the one who has made the epistemic *gain*, however small,” for “I have replaced a probably false belief with a probably true one, and you have made no such gain.”

Finally, arguments can serve a variety of purposes, and focusing on an adversarial goal of arguing prevents us from taking into account the collaborative functions of argument. Hundleby provides an example that illustrates how varied and complex real-life arguments can be (2013, p. 254):

A physicist may build equipment for a chemistry experiment, and a statistician do the calculations. Each contributes to the development of an argument about some phenomenon in chemistry and may have to persuade the others by way of argument that the techniques applied will do the job. However, there is no opposition to the techniques or claims of expertise, only inadequate understanding that can be overcome by sharing some of the expert or testimonial evidence.

### 12.3. The subject

Traditional epistemology and argumentation theory—especially in formal logic—have very strongly emphasised that the question of who the subject—the arguer—is must not be taken into account when assessing a claim or argument. The truth or plausibility of a claim and the validity or cogency of an argument were supposed to be evaluated on its own merits, regardless of who holds or utters it—that is, they should be evaluated as if they were anonymous. Nowadays, this assumption

is no longer uncontroversial, and the feminist criticisms have largely contributed to that gradual change in view. One of the first epistemological approaches that proposed that the traits of the epistemic agent should be taken into consideration was Lorraine Code's (1987) virtue responsibilist theory. Code emphasised the fact that actual epistemic work—which is, she insisted, much more complex than the simple perceptual claims usually taken as examples of knowledge—takes place within an epistemic *community*, which is sustained by networks of *trust* (p. 167): “Human beings are cognitively interdependent in a fundamental sense, and knowledge is, essentially, a commonable commodity.” Our cognitive life, thus, crucially relies on the acquisition of knowledge from other people through testimony (p. 168). From that point of view, it makes much more sense—epistemologically—to ask *just who* is making a certain claim (pp. 167-168):

Knowledge is a human creation that can only be as good as the efforts that go into creating it. Epistemology needs to give as much attention to the attitudes and endeavors of would-be knowers as to knowledge per se.

Later on, in an explicitly feminist essay, Code (1995, p. 19) points out that considerations about the epistemic agent are essential in order to be able to talk about responsibility and accountability. Hence, she criticises what she calls “S-knows-that-*p* epistemologies,” which “have defined themselves around ideals of pure objectivity and value-neutrality” and which presuppose “a universal, homogeneous, and essential human nature that allows knowers to be substitutable for one another” (p. 24). Those epistemologies rely on a context-free model that “generates the conclusion that knowledge worthy of the name must transcend the particularities of experience to achieve objective purity and value neutrality” (p. 27). However, Code argues—as many feminists have—that the ideal of transcendence is actually an illusion, for “hidden subjectivities produce these epistemologies” (p. 28). She says (*Ibid.*):

It is true that, in selecting examples, the context in which *S* knows or *p* occurs is rarely considered relevant, for the assumption is that only in abstraction from contextual confusion can clear, unequivocal knowledge claims be submitted for analysis. Yet those examples tend to be selected—whether by chance or by design—from the experiences of a privileged group of people, then to be presented as paradigmatic for knowledge as such.

Several examples can be presented that attest to the claim that allegedly “impartial” or “objective” assessments of testimonies actually mirror the standards of

a privileged group. There are cases like that of women who testify that they have suffered sexual assault and are systematically disbelieved; that of a black boy who is arrested by the police when his explanation of why he was walking at night is discredited; or that of children whose experiences are invalidated by parents or teachers (pp. 59–60). Therefore, Code advocates a position “for which knowledge is always *relative to* (a perspective *on*, a standpoint *in*) specifiable circumstances” (p. 54). Yet, this does not imply the abandonment of a realistic stance, for “a realistic commitment to achieving empirical adequacy that engages in situated analyses of the subjectivities of both the knower and (where appropriate) the known is both desirable and possible” (p. 44). It simply means that the search for objectivity can no longer avoid taking subjectivities into account.

Feminist philosophers have contributed a great deal to the latest development of epistemology, in which considerations about the subject are given more weight than in traditional theories.<sup>5</sup> A remarkable example is that of the epistemologies of *situated knowledge*, which conceive of knowledge not as something that exists in a vacuum, but as something that is constructed differently in each person. Code, as we have seen, is one of the main proponents of this approach, together with Donna Haraway. The construction of knowledge, they claim, is situated not merely with respect to “geographical, social, and cultural locations” but also with respect to “the specific ways each person has constructed knowledge *about* knowledge and about what it means to *know*” (Lang, 2010, p. 310).

Here, however, I will try to restrict myself to those insights and criticisms that are directly related to the field of argumentation theory. I will present two specific cases in which the traditional disregard of the arguer has been found particularly problematic: arguments from testimony and the treatment of fallacies such as the genetic fallacy and the *ad hominem*.

Traditional epistemological accounts were—as Code explains above—largely individualistic, and therefore knowledge obtained through testimony was not generally given the import it has. But, of course, people *have always relied on testimony* in order to obtain knowledge, and this theoretical neglect blinded philosophers to

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<sup>5</sup>Today, for example, virtue epistemology and epistemology of testimony are among the main topics of interest in mainstream epistemology.

certain problems in the practical evaluation of arguments from testimony. In particular, Miranda Fricker (2007) presents the problem of *testimonial injustice*, which occurs when “prejudice causes a hearer to give a deflated view of credibility to a speaker’s word” (p. 1). Prejudices are stereotypes that apply to some social group, and they affect individuals when some characteristics are attributed to them simply because they are members of that social group. Fricker holds that we all use social stereotypes, that is, “widely held associations between a given social group and one or more attributes” (p. 30), when assessing someone’s credibility. This use of stereotypes “may be entirely proper, or it may be misleading, depending on the stereotype” (p. 17). The problem with stereotypes is that “in so far as the association is false, the stereotype embodies an unreliable empirical generalization about the social group in question” (p. 32). In those cases, the subject is wronged because her capacity as a knower is denied to her (p. 44). Therefore, in cases of testimonial injustice, not only the hearer fails to obtain knowledge, but the speaker also suffers an exclusion from a vital practice of epistemic communities (p. 145):

When someone is excluded from the relations of epistemic trust that are at work in a co-operative practice of pooling information, they are wrongfully excluded from participation in the practice that defines the core of the very concept of knowledge.

On the basis of Fricker’s insights, Patrick Bondy develops the concept of *argumentative injustice* (2010, p. 263):

What I am interested in is the phenomenon of attaching reduced or excessive credibility to the premises of an argument, or to the strength with which an argument’s premises support its conclusion, due to an identity prejudice attaching to the arguer, in the minds of the audience.

How can an excess or a deficiency of credibility affect the strength of the inference from the premises to the conclusion? Bondy appeals to Toulmin’s (2003) concept of *warrant*, the statement that licenses drawing a certain conclusion from the premises stated. The acceptance of the—usually implicit—warrant of an argument is necessary for the argument to convince, and here is where argumentative injustice may take place (2010, p. 267):

An audience might refuse to accept a warrant when it ought to do so, though, and it might also accept a warrant when it ought not to do so—and if that refusal or acceptance is due to an epistemically culpable stereotype, then it is a case of argumentative injustice.

Moreover, as Rooney explains, the inference from the premises to the conclusion depends in general on a number of assumptions, so argumentative injustice can operate in them. The strength of a warrant, she argues, “depends, in part, on what background assumptions are taken for granted as ‘hidden’ assumptions or implicit understandings shared by arguer and audience” (2012, p. 324). Karen Jones, who examines cases of credibility deficit in cases of astonishing reports, presents an example which shows how implicit assumptions determine the plausibility of a claim: she recalls “how African Americans and whites disagreed about O. J. Simpson’s guilt because they disagreed about how likely it was that he was the victim of a police frame-up” (2002, p. 157).

Hence, one can see why feminists insist on drawing our attention to the subject—the arguer, in argumentative contexts. According to their criticisms, it is not that they purport to *introduce* the subject in the evaluation of claims and arguments; it is simply that the subject *has always been there* and we have not paid enough attention to it—thus incurring in testimonial or argumentative injustice. Notice that this consideration makes the assessment of arguments a much more difficult task, for, as Code (1995, p. 64) points out, we cannot simply substitute “a new tyranny of ‘experientialism’ immune to discussion for the old and persistent tyrannies of incredulity, denigration, and distrust.” Bondy (2010, p. 273) proposes the adoption of “a policy of metadistrust” to the context of argumentation:

1. *In cases of negative identity prejudice:* when we have a negative emotional response, we ought not to trust it, but to search for reasons against the aspect of the argument that raises our suspicions. If we can find such reasons, then we have grounds to challenge the argument. If we can find no such reasons, then we ought to accept the argument, despite the emotional reaction.
2. *In cases of positive identity prejudice:* when we have a positive emotional response, we ought not to trust it, but to search for reasons in favour of the aspect of the argument that we found satisfying. If we can find such reasons, then the argument may be accepted. If we can find no such reasons, then we ought to require further reasons in support.

The other aspect that I will discuss regarding the consideration of the subject in argumentative contexts is the treatment of fallacies. On the basis of traditional conceptions of fallacies—many aspects of which still persist—feminist theorists can be accused, because of their emphasis on the subject, of systematically committing fallacies, particularly the *ad hominem* fallacy and the genetic fallacy. Andrea Nye, in the conclusion to her feminist history of logic, admitted (1990, p. 174):

According to the dictates of logic I have committed fallacy after fallacy. Purposes and desires can have nothing to do with logical truth. [...] There are logical names for the fallacies I have committed: the genetic fallacy, the *ad hominem* fallacy. It is a fallacy to think that a critical understanding of the person who holds a view can count against the truth of that view. Logical truth is independent of both its genesis and of the man who speaks it. [...] Bad men speak the truth, good men speak falsehoods.

Hence, as Janack and Adams (1999, p.215) point out, “feminist standpoint epistemologies represent probably the most direct attack on the notion of the *ad hominem* argument as a fallacy.” Likewise, Code (1995, p. 70) argues that the current understanding of the *ad hominem* fallacy derives from the traditional epistemological model according to which knowers are interchangeable, that is, knowledge is the same regardless of who the knower is. She claims, therefore, that, a reevaluation of that fallacy is central to epistemologies that emphasise the question, “whose knowledge?” (p. 71).<sup>6</sup>

According to a widespread understanding of the *ad hominem* fallacy, it is committed when facts about the arguer are adduced to undermine a claim instead of focusing on the argument that the arguer has put forward. The problem, Janack and Adams (1999, p. 214) explain, is one of irrelevance. But, are really facts about the arguer always irrelevant? As we saw, Code regards considerations about the subject as central in the evaluation of epistemic claims. Now, Janack and Adams argue that this applies to the evaluation of arguments as well, for our social location may make us unable to “see” parts of the social world (p. 217)—so there may be a problem with the selection of evidence or with the assumptions made. These authors propose, then, that the fallacious character of an *ad hominem* argument should be discussed, not presupposed (p. 223):

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<sup>6</sup>Actually, the fallaciousness of the *ad hominem* argument has already been reconsidered. Janack and Adams (p. 221) point out that Code would sympathise with Douglas Walton’s (1995) account of the *ad hominem*.

What is '*ad hominem*'—pro or con—should be a criterion of judgement brought to discussion in the evaluation of any argument in any field at any time. In principle, it is never inappropriate to do so.

The situation with the genetic fallacy—which “is said to be committed when the source or origin of a proposition or theory is taken to be relevant to its evaluation” (1993, p. 229)—is very similar. Feminist philosophy, from the 1970s through the 1990s, has been accused of committing this fallacy (Hundleby, 2010, p. 300). Feminists, it is argued, commit this fallacy by giving justificatory weight to the context of discovery, while only the context of justification is relevant. In order to assess the correctness of a claim or theory, things like the upbringing or the social status of the person who claimed it belong to the context of discovery and therefore are irrelevant; evidence that supports or undermines the claim, on the other hand, belongs to the context of justification and therefore is relevant (Crouch, 1991, p. 105). Since feminist philosophy appeals precisely to the former, it appears to systematically commit the genetic fallacy, so the charge against it is that “the methodology of their philosophy is flawed” (Crouch, 1993, p. 236). The problem with the genetic fallacy, as can be seen, is not very different from the problem with the *ad hominem*.

However, Margaret Crouch argues that the charge against feminism of committing the genetic fallacy is unwarranted. Actually, she says, there are certain cases in which “features relevant to the origin of a position can be shown to have some verifiable connection to the truth or falsity of the view” (1991, p. 107). Hence, whether or not an argument is an instance of the genetic fallacy is an empirical matter (Ibid.): “there can be no a priori decision about which kinds of information about the origins of a position are relevant and which are not.” But some feminists—like standpoint theorists—seem to provide grounds for the claim that, for example, the gender of the subjects influences the correctness of their claims (p. 112). Therefore, the appropriate critical response should be a discussion about that claim and its grounds, not an accusation of fallacy.<sup>7</sup>

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<sup>7</sup>Having said that, however, Crouch warns feminists that, in fact, claims of an empirical connection between maleness and the incorrectness of theories are very weak (1993, p. 113). And she points out that, actually, feminists do not rely on those claims in their criticisms (p. 114):

The reasons that feminists reject such views are the same reasons that many nonfeminists do: they don't work theoretically, they don't accord with experience, they are inconsistent, and so on. The fact that they are typically masculine is not a reason for rejecting them, unless you already have a reason for thinking that theories with the sorts of characteristics possessed by these theories are wrong. The term 'masculine' does not seem to be doing the important work.



The problem with the genetic fallacy, Crouch argues, is that “it rests on controversial assumptions about epistemology and philosophical methodology” (1993, p. 229). It relies, as we have seen, on the distinction between the context of discovery and the context of justification. Crouch says (p. 236):

[...] it should not be surprising that philosophies that draw on Marxism and Freudian explanations seem to commit the genetic fallacy. The genetic fallacy was formulated largely in opposition to just the kinds of assumptions on which these theories depend. Feminist theories, in so far as they accept these assumptions, will also appear to commit the genetic fallacy.

It is a mistake, then, to elevate those assumptions to the status of principles of reasoning—such that rejecting them is a fallacious move. It should be possible to discuss whether a piece of evidence is relevant or not, and it is certainly a mistake to rule out a whole kind of evidence in advance. Crouch concludes (p. 238): “One must look at the specific case at hand in order to know what sorts of information are relevant to the conclusion to be established.”

Thus, it seems that both in the case of the *ad hominem* and the genetic fallacy, arguments should be evaluated *case by case* instead of rejecting them on *a priori* grounds. Discussions should not be foreclosed by accusations of fallacies that do not mirror general principles of reasoning, but actually contain controversial assumptions. Feminist criticisms of these two fallacies seem to converge in the idea that fallacy labels are not being used to promote fruitful discussion, but “to silence feminist philosophers” (Hundleby, 2010, p. 298).

## 12.4. Alternative proposals

In the light of the feminist criticisms of argumentative practice and standards that have been outlined in the previous sections, what can be done? Regarding the Adversary Paradigm and the metaphor of argument as war, a straightforward solution could be to propose different metaphors, as for example Cohen does (1995, p. 187):

Perhaps arguments are more like *town meetings* than anything else, because they are sometimes contentious, but sometimes co-operative; there may be several opposing factions, or only interested but as yet undecided citizens; sometimes they are divisive and inconclusive, but sometimes they are indeed constructive; they may begin with a

consensus for action, and serve merely as strategy sessions for orchestrating actions, or they may begin with a cacophony of voices—and end the same way.

Rooney proposes a change in the language we use when we describe an argumentative situation. When, for example, I am arguing for X, it seems to follow that I am arguing *against* not-X. At least, we usually describe the situation with those words. But, she retorts (2010, p. 221): “I could just as easily, and perhaps more accurately, say that I am arguing *with* not-X and *with* your argument for not-X, in that I am taking into consideration and *reasoning with* your evidence and your reasoning for not-X.”

But, of course, as Rooney herself warned us in the second section, the problem is not merely the unfortunate choice of a bad metaphor in argumentation. Besides the criticisms that we have seen in the previous sections, feminists have proposed new ways of conceiving of argumentation and a new kind of ideal argumentative behaviour. In this section, I will outline two proposals: an emphasis on argumentative virtues, and Michael Gilbert’s project of *coalescent argumentation*.

Some feminist authors have contributed to the development of virtue theories. Lorraine Code originated the responsibilist branch of virtue epistemology—as opposed to the virtue reliabilist epistemology developed by Ernest Sosa—and Miranda Fricker advocates a virtue approach to the evaluation of testimony as a solution to testimonial injustice. In argumentation theory, it is sometimes suggested that a focus on argumentative virtues can be a remedy for the distortions, the decontextualisations and the oppositional nature of the Adversary Paradigm.<sup>8</sup> For example, Maureen Linker (2011) advocates the virtue of intellectual empathy as a solution to prejudice. She argues that “well-intentioned individuals who are typically capable of non-fallacious, relevant, analogical reasoning may nevertheless fail to employ those same skills in rhetorical contexts where social difference is a factor” (p. 122). This failure, she insists, is not the result of bad faith or of the lack of reasoning skills. As a remedy, then, she outlines the principle of intellectual empathy, understood the following way (p. 124):

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<sup>8</sup>Even though it does not arise out of a specifically feminist point of view, I believe the virtue approach to argumentation developed in this dissertation is also, in part, a product of feminist concerns, and a contribution to a change in view.

[...] it is empathy with an emphasis on the integration of moral, emotive, and cognitive capacities. In the case of intellectual empathy these capacities would be focused on interpretation and judgments regarding a speaker's credibility and reliability. The intellectually empathic hearer would be particularly attuned to rhetorical contexts involving social difference and take a speaker's report in such a context to assess the consistency and coherence of their own beliefs and feelings before making an interpretive judgment.

She adds (p. 125):

Thus, the objective of intellectual empathy is not to imagine that one can simply feel what another person is feeling but rather that one treat the reports of others, particularly those whose social experiences are vastly different from one's own, as credible sources of information for reflectively assessing one's own system of belief.

Linker further distinguishes four skills that must be trained in order to develop intellectual empathy—and that she explains in the rest of her article. These skills, she argues, “are necessary to create the kind of interpretive environment where residual prejudice can be recognized, assessed, and adequately diminished.” The skills are (Ibid.):

1. Starting from the point of view of *mutual compassion*.
2. Recognizing that advantage and disadvantage occur within *a matrix of intersecting social properties*.
3. Understanding that *social privilege is often invisible* to those who have it.
4. Identifying “Maybe it's you” judgements—that is, judgements that amount to “a dismissal of the credibility of a speaker's claim” (p. 133)—and developing the self-reflective capacity to treat these judgements as opportunities for information and evidence.

Karen Warren also emphasises the importance of—among other factors—certain argumentative virtues (although she writes about critical thinking dispositions) from a feminist point of view, particularly the virtues of impartiality and open-mindedness (1988, p. 39):

From a feminist point of view, then, a commitment to feminism is a commitment to impartiality and openmindedness (properly understood), and a commitment to impartiality and openmindedness (properly understood) is a commitment to feminism.

She insists that those virtues should be “properly understood” because the main point of her paper is that “critical thinking always takes place within *some* conceptual framework” and an adequate conception of critical thinking must recognise that (p. 41). Every conceptual framework has its own assumptions that are not challenged and its own understanding of the sort of evidence and reasons that count. Thus, according to Warren, from a feminist perspective open-mindedness cannot require giving equal consideration to *all* points of view, for some of them “simply may not warrant such consideration” (p. 38).<sup>9</sup> As she explains (Ibid.):

Is a feminist who chooses not to take seriously arguments for the conclusion that women are innately inferior to men failing to be open minded? Or, is a feminist who chooses not to take seriously arguments for the genetic inferiority of Black people to Anglos failing to be openminded? The answer is “Yes” *only if* one assumes (as I do not) that openmindedness requires “considering seriously other points of view than one’s own” *without regard for the truth, bias, or prejudice* of those points of view . But the answer is “No” if one assumes otherwise and recognizes that openmindedness always takes place within some conceptual framework.

Likewise, impartiality does not entail value neutrality or a view from no conceptual framework—for such a view does not exist. From a feminist perspective, Warren characterises this virtue as consisting “partly in listening to points of view of those in subordinate positions, of those without established authority within the dominant culture, of those at the bottom of the hierarchy” (p. 39).

Finally, the second proposal that I will discuss in this section is Michael Gilbert’s approach to argumentation, which he calls *coalescent argumentation*. His project explicitly embraces the aforementioned criticisms of the oppositional character of the Adversary Paradigm, of the abstractions of traditional conceptions of argument, and of the neglect of arguers in argumentation theories (Gilbert, 1997). Thus, he presents his theory as follows (p. 49):

Very briefly, then, coalescent argumentation posits agreement as the goal of successful argumentation wherein the object is to identify not what is wrong with an argument,

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<sup>9</sup>I take this claim more as a reminder than as a new and controversial proposal, for it seems to me that no author holds that *all* points of view, regardless of their plausibility, should be given equal value.

but what are the points of agreement and disagreement. [...] Furthermore, coalescent argumentation views an argument not as an isolated and autonomous artifact, but as a linguistic representative for a *position-cluster* of attitudes, beliefs, feelings and intuitions.

As has already been mentioned in chapter 4 (p. 62), Gilbert has a broad understanding of the argument as product—as “interactions taking place in a dissensual framework” (1997, p. 62) He adds three different *modes of communication* to the usual logical mode: the *emotional* mode, which relates to the realm of feelings; the *visceral* mode, which stems from the area of the physical; and the *kisceral* mode, which covers the intuitive and nonsensory arenas (p. 79). He also holds that arguers can have many different *goals* other than persuasion, and argues for the importance of the context in the interpretation of an argument so broadly understood (p. 47):

To understand an argument is to comprehend its function in a given situation every bit as much as it is to identify its premisses and conclusions, indeed, in some contexts even more so.

Thus, taking into account that arguers rarely have persuasion as the only goal, Gilbert distinguishes between *task goals*, which form “the immediate strategic object of the encounter,” and *face goals*, which concern “the relationship between the participants” (pp. 67–68). Therefore, coalescent argumentation consists, in part, in “the participants *bringing into awareness* their own and their partner’s goals” (p. 71).

Moreover, Gilbert says, the claims that the arguers explicitly defend in an argument are almost always something more than mere sentences or propositions: “*claims are best taken as icons for positions that are actually much richer and deeper*” (p. 105). And he defines “position” as “a matrix of beliefs, attitudes, emotions, insights, and values connected to a claim” (Ibid.). Hence, given that argumentation involves all these processes of bringing goals into awareness and taking them into account, and of understanding what positions lie behind the claims that are explicitly defended, it should come as no surprise that, for Gilbert, “the most crucial element in coalescent argumentation is empathy” (p. 111).

I will conclude this section with a story that is, it seems to me, a very good example of coalescent argumentation in practice. Deborah Tannen, in an article written fifteen years after the publication of her book *The Argument Culture* against the destructive adversariality of public discourse, relates the following anecdote that took place at the memorial service of one of her friends (2013, pp. 183–184):

During Pete’s memorial service, his son Andrew rose to recall a brief conversation he had had with his father when he was in his teens. Andy came home from school one day brimming with anger about a “dumb rule” that the principal had announced. After explaining his indignation, he told his father that he was going to fight the rule. His father listened respectfully to Andy’s account, then asked if it would be hard to comply with the rule. Andy said that it wouldn’t, but he reiterated what seemed to him the main point: the rule was dumb, so he was right to fight it. “If you do that,” his father said, “you’ll be right, but you’ll turn the principal into your adversary.” He went on to point out that the principal might well be under pressures that Andy did not know about, and that there would be nothing to gain by turning him into an enemy when there was no need to do so. Recalling this brief conversation as an adult looking back, Andy explained that by shifting his attention from the rightness of his indignation to the consequences of turning someone into his enemy, his father had taught him a perspective that remained a touchstone for the rest of his life.

## 12.5. Summary

Feminist philosophy draws our attention to theories and concepts that purport to be of universal value but actually mirror ideals that have traditionally been associated with maleness. The philosophical concept of reason (or rationality) has been one of the main targets of their criticisms, as we have seen in the introduction, so it was only natural that argumentative standards should be placed under scrutiny as well. The theory of argumentation that is being developed in this dissertation conceives of argumentative virtues and norms as arising out of social practices, conceptions of the human good, and traditions (see ch. 7), and therefore feminists’ criticisms that argumentative standards mirror the ideals of a dominant social group are plausible and worth considering.

I have distinguished two kinds of criticisms—even though, of course, they are interrelated. In the first place, in section 12.2, I have shown how Moulton’s criticism of the Adversary Paradigm as the dominant methodology in philosophy has been—obviously enough—taken as a matter of concern in argumentation theory. The two main elements of the Adversary Paradigm that I have highlighted are the

conception of argumentation as a struggle or even a war between adversaries, in which there are winners and losers, and the focus on deductive arguments and criticism through counterexamples. Feminist criticisms are not limited to a complaint that this mode of arguing excludes women, but they also point out that it is logically and epistemologically faulty: it encourages bad reasoning and argumentative habits and it does not represent accurately what happens in argumentative discussions.

In the second place, section 12.3 discussed the feminist criticisms of the traditional assumption that the subject should not be taken into account in the evaluation of knowledge claims and arguments. Feminists first pointed out the significance of the subject in epistemology, where they argued for the crucial role of testimony. Lately, the consideration of the subject has been advocated in argumentation theory as well. I have discussed two problems related to the disregard for the arguer: an inadequate way of assessing arguments from testimony, which is one of the factors leading to argumentative injustice, and a narrow and partial conception of the *ad hominem* and the genetic fallacies.

Finally, in section 12.4, I have moved beyond the criticisms to present some feminist proposals of new paradigms. Some of those proposals involve concepts and tools that could be incorporated into our current theories of argumentations, such as an emphasis on and a proper understanding of argumentative virtues. On the other hand, Gilbert's theory of coalescent argumentation is a new way of looking at arguments, both as products and as processes, and involves a new network of concepts and attitudes towards argumentation. Coalescent argumentation includes the logical assessment of arguments, but it also expands the paradigm so as to make room for other ways of arguing and other elements that have traditionally been excluded from the proper domain of argumentation theory.





## CONCLUSIONS

There can be no doubt, not only that the three previous chapters are merely somewhat arbitrarily chosen examples of argumentative traditions or ideas, but also that they are clearly insufficient as descriptions of these traditions. The topic is too broad and my interpretation of the argumentative practices and proposals of Buddhism and Judaism is based on too little information—the feminist criticisms, being predominantly academic texts within our own society, are fortunately much easier to understand. Furthermore, when the actual information is scarce, one should be aware of a tendency to misleadingly interpret different practices and norms according to one’s own standards.<sup>1</sup> Nevertheless, even bearing in mind all these limitations and precautions, I will conclude this dissertation with an exercise of discussion and comparison of the ideas that have been presented in the previous three chapters.

A first point that, I believe, is worth making is the appearance of ethical considerations in the three cases. Although in Buddhist India this is less obvious, even there, we saw how Dharmakīrti associated his rules of debate with a concern with “the well-being of others” (p. 198). He also observed that the participants in a debate must be “good persons” who do not “trouble the opponents” (p. 199). This was not merely an aside remark, but actually influenced some of his criticisms or proposals of rules of debate. His rejection of adversary procedures and of desire of victory in debate has also ethical reminiscences.

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<sup>1</sup>I owe this important point to Lilian Bermejo Luque.

In Talmudic Judaism and the feminist proposals, on the other hand, ethical considerations are manifest. In the former case, it is probably due to its practical and juridical character. In practical arguments, where what is at issue is what is the right thing to do, it is only natural that ethics has something to say regarding, for instance, what arguments are stronger than others or how one should behave during the course of the discussion. We have seen an extreme example in the case in which God chooses Hillel's interpretation of the law simply because the members of his school were "kindly and modest" (p. 216). Of course, claiming that disputed issues should be decided simply on the basis of the arguers' behaviour would be quite implausible. But what, in my view, it is important to emphasise, is that ethical aspects might (rightly) affect the outcome of a discussion—especially when it comes to practical discussions. For example, the strength of an ethical argument that relied on the suffering that an action would cause would be completely lost if the participants in the discussion were not empathic or compassionate. Without allowing ethics to enter the normative realm of argumentation, there would be no special reason to prefer the scratching of my finger rather than the destruction of the whole world—to use Hume's famous remark. Or, instead, it could simply happen that the issue of the ethical behaviour of arguers is more important than the issue of how well the arguments advanced support their claims—think, for instance, of resolutions of personal disputes.

This ethical perspective was also present in the feminist criticisms of current models of argumentation. Their criticism of aggressiveness in the adversarial model as a paradigm in argumentation that fosters arrogance clearly has ethical overtones. Likewise, they claim that the failure to take the subject into consideration in epistemology and argumentation leads to several kinds of injustice, which are criticised on the grounds that some people are harmed.

This entanglement of argumentation with ethics should not come as a surprise. As I said in chapter 7, here I am considering argumentation as a sort of "communicative, public exchange" (p. 117). My interests are not the study of inferences, or the best ways of attaining truth through argument; rather, it is what constitutes excellent (i.e., virtuous) behaviour in argumentative discussions broadly understood as a kind of communicative activity. Given that there is an ethics of communication, it is only natural that argumentation is governed by ethical requirements as

well. The influence of ethics on the strength of arguments may be limited to ethical discussions—as I observed above—but its influence on issues such as when one should (or should not) argue, or when compromise or justice are more important considerations than truth, is more manifest. Recall the example, in chapter 3, that showed that the mere act of arguing might constitute paternalistic behaviour in certain situations, depending on “when and how the argument is presented” (p. 41). In other cases, the problem may be the opposite, for instance when one argues with a child as if she was an adult—as illustrated by the example of *Thank you for Smoking* (p. 42). What is manifested in these examples is a lack of intellectual empathy, a virtue with both intellectual and ethical aspects.

So, what kinds of ethical considerations are relevant to argumentation? An aspect was present in the three perspectives that have been presented in the last chapters: the respect for all the participants in a discussion. We have already mentioned above Dharmakīrti’s remark against troubling the opponent in a debate. In the Talmud, kindness and modesty are so highly valued that God was prepared to fix the law according to the interpretation of the scholars who were kind and modest. Humility, which can be regarded as similar to modesty, also appeared briefly as a valued trait in the narratives of the ancient Buddhist debates (p. 201). All these traits might be considered as largely irrelevant to the point of whether the claims advanced are well supported by the corresponding arguments, but if we study argumentation as a public and social activity, as I am doing here, they can be seen as important traits that influence the development of the discussion. These traits encourage the others to intervene, they facilitate open discussion, fostering confidence in others and preserving their status as arguers who have something to contribute.

This last point is one of the main bases of many feminist criticisms, as I interpret them. One of the problem with the adversarial approach to argumentation and the neglect of the subject is that it affects the status of some people as arguers. Feminist scholars have drawn to our attention the phenomena of testimonial injustice and argumentative injustice (p. 239), which are the result of a failure to acknowledge the influence of the identity of the arguer. This is an interesting case in which we become aware of a consequence of our practices that is not compatible with the requirements of some of our traditions. Unfairly disregarding someone’s arguments or testimony, simply because of her identity, clashes with our political tradition of

open discussion and equality. Everyone has a right to be heard, and her arguments and point of view should be taken into account.

A solution to cases of injustice and prejudice, it was said, is intellectual empathy. This kind of empathy involves both cognitive and ethical aspects. It serves, then, not merely ethical purposes but also epistemological purposes. It is important, as Linker pointed out (p. 245), not to conceive of intellectual empathy in an idealistic way as an ability to know exactly what the other person feels and what her perspective is. Requirements that are too idealistic, we have seen, often lead to regrettable practices—that was the problem, in my view, in simply ignoring the identity of the arguer in the hope that it will not affect our evaluation of her arguments or testimony. Rather, there must be a genuine effort to give some credence to so-called astonishing reports and to the points of view of people that live a very different life from our own. There are, I believe, strong ethical, political and argumentative reasons for the encouragement of this kind of intellectual empathy.

It is, however, evident that sometimes, in certain kinds of discussions, ethical considerations are largely beside the point. We have seen, in the case of argumentation in Buddhist India, how the main concerns were the form of arguments and the sources of knowledge. These considerations are not foreign to the paradigm that has pervaded Western logical and dialectical thought. They were present in an argumentative realm, that of Buddhist India, in which epistemological and metaphysical issues were central. Those were cases of theoretical argumentation, as opposed to the practical argumentation in the Talmud. This, in my view, can be taken as an indication that different standards may be primary in one kind of argumentation than in another. The Buddhist and the Talmudic models of argumentation are not necessarily incompatible but complementary models. Empathy, for example, may be relevant only to a limited extent when a theoretical matter is at issue—perhaps it is simply required in order to properly understand what the other is saying and to give it proper credence—but it is much more relevant in practical discussions.

We have also come across some virtues that are most relevant—but, of course, not solely—in theoretical argumentation. Both in the case of Buddhist India and in the case of the Talmud, a faith in reason was a fundamental element. In the first case, this was illustrated by an emphasis on anti-dogmatism and critical spirit. It

was said, for instance, that one of the characteristics of the ideal of reasonable person according to some Buddhist philosophers of the 8th century was that she “will necessarily accept any position that is established through reasoning” (p. 200). In some texts we also find the metaphor of the goldsmith that tests the gold as a way of encouraging a critical spirit. Both of these traits have been widely emphasised throughout the history of Western philosophy and they are doubtless valuable virtues.

In Talmudic argumentation we find a firm faith in reason as well, albeit in a slightly different form. There, it is emphasised in the form of confidence. We saw striking examples in which the authority of God was disregarded, so that the entire decision-making process was based on human reason. Several scholars have emphasised, as was pointed out in chapter 11, that the argumentation in the Talmud shows a strong confidence in the capabilities of reason. Arguably, a critical spirit cannot be sustained in the absence of such a confidence, so both virtues are important and support each other. Someone who does not trust in her own capabilities of reasoning cannot be expected to confidently scrutinise claims and arguments—rather, she is likely to rely on the authority of others.

Apart from a critical spirit and confidence in reason, the practice of argumentation undoubtedly requires an open mind. Otherwise, we would not be willing to listen to and actually consider different points of view than our own, and there would be no point in arguing. Open-mindedness is, as we saw, a fundamental trait in Talmudic argumentation. In the Jewish tradition, disagreement is not a problem to be solved, but one of the foundations of the tradition itself. Even God, in the Hebrew Bible, agrees to argue and is convinced by Moses’ arguments. The reference to anti-dogmatism in some Buddhist texts points in the same direction. We have been warned by a feminist thinker, however, that open-mindedness cannot “require giving equal consideration to all points of view” (p. 246), and this is a remark with which, I believe, most argumentation theorists would agree. Thus, the virtue of open-mindedness can be elucidated by a balanced consideration of all those compatible insights.

A related virtue is that of flexibility, which we found in God’s behaviour in the Talmud and in the way the rabbis argue. It can be argued that flexibility is important

when it comes to the principles and rules against which we assess arguments. We saw how the rabbis' interpretations of verses from the Bible showed very free and flexible ways of arguing. I believe that the feminists' claims against formal logic and catalogues of fallacies also urge us to be more flexible. The strict adherence to a system of rules and schemes that are arguably wrong or incomplete would be a display of inflexibility. We argue in many legitimate ways—the Talmud showed us the power of analogical arguments or arguments from sign, for example—and the virtuous arguer should be flexible enough to embrace them. This is a case in which the theory—strict adherence to formal rules of inference and schemes of fallacies—has been shown to be incompatible with the practice.

Much more could be said about the kinds of virtues and ways of arguing that we should foster in arguers. In particular, a careful and detailed study of each of the virtues mentioned would be necessary. Yet, as I have already warned, the aim of this conclusion was merely to show how a comparison and evaluation of virtues can be done without appealing to absolute standards. I have defended some virtues on ethical or political grounds. Some standards, such as those of formal logic, have been criticised on the basis of its incoherence with actual practices. All these considerations imply, not only that some ways of arguing can be defended or criticised on the basis of actual practices and traditions, but also that in the future our conception of argumentative virtues will likely change, as we further our understanding of ethics, politics, argumentation, and other traditions. My hope is that we, as a society, have learned something so far and will continue to learn, and so we will keep correcting old mistakes.

With this chapter, my discussion of what a virtue theory of argumentation could provide ends. What remains, of course, is to actually provide it. For this reason, I take the last sentences of this dissertation as the beginning, rather than the end, of my research. Having provided the grounds on which a virtue theory of argumentation could be developed, now the actual work of developing it begins. My hope is that a social, historical and cross-cultural study of ways of arguing will yield a deeper and more complete understanding of why we argue the way we do, and how we could argue better. Time and research will tell whether the MacIntyrean model that I proposed is adequate for the comprehension of argumentative virtues.

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