VIRTUE IN ARGUMENT

ABSTRACT. Virtue theories have become influential in ethics and epistemology. This paper argues for a similar approach to argumentation. Several potential obstacles to virtue theories in general, and to this new application in particular, are considered and rejected. A first attempt is made at a survey of argumentational virtues, and finally it is argued that the dialectical nature of argumentation makes it particularly suited for virtue theoretic analysis.

1. VIRTUE IN ETHICS

After centuries of obscurity, the study of the virtues is now one of the most prominent methodologies in ethics. Proponents of this so-called 'aretaic turn' differ substantially in the details of their respective proposals, but they tend to see a renewed focus on ethical virtues as a fresh source of insight into problems which have deadlocked more familiar approaches, such as Kantianism or utilitarianism. Moreover, virtue ethics has an immediacy to everyday human interests which its competitors have often been criticized as lacking. Yet, despite its fashionability, the roots of virtue ethics go back much further than those of its modern rivals.

An emphasis on virtue, or *aretê*, was characteristic of ancient Greek thought from the time of Homer, if not earlier. Both Socrates and Plato could be said to have virtue theories, and the latter is the earliest source for what came to be called the cardinal virtues, of courage, temperance, wisdom (or prudence), and justice (*Protagoras* 330b). This list was subsequently incorporated into the Christian tradition by the successive authority of Saints Ambrose, Augustine of Hippo, and

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Thomas Aquinas. However the principal theorist of virtue in (Western) philosophy is Aristotle. Both of his major ethical works defend an account of the good life as an activity in accordance with our highest virtues. He catalogues many different ethical virtues. His earlier *Eudemian Ethics* (1220b–1221a) lists gentleness; courage; modesty; temperance; righteous indignation; the just; liberality; sincerity; friendliness; dignity; hardiness; greatness of spirit; magnificence; and wisdom. A similar list may be found in the later *Nicomachean Ethics* (1107a). A distinctive feature of Aristotle's approach is made explicit in the latter work: the 'doctrine of the mean', his thesis that each virtue represents the right degree of some property, of which either an excess or deficit would constitute vice. Hence every virtue is situated between a pair of opposite vices. For example, gentleness is the mean of irascibility and spiritlessness, and courage that of rashness and cowardice. This doctrine provides a plausible analysis of at least some familiar virtues, but few modern virtue theorists endorse it wholeheartedly. Nevertheless, the doctrine of the mean has a substantial intellectual legacy. In particular, since the good agent must be able to know what the mean is in any specific case, the doctrine obliged Aristotle to develop his ethics in an epistemological direction with the introduction of intellectual virtues. These include knowledge, art, prudence, intuition, wisdom, resourcefulness, and understanding (*Nicomachean Ethics*, Book VI). Chief amongst them is prudence, the traditional translation of *phronesis*, which might better be rendered as practical wisdom, or common sense. For Aristotle this is a disposition to deliberate well, that is, so as to arrive at a course of action which brings about the good.

2. Virtue in Epistemology

In recent years virtue theory has not only undergone a resurgence in ethical thought, but has spilled over into other philosophical disciplines, most conspicuously epistemology. As in ethics, the aretaic turn in epistemology has been promoted as cutting through entrenched positions to provide new solutions to old debates. In the epistemological case, these debates principally concern the definition of such traditional concepts as knowledge, understanding and justified belief. However, the proposed appeal to salutary intellectual virtues can take divergent forms. Different virtue epistemologists defend different sets of epistemological virtues. Nor is there consensus as to the precise role which the virtues should play in a reformed epistemology. They have been represented variously as possessing conceptual priority over the traditional concepts, or as explanatorily but not conceptually prior, or merely as a reliable guide.

However, there are two principal schools of thought within which most virtue epistemologists may be situated. The earlier of these, initially developed by Ernest Sosa (1980), is an offshoot of epistemological reliablilism, that is the thesis that knowledge may be understood as the product of a particular sort of reliable process. In its virtue theoretic form the reliable process is characterized in terms of such 'virtues' as sight, hearing, introspection, memory, deduction, and induction (Sosa, 1991). By contrast, other virtue epistemologists, have defended a position which has come to be known as epistemological responsibilism (Code, 1984). Their characterization of virtue stresses acquired excellence over innate faculty. Crucially, the operation of such virtues requires choice, and thereby accountability. The most

developed responsibilist proposal is that advocated by Linda Zagzebski (1996). Although her list of virtues (see section 7) more closely resembles Aristotle's list of intellectual (or indeed moral) virtues, several of Sosa's virtues could also be found on that list. Perhaps, as some commentators have argued (Battaly, 2000), a rapprochement between these ostensibly divergent schools is overdue.

3. Normativity

We have seen how virtue theory has found proponents in both ethics and epistemology. This paper will argue that it can also be a fruitful methodology for (informal) logic. But before doing so we must address some recurring problems which beset all virtue theories (*cf.* Statman, 1997, pp. 19 ff.). Can virtue theories be normative? Do they support universal judgments? Can they be applied to practical cases? Is an emphasis on agents over acts coherent? If these problems prove especially pernicious in the context of (informal) logic, we will have shown that the methodology is poorly suited to its new application. Conversely, the provision of satisfactory answers should leave us well-placed to move on to positive arguments in favour of a virtue theory of argumentation (in sections 7 and 8).

The first of these problems is that of normativity: if argumentational virtues are to be understood as providing justifications, where does their normative force come from? This is a problem for any foundational theory. One cannot keep appealing to ever deeper foundations on pain of infinite regress. In this regard, virtue theories, whether in ethics, epistemology, or argumentation, are at least no worse placed than foundational theories of other kinds. More positively, the virtue theorist can, as other theorists do, defend his position as coherent with our intuitions. And, if his virtues are familiar and intuitive, he may well be better placed to do this

than competitors seeking a basis in common experience for divine or natural laws, or categorical imperatives, or other recondite entities. In section 7 we shall see whether there are familiar and intuitive argumentational virtues to be found.

4. Universality of Logic

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. In particular, some accounts of ethical conduct seek to associate certain virtues with specific groups, identified by race, class, or gender. This is also a familiar tactic in discussion of rationality: might there be, for example, specifically male or female argumentational virtues? If so, a good argument for a man might not be good for a woman, and *vice versa*.

Moreover, superficial similarity can mask deeper divisions: could there be irreconcilable accounts of logical inference, each claiming to apply universally? For example, the Brahma Viharas (or divine abiding practices) of Buddhism may be stated as *metta* (loving-kindness), *karuna* (compassion), *muddita* (appreciative joy), and *uppeka* (equanimity). These seem closely related to the virtues itemized above, tempting us to hypothesize some deep, intercultural consensus. However, their practical application can be surprising: for instance, many Buddhists interpret *uppeka* as discouraging smiling. A pessimistic response to such moments of culture shock would be to suspect that the sets of virtues endorsed by different cultures may be irreconcilable.

Both of these problems, of localism and incommensurability, might be under-
stood as opportunities for virtue argumentation to capture pre-existing debates
over the nature of logic. Incommensurability is otherwise familiar as (global) logi-
cal pluralism. This scenario has been defended by some proponents of non-classical
logics as capturing their quarrel with classical logic. Of course, the advocates of
these systems do not characteristically wish to relativize logical inference to iden-
tity groups, as embracing localism would suggest. However, there are other more
radical critics of logic who do. Notably, some feminist commentators have sought
to stigmatize (formal) logic as inherently masculine, and to promote alternative,
female modes of reasoning (Falmagne and Hass, 2002). Anyone endorsing this po-
sition would presumably be comfortable with local argumentational virtues specific
to each gender. But embracing these conclusions is not the only option available
to us.

In so far as the virtues of argument are constitutive of the norms of argument,
then virtue argumentation may be closer to virtue ethics than to virtue epistemol-
ogy. Virtue epistemologists may regard virtues as *constitutive* of justification and,
in that sense, of knowledge, but not, presumably, of *truth*. However, virtue ethicists
may see virtues as constitutive of the good. Such an attitude would seem to lead
inevitably to relativism, and many virtue ethicists have endorsed just such a move.
(Martha Nussbaum (1988, p. 33) observes such a trend in the work of Alasdair
MacIntyre, Bernard Williams and Phillipa Foot.) But not all virtue ethicists are
ethical relativists, and there are strategies for resisting relativism that exploit the
strengths of virtue ethics. For example, Nussbaum takes from Aristotle not only
an account of individual virtues, but also of a shared structure in which principled

disagreement about the nature of these virtues may occur. Aristotle's classification is twofold: firstly the range of human experience is divided into specific realms, secondly a proposal is made as to what should count as virtuous in that realm (Nussbaum, 1988, p. 38). Of course, as Nussbaum concedes, this account is controversial and may be challenged in various ways. But a non-relativist virtue theory does seem prima facie defensible, in ethics and by extension in argumentation.

Both problems may also be addressed by stipulation. In virtue ethics, a standard response to localism is to stipulate that all competent virtues must apply equally to all sentient agents. This rules out 'virtues' predicated of a specific race, class, or gender. The same tactic could be deployed against putative local argumentational virtues. The incommensurability problem may be addressed in a similarly robust manner by insisting that, if the different sets of virtues are genuinely irreconcilable, some (perhaps all) of them must be spurious, even if we are unable to determine which.

5. Applicability

How should virtue argumentation be applied in practical cases? In virtue ethics, practical advice often takes the form of a recommendation to act as an ideal ethical agent would act. Hence virtue theories are sometimes cashed out as "What would [insert Heroic Figure] do?" theories. But is this injunction helpful to the non-ideal arguer? One way that regular folks can apply a virtue theory is to focus on a particular virtuous individual and ask what he or she would do in their circumstances. A problem with this approach is that the right course of action for an ideal agent may not be right for anyone else. For an example showing that this worry applies

to argumentation too, consider the following anecdote from the British barrister and humorist Sir John Mortimer:

> I greatly admired the smooth and elegant advocacy of Lord Salmon, who ... would ... stroll negligently up and down the front bench lobbing faultlessly accurate questions over his shoulder at the witness-box. Here, I thought, was a style to imitate. For my early cross-examinations I would ... pace up and down firing off what I hope were appropriate questions backwards. I continued with this technique until an unsympathetic Judge said, 'Do try and keep still Mr Mortimer. It's like watching ping-pong.' (Mortimer, 1984, p. 96)

Reflection on this anecdote may also show how the problem may be resolved. The young John Mortimer may have believed that he was conducting his arguments in the style of Lord Salmon, but as is painfully obvious to his later self, the imitation was wholly superficial. He ends up capturing some inessential mannerisms, but misses the argumentational virtues. (Presumably if he had got these too, the judge would have been more sympathetic.) This suggests that it would be better to abstract imitable virtues from the behaviour of the virtuous, rather than attempting to imitate the virtuous directly. As in the ethical case, the solution is that we must be careful to imitate the right thing: the imitable virtues (see section 7). Moreover, this policy may be preferable to a rule-based alternative: people do not in general appeal explicitly to rules in the course of right action or good argument. The practice comes first, and the rules strive to capture what makes it effective. Arguably, virtues cleave more closely to exemplary practice than rules.

6. Status of Arguments

Virtue theories are explicitly agent-based, rather than act-based. This can make the appraisal of acts unusually problematic. Moral and epistemic virtues are typically ascribed to the agent, not to his deeds or beliefs. In the case of argument, this 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 merely 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. Is this a problem for the appraisal of arguments?

It would seem to present a very specific problem, which does not arise in the corresponding ethical and epistemological cases. Would not any agent-based appraisal of argumentation commit the ad hominem fallacy? In general terms, an ad hominem argument may be said to 'consist in bringing alleged facts about Jones to bear in an attempt to influence hearers' attitudes toward Jones's advocacy-of-P' (Brinton, 1995, p. 214). This seems to fit exactly. Jones's virtues (or vices) are alleged facts about him, his argument-that-P is an instance of his advocacy-of-P, and our appraisal of his presentation of that argument is presumably an attempt to influence hearers' attitudes towards it. Thus, if all ad hominem arguments are

fallacious, agent-based appraisal must be fallacious too, and can therefore have no normative force.

But are all instances of ad hominem necessarily fallacious? Conventional textbook treatments of the fallacies usually suggest as much, but it is not hard to find arguments that satisfy the description above, and yet seem perfectly sound. Indeed, David Hitchcock notes that the textbook tradition in which ad hominem is seen as inherently fallacious is of surprisingly modern date: he finds no trace of the argument being classified as fallacious prior to Richard Whately in the early nineteenth century (Hitchcock, 2007, p. 189), and Whately expressly stipulates that ad hominem is only fallacious 'when unfairly used' (Whately, 1850, p. 80). Many recent treatments of the ad hominem reject the textbook account. For example, Alan Brinton argues that it 'may in general be understood to be an assault on the rhetorical ethos of a speaker or writer whose ethos would otherwise be regarded as more of a persuasive factor than the adhominist believes reasonable. It is a legitimate form of argument and is logically acceptable in many, perhaps most, of its actual occurences' (Brinton, 1995, p. 222). This emphasis on ethos has led some analysts to refer to the general argument type as 'ethotic argument', subdivided into positive ethotic arguments, which we might characterize as seeking to reinforce a conclusion by appeal to the (original) arguer's virtues, and negative ethotic arguments, which would undermine arguments by drawing attention to the arguer's vices (cf. Walton, 1999, pp. 183 f.). We might then reserve 'ad hominem' for illegitimate negative ethotic arguments. Other writers have defended ad hominem reasoning in other ways (for example, Powers, 1998; Woods, 2007).

Setting aside the authority of the textbooks, the only major theoretical position in modern argumentation theory to condemn ad hominem arguments would appear to be pragma-dialectics. Frans Van Eemeren and Rob Grootendorst assert that most such arguments violate their 'first rule for critical discussion', that 'Parties must not prevent each other from advancing standpoints or casting doubt on standpoints' (Van Eemeren and Grootendorst, 1995, p. 224). But, as Hitchcock (2006) points out, this seems to mischaracterize the adhominist: ad hominem arguments are used to reduce the credibility of an opponent, not to silence him altogether. (Except perhaps in the extremal case sometimes known as 'poisoning the well'. Douglas Walton (2006) argues that this is not ad hominem at all, but is accurately analyzed by the Van Eemeren and Grootendorst account of ad hominem.) This may or may not be a legitimate move, but it is consistent with the first pragma-dialectic rule for critical discussion. The only other pragma-dialectic rule that might seem at odds with an agent-based analysis is the fourth, that 'A party may defend a standpoint only by advancing argumentation relating to that standpoint' (Van Eemeren and Grootendorst, 1992, p. 208). But invoking this rule, on the grounds that no such analysis could relate to the standpoint, would just seem to beg the question against any agent-based approach, by assuming its irrelevance a priori.

The purpose of this section was to defend a virtue theory of argumentation against the apparent knock-out blow implicit in the conventional account of ad hominem: that any such appraisal must be fallacious. We have seen that this account is poorly motivated: most serious commentators have admitted that arguments traditionally classified as ad hominem need not be fallacious. This is sufficient

to rescue virtue argumentation from this specific challenge, but it poses a further problem for these reformers: how should we distinguish the benign and malign forms? 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.) For example, highlighting instances of bias, conflict of interest, or deception would be legitimate. Seeking to discredit one's opponent by focusing on his *non*-argumentational vices, or behaviour that is not vicious at all, would be illegitimate. However, a detailed virtue theoretic account of ad hominem arguments must be postponed to another occasion. Of course, this proposal, and the defence of virtue argumentation from the charge of ad hominem fallacy, both require an account of the specific argumentational virtues and vices on which they are relevant to the persuasive force of arguments. We shall tackle this in the next section.

7. What Sort of Virtues?

We have seen that a virtue theoretic approach to argument must focus on agents rather than actions. This entails distinguishing good from bad arguers rather than good from bad arguments. Some informal logicians share this emphasis, although without reference to virtue theory. Moreover, many of the qualities proposed by virtue epistemologists as characteristic of the good knower are also plausible desiderata for the good arguer. For example, Zagzebski's epistemological virtues seem as relevant to argument as to knowledge. She lists

the ability to recognize the salient facts; sensitivity to detail; open-mindedness in collecting and appraising evidence; fairness in evaluating the arguments of others; intellectual humility; intellectual perseverance, diligence, care and thoroughness; adaptability of intellect; the detective's virtues: thinking of coherent explanations of the facts; being able to recognize reliable authority; insight into persons, problems, theories; the teaching virtues: the social virtues of being communicative, including intellectual candour and knowing your audience and how they respond (Zagzebski, 1996, p. 114).

She also identifies intellectual courage, autonomy, boldness, creativity, and inventiveness as virtues (Zagzebski, 1996, pp. 220, 225).

Some other applications of virtue theory may seem even closer to our concerns. For example, Richard Paul has related virtue theory to critical thinking. For Paul, the following virtues distinguish the 'true critical thinker' from the superficial rationalizer: intellectual courage; intellectual empathy; intellectual integrity; intellectual perseverance; faith in reason; and fairmindedness (Paul, 2000, p. 168). Only the true critical thinker has genuine understanding, a quality thus lacking, Paul maintains, in those whose education has overlooked the pursuit of virtue. However, his emphasis on virtue in the service of the epistemological concept of understanding makes Paul's proposal of a piece with mainstream virtue epistemology. Hence, despite the proximity of critical thinking to informal logic, these are not necessarily specifically argumentational virtues.

Such virtues might be sought in virtue jurisprudence, which seeks to extend the scope of the aretaic turn to the philosophy of law, much as we are extending it

to the philosophy of logic. Since law is largely composed of argument, this seems like a good place to look. Specifically, Lawrence Solum itemizes the following jurisprudential virtues (and corresponding vices): judicial temperance *vs.* corruption; judicial courage *vs.* civic cowardice; judicial temperament *vs.* bad temper; judicial intelligence *vs.* incompetence; and judicial wisdom *vs.* foolishness (Solum, 2003). However, these are virtues for the judge, not the advocate, to be employed in the appraisal, rather than the construction, of arguments. It is important when putting together an argument to be able to anticipate its appraisal, and the appropriate appraisal of an interlocutor's argument is essential to debate. Nevertheless, Solum's virtues at most characterize only one aspect of argumentation.

A much less recent study of advocacy may help to fill out the roster of jurisprudential virtues. The following list is derived from the rhetorical manual of the Roman orator Quintilian: respect for public opinion; fortitude; bravery; integrity; eloquence; honour; responsibility; sincerity; common sense; justice; knowledge; sense of duty; and [moral] virtue. (*Institutio Oratoria*, xii. 1. 12–35, as glossed in Murphy and Katula, 1995). Unfortunately, Quintilian is extremely concise, and his focus is rhetorical rather than logical, leading him to endorse 'methods of speaking which, despite the excellence of their intention, bear a close resemblance to fraud' (xii. 1. 41). That does not sound virtuous, although several of his specific virtues echo ones we have already endorsed. We need to keep sight of core principles, lest our catalogue of virtues run astray. As far as virtue jurisprudence is concerned, we can do no better than to quote that notable ideal arguer Socrates, who tells his jury to 'apply your mind to this: whether the things I say are just or not. For this is the

virtue of a judge, while that of an orator is to speak the truth' (*Apology* 18a, West trans.).

This raises the question of what the virtues of the ideal arguer are expected to track. Ethical virtues track the good: virtuous people are disposed to do good things. Epistemological virtues track truth: virtuous knowers are disposed to believe true propositions. What should argumentational virtues track? Arguments cannot be true or false, but good arguments are often characterized as truth-preserving. Yet only in deductive logic can this preservation be guaranteed: in deductively valid arguments the truth of the premisses makes the truth of the conclusion certain. But weaker forms of inference can also be understood in terms of truth: perhaps the truth of the premisses is correlated with an increased likelihood of the conclusion being true, or would justify an increased confidence in the truth of the conclusion. We might then understand the virtuous arguer as disposed to accept or propose arguments that were in turn disposed to derive true conclusions from true premisses, in some such qualified sense. However, we may wonder whether this is quite right. Are even truth-preserving, deductively valid arguments always indicative of the virtue of the arguer who advances them? Possible exceptions include circular arguments, which are either uninformative or misleading, neither of which seems virtuous; valid, but very long or confusing arguments, which are potentially vicious at least so far as human audiences are concerned, if their validity transcends our ability to verify it; and perhaps even some of the standard inference rules of (so-called) natural deduction, given the counterintuitive applications to which they may be put (as suggested by David Sherry, 2006). If these worries are reasonable, then truth preservation is not even sufficient, let alone necessary, for endorsement

by the virtuous arguer, and the same would hold of weaker conceptions of argument strength such as those suggested above.

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). The truth-preserving, but non-virtuous, arguments discussed above would not achieve that outcome, even if their premises were true and mutually accepted, since they would fail to add their true conclusions to an interlocutor's store of beliefs. This is either because they are unconvincing or, as with circular arguments, because they require the conclusion to already be accepted. Conversely, virtuous arguments, whether truth-preserving or not, should provide interlocutors and audience with new true beliefs, or at least reasons to increase the confidence with which they hold to existing true beliefs. This account assumes a view of the goal of argumentation. There are many different goals that we may pursue through argument; not just familiar ones such as persuasion or resolution, but less obvious outcomes such as understanding, self-knowledge, and respect (Cohen, 2007, p. 8). Truth propagation is not itself a goal, unless randomly propagating arbitrary truths is worthwhile in itself, but all of these goals are consistent with the propagation of truth. There could be some circumstances in which it was unimportant, eristic dialogues perhaps, but these would seem to be atypical.

So far we have considered virtues relevant to argument, but advocated by virtue theorists from other disciplines. In recent years, some argumentation theorists have begun to develop theories which exhibit an aretaic turn. For example, Dov Gabbay

and John Woods have argued that the traditional fallacies should be understood as 'cognitively virtuous scant-resource compensation strategies' (Gabbay and Woods, 2009, p. 83), that is as epistemically virtuous. Of more direct relevance is a series of recent papers by Daniel Cohen, in which his endorsement of a virtue theory has become increasingly overt. However, the breadth of his account is already implicit in the earliest of these, in which he pays regard to arguers as well as arguments, alludes to Aristotle's doctrine of the mean, and makes explicit use of the concept of an ideal arguer. This concept provides an impression of his argumentational virtues: 'genuine willingness to engage in serious argumentation ... willingness to listen to others and to modify [one's] own position, and ... willingness to question the obvious' (Cohen, 2005, p. 64). He pays more attention to argumentational vices, which have been somewhat neglected in our survey. He explicitly situates willingness to listen between two positions he identifies as the 'Deaf Dogmatist', who ignores relevant objections and questions, and the 'Concessionaire', who undermines his own arguments with unnecessary concessions. With a little reflection we can see that Cohen's other two virtues are also means between vices he discusses. Willingness to question lies between the 'Eager Believer', who endorses positions uncritically, and the 'Unassuring Assurer', who insists on defending what he might otherwise have been freely granted. Lastly, willingness to engage is opposed to the 'Argument Provocateur', who argues at all times, even when it is least appropriate, and the quietist, who won't argue at all. Cohen's virtues are explicitly argumentational, rather than epistemic. Indeed, he argues that some argumentational virtues may be epistemic vices. Open-mindedness, for example, may lead us to challenge well-justified beliefs, and potentially end up knowing less then we did before we engaged

- willingness to engage in argumentation
    - being communicative
    - faith in reason
    - intellectual courage
        * sense of duty
- willingness to listen to others
    - intellectual empathy
        * insight into persons
        * insight into problems
        * insight into theories
    - fairmindedness
        * 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

TABLE 1. A tentative typology of argumentational virtue

in argument (Cohen, 2007, p. 10). Nevertheless, this is consistent with the overall propagation of truth, since there may be gains for other participants, which may further several of the possible goals of argument discussed above.

We now have the resources to make a first attempt at compiling a typology of argumentational virtues (Table 1). This employs Cohen's wide ranging, but fragmentary account of argumentational virtue as a framework into which many of the epistemic and jurisprudential virtues discussed above may be slotted. It makes

no claim to be exhaustive or definitive: doubtless further virtues may be added, and some of the classificatory assumptions may be challenged. Fully vindicating the promise given in earlier sections that argumentational virtues may be seen as familiar and intuitive would require settlement of these issues, and a detailed defence of each line in the resultant taxonomy of argumentational virtue. None of this work can be completed within the scope of a single paper. But Table 1 goes far enough to indicate how the project might be tackled, and to suggest that this is well worth doing.

8. Dialectical Nature of Argument

We have argued that virtue theory can be profitably applied to argument. However, there are differences between epistemology and logic we have not discussed. Argument, unlike knowledge, is intrinsically dialectical. Even when one argues with oneself, one plays two roles: that of arguer and respondent. This aspect of argument is one that a virtue theory should respect. Ideally, it should explain a specific corollary of this dialectical nature, that arguments can be bad in two ways: they can confuse others and they can confuse the arguer.

A perennial criticism of virtue theory in ethics and epistemology is that the theory does not adequately distinguish virtues from skills. Some virtue theorists, such as Sosa, explicitly identify the two, others, including Zagzebski, strive to maintain the distinction, but have been criticized as not succeeding (Battaly, 2000, for example). Philippa Foot retrieves an account of this distinction from Aristotle (1140b) and Aquinas: 'In the matter of arts and skills, they say, voluntary error is preferable to involuntary error, while in the matter of virtues ... it is the reverse' (Foot, 1978, p. 7). This seems right: exclaiming 'That was on purpose!' might help

exculpate a failure of skill, falling off a skateboard say, but not a failure of virtue, such as leaving someone to walk home in the rain having forgotten to meet them by car. The explanation for this contrast would seem to be that while it is consistent with skillfulness to voluntarily chose not to exercise one's skills, it is inconsistent with virtue to voluntarily chose not to exercise one's virtues. For confirmation that voluntary errors of skill are considered preferable in argumentational contexts too, consider the following parliamentary anecdote, recalled here by the British politician Robin Cook: 'There was a legend, when I first came here, that in the 60's one of our Ministers had read into the record of the [House of] Lords the words that his civil servant had put in square brackets, "The above argument will not hold water, but will do for their Lordships."' (Cook, 2002). Here the minister and the civil servant have both made errors of skill. The civil servant's error was to draft a poor argument. He sought through his annotation to diminish his blameworthiness by asserting the voluntariness of his error, stressing that the argument will prove sufficient. The minister, however, made an involuntary error, in reading the speech so carelessly that he missed the punctuation, and the joke is very much at his expense.

One reason why the ostensibly straightforward distinction between virtue and skill has become confused in both ethics and epistemology may be that it has little work to do in either field. It is hard to make sense of what an 'ethical skill' might be, unless it is a virtue. Conversely, and *pace* Zagzebski, epistemological virtues are apt to resemble skills, in so far as both are deployed in pursuit of knowledge. Appraisal of the ethical agent is chiefly concerned with his relationships to others, whereas that of the epistemological agent is concerned with his acquisition of true beliefs.

That is to say, we are primarily interested in other-directed qualities of the ethical agent, and only interested in self-directed qualities of the epistemological agent. In both cases, the skill/virtue distinction, which might be expected to separate these two sorts of quality, remains idle. However, when we turn to argument, the situation is more interesting. Since arguments are dialectical, there is an other-directed aspect to the good arguer, but he is also concerned with the success of his own arguments, a self-directed quality. Shortcomings in the latter capacity may be understood as failures of skill, in the former as failures of virtue. When we confuse ourselves, we have been let down by our argumentational skills; when we (deliberately or otherwise) confuse others, we display a lack of argumentational virtue.

The contrast might best be illustrated by an example. The same passage of bad reasoning, say an equivocation on a word with two senses, could result from either a failure of virtue, if deliberately intended to deceive, or from a failure of skill, if the utterer did not notice the double meaning. (The latter failure would also entail a (different) failure of virtue, since a virtuous arguer would have appreciated the potential for deception in his words.) In fact, every misleading argument can be deployed in ways that are either vicious but skillful, or vicious and not skillful. To see this, observe that the argument could be used deliberately to deceive another, who, if he lacks the skills to realize that he has been deceived, may guilelessly, but negligently, repeat it to a third party. The first use was skillful, because it succeeded in deceiving the auditor, but vicious because it was intentionally deceitful. The second use was unskillful, since the speaker did not appreciate that he was

reasoning badly, but also vicious (if rather less so), because it was negligent: there is a responsibility on the virtuous arguer to understand his own arguments.

We have seen that vicious arguers can be either skillful or unskillful: what about virtuous ones? Optimal arguers will clearly be both skillful and virtuous. Unskilled virtuous arguers are harder to find. In Plato's *Apology*, Socrates professes that he is an arguer of this kind (17b). However, what he clearly intends is that his arguments will lack the meretricious skills of the sophists: skills inconsistent with virtue. On a broader understanding of 'skill', his arguments are highly skillful. We have seen that no argument can be unskilled but virtuous, because the potential for misunderstanding which results even from unintentional errors of skill is inconsistent with virtue. It is plausible that some skills are essential for the exercise of certain virtues, and perhaps *vice versa*, as Socrates implies. Such dependency relations would prevent an arguer from being maximally virtuous and minimally skillful, and perhaps even entail that all arguers were at least as skillful as they were virtuous. However, it is certainly possible to argue in a way that manifests one's virtues rather than one's skills, since not all failures of skill are opportunities for misunderstanding. Hence, some arguments fail innocently.

9. Conclusion

So what have we achieved? Phillipa Foot concludes her most recent book on virtue ethics as follows:

> I have been asked the very pertinent question as to where all this leaves disputes about substantial ... questions. Do I really believe that I have described a method for settling them all? The proper reply is that in a way nothing is settled, but everything is left

> as it was. The account ... merely gives a framework within which
> disputes are said to take place, and tries to get rid of some intruding
> philosophical theories and abstractions that tend to trip us up.
> (Foot, 2001, p. 116)

If we can say no more than this we shall still have made significant progress. In particular, this new framework has the potential to inspire a novel take on many open problems in informal logic. There is much work to be done in the provision of sensitive analyses of individual virtues. For instance, intellectual courage in the pursuit of controversial arguments plays a vital role in an open society and fairmindedness is essential to the avoidance of bias, although it can be confused with apathy or indifference. Even more significantly, virtue argumentation holds out the possibility of a systematic basis for the frequently unanalyzed appeals to normative obligations to be found in many discussions of reasoning.

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