

# ISSA Proceedings 2014 - Missed Opportunities In Argument Evaluation

*Abstract:* Why do we hold arguers culpable for missing obvious objections against their arguments but not for missing obvious lines of reasoning for their positions? In both cases, their arguments are not as strong as they could be. Two factors cause this: adversarial models of argumentation and the permeable boundaries separating argumentation, meta-argumentation, and argument evaluation. Strategic considerations and dialectical obligations partially justify the asymmetry; virtue argumentation theory explains when and why it is not justified.

*Keywords:* argumentation evaluation, virtue argumentation.

## 1. *Introduction: an odd asymmetry*

There is a curious asymmetry in how we evaluate arguments. On the one hand, it is taken as fair game to point out obvious objections to a line of reasoning that have not been anticipated. Arguments that fail to do this are not as strong as they could be and should be. Elementary critical thinking textbooks and advanced argumentation theorists all agree that the failure to criticize an argument for failing to take relevant and available negative information into account would be critically culpable. Of course, arguments that fail to take relevant and available *positive* information into account are also not as strong as they could be and should be, but those same voices are curiously silent on this omission. The failure to criticize arguments this way is so routine that it largely goes unnoticed, and when it is noticed, it is apparently regarded as acceptably strategic. Following Finocchiaro 2013 (p. 136), the question can be put very simply: Why are unanticipated objections culpable omissions but missed opportunities are not?

In the first part of this paper I propose an explanation for the presence of this odd asymmetry, including how it arises, why it can seem natural and comfortable from one perspective, why it can seem artificial and discordant from another perspective, and why the difference has not even registered on other perspectives. In the next sections, I offer a partial justification for this asymmetry by reference to arguers' dialectical roles and obligations which put significant

roadblocks in the way of offering positive and constructive criticism. Strategies are then proposed for overcoming them, leading, first, to the conclusion that the virtues approach to argumentation evaluation is especially well suited to accommodating and explaining the phenomena in question. However, those same considerations also lead to the conclusion that the fundamental insight of virtue argumentation - that a good argument is one in which the arguers argue well - has to be qualified in two substantial ways. The crucial analytic element for understanding this largely invisible problem about evaluating arguments is recognizing that the critical evaluation of *arguments* cannot be independent of the critical evaluation of *arguers* - all the arguers, not just the proponents and opponents. And, in addition, the value of an argument is not simply the sum of the values contributed by its arguers, so virtuous arguers can be only a necessary but not sufficient condition for good arguments. Finally, the entire exercise forces us to rethink what we mean by a good argument.

## 2. *The curious incident of the missed gambit.*

Let me begin with a parable about a noble chess player.

*It is the final match of a chess tournament between two intensely competitive grandmasters. One is an older, distinguished player who has devoted his whole life to the game of chess and the pursuit of the championship. He has risen to the highest ranks in the world, but he has fallen just shy of the top on several previous occasions. This may be his last chance. His opponent is much younger, but the defending champion. She is brilliant, even audacious, but sometimes erratic - a daredevil of a player who managed to control her bold style of play long enough in the previous tournament to take the crown. The series of games leading up to this one has included some epic games that will be studied and analyzed for years to come. It has also included some stinkers, games marred by rash attacks, sloppy defenses, and failed gambits. Now, at a crucial juncture in play, the young champion is about to make a daring but in fact very flawed move. The older player sees, leans forward, and whispers, "Don't do it." He pauses, then whispers again, this time through tears in his eyes because he realizes what he is doing "Don't do it. You have a much stronger move over there. It will be a better game, a more interesting game, a worthy game."*

I am afraid for how the story must end, but what are we to say of this chess master? That he was very, very good at chess, of course, but also that he knew chess intimately, and had an immense respect for the game, and perhaps, in the

end, he may have loved chess too nobly. His love of chess got in the way of his skill at chess. A noble chess master, certainly, but a great chess *player*?

And now imagine the same scenario between two arguers, rather than two chess players: two eminent philosophers in debate, perhaps, or two heavyweight politicians arguing in a public forum. What are we to say of noble arguers who respect argumentation so much that they strengthen their opponents' hands? Would we really want to say that they are not good arguers *on that account*?

I will assume that we do *not* want to say that, so we are left with this question: why isn't the argumentative counterpart to "missing the good move" on any of the standard lists of fallacies? Part of the reason may be that it does not fit neatly into the standard conception of a fallacy: it is not an "error in reasoning" (both Kelley 2013 and Copi, Cohen, and McMahon 2011, the two best-selling introductory logic textbooks are among the many texts that use this exact phrase to define a fallacy). Neither is it a "procedural violation", a "mistake" in reasoning, nor a "form of argument that gains assent without justification" (van Eemeren and Grootendorst 1984, Govier 2010). However, it arguably does qualify as a "discussion move which damages the quality of an argument" (van Eemeren, Grootendorst, and Snoek-Henkemans 1996) and it certainly counts as "a common mistake... that people tend not to notice" (Govier 2010). I think we have something like the case of "Silver Blaze," the one that Sherlock Homes solved because of the curious incident of the dog in the night, namely that the dog didn't bark: it was an inside job. And just to be clear: we argumentation theorists are the dog that didn't bark here.

### 3. *Explaining the asymmetry: the "D.A.M. model".*

The most important and most easily identifiable factor at work in establishing and sustaining this asymmetry is the "Dominant Adversarial Model" - the DAM account - for arguments. When we conceptualize arguments as *essentially* agonistic, we cast our fellow interlocutors as opponents and enemies rather than as colleagues or partners in argumentation. Often they are in fact just that, of course, because some arguments really are zero-sum scenarios, so your gain is my loss, but since not all arguments are like that, the agonistic element is not in fact an essential element.

If an argument is conceptualized as essentially adversarial and elevated to something like verbal warfare, then two principles of action take hold. First, no

holds are barred in all-out war. All is fair, so withholding suggestions for improving your opponent's argument is completely justified from a strategic point of view. Second, pointing out favorable but missed lines of thought would be giving aid and comfort to the enemy. It is not simply that withholding that information is advisable and permitted, but that providing that information is all but forbidden because it would be tantamount to treason! We may not have to think of arguments as wars but it can be very hard to escape the ways of thinking imposed by that DAM account.

I think that goes a long way to explaining why we do not expect arguers to offer that kind of helpful criticism of their fellow arguers' arguments, but it does not explain why the topic has been so consistently ignored by the textbooks and literature of critical thinking and argumentation theory. We also need to explain this curious incident of the theorists who have not barked at the failure to offer constructive criticism.

Part of an answer comes from the tension between trying to respect critical neutrality and offering constructive, i.e., *helpful*, criticism. Outside critics who suggest better lines of attack transgress in two ways: they become part of the argument rather than remaining safely on the level of meta-argumentation and in so doing, they violate the principle of critical impartiality. That lands us in a dilemma:

*Q: If neither the proponents nor the opponents in arguments, nor impartial critics observing it from outside, are in an appropriate position to give that kind of positive criticism, who is?*

The best way to analyze and understand this phenomenon is through the different roles in arguments and the different expectations that accompany those roles.

#### *4. The roles roles play*

Arguing is not a single, homogenous activity. There are many different ways to participate in an argument. Arguing for a standpoint is not the same as arguing against it, which is not the same as raising objections to its supporting line of reasoning. The different roles have different goals, they require different skill-sets, and they follow different rules which generate different expectations. The roles we assume in an argument are fluid, which makes separating them difficult. They often overlap in messy ways practically, functionally, and temporally. We

may start out in the proponent's primary logical task of arguing for a position but then find ourselves in the subsidiary, dialectical task of *defending* it against objections or *revising* it in light of those objections, and then we might end up as an opponent arguing *against* a contrary position. Similarly, objecting to a pro-argument, another opposition role, presupposes argument evaluation, a critic's activity. As van Radziewsky 2013 notes, the transitions are continual, effortless, and seamless. Still, no matter how intertwined the roles may be in practice, they are conceptually distinguishable in theory, and making those distinctions has payoffs for analyzing arguments.

Judges, third parties arbiters, audiences, and kibitzers should also be counted as participants in an argument if only because biased judges, incompetent referees, meddlesome kibitzers, and bad audiences are all quite capable of ruining an argument. Since they do contribute to fully satisfying, optimally successful arguments (in the sense of Cohen 2008, 2013), they have some stake in the outcome of the argument. Consonant with the DAM account, these roles can be referred to collectively as the "non-combatants" in an argument, and there is some merit in that terminology: it highlights their subsidiary roles and secondary involvement, and insightfully imports from the cluster of concepts surrounding wars the idea that there could be "collateral damage" from arguments. For the present purposes, however, it will be better to think of them as more like a supporting cast: extras who have their own parts to play and their own contributions to make (following Cohen 2013).

One of the roles that arguers routinely fill is that of being a critic, an argument evaluator. As a first pass, we might say that arguers engage *in* the argument while argument evaluators make judgments *about* the argument, and thus are actually operating at the level of meta-argumentation. This is not a distinction that will stand up to close critical scrutiny, but it serves as a start for the purposes at hand.

The transitions between argument roles include transitions into and out of each and every one these non-combatant or supporting roles. Arguers can and do assume the roles of interested audiences, disinterested judges and juries, and even uninterested spectators. Above all else, arguers inevitably and routinely become argument critics. What makes this so important is that argument evaluation is supposed to be a neutral activity, so stepping into that role involves assuming an air critical detachment attachment and impartiality, even for the

most partisan participants. More often than not, of course, it is a hollow pretense, but the presumption is still there. The problem is that even the assumption of impartiality seems incompatible with aiding either side in a dispute while pointing out missed opportunities is constructive *criticism*. It helps its target. It appears to be at odds with the role of argument evaluator. *"I'm the judge. It's not my job to provide the arguers with their arguments."*

### 5. Rules for roles

That brings us to the duties and principles governing argument roles and the expectations that they generate.

Missed opportunities are failures on the part of proponents, the arguers constructing positive arguments for some conclusion. They are sins of omission, as it were, rather than sins of commission, and so they may be less noticeable, but since they are ways that arguments fall short, it is incumbent on argument evaluators to identify them. The failure to point them out is a critical failure, not a partisan arguer's failure. What emerges, then, is a more or less natural division of labor and division of expectations for the participants in arguments:

- *Proponents* are expected to find good reasons for their positions, so they can be criticized when they do not.
- *Opponents* are not expected to point those reasons out for them when they don't, so they cannot be criticized for remaining silent.

If neither the proponents nor the opponents in arguments can be expected to point out this argumentative failure, who can? This is a problem

- *Critics* are expected to note missed opportunities, so they should be open to criticism for their silence on that score.
- *Judges, juries, and audiences* do have critical roles, so they can be expected to take note of missed opportunities, but they are not expected to point them out and, in many cases, expected to remain neutral, i.e., not to interfere and to refrain from pointing them out.

For most observers and non-principals in arguments, there are either no expectations for positive contributions or else positive expectations for non-contributions. They are like referees in a sporting event: the only time they get much attention is for unwanted contributions to the action.

Unfortunately, a workable schema of expectations for proponents, opponents, observers, and critics cannot be that simple. On the one hand, the expectations of those engaged in the critical assessment of arguments conflict with imperatives of impartiality and non-interference. Critics are supposed to be above the fray rather than active participants in the argument. On the other hand, the argument roles are fluid and everyone involved in arguments is constantly moving in and out of the critic's role.

We have reached an impasse. Were it not for the expectations of impartiality and non-interference, critics could be held responsible for failing to note missed opportunities, but there *are* those expectations of impartiality. Since critics are the *only* ones from whom we can positively expect that criticism, there is no place from which that kind of assessment can be made. And yet there are occasions when that kind of critical assessment really does need to be made. What we need to address, then, is the question of when the imperative for impartial but thorough critical assessment can outweigh the prohibitions against partisan non-interference.

One final complication further muddies the waters of the proposed schema of expectations: arguers are critics. The line between argumentation and meta-argumentation is so permeable as to virtually disappear: an argument for a position is simultaneously a meta-theoretic endorsement of that argument; the same is true for simply accepting that argument; on the other hand, not accepting an argument, whether by raising an objection or offering a counterargument, also implicates a meta-theoretic judgment, namely that the argument fails or that there is a stronger argument against it; conversely, most meta-argumentation evaluations can, and often ought, be included in the object-level argumentation (The inter-changeability of dialectical, rhetorical, and meta-argumentative approaches to argumentation is the over-arching thesis developed in Finocchiaro 2013). No matter their primary roles, all parties involved in any way in an argument also have the standing to be argument evaluators. Whether or not all critics are participants in arguments - and for the record, I do think there are good reasons to count them as such - all arguers are critics. That is a role participants cannot avoid.

Thus, arguers are subject to the impossible imperatives imposed by the contradictory expectations that arise from the complication of having to fill different roles in arguments.

It will prove helpful to look at this problem through the lens provided by virtue argumentation theory.

### 6. *Overcoming obstacles*

The problem comes down to finding space from which to provide positive and constructive critical engagement. Positive and constructive critical engagement is a complex concept whose constituents do not fit together easily. On the one hand, constructive critical engagement is easy enough: pointing out fallacies, missteps, and other errors qualifies, but those common critical moves are not positive, in the relevant sense. They can be constructive insofar as they strengthen the critiqued argument by pointing out its weaknesses, but not by pointing out greater alternative strengths. On the other hand, positive and constructive critical evaluation is also conceptual unproblematic: it is the kind of criticism that can be safely offered from a distance without worrying about violating neutrality, rather than as a real-time, on-site engagement. The challenge is to combine them.

The main culprit is the DAM account of argumentation. It creates the asymmetry in allowable and expected criticism by making adversariality the essential, defining feature of argumentation and defining all of the roles within arguments accordingly, viz., by their role in the *conflict*. Even within that framework, however, arguers are constantly moving in and out of the different argumentative roles and occupying several roles at the same time. An arguer is a very “divided self.” Because of that, proponents, opponents, and neutral third-parties all have possibilities for *positive and constructive critical engagement*, but they all have significant obstacles to overcome.

The obstacle for proponents is practical: critical self-evaluation is just plain hard. It is always more difficult to spot weaknesses in arguments with which one agrees, and apart from some special circumstances (e.g., lawyers representing clients, insincerity, and *reductio* argumentation), proponents tend to agree with their own arguments. The epistemic and cognitive blind-spots that prevented an arguer from seeing the missed opportunity in the first place may well still be in place, so, to use Wittgenstein’s example, self-critique is often no better than checking a news-story about which one is skeptical by buying another copy of the same newspaper (Wittgenstein 1953, §265). Moreover, we can be undone by our own skills in argumentation here because the better we are at giving reasons for our beliefs – a skill that encompasses both prior deliberation and its often indistinguishable counterpart, *post facto* rationalization – the harder it will be to



detect some flaws in our reasoning, especially the difference between reasoning and rationalization (Kornblith 1999, pp. 277, 278).

There are a couple of strategies for proponents to get around the obstacle to noting when they themselves miss an opportunity. Critical self-reflection may work to some extent. We exercise different skills-sets in constructing arguments than we do in evaluating arguments, so if we engage in the salutary but difficult task of turning a critical eye to our own arguments, the new perspective might help us notice things about our argument that were not as visible in constructing the argument. That is, we can take advantage of our ability to transition between argumentative roles. Of course, merely exchanging a proponent's hat for a critic's hat will do nothing to ameliorate any of the problems with personal bias, skewed data selection, cognitive blind spots, or rationalization that may have caused the omission in the first place. Critical self-reflection does not come with any guarantees of success.

Despite the limitations of this particular attempt at argumentative multi-tasking, the strategy to try a new perspective on one's reasoning is well grounded. So, if there are limits to what we as proponents can do with our own arguments, call for re-enforcements: fellow proponents - teammates in argument, as it were - to provide a more detached critical perspective on our reasoning. Professionally, we all know this: it is the reason why we might ask friends to read drafts of our manuscripts. There may be more to be gained from more hostile criticism, but missed opportunities are more likely to be noted by allies. Again, there are limits to how well this can work, as well as to its real-time availability in specific arguments, but even the possibility does mean that the obstacle is not insuperable.

The apparent obstacle for critics to overcome is the principle of neutrality and non-interference, but there are actually two principles here: neutrality and non-interference are different critical values. They ground different imperatives and those imperatives apply to distinguishable roles in arguments. The principles are easily separated in the context of team sports. Spectators may be as partisan as they like but cannot interfere, During intra-squad scrimmages, coaches will interfere for training and pedagogical purposes but they will properly remain neutral. It is referees during actual games who must abide by both neutrality and non-interference. All those possibilities have counterparts in arguments.

The first category encompasses interested but not-directly involved spectators. The second is a little trickier but the obstacles to neutral critical involvement are more real than imagined. Any constructive contribution that helps one side will be resented by the other side and taken as a violation of neutrality. The asymmetry comes into especially high relief here because pointing out stronger lines of reasoning that are not presented rather than fallacious or mistaken parts of the existing, presented argument is pro-active, giving the appearance of partisanship. The appearance is deceiving. The distinct imperatives of neutrality and non-interference are not contradictory. After all, pointing out missed opportunities is one of the great joys of kibitzing (see Cohen 2014). Kibitzers are the back-seat drivers of arguments, those observers who offer unsolicited, unwanted, and, in the common conception, *unhelpful* advice. *Good kibitzers*, however, will offer good advice. Kibitzers who do not point out missed opportunities are not doing their jobs. Kibitzers are quite capable of being completely impartial, at least insofar as they can be equally annoying to everyone. The obstacle for opponents is the hardest to overcome: the adversarial element in DAM argumentation. In zero-sum contests, opponents cannot reasonably be expected to help out their adversaries. Therefore, to do so is above and beyond the call of any of the imperatives deriving from one's role as an opponent - or any of the ancillary roles one assumes along the way in pursuing the opponent's primary goals. And yet, thinking back to the noble chess player, there is certainly something praiseworthy in helping out one's opponents. Johnson (2007) distinguishes "dialectical excellence" from the simple "dialectical adequacy" that comes with fulfilling one's duties; Finocchiaro (2013, p. 175) glosses this as a distinction between "dialectical virtues" and "dialectical obligations." What they are getting at is the idea of an action that is very good to do but not something that we are expected or required to do. Actions that have value independent of any imperatives are, in word, *supererogatory*.

### 7. Conclusion: virtues and values in argumentation

The concept of supererogation poses severe theoretical challenges for argumentation theory, so despite its apparent attractiveness and applicability here, it should resisted. In ethics, the concept applies to actions that are valuable but not obligatory. It implies that there are actions that are "*good enough*" to satisfy the demands of morality even though there are better actions available. Thus, although the only actions we are under any obligation to perform are good actions, the converse fails: there are good actions we are not obligated to

perform. We have to detach the ethical concepts of *good actions* from actions we *ought to do*. What we end up with is two axes for moral evaluation: one scale for those good things which *ought to be*, and another for those whose goodness does not have consequences for mandated action.

The same consequences appear in when it comes to evaluating arguments. In order to make sense of the value of such positive constructive criticism as volunteering better lines of reasoning, we would need to acknowledge two different measures. Some virtues of arguers make them better arguers, but other virtues contribute to the *quality* of the argument. And it would seem that there could be a tension between the two sets of virtues. The virtues of the noble chess player leading to his supererogatory actions may well result in better games of chess, but they do so *at the expense* of his chess prowess. Wouldn't the same situation be entirely possible in arguments?

The answer is, yes, of course, but only if one is stuck within the DAM account of argumentation that identifies good arguers with winning arguers and good arguments with winning arguments. But those are linear, impoverished concepts. Their focus is too narrowly on the product, "arguments-1" in the terminology of O'Keefe (1977). They miss the larger picture. The DAM account cannot make any sense of arguers who walk away from an argument having had their positions changed, either by winning or losing or listening and learning, and declaring it a good argument on that account.

In the case of the noble chess player, it is not easy to reconcile the qualities of character - the *virtues* - behind his supererogatory acts and the skills that make him a good chess player because the measure of final appeal in evaluating skill at chess is success at chess, and the final measure of evaluating success at chess is winning chess games. The situation is not the same when it comes to argumentation. We can still say that the measure of final appeal in evaluating skill at argumentation is success in arguments, but we do not have to acquiesce to the DAM idea that the final measure of evaluating success at arguing is winning arguments. That is something worth an argument.

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