

This is draft. The published version is: Stevens, K., & Cohen, D. (2018). The attraction of the ideal has no traction on the real: on adversariality and roles in argument. *Argumentation and Advocacy*, 1-23. doi:10.1080/10511431.2018.1504584

The Attraction of the Ideal has no Traction on the Real:

On Adversariality and Roles in Argument¹

(8867 words)

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Introduction

When we argue, we constantly make choices. Some of these choices concern the details of our argumentative moves. At every turn, we could have done something different. We could have constructed our argument according to a different scheme, used a fable instead of stating a principle, or decided to violate dialectical procedures in the hope of cheap points. Argumentation theory offers us assistance for these choices in the form of informal logic, rhetorical argumentation theory, and pragma-dialectics.

Other choices concern the way we relate to our positions, to ourselves, and to our interlocutors. Recently, Gascon (2016a) has argued that virtue theory should, instead of

¹ We would like to express our sincere gratitude to the editor and to an anonymous referee for their extraordinarily conscientious, constructive and insightful criticism.

concerning itself with argument appraisal, focus on the way our argumentative contributions shape the social context in which we argue.² Gascon highlights the ways in which good arguers interact with their social environments, allowing the context to inform their arguing while remaining sensitive to the ways their arguing affects that context.

This paper concentrates on one of the latter choices—that between adversariality and cooperation. The dangers of adversariality in argumentation are well known: too much of it can turn a largely cooperative deliberation into a competitive negotiation, which in turn can spiral out of control into a no-holds-barred quarrel!³ Often too much adversariality exists in the arguments we have, both in the private and the public realm. We do not need to tell you this; academe has widely acknowledged the problem. We want to deal with the question of what to do about adversariality, and how far to go in the attempt to remedy the problems associated with it. We know there can be too much of it (and very often there is). But does this mean we should try to get rid of adversariality altogether? Is adversariality, of any amount, ever warranted? Can there be too *little* adversariality?

In a recent contribution, Bailin and Battersby (2017) answer this question with a definite “no.” They argue that we need a theoretical account of non-adversarial argumentation to illuminate the under-appreciated role of cooperation in argumentation. They criticize Cohen (2014), who de-emphasises adversarial aspects, for not going far enough in the direction of

² Gascon 2016a, p. 448 ff. We see virtue-based approaches to argumentation as providing valuable resources for theorizing in these areas, although we do not want to commit to agreeing with those who suggest that this is where virtue theories should confine their attentions, for example Paglieri, (2015), Godden (2016) and Gascon, (2016a, 2016b).

³ Compare, for example, the way in which Walton and Krabbe illustrate the way downward from deliberation over negotiation to quarrel (Walton and Krabbe, 1995, 107) or Gilbert, who warns the readers of his textbook *Arguing with People* that they should be aware that more adversariality on their side will *always* be matched from the other side. (Gilbert, 2014, 66)

cooperation.⁴ Cohen thinks that it is an act of supererogation, praiseworthy but not obligatory, to help one's interlocutor by pointing out missed opportunities, lines of reasoning, or strategies that could lead to one's own defeat. Even the virtuous arguer can be justified in adopting some degree of adversariality because of the context of an argument and her role in it. Bailin and Battersby, who object to casting arguers in the roles of proponents and opponents in the first place, reject the idea that an arguer can choose an adversarial rather than a cooperative stance out of argumentative virtue. Instead of roles, they prefer to think in terms of argument-tasks. Bailin and Battersby envision that each arguer in a cooperative argument shares in the responsibility for fulfilling every task. As grounds, they cite the idea that the *telos* of argumentation is epistemological betterment. If argumentation is meant to lead to epistemological betterment, they argue, then it is fundamentally a cooperative enterprise. A virtuous arguer, committed to this *telos*, will therefore choose the cooperative stance at each stage.

Their conclusion goes too far. We grant, for the sake of argument, that epistemic betterment is the *telos* of argumentation.⁵ Even then, a virtuous arguer still needs to regard cooperation only as a defeasible default mode rather than an obligatory choice. Bailin and Battersby's epistemological emphasis obscures the fact that argumentation is as much a social endeavor as an epistemological one and that the social aspects of argumentation can influence

⁴ Cohen (2013a, 2014) critiques the language of proponents, opponents, antagonists, and combatants to refer to the participants in arguments (although in the end, he acquiesces to common usages). He goes so far as to describe the judges, juries, kibitzers, and other participants as "the extras" and "the supporting cast." Stevens (2016) champions the value of argumentative roles as tools to understand virtue argumentation.

⁵ That we grant that epistemic betterment is the *telos* of argumentation means, in this context, that for the purposes of this paper we stipulate that epistemic betterment is the capital G Good that argumentation accomplishes. Given that the virtuous *person* is motivated by the Good, the virtuous arguer is then motivated by the epistemic *telos* of argumentation. We are aware that this will not be enough to satisfy critics of the notion that argumentation can have a Good or even a function (e.g., Goodwin (2007), see also footnote 13) nor does it give an answer to the question whether virtue is a value in itself or derives its value from the role it plays in realizing other values (see, e.g., Godden (2016)) However, the attempt to deal with either of these important issues adequately would lead us too far afield.

the ways in which the epistemic *telos* needs to be pursued.⁶ Argumentation happens in various contexts, for various reasons, and, most important, with *other people*. Virtuous arguers are disposed to respect the epistemic *telos* of argumentation and be motivated by it in their arguing.⁷ However, this relationship to the epistemic *telos* requires them to respond to the social situations in which they argue. Virtuous arguers choose their moves, whether toward or away from cooperation, informed by those situations. The complexity of argumentative contexts creates a need for conventional argumentative roles as valuable rules of thumb for how to argue. Virtuous arguing remains an art, not a science. We do not have any kind of mechanical algorithm for good arguing, which is why an arguer's character is so important—and the contributions of virtue theories so necessary. Virtuous arguers will evince a *prima facie* preference for the least adversarial of the appropriate and available argumentative roles in a given situation but will not automatically choose a cooperative one. The epistemic *telos* of argumentation might not always be advanced best by taking the cooperative stance.

1. An Essential Tension: Everyday Arguers Between Cooperation and Adversariality.

In general, the call for arguing more cooperatively is an answer to what has been called the DAM-model—the dominant adversarial model.⁸ If we choose brevity over accuracy, then we can say that the DAM-model presents argumentation as a kind of Darwinian competition of ideas, beliefs, or conclusions. Arguers argue *against* one another to test the acceptability of a

⁶ In fact, Bailin and Battersby make the conscious choice to favour the epistemological aspect over the social aspect of argumentation (Bailin and Battersby, 2017, 7)

⁷ Following Annas (2011), we think virtues have a motivational component, though we understand that this will not satisfy someone like, e.g., Godden (2016) who wants a more foundational account. Engaging with Godden's ideas directly would take us too far afield here. We do not think, however, that adopting Godden's idea according to which virtue must be anchored by reference to other kinds of values would change much about the arguments we will make in this paper. At most, we would have to adapt them slightly. See also footnote 5.

⁸ See, e.g., Bailin and Battersby (2017) and Cohen (1995).

conclusion by exposing it to the strongest possible objections. The opponent finds and presents these objections. The proponent's task is to defend the conclusion by equipping it with a justification and by answering objections. The model works only if each arguer concentrates on the task of winning the argument. The proponent wins if the conclusion withstands the opponent's objections, and the opponent wins if it does not.⁹ When arguers engage in this idealized version of the argumentative process according to DAM, they are, of course, cooperating in a global sense: The arguers are engaging in argument together to test the strength of the conclusion. However, the critiques of the DAM-model do not call for *this* kind of cooperation. They reject the focus on winning that comes with the model. Therefore, we will mostly put questions of cooperativeness and adversariality at the global level to the side. Our main interest lies in the possibility of virtuously taking an adversarial stance within an argument. We offer the following rough characterizations of “adversarial stance” and “cooperative stance” for use in the rest of the discussion:

An arguer who takes an “adversarial stance” in an argument argues with the goal to win. Her moves are designed to make her side in the argument appear as the right one—she engages in “adversarial argumentation.”¹⁰ In contrast, we will say that an arguer takes a “cooperative stance” in an argument if she argues with the goal to make as many (what she perceives as) relevant contributions to the argument as possible, without preferring one possible outcome of

⁹ For an example of this model see one of the ground-laying works of the school of pragma-dialectics, van Eemeren and Grootendorst (1984).

¹⁰ Arguers might do this for various reasons. Here are a few examples: Arguers do so because they hope to gain an advantage from winning the argument, because they deeply believe that they are right, or because they *want* to be right so deeply that they cannot deal with the possibility that they might be wrong. We believe and will argue that arguers might also do so because they believe that taking an adversarial stance will ultimately promote the epistemic *telos* of argumentation better than taking a cooperative stance (arguers might take an adversarial stance out of a *globally* cooperative mindset).

the argument over another.¹¹ She will freely share information, inferences, and even strategies to advance the argument on any side without regard to strategic effect (i.e., ignoring the effects on winning and losing). If all arguers take cooperative stances, the participants of an argument are partners in a shared endeavor; if they take adversarial ones, they are adversaries.¹² Note that we do not describe taking an adversarial or cooperative stance by referring to the arguer's attitude towards the epistemic *telos* of argumentation, but by referring to the way she chooses her argumentative moves.¹³

Bailin and Battersby ground their choice to privilege the cooperative stance by reference to the overarching *telos* of argumentation. They present this *telos* as the epistemic betterment of

¹¹ Strictly speaking, the opposite of taking a cooperative stance is to take a non-cooperative stance. Taking an adversarial stance is just one possible way of taking a non-cooperative stance. Another one (there are probably more than a few) would be, for example, to refuse engaging with any arguments that are not to one's liking at all (depending on the situation, this could also be done out of the recognition that the epistemic goal is better served through non-engagement, a globally cooperative mindset). We are here interested in the cooperative-adversarial contrast and will disregard the other ways in which one might take a non-cooperative stance.

¹² Or they are confederates, if they happen to find themselves on the same side. We would like to distinguish adversarial argumentation from what Aikin calls "belligerent argumentation." Belligerent argumentation is a very extreme form of adversarial argumentation with no holds barred-belligerent argumentation is argumentation in which the arguer is willing to do anything necessary to win, including the use of all available fallacies, intimidation, and emotional violence (Aikin, 2011, 250). We would also like to distinguish adversarial argumentation from what Gilbert calls "eristic argumentation" in his *Coalescent Argumentation* (1997), as well as from Walton & Krabbe's eristic dialogue (1995). Eristic argumentation is connected to the "desire to achieve one's strategic ends at all, or at least some, moral costs if necessary" (Gilbert, 1997, 43). Adversarial argumentation can be eristic, but it does not have to be. One could argue adversarially by making all moves that are a) necessary to achieve one's objective but b) do not cross any moral boundaries. Finally, we want to point out that under our definition, merely making an objection does *not* constitute an adversarial move. Objections can be presented by those taking a cooperative stance as well, if they think that the objection is relevant and therefore helpful.

¹³ Defining the adversarial and cooperative stance with reference to the arguer's attitude towards the epistemic *telos* would mean that cooperativeness is analytically connected to argumentative virtue and adversariality to argumentative vice. We realize that it would be possible to define the concepts like this. In the literature, we have perceived a tendency to waver between this analytic connection on the one hand, and the habit of ascribing certain behaviors to being adversarial/cooperative on the other: On the one hand, cooperativeness seems to be connected to taking the epistemic *telos* seriously; on the other it is simply the stance people take in an inquiry (this is, for example, the impression we get from Bailin and Battersby (2017)). We think that these blended understandings of adversariality and cooperativeness are problematic and confusing. In this paper, we solve the problem by adopting an understanding of adversarial/cooperative stance that is independent of the arguer's attitude towards the epistemic *telos*. We hope that we will have the opportunity to give a detailed examination of the definition of adversarial and cooperative argumentation in a later project. We would like to thank our reviewer, who also noticed this difficulty and pushed us to be very clear about the way we talk about cooperativeness and adversariality.

the arguers, and we will provisionally accept that.¹⁴ Indeed, we believe that every-day arguers—not only the virtuous ones—usually commit themselves to some amount of *global* cooperation merely by making the choice to argue. Only in few circumstances do people argue with *no* interest in epistemic betterment at all. In such circumstances, someone might know that they are wrong and engage in argument only because they hope to get their interlocutors to do what they want without having to use coercion. However, we are not sure whether we should say that in these cases people are *engaging in argumentation* at all, or whether we should say instead that they *play at* or *pretend* to argue to manipulate more effectively. Usually, whether we argue to move from disagreement to agreement, from a problem to a solution, or from a question to an answer, we are not after just *any* agreement, *any* answer, or *any* solution. We seek *reasoned* outcomes: *justified* agreement, *correct* answers, and *optimal* solutions. Otherwise (and if we are not out to manipulate), we could save the trouble and just flip a coin. When we truly argue with each other and not just pretend we do, we *ipso facto* become partners in a shared enterprise whose goal is epistemic betterment, the *telos* of argumentation. Argumentation works better in accomplishing this goal than coins because its dialectical exchanges invoke and deploy relevant *reasons*. This line of thought puts us in a position to understand how the choice to take a cooperative stance might further the epistemic *telos*. Taking a cooperative stance does not do so directly as, for example, the presentation of a good reason through a well-formed argument

¹⁴ Bailin and Battersby (2017, 8). Cf. Aberdein (2010, 173). We understand talk about the *telos* of argumentation as basically normative. Argumentation is *supposed* to further epistemic or cognitive betterment of those involved in the argument (importantly, since cognitive betterment comes in degrees, the goal can still be achieved even when truth is not reached). The *telos* is different than the *goals* arguers might individually or together adopt, which is a descriptive question. We understand that the idea of a *telos* of argumentation is at odds with the arguments presented in Goodwin (2007), but we will accept its existence for engaging with Bailin and Battersby here. Goodwin, who argues that there is no single function to argument, is correct from a descriptive standpoint. However, the idea of an argumentative *telos* helps with thinking about argumentation normatively.

might. It does so indirectly because arguing cooperatively increases the number of ideas that arguers will present and develop. The process of arguing is more reliable at producing epistemic betterment in its participants when more diverse reasons and considerations are considered.

This point also shows us why there might be a connection between taking a cooperative stance in argumentation and the epistemic *telos* of argument; the free exchange of knowledge and ideas without regard to its effect on the competitive outcome of the argument tends to lead to better cognitive outcomes.

Nonetheless, adversariality remains central to the actual practice of argumentation because arguments typically arise from differences and disagreements between arguers with their own interests.¹⁵ The reason is that thoroughgoing cooperative argumentation asks more of everyday arguers than we are usually willing to give. We would have to point out strong, or even winning, strategies that our interlocutors missed—even though the possible consequence of such a move (losing the argument) is a bitter pill to swallow.

In theory, we should be more willing to accept this consequence if we concentrate on the epistemic *telos* of argumentation. An arguer who fully buys into the epistemic *telos* of argumentation and makes it her argumentative goal, might see being out-argued as a blessing. When an argument reveals that our positions are flawed or under-developed, we have learned

¹⁵ Granted, arguments are occasioned by differences. Pragma-dialectical analyses have always made differences of opinion an integral part of the initial confrontation stage of a critical discussion (van Eemeren and Grootendorst, 1984, 85-88). Aikin (2011), along with most other argumentation theorists, concludes that adversariality is a necessary part of argumentation, although he recognizes that this means adversariality must be managed, not necessarily removed. We disagree: difference does not imply adversariality. Hundleby (2013, 254) is right when she points out that we may argue in completely cooperative ways. However, when people choose to argue (instead of doing other things), it is often in situations that are already set up as adversarial, such as law courts, thus ensuring that the argument is also adversarial. Cohen and Stevens (2016) shine a light on the how the evolution of argumentative contexts inform argumentative practices.

something important. We have been presented with the opportunity and the means for epistemic betterment.¹⁶

Most of the time, though, we do *not* fully buy into the epistemic *telos*. Do we really have to put ourselves under the self-defeating imperative to help those who are arguing against us? More concretely, when we are arguing about whose turn it is to take the dog out tonight when it is (*of course!*) cold and wet, do we really have to remind our partners that they were the ones who shooed the raccoon away from the garbage last night?

We can, then, diagnose a tension between the typical motivations for taking adversarial or cooperative stances with every-day arguers caught in the middle: cooperative argument might tend to further the epistemic *telos* of *argumentation*, but the epistemic *telos* might not be a big part of the motivation for the *arguer*.¹⁷ Arguers have their own interests and goals, and sometimes they simply believe so strongly in their ideas that they cannot fathom that they might be wrong. When you argue as a tired dog-owner, any cognitive benefits that stem from being rationally persuaded that it is your turn would be fortuitous. The epistemic pleasure of recognizing what fairness demands hardly outweighs the physical discomfort of having to get out of bed to walk the dog in the rain.¹⁸ When arguers' motivations do not coincide with the *telos* of argumentation (or when they mistakenly think that the only possible epistemic gain is on their

¹⁶ For the argument that we gain (and not lose) if we turn out to be wrong or have to revise our position see, e.g., Rooney (2010, 221), Govier (1999, 254). Both have been cited by Bailin and Battersby (2017, 4).

¹⁷ Walton and Krabbe (1995, 66) distinguish the purpose of a dialogue type, and the goals of a dialogue's participants.

¹⁸ This argument is better described as a persuasion dialogue or a negotiation than an inquiry into how to divvy up house-hold chores fairly. Of course, arguers do not always or only argue to further personal interests. When we argue to figure out the best solution to a problem or to gain clarity on an issue, our goals in the argument align with the *telos* of argumentation. Those cases are closer to the paradigm that Bailin and Battersby have in mind—pure inquiry or its practical sister pure deliberation (Bailin and Battersby, 2017). Empirically, however, inquiry and deliberation are more the exception than the rule for argumentative encounters. Gilbert (1997, 74/116) thinks that pure inquiry is so rare that building an argumentation theory around it would be idle.

interlocutors' side), the default is to argue *against* each other.¹⁹ One of you *has* to walk the dog, so you argue. The difference occasions a dispute and winning takes precedence over truth. Strategically, you would do better not to bring up last night's raccoon. Keeping quiet—the strategic, win-oriented, adversarial choice—further your short-term goals as a tired person, albeit to the possible detriment of the argumentation (and your relationship) in the long-run. There seems to be a connection between the adversarial stance and a disregard for the epistemic *telos*, then: When you do not care about the epistemic *telos*, you will usually default to an adversarial stance.²⁰

We are making descriptive points here. Arguers could, *in theory*, turn each argument into an inquiry or a deliberation. All they have to do is let go of their personal goals. You and your partner could work together in determining who should take the leash. So, what will you do, remind your partner about the raccoon, or keep it to yourself? On the one hand, you started arguing because you did not want to take the dog out. On the other, unless you only play at arguing to manipulate, you chose argumentation rather than a temper tantrum or a faked fever because you value the *rational* resolution of differences. Your choice to argue is motivated by a kind of eat-your-cake-and-have-it-too attitude. You want a resolution that is both rational and in your favor. You want to stay in bed, but you also want a decision acceptable to all parties.²¹

¹⁹ See footnote 10 on difference and disputes, and on confrontation and argumentation.

²⁰ Though, or so we will argue, this does not mean that taking the adversarial stance must always mean that we are not interested in the epistemic *telos*.

²¹ This point is made in Aikin (2011, 266). Something similar is asserted in Aikin and Anderson (2006, 20). John Searle makes this point on a more general level; according to Searle, many adversarial activities require *some* degree of cooperation. A prize-fight, for example, could not take place if the parties did not agree to abide by the rules of boxing (Searle 1995, 24).

2. Virtuous Arguers and the Imperative to Cooperate

The fact *that* we argue instead of going to war usually attests that we care about the epistemic *telos*, but we are often *motivated* to argue because our beliefs, goals, and interests are incompatible, and this motivation directs us towards an adversarial stance. We need to resolve this tension. As self-interested arguers, we want to succeed; as epistemic agents, we should want to get it right.²² Descriptively, we will often decide how to argue according to what is more important to us. Normatively, we can ask what we should do. What would a virtuous arguer do?

We might think that we can gain an easy, apparently straightforward analytic answer simply by re-considering what has already been said: a virtue is a disposition to act in accordance with a *telos*.²³ Perfectly virtuous arguers will argue in such a way as to further the *telos* of argumentation. If we identify that with the cognitive betterment of all the participants, it follows that virtuous arguers will want to get it right, e.g., by being open-minded and reasons-responsive. They will also be disposed to enhance the reasoning of their interlocutors, both as means to their own epistemic betterment and for the benefit of the other arguers. It appears almost as if there is an analytic connection between the behavior associated with the cooperative stance and the *telos* of argumentation. It must be, then, that virtuous arguers will resist the temptations of winning and choose cooperation. Argumentative virtue apparently demands that we remind our partners of their earlier racoon-related heroics.

This is the answer that Bailin and Battersby favour. They make the epistemic *telos* of argumentation the basis of their theory of argumentation and connect it directly with

²² See also Gilbert on heuristic and eristic argumentation (1997, ch.3) and Williams (2004, ch.1).

²³ Admittedly, the neutral phrase “in accordance with” finesses several important debates. For helpful and relevant general accounts of virtue, see, e.g., Zagzebski (1996), Battaly (2008), Annas (2011); for the responsibility - reliabilism debate, see, e.g., Code (1984), Greco (1999), Axtel and Carter (2008).

cooperativeness. The goals that motivate us to argue and the social situations in which we argue are of secondary concern. Consonant with this, Bailin and Battersby criticize Cohen (2015) for acknowledging the role for roles in argument; by recognizing the roles of proponents and opponents, critics, judges, and audience, Cohen shows a residual connection to the old adversarial model that Bailin and Battersby reject.²⁴ When argumentation is perfectly cooperative, differentiated roles are not necessary. Therefore, they would rather talk of *aspects* or *tasks* of argumentation that can be fulfilled by any arguer within an argument equally, e.g., finding arguments, coming up with objections, revising positions etc. Thus, they say, “It is important for successful argumentation that the various tasks be performed, but the division of labor is, we would argue, incidental” (Bailin and Battersby, 2017, 6). They grant that roles may be useful for identifying tasks in argumentation, but as pigeon-holes for arguers, the conventional roles implicate adversarial thinking.

In the abstract, the analytical answer is a good one, and Bailin and Battersby’s vision of argumentation as cooperative reasoning makes sense. In the abstract, we can live with the idea that virtue argumentation requires that we deliberately lose those arguments that we think we should lose, even if, with our argumentative skills, we could win. It may be an uncomfortable truth, but there is something profoundly right about it.²⁵ In the abstract, then, the virtuous path is clear: be cooperative; take responsibility for *all* the tasks in an argument; pursue all lines of

²⁴ Cohen (2014b), commenting on an earlier version of Stevens (2016), does indeed still refer to proponents and opponents, despite his own sustained critiques of the DAM account of argumentation beginning in (1995) and continuing in an unbroken chain that includes, notably, (2013a) and (2014a), both of which problematize those roles. Cohen (2003) and Cohen (2017) offer justifications for the continued use of the conceptual apparatus of the adversarial metaphor despite its objectionable elements.

²⁵ Of course, in the abstract, there is no such thing as losing an argument. Every argument would be an inquiry or a pure deliberation, and all the arguers would be interested in nothing but the truth or the best solution. However, not every argument is an inquiry or pure deliberation. For an exploration of the different ways of losing an argument in the real world, see Aberdeen (2016).

reasoning, for and against; raise all objections; remind your partner about last night's racoon. Virtuous arguers are partners in a shared enterprise—not proponents or opponents.

However, while we can live, in the abstract, with the rigid demands of cooperative argumentation, the abstract is not where we live. The social aspects of argumentation disrupt the apparently analytic connections between the argumentative *telos* and the cooperative stance. The arguers with whom we argue are flawed human beings; the contexts in which we find ourselves arguing are full of complex contingencies; and, let us admit, we ourselves inevitably fall short of ideal virtue. The easy, straightforward analytical answer turns out to be *too* easy.

3. Six Arguers in Search of an Authorization.

The analytic answer that virtuous arguers will always be cooperative is too simplistic for nuanced normative judgments about complex situations. The reader may use the following example to test her intuitions:

(i) The Flip-Flopping Philosopher who is so good at pointing out evidence, inferences, and strategies that work against his own positions that he often manages to convince himself to switch sides in the middle of an argument. Is he a worse arguer *because of* his penchant for helping his opponents beat him?²⁶ If so, how can such a bad arguer, if that is what he is, be such a good philosopher?

(ii) The Dog Lover, cited above, trying to convince her partner that he should take the dog out, remembers the racoon incident from the night before, and reminds him about it so she loses the argument and must walk the dog. Did that make her a bad arguer? Is there something here for an argumentation theorist to criticize?

²⁶ This is a modification of the scenario, the “Noble Chess Player,” from Cohen (2015) to which Bailin and Battersby (2017) respond.

(iii) The Angelic Devil’s Advocate, a prosecuting attorney who goes above and beyond her duty of disclosure and points out a winning strategy for the defense. She may seem praiseworthy, at least in contrast with her counterpart, the Presumptuous Defender who provides incriminating arguments to the prosecutor, perhaps because she has concluded that her client is in fact guilty. Are not both equally in violation of the duties associated with their courtroom roles?²⁷

(iv) The Judicious Judge who scrupulously respects impartiality—except when he thinks there is an unacceptable power imbalance. He has, for example, provided arguments for the defense when the accused has been given an incompetent state-appointed defender. Is he to be blamed for compromising judicial impartiality, or praised for ensuring that justice is served?²⁸

(v) The Garrulous Kibitzer who freely offers advice—unwanted, perhaps, but good advice—to both sides in an argument. Her interjections elevate the arguments and she is non-partisan, but her contributions often are not neutral in effect. Is she praiseworthy? What about her counterpart, the Silent Partner who knows of damaging data or strong objections to his own research team’s proposal for a competitive grant, but, to keep morale up, does not bring them to light? Is that always blameworthy?

²⁷ Compare, e.g., Cassady (2006).

²⁸ The real-life case that inspired this example was *Rowe v. Gibson*. In this case, Judge Posner did his own internet research about the effects of a drug to rectify what he perceived as an unacceptable power-imbalance: Only one side could afford to pay an expert-witness. Posner’s decision to break with judicial impartiality and enter his own argument about the facts of a case into the trial resulted in a lively discussion about the boundaries of judicial interference. (See, e.g., http://www.abajournal.com/news/article/posners_internet_research_in_inmates_gerd_suit_leads_to_sparring_in_7th_cir; <https://law.stanford.edu/2015/09/14/posner-vs-hamilton-on-google-happy-judges/>. See also Wein (2017). Note the differences between the roles of prosecutors in criminal case in U.S. courts and their counterparts, “the Crown,” in Canadian courts on exactly this point. It is worth noting that the judicious judge only oversteps the boundaries of his roles in legal systems that have adopted the adversarial method. In inquisitorial systems, the judicious judge is doing exactly what he should be doing.

(vi) The Concerned Interventionist who becomes confrontational, resorts to fallacious arguments, and violates other canons of reasoning to talk a friend out of some disastrous course of action, like sending a reconciling text message to an abusive ex-lover. Do argumentation theorists have the resources to say something positive here?

What grounds the praise or condemnation that is appropriate in each case? What condones their anti-competitive stances?

4. Living in the Material World

We do not think of all these examples of cooperation as mandatory, and of some we do not even think as praiseworthy. Conversely, the belligerence in the last example does not seem vicious. We believe that this is because the examples describe situations more complex than the ideal argumentative situation assumed by Bailin and Battersby's scenario. A normative theory of argumentation that provides guidance only for ideal people in ideal circumstances hardly is ideal. It is because epistemically imperfect agents produce the speech acts and dialogue moves that constitute arguments that we need pragma-dialectical principles for critical discussions.²⁹ It is because the dominant adversarial mode of argumentation is not a level playing field that we need its feminist critics.³⁰ And, we argue, it is because arguers and contexts are not ideal that we cannot rely on simple, broad-stroke formulas to tell us how to argue virtuously. Instead, we need to think in terms of character and to cultivate argumentative virtues that will help us successfully navigate complex choices in specific situations.

²⁹ The "Freedom Rule" ensures that all arguers get their say, but it is in combination that the rules further the epistemic goals of argumentation. See van Eemeren, Grootendorst, and Snoek-Henkemans (2002), 192-82.

³⁰ See e.g. Moulton (1989), Gilbert (1994), Rooney (2003, 2010).

Three sets of factors complicate the choice between cooperation and adversariality.³¹ First, human reasoning is limited and flawed; people suffer from biases. Second, the contexts for argument introduce circumstantial restrictions and external obligations. Third, even virtuous arguers need to interact with other arguers, not all of whom are virtuous, which multiplies the effects of the first two factors and adds additional complications.

4.1 Good Arguers, Flawed Reasoners

The first factors complicating the choice between adversariality and cooperativeness are the biases that warp our reasoning. Even virtuous arguers suffer from my-side biases that become stronger the more they want or need some conclusion of theirs to be right. According to Mercier and Sperber's (2011, 2017) evolutionary explanation of our shortcomings as reasoners, reasoning evolved as a capacity to persuade others, not for isolated inferences. We are more motivated to find new arguments when others need to be convinced than when we think we already have the right conclusion. Heuristics that might serve well in the former case become harmful biases in the latter. Fortunately, our biases are less influential when we evaluate the arguments of others than when we make and evaluate our own arguments, so we do better when we are set against

³¹ We do not mean to say that our discussion is exhaustive. Additional factors play a role e.g., the *face-goals* to which Michael Gilbert has drawn attention. Gilbert points out that arguers have goals related to their relationships to the other arguers and the way they will be perceived by them. These goals exist in addition to the strategic goals that motivate them to enter an argument and their (possible) commitment to the epistemic *telos* of argumentation. They can interfere with both the strategic argumentative goals of the participants and with the epistemic *telos* of argumentation, even if the arguers are committed to it. That we need to preserve face while we argue with others is true in general, especially if we need to interact with them outside the argument as well. (See Gilbert on familiars (1997, 2016).) But preserving face is also necessary simply to stay in the argument as a full participant that others take seriously. If the participants of an argument find it hard to take each other seriously, arguing will be futile and no-one will be epistemically better off, no matter what the goals of the participants are. Therefore, the virtuous arguer should pay attention to the ways in which the context of an argument will shape the face-goals of the participants as well as the conditions under which these face-goals can be fulfilled. This might sometimes necessitate adversarial behavior.

other reasoners. Biases that can make deliberative reasoning *less* reliable than gut intuitions in solitary problem-solving become assets in group-settings with opposed parties.

To some extent, then, competition elicits our best arguments and mitigates that harmful effect of biases. It seems that adversariality can further, rather than hinder, the *telos* of argumentation.³² Mercier and Sperber’s model predicts that if people perform better in adversarial contexts than in solitary reasoning, then some dissensus in groups would lead to better outcomes. And that is so; groups outperform single persons when members disagree.³³ Nonetheless, elements of cooperation are still necessary. Mercier and Sperber admit that a condition for the positive effects of competition exists: Arguers must be willing to admit when their arguments are defeated. There must be what they call a “felicitous context” for argumentation, i.e., we need “arguments among people who disagree *but have a common interest in the truth*” (emphasis added) (2011, 65). This interest motivates them to be cooperative enough to honestly display the way they evaluate the arguments of their opponent.

The normative upshot of this is that arguers have built-in biases, but those biases can be mitigated, and even helpful, in group deliberations with disagreeing voices. Thus, idealized completely cooperative situations are not optimal *for us as human beings* even if we are committed to the epistemic *telos*. We need the balance between cooperation and weak adversariality.

³² Some scholars seem to think so. When Mercier and Sperber’s (2011) paper appeared, Zarefsky quickly pointed out that these findings suggest that argumentation could be most useful when set in an overall adversarial context (Zarefsky, 2012). Being aware that in an adversarial context people tend to cheat, Zarefsky suggested that this context should be guided by rules that forbid unfair means. That a battle in which the strongest arguments will ultimately survive serves the epistemic *telos* of argumentation best is quite possibly the main idea behind the adversarial model of argumentation. Stevens (2016) contrasts this model with the cooperative model.

³³ However, when they agree—or when subgroups agree, and animosity exists—Sunstein’s polarization effect sets in and people simply find more reasons for the view they already favor (Sunstein, 2000).

4.2 Good People, Constraining Contexts

Arguments are not abstract entities. Arguers with personal histories in complex situations engage in them, and those contexts matter.

First, the context of the argument might include obligations on the arguers that require a more adversarial posture. Courtrooms, negotiations, and formal debates embody specific adversarial structures that serve as means to promote the *telos* of argumentation even where the circumstances may be especially bad. Once the structures are in place, the other participants count on some degree of adversarial behavior, so it is not detrimental. One arguer, deviating from the expected norm and staying purely cooperative because she wants to be virtuous, would destroy the requisite equilibrium and be counter-productive to the accomplishment of the argumentative *telos*.

Criminal trials are the most dramatic context of this kind. The procedural structure of trials has well-defined roles for attorneys and judges. It also has its own well-defined *telos*: achieving justice. The institution of the trial pursues the epistemic *telos* of argumentation as a means to the *telos* of justice. To facilitate that, the built-in presumption of innocence creates an asymmetry, presenting one side with an especially high burden of proof. Nonetheless, the epistemic *telos* of argument still plays a role, the trial is still supposed to lead to the *correct* answer regarding the defendant's guilt. The parties involved are typically so invested—financially, emotionally, existentially—that asking them to argue cooperatively asks for the impossible.³⁴ The roles of judges, juries and attorneys exist to deal with this problem because they divide the argumentative tasks between different people. These roles come with obligations

³⁴ In addition, the basic adversarial structure of the trial is meant to make sure that the best arguments for each side are produced, leading to a balanced presentation of the two sides for the judges (see Fuller, 1978)

that put limits on cooperative argumentation. Whether or not they are ultimately justified in doing so, Angelic Devil's Advocates, Judicious Judges, and especially the Presumptuous Defender in (iii) and (iv) above, cross those lines.

Contexts can also entail obligations that simply override whatever imperative there is for cooperative argumentation. The Presumptuous Defender, (iii), comes to mind. Criminal defendants have a right to a committed defender. The attorney, by taking the case, incurs a personal obligation to her client, in addition to the obligations that come with the assigned role of defender. Similarly, high stakes, as in case (vi), the Concerned Interventionist, might make it necessary to adopt some degree of adversariality. The external obligations associated with an argument can outweigh the imperatives coming exclusively from its internal, epistemic *telos*.

These examples show that the context in which an argument takes place may give virtuous arguers reasons to adopt some measure of adversariality. At times, arguers may do so because they have the *telos* of argumentation in mind, and being a virtuous arguer requires adopting an adversarial stance. At other times, outside obligations outweigh that *telos*. Readers might conclude that these examples show that to be a virtuous *person*, an arguer might sometimes have to choose being a virtuous friend or lawyer over being a virtuous arguer. For now, we lean toward the conclusion that being a virtuous arguer means taking an argument's contextual obligations into account rather than the conclusion that being a virtuous person means occasionally sacrificing one's argumentative virtue. Regardless, the conclusion remains: *contexts* may demand adversarial moves and stances of even the most virtuous arguers.

4.3 Imperfect Arguers, Uncooperative Others

The most important contextual factor is the other arguers. We have only limited control over who else gets to participate in our arguments. Even if outside obligations do not constrain

an arguer, they might constrain her interlocutors. Even if she has low stakes in the argument, the stakes might be high for the others. And even if she does manage to rise above her cognitive biases, her interlocutors might not.

People need to trust each other to argue together, at least to a minimal degree, e.g., when it comes to the truthfulness of the premises they each advance.³⁵ However, the importance of trust and trustworthiness for the epistemic *telos* of argumentation goes further. Gascon (2016a) argues that distrust can derail argumentation because it leads to incessant questioning about the truth of premises, but also to the inability to accept any arguments advanced by others. Trust is necessary to believe that, when other arguers present defeasible arguments they do not withhold exactly those pieces of information that would defeat the inference (Gascon, 2016a). Arguers also need to trust that their fellow arguers honestly portray their goals. Would your evaluation of the Dog-Lover from example (ii) change after learning her partner regularly invokes and disingenuously exploits adversarial argument to escape household chores? Vicious arguers pose a problem for virtuous arguers because, if one arguer becomes partisan while the other rigidly remains cooperative and neutral, the balance is upset. Arguments on one side of the issue take up a disproportionate amount of the air-time. Vicious arguers can take advantage of cooperative interlocutors. A virtuous arguer, committed to the epistemic *telos*, may have to engage an adversarial interlocutor with her own proportional measure of adversariality.³⁶

These considerations illustrate that several factors can create a context in which the chances for realizing the epistemic *telos* of argumentation are enhanced by taking an adversarial

³⁵ Hence, the “starting point” in van Eemeren, Grootendorst, and Snoek-Henkemans (2002). See also, e.g., Govier, (1993) and Walton (1999).

³⁶ This is the argumentative analog to the simple, but surprisingly successful, “tit-for-tat” strategy in Prisoner’s Dilemma tournaments.

stance (orienting one's choice of argumentative moves at the goal to win) more than by taking a cooperative stance (orienting one's choice of argumentative moves at the goal to make as many (in the eyes of the arguer) relevant contributions as possible). The virtuous arguer is predisposed to act motivated by the *telos* of argumentation. So, in these contexts, she is motivated to adopt an adversarial stance *because* she is motivated by her virtue. We will return to this line of reasoning shortly in the conclusion. First, however, we have some practical questions left to consider.

5. Roles in Argument

The last section has shown that even virtuous arguers may find themselves caught in a tension between motivations for cooperativeness and motivations for adversariality. Their commitment to the *telos* of argumentation shields them from selfish impulses to win. Nonetheless, we have discovered that virtue might require varying levels of adversarial behaviour. Still, virtuous arguers remain committed to the *telos* of epistemic betterment. And even though Mercier and Sperber's research suggests that a little commitment to win might help, the danger that greater levels of adversariality will detract from that goal remains. So, at each turn, a virtuous arguer's choice of the right argumentative move seems to involve the question: how much cooperativeness or adversariality is called for right now? Reaching an answer is difficult. With all the different factors to consider, it is an art that involves the ongoing analysis of a potentially changing situation, of the other arguers, and of the relative importance of the conflicting goals of winning and trying to get it right by collecting as many reasons as possible.

Are we asking too much of arguers? Balancing all these factors, in addition to thinking about the issue at hand, is no mean feat, but no one ever said that arguing well would be easy! It can, however, be made *easier*. One way we can do so is by taking advantage of the social nature of argumentation. Argumentation is an activity that we typically engage in together, so the *telos*

of epistemic betterment is also achieved *together*, by the whole group of arguers. A virtuous arguer does not have to bring it about for everyone by herself. She just needs to make positive contributions to the argument. Arguing virtuously matters, but so does simply *being* virtuous—both shape the argument.

In ideal circumstances, ideal arguers take responsibility for all argumentative tasks equally. The group will do better than a single reasoner because several arguers can pool their information, and several pairs of eyes are better at spotting mistakes in reasoning. Here, Bailin and Battersby are right to say, “[i]t is important for successful argumentation that the various tasks be performed, but the division of labor is [. . .] incidental” (Bailin and Battersby, 2017, 5). But if stakes are high, or contexts give rise to special obligations, or others are untrustworthy (out of viciousness, bias, or outside obligations), the imperative to take responsibility for all argumentative tasks runs up against the reasons to argue adversarially. The *telos* of argumentation requires that all tasks be filled, but a division of labor is a way to unburden us of the overwhelming demand to do it all. Argumentation under circumstances like these requires more structure than inquiry does. Arguers, under time and resource-constraints, need tools to establish such structures fast and efficiently. Argumentative roles serve as those tools.

5.1 Roles and the Division of Labor

A role consists of a cluster of interconnected behaviors and expectations, goals, tasks, and norms (e.g., Turner, 2001, 233 ff.; Biddle, 1979, 55 ff.; Turner, 2002, 171). We learn roles, including argumentative roles, by socialization. We recognize the roles of proponent and opponent and we all know that proponents find arguments for a position while defending it

against objections, while opponents raise objections and form arguments against the position.³⁷ For many of the tasks associated with argumentation, we likely will agree as to whether they are the proponent's or opponent's responsibility. Many of us will be able to identify such additional argumentative roles as *speaker* and *audience*, *critic*, *adjudicator*, *devil's advocate*, and perhaps *kibitzer*. Importantly, socialization also teaches us which sets of roles typically hang together and how to recognize when others have taken on a specific role (Turner, 2001, 247; Biddle, 1979, 64/76).

Research into dialogue types reveals different ways that argumentative engagements can be structured.³⁸ When we realize that another has assumed a role in an argument, e.g., that of proponent, we also recognize that if we want to participate in the argument, the easiest way is to adopt the behaviour of one of the other associated roles, e.g., those of opponent or critic, thereby setting up a familiar structure. In this way, roles mediate between individual argumentative behavior and social structures to divide the argumentative labor. When we take a role, we thereby perform the first step in defining such a structure.

When we engage in a common enterprise, we have the option to divide tasks into functional roles designed to help achieve our common goal. Such roles typically come in sets that together form a structure (Turner, 2001, 235; Biddle, 1979, 70 ff.). If we want the structure to be effective, we must assign every task necessary for achieving our goal. Turner (2001, 236)

³⁷ Cohen draws on this shared knowledge when he points out (2015) that *none* of the argumentative roles we typically recognize seem to include pointing out missed opportunities as one of the key-associated tasks.

³⁸ See, e.g., Walton (1998), or Walton and Krabbe (1995). Bailin and Battersby's (2017) preferred structure is the inquiry, in which each arguer plays the same role that includes all argumentative tasks. Another well-known structure is that of the critical discussion as the pragma-dialectical approach describes it, with well-differentiated roles for proponents and opponents. See, e.g., van Eemeren and Grootendorst (2004, 51).

cites three bases for the functional differentiation of roles, two of which we can apply to argumentation.³⁹

First, people engaged in a common enterprise differentiate tasks into roles that reflect the pre-existing dispositions of the participants. This ensures that everyone concentrates on what they do best, enhancing the efficiency of the entire group. We can see that this method is relevant for argumentation by thinking back to Mercier and Sperber's (2011) research, according to which people perform better at creating arguments when they are at least weakly committed to a position that they must defend against others. This speaks for dividing tasks into basic proponent and opponent roles. If Mercier and Sperber are correct in suggesting that the biases that help us find good arguments are less pernicious when it comes to evaluating the arguments of others, this division will lead to better group results.⁴⁰

Where biases are strong because pre-commitments run deep, or where contextual obligations or trust-issues enter the picture, Turner's second principles applies. Roles are further differentiated to avoid situations in which people must deal with conflicting motivations, like the tension in arguments between the goal to win and cooperative goals (Turner, 2001, 237). This allows individuals to focus on the tasks at hand and minimizes the risk that someone may

³⁹ The other one is associated with a division of tasks because only those with special skills and knowledge that take a lot of time and commitment to learn can perform the tasks. Turner cites the roles of physician and attorney as examples; these roles are differentiated because the amount of special skills needed to carry them out effectively is too great for a single person to acquire them all. We do not think that this principle applies to normal instances of argumentation. At least the basic skills associated with argumentation are so vital that everyone should acquire them.

⁴⁰ by Several argumentation theorists, like for example Aikin (2008) and Zarefsky (2012) have made a related point, namely that commitment motivates and that arguers should therefore take the roles of proponents and opponents. Marcin Lewinski (2017) recently has defended the idea that (adversarial) models of dialogues in which participants take on the roles of proponents and opponents can lead to rational decisions in practical reasoning—as long as proponents and opponents stay within the boundaries of certain rules. He also cites Mercier and Sperber to emphasise the advantages of the division of work (Lewinsky 2017).

covertly favour one goal over another. The norms associated with these roles help keep the arguers in check. It is harder to get away with illegitimate moves, like fallacies, when everyone is aware of your commitment and is watching. When arguers realize that they do not trust one another, they can differentiate the judge's or arbiter's role and assign it to a third party. When everyone within a group is pre-committed to the same conclusion, arguers might need to designate someone to play devil's advocate.

In the best case, arguers use their knowledge about argumentative roles to adopt those roles that they are best able to fulfill and that belong to a structure well-suited for the specific context in which the argument takes place. By exhibiting the behaviour associated with the role, they invite the other arguers to assume complementary roles. If all goes well, the established structure provides everyone with information about what to expect from others, which tasks to concentrate on, and which norms and expectations their performance will be judged by. Roles allow individual arguers to concentrate on the issue and their individual tasks, trusting that the group is set up to realize the goal of epistemic betterment.

5.2 Problems with Roles and the Virtuous Use of Roles

The last section paints a pretty picture of how arguers can use roles to divide the argumentative labor. But (with Bailin and Battersby) we are aware of the problems with the ways in which we are socialized to recognize and adopt pre-existing argumentative roles. As arguers, we tend simply to fall into roles as we have learned them without questioning their appropriateness. We may find it easy to adopt the familiar role of a proponent and treat the other as an opponent whenever we sense a disagreement, but this behavior can be counter-productive when it becomes an automatic, knee-jerk over-reaction. The very thing that makes roles effective for setting up structures also contributes to the potential harm they can cause: roles are

contagious because they come in complementary sets. Once we have adopted a role, our interlocutors feel a pressure to fall in line and play the complementary part. The result can be a harmful mechanism in several well-documented ways. We offer two examples.

First, we learn roles not just as associated tasks, goals, and norms. Argumentative roles, similarly to gender roles,⁴¹ come with a whole cluster of associated behaviours that usually occur when we play the role. Feminist critiques of adversariality make it clear that these associated behaviours may be detrimental to the overall argumentative *telos*. Where people associate aggressive, maybe even belligerent behaviour with the proponent and opponent roles, they can easily create an argumentative encounter that serves only to hurt feelings, deepen existing structures of power, and reaffirm prejudices instead of epistemic betterment.⁴² As we acknowledged in the introduction, this is an all-too-common experience and one major reason why adversariality in argumentation has earned itself a bad name.

Second, there is the problem of role-conflict (Turner, 2001, 245). People play several roles at a time and the attempt to fulfill the expectations associated with one role can come into conflict with the attempt to fulfill those of another. Argumentation theorists have noticed how harmful this kind of conflict can be, pointing out that feminine gendered people in aggressively charged adversarial argumentation-contexts often find themselves between a rock and a hard place. Their roles as proponents or opponents seem to ask for assertive or even aggressive

⁴¹ Don't get us started on the harms of the role of gender roles in argumentative roles – that's for another paper!

⁴² See, e.g., Rooney (2010) and Hundleby (2013). Aikin points out that “Sessions at the American Philosophical Association are regularly described as ‘blood sport’, and many paper panelists have referred to the commentator as the paper's ‘assigned assassin’” (Aikin, 2011 p. 255/56). Here, the role of “opponent at an APA-session” is clearly associated with behaviours detrimental to the *telos* of argumentation. In so far as such associations are learned for argumentative roles in general, adopting these roles is dangerous.

behaviour while their roles as feminine persons come with the expectation that they will be submissive, polite and quiet (Rooney, 2003).

We acknowledge the importance of these problems and agree that the argumentative roles people are currently socialized into come with the problematic baggage of potentially oppressive norms, expectations, and harmful associated behaviours. But we disagree with Bailin and Battersby when they reject the use of task-differentiating roles and advocate that arguers should always strive to behave as is appropriate in an inquiry. That would be throwing the baby out with the bathwater. Problems and complicating factors like the ones discussed in section 4 can make inquiry-style argumentation unrealistic. When they do, the ways in which the argumentative labor is divided should *not* be incidental. Instead, it should be guided by the two bases for functional differentiation discussed above. When the virtuous arguer encounters people who are biased or have legitimate, normative reasons to concentrate on the defence of a pre-selected position, it could be unfair to expect of them the behaviour associated with an inquiry. Where the virtuous arguer finds that she herself is so committed through bias or obligation, it might be disingenuous to pretend that she is not. Where the context does not allow any of the arguers to evaluate arguments effectively, *not* outsourcing the role of an adjudicator might lead to outcomes no one can trust.

We might think that the best way to avoid the dangers associated with pre-formed roles would be to integrate the distribution of argumentative tasks into the argumentative encounter, for example, at the point of the pragma-dialectical “opening-stage.” Theoretically, such a solution is possible, and sometimes it might be appropriate to find wholly new ways to organize argumentative encounters. Nonetheless, arguers are often under time- and resource-constraints

and may have to get to the issue quickly. At that point, roles understood as heuristic tools become valuable resources.

Like any social construct, roles are in general neither rigid nor unchangeable.⁴³ They are seldom fully specified constructs. Rather, they provide general outlines of associated behaviours, norms, and expectations that can be elaborated to fit the specific context. Individuals tend to not only role-take and role-play, but also role-make; they take on a role and then specify it so that it will fit well with their own disposition and the unique features of the context (Turner, 2001, 235; Tuner, J. 2002, 174). An opponent can play her role in different ways—sometimes aggressively, sometimes carefully. Because the roles are vague, arguers can realize them in objectionable ways. When a role does take on an objectionable manifestation, we do not need to accept it as an immutable given. We can identify the norms and behaviours associated with argumentative roles within the philosophy of argumentation, evaluate them against the associated tasks, discuss and change them if necessary. Then we can learn and teach them anew.⁴⁴

We propose that virtuous arguers, instead of ignoring the existence of argumentative roles and instead of following the rigid rule of constant cooperativeness, adopt flexible, reflective relationships to them. The difference between virtuous arguers and others is that instead of

⁴³ The fluidity of roles should not be overstated as Bailin and Battersby (2017) do. They are not fluid to the point of non-existence. For example, the role of opponent, in its most primitive form, simply contains all argumentative behaviour directed against the acceptance of a certain claim or thesis. The arguer does not leave the role simply because an objection must be supported by an argument. Claiming that in this moment, the opponent becomes a proponent is exploiting an ambiguity: In some theoretical contributions to argumentation theory, the opponent role is differentiated more strictly to include only the raising of objections (see, e.g., Wohlrapp, 2014, 86). It might or might not be a problem that no unified concepts of proponent, opponent, et cetera exist in argumentation theory. But the ambiguity of these terms should not be used to make it appear as if roles do not really exist and are not played within real argumentative encounters.

⁴⁴ This is already what happens in the system we have built to deal with those disagreements that have the greatest potential for adversariality because the stakes are typically high and the mutual trust very low: the legal, adjudicative system. Legal scholars discuss the argumentative roles for defense attorneys, prosecutors, civil lawyers and judges with great vigor. The results of their research are then taught in law schools. See, e.g., the discussion in Fuller (1978) of the roles of adjudicators, which carefully examines and evaluates the norms associated with judges.

unquestioningly falling into the conventional argumentative roles, virtuous arguers will use those roles, with the *telos* of argumentation in mind, to the benefit of the argument.

A virtuous arguer is aware that if she adopts a certain argumentative role, others will respond accordingly. Instead of abusing this fact for her own argumentative advantage, she will choose roles that enhance the chances for the epistemic betterment of all, *given the specific participants and the actual circumstances*. She knows that certain argumentative tasks require certain argumentative virtues more than others. For example, as argued in Cohen and Stevens (2016), the virtue of open-mindedness is always important, but it is worse for a judge or an adjudicator to lack it than for an advocate. So, the virtuous arguer strives for self-knowledge and takes on those argumentative roles she feels she will be able to fulfill well, enlisting the help of others to play the complementary roles.

Virtuous arguers consider that other people may have their own reasons for adopting adversarial roles and respond accordingly. Because arguments are dynamic events, the roles are fluid. Where trust grows and commitments to pre-established positions soften, an opponent can morph into an interlocutor, or perhaps even a co-inquirer. Arguers who start out by adopting adversarial stances can later shift towards a more cooperative stance.

Above all, since part of being rational is thinking about rationality, virtuous arguers continually engage in meta-argumentative thinking. A virtuous arguer will be sensitive to the norms and tasks associated with her argumentative roles, monitoring how they have contributed to the argumentation but also how they are likely to play out as the argument continues to unfold.

6. Final Thoughts

There are certainly features of adversarial argumentation that can be objectionable. Adversariality can warp arguments, turning them into nothing more than disputes; it can be a

roadblock to progress in inquiry; it can hinder the resolution of differences; and it can be counterproductive to rational persuasion. It can, in sum, undermine the epistemic goals of argumentation. And, much too often, it does. However, as we have shown, it can also serve positive functions for all those same purposes. Thus, it is not adversariality *per se* that is the problem, but its vicious forms.

What makes adversariality vicious is not its connection to picking sides, strategic manoeuvring, or argumentative roles. An arguer who chooses argumentative moves so that they will advance one position over others—arguing to win— may do so as the result of virtue as much she may do so as the result of vice. Adopting the argumentative role of proponent or opponent certainly shows a choice for some degree of adversariality. What counts, however, is what motivates this choice. We defined the virtuous arguer as is the one who argues motivated by the epistemic *telos*, not the one who follows some pre-chosen set of rules. Conscientious devil’s advocates can look like a lot like belligerent adversaries, and they may equally be formidable as opponents, but the difference is profound. Vicious arguers let their choices about whether to be cooperative or adversarial be dictated by selfish or dogmatic thinking—or they are unreflectively biased. The adversariality that results is of the vicious kind. Virtuous arguers, i.e., arguers whose character makes them more disposed to be motivated by the *telos* of argumentation, can also assume adversarial roles in arguments. Their argumentative choices take arguments as organic wholes—including the participants, their relationships amongst themselves, the epistemic parameters, and the social contexts within which the argument arises—into consideration.

It is this last characteristic of a virtuous arguer that is especially noteworthy here: she is aware that she is part of a larger whole, much of which is not within her control, and she is able to let that awareness inform her behavior in such a way as to enhance the entire argument.

As we have seen, by adopting a specific argumentative role a virtuous arguer can invite the other arguers into complementary roles and a productive division of labor. When she uses roles this way, it enhances the entire argument. And that is only one way that the presence of a virtuous arguer helps bring out the best in the other arguers—and in the argumentation itself.

As noted, the choice of an argumentative role is fraught with difficulties. Considerations include when to choose adversariality, how to act virtuously in an adversarial role, with whom to be an opponent, and, importantly, how strongly to weigh the goal of winning. Virtuous argumentation is an art. It may mean taking an adversarial stance and adopting oppositional roles, but when it does, the adversariality of the virtuous arguer is itself virtuous.

REFERENCES

- Aberdein, A. 2010. Virtue in argument. *Argumentation* 24, no.2: 165-79.
- Aberdein, A. 2016. Arguments with losers. *Florida Philosophical Review*, 16, no.1: 1-11.
- Aikin, S. 2008. Holding one's own. *Argumentation* 22, no. 4: 571-84.
- Aikin, S. 2011. A defense of war and sports metaphors in argument. *Philosophy and Rhetoric*, 44, no.3: 250-72.
- Aikin, S., and M. Anderson. 2006. Argumentative norms in *Republic I*. *Philosophy in the Contemporary World*. 13, no.2: 18-23.
- Annas, J. 2011. *Intelligent virtue*. New York: Oxford University Press.
- Axtel, G. and J.A. Carter. 2008. Just the right thickness: A defense of second-wave virtue epistemology. *Philosophical Papers* 37, no.3: 413-34.
- Bailin, S., and M. Battersby. 2017. DAMed if you do; DAMed if you don't: Cohen's "Missed opportunities." In *Argumentation, objectivity, and bias: Proceedings of the 11th International Conference of the Ontario Society for the Study of Argumentation*, eds. P. Bondy and L. Benacquista. <https://scholar.uwindsor.ca/ossaarchive/>.
- Battaly, H. 2008. Virtue epistemology. *Philosophy Compass: Epistemology* 3, no.4: 639-63.
- Biddle, B.J. 1979. *Role theory: Expectations, identities and behaviors*. Burlington: Elsevier Science.

- Cassady, M. 2006. Character and context: What virtue theory can teach us about a prosecutor's ethical duty to "seek justice". *Notre Dame Law Review* 82, no.2: 635-98.
- Code, L. 1984. Towards a responsibility epistemology. *Philosophy and Phenomenological Research*, 45, no.1: 29-50.
- Cohen, D.H. 1995. Argument is war... and war is hell. *Informal Logic* 17, no.2: 177-88.
- Cohen, D.H. 2003. Just and unjust arguments. *IL@25: Proceedings of the 2003 meetings of the Ontario Society for the Study of Argumentation*, Windsor, Ontario (CD-ROM).
- Cohen, D.H. 2013a. Virtue, in context. *Informal Logic*, 33, no 4: 471-85.
- Cohen D.H. 2013b. Skepticism and argumentative virtues: Sextus, Nagarjuna, and Zhuangzi. *Cogency* 5, no.1: 9-31.
- Cohen, D.H. 2014. Commentary on von Radziewsky. In *Virtues of argumentation: Proceedings of the 10th international conference of the Ontario Society for the Study of Argumentation*, eds. D. Mohammed and M. Lewinsky. <https://scholar.uwindsor.ca/ossaarchive/OSSA10/>
- Cohen, D.H. 2015. Missed opportunities in argument evaluation. In *Reflections on theoretical issues in argumentation theory*, eds. F. H. van Eemeren and B. Garsen, 121-30. Switzerland: Springer International Publishing.
- Cohen, D.H. 2017. Commentary on Michael Yong-Set's "Ludological approach to argumentation." In *Argumentation, objectivity, and bias: Proceedings of the 11th International Conference of the Ontario Society for the Study of Argumentation*, eds. P. Bondy and L. Benacquista. <https://scholar.uwindsor.ca/ossaarchive/>
- Cohen, D.H., and K. Stevens. 2016. Virtuous vices: On objectivity and bias in argumentation. Paper presented at the conference of the Ontario Conference for the Study of Argumentation, May 18-21, in Windsor, Ontario, Canada.
- Eemeren, F.H. van, and R. Grootendorst. 1984. *Speech acts in argumentative discussions: A theoretical model for the analysis of discussions directed towards solving conflicts of opinion*. Floris Publications: Dordrecht.
- Eemeren, F.H. van, and R. Grootendorst, 2004. *A systematic theory of argumentation: The pragma-dialectical approach*. New York: Cambridge University Press.
- Eemeren, F.H. van, R. Grootendorst, and F. Snoek-Henkemans. 2002. *Argumentation: analysis, evaluation, presentation*. Mahwah, NJ: Lawrence Erlbaum Associates.
- Fuller, L.L. 1978. The forms and limits of adjudication. *Harvard Law Review* 92, no.2: 353-409.
- Gascon, J.A. 2016a. Virtue and arguers. *Topoi*, 35, no.2: 441-50.
- Gascon, J.A. 2016b. Willingness to trust as a virtue in argumentative discussions. In *Argumentation and Reasoned Action: Proceedings of the first European Conference on Argumentation*, eds. D. Mohammed and M, Lewinski, 91-107. College Publications: London.
- Gilbert, M. 1994. Feminism, argumentation, and coalescence. *Informal Logic* 16, no.2: 95-113.
- Gilbert, M. 1997. *Coalescent argumentation*. Mahwah, NJ: Lawrence Erlbaum Associates.
- Gilbert, M. 2014. *Arguing with people*. Peterborough, ON: Broadview Press.
- Gilbert, M. 2016. Ethos, familiars and micro-cultures. In *The psychology of argument: Cognitive approaches to argumentation and persuasion*, eds. F. Paglieri, L. Bonelli, & S. Felletti, 275-85. London: College Publications.
- Godden, D. 2016. On the priority of agent-based argumentative norms. *Topoi*, 35 no.2: 345-357.
- Goodwin, J. 2007. Argument has no function. *Informal Logic* 27 no.1: 69-90.
- Govier, T. 1993. When logic meets politics: Testimony, distrust and rhetorical disadvantage. *Informal Logic* 15, no.2: 93-104.

- Govier, T. 1999. *The philosophy of argument*. Newport News, VA: Vale Press.
- Greco, J. 1999. Agent reliabilism. In *Philosophical Perspectives* 13: Epistemology: 273-96.
- Hundleby, C. 2013. Aggression, politeness, and abstract adversaries. *Informal Logic* 33, no 2: 238-62.
- Lewinski, M. 2017. Practical argumentation as reasoned advocacy. *Informal Logic* 37, no. 2: 85-113.
- Mercier, H., and D. Sperber. 2011. Why do humans reason? Arguments for an argumentative theory. *Behavioral and Brain Sciences* 34, no.2: 57-111.
- Mercier, H., and D. Sperber. 2017. *The enigma of reason*. Cambridge, Massachusetts: Harvard University Press.
- Moulton, J. 1989. A Paradigm in philosophy: The adversarial method. In: S. Harding and B Hintikka, eds. *Discovering reality: Feminist perspectives in epistemology, metaphysics, methodology, and philosophy of science*. Dordrecht, Holland: D. Reidel: 149-64.
- Paglieri, F. 2015. Bogency and goodacies: On argument quality in virtue argumentation theory. *Informal Logic* 35, no.1: 65-87.
- Rooney, P. 2003. Feminism and argumentation: A response to Govier. *IL@25: Proceedings of the 2003 meetings of the Ontario Society for the Study of Argumentation*, Windsor, Ontario (CD-ROM)
- Rooney, P. 2010. Philosophy, adversarial argumentation, and embattled reason. *Informal Logic* 30, no.3: 203-34.
- Searle, J. 1995. *The construction of social reality*. New York: The Free Press.
- Sunstein, C. 2000. Deliberative trouble? Why groups go to extremes. *Yale Law Journal*, 110, no. 1: pp. 71-119.
- Stevens, K. 2016. The virtuous arguer: One Person, Four Roles. *Topoi* 35, no.2: 375-83.
- Turner, R.H. 2001. Role theory. In *Handbook of Sociological Theory*, ed. Jonathan H. Turner, 233-54. New York: Springer.
- Turner, J.H. 2002. *Face to face—Toward a sociological theory of interpersonal behavior*. Stanford: Stanford University Press.
- Walton, D.N. 1998. *The new dialectic*. Toronto: Toronto University Press.
- Walton, D.N. 1999. Ethotic arguments and fallacies: The credibility function in multi-agent dialogue systems. *Pragmatics and cognition* 7, no.1: 177-203.
- Walton, D.N., and Krabbe, E. C. W. 1995. *Commitment in dialogue*. Albany, NY: State Univ. of New York Press
- Wein, S. 2017. DAMMIT: Dominant adversarial Model, minded instead of terminated (Commentary on Bailin and Battersby). In *Argumentation, objectivity, and bias: Proceedings of the 11th International Conference of the Ontario Society for the Study of Argumentation*, eds. P. Bondy and L. Benacquista. <https://scholar.uwindsor.ca/ossaarchive/>
- Williams, B. 2004. *Truth and truthfulness: An essay in genealogy*. Princeton, NJ: Princeton University Press.
- Wohlrapp, H. 2014. *The concept of argument*. Dordrecht: Springer.
- Zagzebski, L. 1996. *Virtues of the mind*. New York: Cambridge University Press.
- Zarefsky, D. 2012. A challenge and an opportunity for argumentation studies. *Argumentation and Advocacy* 48, no.3: 175-78.

