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Commentary on Daniel Cohen and Katharina Stevens' "Virtuous Vices: On Objectivity and Bias in Argumentation"

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1. Introduction

Daniel Cohen and Katharina Stevens' paper is about objectivity, bias, virtues and vices. They very cunningly muddle things by arguing that objectivity can sometimes be a vicious virtue, and conversely, bias can be a virtuous vice. This muddling comes about because *context* and *roles* matter, to the degree that "whether bias or objectivity is advantageous for argumentation depends on the context in which we argue and our roles with those arguments" (p. 7). They use legal argumentation to exemplify and bolster their view; more particularly the movie *The Bridge of Spies* (which I must confess I have not seen). I suspect they have much enjoyed the muddling of things! It is a rich text with many things going on, maybe too many, and I have been debating with myself what to single out for comment. This internal debate was quite lively because the authors state that it can be a virtue for an arguer to *adopt* some kind of bias when filling a certain role in some kind of argumentation context (p. 6). So I was wondering what kind of bias would be appropriate for me to adopt in my role as commentator at an argumentation conference. Or I could have tried to tease out what bias led the authors to argue as they do in their paper. In the end I decided to go for something more boring; namely to look at the basic concepts. Perhaps with a bias for troubling them.

2. Bias

Terms tend to get more difficult as one digs into them, and bias is no exception. Let us look at some select features. Cohen and Stevens define a biased arguer as "someone who argues in order to reach conclusions on the basis of antecedent preferences" (p. 4). For the most part being biased is considered to be a bad thing. Correia (2011) thus takes bias to be "systematic errors that invariably distort the subject's reasoning and judgment" (p. 118), yet Cohen and Stevens argue that biases can also be benign, since objectivity sometimes is a bias and objectivity generally is a good thing, but not always.

What is the relationship between bias and objectivity? It is tempting to understand them as the two ends of a continuum, such that less of one automatically yields more of the other, and objectivity becomes the absence of bias. The authors explicitly argue against such a relationship, because the absence of all bias, they claim, would produce an arguer who is a blank slate. But objective arguers approach arguments with a desired goal in mind, namely the correct conclusion. Hence, an objective arguer is biased for truth, Cohen and Stevens argue (p. 5), and this is a bias we do not find objectionable.

It is not entirely clear to me exactly what Cohen and Stevens take bias to be. They mostly describe it as a *character trait*. Both virtues and vices are character traits. Thus, if my character

leads me to be objective, my arguments will be biased in this way. But this is tricky ground, I find. Let us take a short detour and see how this way of understanding bias compares to other ways of understanding it. In statistics, the term designates systematic error as opposed to chance error. Statisticians thus define several kinds of bias; for samples, tests and items. Daniel Kahneman, too, in his research into human thought processes, speaks of biases as features of the way our mind works (Kahneman 2011). For example, the bias toward believing that small samples are representative of the population from which they were drawn, or the bias for causal thinking (see Part II). Such biases lead to recognizable errors in our judgments and beliefs, and they are subconscious and, we conjecture, universal. But they are neither antecedent preferences nor character traits; they do not define who the person is.

Tony Blair (2012) points out that the root idea of bias seems to be that of a slant, an angle, a leaning or a limited perspective. He looks at a number of cases of alleged bias, and identifies three types: (1) Bias that is bad and avoidable; (2) bias that is unavoidable and potentially dangerous, but for which we can compensate; and (3) bias that is contingent and good. The first kind of bias is probably the most typical kind; where there is a violation of some norm or expectation, most notably fairness, justice or impartiality. Blair has uncovered cases where bias is portrayed as contingent and good, and he concludes that the confusions about bias are due to “a failure to notice this range of senses or uses of the term or a desire to raise one of them to a position of pre-eminence” (2012, p. 31).

Jim Mackenzie (1997) identifies two main images of bias. The first is the most widely used one; relied on even by Kahneman, it would seem. It takes bias to consist of a distortion, something extra in the mind – a prejudice, a leaning, an expectation – that prevents us from seeing things as they (really) are. Debiasing would then mean removing something from the mind. The second image is the opposite; taking bias to consist of a lack of something, being one-sided and not seeing all the possibilities. Debiasing would thus involve the task of getting something extra into the mind; of considering things more fully, employing more perspectives. We see that the term bias is used in different ways, but on none of the understandings encountered on this little detour is bias understood as a character trait.

What, then, is a character trait? Character traits are thought to be fairly stable personal properties; at least so that a person is disposed to certain actions or reactions, or shows up the same behavioral pattern across different contexts. But when Cohen and Stevens discuss the bias of a defense attorney in a criminal trial, they argue that his bias is not the result of a disposition to act in a certain way. Rather, the bias is contingent, it is the result of the context, the defense attorney role and the goal of the wider legal system; namely to ensure that defendants are treated justly. It belongs to the role of a defense attorney to believe that her client is innocent; hence we should expect a defense attorney to be biased in this way. The goal of the criminal law system is justice, and the bias of the defense attorney is instrumental in furthering it. Furthermore, “It can be a virtue for an arguer to adopt some kind of bias when filling certain roles at some stages in some arguments – including truth-seeking arguments – because doing so can actually serve to further the chances for successful argumentation,” the authors claim (p. 6).

But is this the same kind of bias that we started out with? If a bias is a character trait, how sensitive is it to context? I grant that character traits can be played out differently in different contexts; this is not a matter of totally rigid versus totally fluid. I do think, though, that the authors owe us a deeper explanation of the relation between character and context. They explicitly argue that the bias of the defense attorney is *not* the result of a disposition to act in a certain way, i.e. his character, but is rather due to his role. So it is not a character trait after all?

‘Bias’ thus seems to have shifted bearer, so to speak, from character trait to role. This is a bigger shift than it might seem at first sight. Bias in the form of a character trait clearly belongs to the person. But bias for innocence of a client in a criminal trial is contextual and belongs to the role of defense attorney, not to the personality of the particular person who happens to occupy that role. Does bias then belong to role rather than to person? And where does it come from? As Cohen and Stevens suggest, it comes from the overall *aim* of the system or context in question; which is not to get at the truth, necessarily, but to treat defendants justly. If bias originates in the aims of the context in question, we have come quite a long way from bias that originates in the workings of our mind and results in systematic errors of inference and reasoning. So this is the question of how far we can stretch a concept. Would it not be just as easy to simply say that my goal as a defense attorney is to get my client acquitted, without involving the term bias at all?

The authors muddle things for themselves when they suggest that an arguer can *adopt* some kind of bias when filling a certain role. If bias is a character trait, can you adopt it for a few hours and shed it afterwards? Have I then taken on a troubling-concepts-and-perspectives character trait for an hour? Or could we just say that, for example, troubling concepts is expected at argumentation conferences, without attributing it to ourselves as a bias in the form of a character trait? I am just raising the question – but there might be instances when ‘bias’ confuses more than it enlightens and we might as well do without it.

3. Objectivity

Let me begin by briefly looking at the relationship between bias and objectivity again. It is still tempting to understand them as the two ends of a continuum, because, as Tony Blair says, ‘biased’ is often used together with ‘subjective’ and ‘prejudiced’ to convey a sort of vague disapproval (2012, p.32). And ‘objectivity’ finds itself at the opposite end of that continuum. I shall come back to this issue shortly; we just need to cover a little ground first.

I suggested above that bias, as Cohen and Stevens portray it, can belong both to person (as a character trait), to role (professional) and to context (the aim of the system). But what does objectivity belong to? Where should we attach it, so to speak? And what is it, anyway? Is it a kind of entity that can be treated as being on a par with bias? I would like to suggest that like ‘bias’, ‘objectivity’ has a range of senses or uses. Some of which can be coupled together with bias, but not all.

Cohen and Stevens discuss bias much more than they discuss objectivity. So what is objectivity? A bias for truth, the authors say. Thesaurus lists as the most common synonyms impartiality, neutrality, detachment, fairness and independence. The Norwegian philosopher Knut Erik Tranøy (1986) adds multi-sidedness (as opposed to one-sidedness) to this list. He furthermore places objectivity in the borderlands between ethics and methodology – it is, he says, an indispensable norm and ideal for research and argumentation, and a necessary condition for intersubjectively accepted methods and approaches. That is to say, objectivity is much more than individual leaning toward the truth.

At this point, let us quickly double back to the possibility of a bias—objectivity continuum. It is certainly a possibility, depending on how you define the constituent terms. While Cohen and Stevens reject such a continuum, Mackenzie endorses it. He defends the *deficit* account of bias, where bias is understood as a lack of something; as not seeing all the possibilities or alternatives. When this definition of bias is coupled with the multi-sidedness understanding of objectivity, we get precisely a bias—objectivity continuum:

A person or other information source A is *unbiased* about an issue Q if, and only if, A's position on whether Q results from a *proper consideration of all viewpoints relevant to whether Q* (Mackenzie 1997, p. 492).

There might be various things to say about Mackenzie's discussion of bias. Suffice it here to point out that 'unbiased' as the opposite of 'biased' need not mean 'absence of all bias' but may well mean objectivity in one of its forms.

There exists a large literature on objectivity. Tranøy focuses on objectivity as a requirement of the individual researcher; not as character traits, but as a norm that quite possibly could be construed as belonging to the role. For example, objectivity manifests itself as impartiality, honesty (not fabricating one's data), not using straw men, reporting all data truthfully, avoiding selectivity, etc. These requirements are rooted in and find their justification in science as an enterprise, because without them, construction of scientific knowledge becomes impossible as a human project, Tranøy thinks. Tranøy does not talk about biases in his book, but I think he would object strongly to having these requirements talked of as biases one can adopt on certain occasions – they *constitute* the scientific enterprise.

Objectivity reaches way beyond the individual. For Israel Scheffler (1985), objectivity is a norm, an obligation, much the same as for Tranøy. And like Tranøy, Scheffler thinks it is constitutive of science and research, because without it we are no longer involved in science but in something else. But Scheffler treats objectivity mainly as a feature of the research community, not of the individual researcher. Objectivity basically is about critique, evaluation, control, replication, discussion – the willingness to let one's views be evaluated and critically discussed by the research community (and others). Objectivity is built into the social organization of science, Scheffler says, in the form of feedback, commentary, discussion, paper reviews, and so on.

4. Conclusion

I have contented myself to comment on just a small bit of Cohen and Stevens' paper. I have left out all the stuff about virtues and vices, and have concentrated on bias and objectivity. If I apply Mackenzie's understanding of bias to my own commentary, I am forced to conclude that it is far from unbiased as I have left lots of possible considerations untreated. But then again I might be off the hook – I was after all allowed by the authors to adopt a bias.

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