

Exploring appeals to modesty in the *ad verecundiam* technique

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Abstract. Although *argumentum ad verecundiam* (AV) literally means “argument from modesty” or “argument from respect”, it is most commonly linked to appeals to authority through the idea of intimidating an opponent by citing a respected authority. Despite the fact that the idea of appealing to modesty constitutes both the origins and the core of the AV technique, the “modesty component” involved in it has not sufficiently been represented by means of formal and computational models of argument. Since appeals to modesty constitute an important component of the AV technique, there is a need of proposing a model for such appeals. Hence, the goal of the paper is to lay ground for establishing such a model by using a profile of dialogue that would grasp the modesty factor.

Keywords. Appeals to modesty, argument from authority, argument from expert opinion, argument from deontic authority, *argumentum ad verecundiam*

Introduction

Argumentum ad verecundiam (AV) literally means “argument from modesty” or “argument from respect”, and it is most commonly linked to appeals to authority through the idea of intimidating an opponent by citing a respected authority. The main thesis of this paper holds that despite the clear linkage between arguments from expert authority and the AV technique, the existing argumentation scheme for argument from expert opinion [7] does not grasp the key modesty component of AV arguments. Hence, the goal of the paper is to lay ground for establishing a model of appeals to modesty by proposing the profile of dialogue that would capture the structure of appeals to modesty in the AV technique. Profiles of dialogue are relatively short sequences of moves in a dialogue that represent how the sequence of exchanges should proceed, according to the protocols of the proper type of dialogue. The technique of applying profiles of dialogue may be employed in representing the sequence of speech acts surrounding both the putting forward of an argument and the response to it given by the opposing party. The model we propose applies to appeals to modesty by bringing in a rhetorical component: the profile of dialogue represents not only the permissible sequence of moves for each party, but it also represents a different kind of move that is inappropriate, and that even functions as a red flag suggesting that a fallacy of *argumentum ad verecundiam* may have been committed.

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The need of focusing on appeals to modesty in the AV technique lies in the roots of Lockean sense of *argumentum ad verecundiam* explained in the frequently quoted passage of *An Essay Concerning Human Understanding*: “when men are established in any kind of dignity, it is thought a breach of modesty for others to derogate any way from it, and question the authority of men who are in possession of it” [4, p. 524]. One reason why questioning an authority may be thought to be immodest is that the imbalance between the authority and the party who is supposed to be subject to the authority places limits on the freedom of that party to question the edict of the authority. It may even be thought that questioning an authority shows disrespect for a superior who has the right to exercise power [10].

According to the Lockean view, the *ad verecundiam* fallacy is committed when one party presses ahead too aggressively in a dialogue by suggesting that the other party would be immodest to question the opinion of an expert. But under what precise conditions can such a failure be properly identified in a given case of appeal to expert opinion in argumentation? How does one differentiate between the legitimate appeal to expert opinion as a type of argumentation and the fallacious use of the same kind of argument? The treatments of the *ad verecundiam* fallacy in the past and current logic textbooks have indicated that the tendency to respect the authority of an expert is at the root of it. This deference to authority can be exploited by insisting that one who critically questions an argument from expert opinion is behaving immodestly. This move disguises a failure to live up to the obligation of burden of proof in a persuasion dialogue. Instead of offering an appropriate reply, the proponent of the argument from expert opinion shields off the respondent’s legitimate critical questions in the dialogue. The fallacy is the exploitation of Lockean deference shown to expertise to try to block the dialogue from moving towards its goal of proving a claim that subject to doubt. The fallacy, on this analysis is not just a weak argument that fails to meet the requirements for the argumentation scheme. It is a sophisticated tactic, a strategy of argumentation that exploits deference.

Since, according to Locke, the strategies of appealing to modesty are crucially important for establishing the relationship of (either genuine or apparent) dignity, the motivation for this paper is to explore the structure of appeals to modesty. Our claim is also that the approaches which tailor it exclusively to inferential structures related to authority may lose an important component of *argumentum ad verecundiam*, i.e. the argumentative force of appeals to modesty.

1. The Modesty Factor in Arguing from Expert Opinion

Accomplishing the task of modeling the modesty component in arguments from expert opinion relies on showing where the modesty factor comes in when we consider the standard version of the scheme for argument from expert opinion [7], [8], [9]:

Source Premise: Source *E* is an expert in subject domain *S* containing proposition *A*.

Assertion Premise: *E* asserts that proposition *A* (in domain *S*) is true (false).

Warrant Premise: If source *E* is an expert in subject domain *S* containing proposition *A*, and *E* asserts that proposition *A* (in domain *S*) is true (false), then *A* may plausibly be taken to be true (false).

Conclusion: A may plausibly be taken to be true (false).

If a respondent asks any of the six basic critical questions [7, p. 223] appropriate for the appeal to expert opinion, the proponent must either give a satisfactory answer to the question asked, or else give up the appeal to expert opinion argument.

1. *Expertise Question:* How credible is *E* as an expert source?
2. *Field Question:* Is *E* an expert in the field that *A* is in?
3. *Opinion Question:* What did *E* assert that implies *A*?
4. *Trustworthiness Question:* Is *E* personally reliable as a source?
5. *Consistency Question:* Is *A* consistent with what other experts assert?
6. *Backup Evidence Question:* Is *E*'s assertion based on evidence?

When seeking for the modesty component in arguing from expert opinion, it is commendable to turn to the dialogue situation of critically questioning expert opinion. In our view, modesty is connected with deference in the subject of questioning expert opinions. The type of dialogue that is involved when a layperson converses with an expert to solicit the opinion of the expert is called examination dialogue [8]. Examination dialogue is familiar in law, and it is very commonplace for lawyers to have to examine experts in court, and in particular to cross-examine an expert offering testimony on the opposed side. How to conduct examination dialogues is an important skill for trial lawyers to learn.

In formal models of examination dialogue, each party takes turn asking or answering questions by using speech acts. These speech acts are connected together in sequences called profiles of dialogue which will be discussed in detail in section 2. For example a profile of dialogue could be an interviewer asking an expert a question, the expert responding to that question by giving an answer, and the interviewer following up by asking about some point in the answer that needs further clarification.

It is a normal part of such a dialogue that the interviewer needs to ask critical questions, and in the case of a cross-examination some of these critical questions can be quite argumentative. For example the interviewer might point out that the expert is being paid to testify and therefore the question arises whether this expert may have a bias. Or the interviewer might point out that other leading experts disagree with the opinion put forward by this expert.

The factor of modesty comes in because certain kinds of questions can be reasonable, even if they are fairly aggressive in attacking the credibility of the expert. If such questions are posed in the right way, nevertheless, they do not derogate from the deference due to the legitimate expert that is being questioned. After all, experts know about the subject matter in their fields because they had special training in the field, whereas the interviewer, a layperson in that field, cannot challenge the expert directly as if she were also an expert. Doing so would be a breach of modesty by failing to pay to deference to the special knowledge possessed by the expert.

On the other hand, the aspect of immodesty can be used to unfairly suppress the capability of the interviewer to ask the proper critical questions that are needed to make sense of and to evaluate the expert's opinion that has previously been offered.

2. Profiles of Dialogue

To determine whether a given instance of what looks like an *argumentum ad verecundiam* is fallacious or not, the argumentation schemes both for argument from expert opinion [7] and for deontic argument from authority [10], along with the sets of critical questions matching each of these schemes, is the beginning of a general method. But according to our analysis, collecting evidence to show whether the argument is used in the given instance is fallacious, one needs to see how the argument was employed in a given dialogue setting. In many instances, however, it is not necessary to bring in the full apparatus of formal dialogue structures for the six basic types of dialogue [12] (p. 66) such as persuasion dialogue or negotiation dialogue. It is enough to look at a short segment of dialogue and examine the textual evidence offered by seeing how the speech acts are put forward and responded to in that segment.

For this purpose, as shown in [3], the most important tool is the profile of dialogue. A profile of dialogue is a relatively short sequence of moves (speech acts such as questions and replies) in a dialogue that represents how the sequence of exchanges should proceed, according to the protocols of the type dialogue the participants are supposed to be engaged in [6] (pp. 37-38). Profiles of dialogue are defined in [3] (p. 277) as “tree-shaped descriptions of sequences of dialectic that display the various ways a reasonable dialogue could proceed”. According to Krabbe [3] such profiles can be used to assist an argument evaluator to model the textual evidence in a given case “without having to go through all the technical preliminaries for the complete definition of a dialogue system” (p. 277). A profile of dialogue can be used to abstractly represent the sequence of speech acts surrounding both the putting forward of an argument and the response to it by the party to whom the argument was directed. Suppose that an argument from expert opinion has been put forward by one party in a dialogue, and the other party has responded to it by asking an appropriate critical question, and then at the next move the first party says that the asker of the critical question has shown by the asking of this impudent question that she has not paid sufficient respect to the expert.

The problem with this way of responding to the asking of an appropriate critical question is that it suppresses the capability of the questioner, or anyone else for that matter, from properly evaluating the argument from expert opinion. Indeed, it has a tendency to shut down the dialogue altogether from proceeding any further. It is even suggested in [7] (p. 246) that this type of response is the identifying mark of the fallacious use of the argument from expert opinion. This suggestion can be combined with the analysis of Walton and Koszowy [10] that portraying the epistemic expert as a deontic authority is a common vehicle for carrying out precisely this type of strategic maneuvering to make it seem inappropriate that critical question should even be raised at all.

For example, consider the following partly schematized dialogue exchange [7] (p. 253) in a persuasion dialogue where the proponent has the task of persuading the respondent to accept a proposition *A*, and employs argument from expert opinion to achieve this aim. The respondent begins the dialogue by asking a why-question that shifts the burden of proof onto the proponent’s side to provide some sort of argument or evidence to support the claim that *A* is acceptable.

Respondent: Why *A*?

Proponent: Because *E* asserts that *A*, and *E* is an expert.

Respondent: Is *E*'s assertion based on evidence?

Proponent: How could you evaluate such evidence? You are not an expert in this field of scientific knowledge.

Respondent: No, I'm not an expert, but surely I have the right to ask what evidence *E* based her opinion on.

Proponent: The assessment of this kind of clinical evidence is the solemn responsibility of the scientists. You are not even a scientist!

To begin to evaluate the sequence of argumentation in this case, we first have to look back to the list of critical questions appropriate for responding to an argument that fits the scheme for argument from expert opinion. In particular, it is useful to look at the critical question 'Is *E*'s assertion based on evidence?' When this critical question has been put by a respondent to a proponent who has just put forward an argument from expert opinion, the proponent is automatically restricted by the dialectical protocols of a persuasion dialogue to putting forward certain speech acts at the next move. One legitimate response open to the proponent is to furnish some evidence that the expert has provided showing that her claim that statement *A* is true was based on evidence. Otherwise, if it is not known whether the expert's opinion was based on any evidence, the proponent needs to admit such a lack of evidence. If the expert is present in a three party dialogue situation, she can be asked the question: what is your evidence to support proposition *A*? If she fails to present evidence, or in the two-party situation where the expert is absent, the proponent cannot furnish any evidence in response to the critical question, then the argument from expert opinion fails.

To model this kind of situation, the argument evaluator can set up a profile of dialogue that represents how the sequence of dialogue should ideally go in this kind of case. Figure 1 represents a profile of dialogue of this sort, based on the one given in [7] (p. 254).

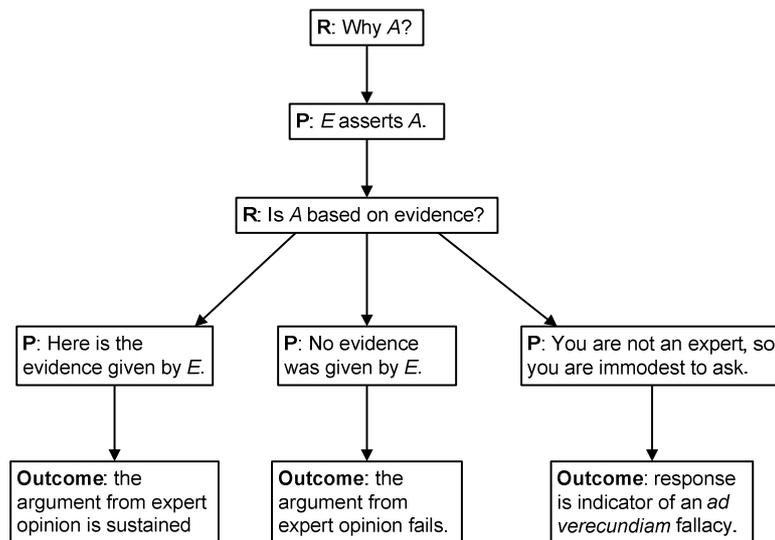


Figure 1. Profile of Dialogue for Argument from Expert Opinion

As the sequence of moves represented by the profile in Figure 1 proceeds from the root node shown at the top through the next two moves, the proper sequence that such a dialogue is supposed to take is illustrated. The respondent asks a why-question, the proponent puts forward an argument from expert opinion, assuming that *E* is an expert source and that *E* has stated that *A* is true, according to the proponent. At the next leaf in the tree the respondent asks the critical question of whether *E*'s assertion was based on evidence. At the next level, the profile of dialogue shows the two speech acts the proponent is allowed to respond with on the left. So far, the profile of dialogue represents the proper sequence of moves required by the dialogue protocols for the speech acts. In other words, what is shown are the correct types of moves that the proponent and the respondent are allowed to make, and how these moves are connected in a sequence.

Next let's consider the remainder of the argumentation shown in Figure 1. At the right, at the second level from the bottom, another type of response by the proponent is shown where the proponent claims that the respondent has no right to ask critical question because he is not an expert, and because it would be immodest of him to ask such a question. This is something different for a profile of dialogue. It now represents not only the permissible sequence of moves for each party, but it also represents a different kind of move that is inappropriate, and that even functions as a red flag suggesting that a fallacy may have been committed. These evaluations are indicated along the bottom row of Figure 1. The first outcome is that the proponent wins if he supplies the proper evidence requested by the respondent. The second outcome is that the proponent loses, because he fails to offer the evidence sought by the questioner, and therefore the argument from expert opinion fails. The third outcome is that the proponent's move based on a claim of immodesty is evaluated as an indicator that an *ad verecundiam* fallacy may have been committed.

To carry on further to conduct an evaluation of whether an *ad verecundiam* fallacy has been committed in a real argument having the general outline of this profile, the profile has to be applied to a reconstruction of the actual sequence of dialogue in the text of the example argument chosen for evaluation. The profile acts as a tool within the normative model of dialogue, such as a persuasion dialogue, that has protocols determining how such a sequence of dialogue should proceed. The dialogue is basically a persuasion type, because the proponent is trying to prove an ultimate claim, the proposition *A*, and therefore has the burden of persuasion set at the beginning of the dialogue. The respondent may also have a burden to prove the negation of proposition *A*, or in other cases they have the lesser task of playing the role of critic who wins if the proponent fails to carry out her burden of proof. However, what typically happens is that there is a shift from a persuasion dialogue to an examination type of dialogue, for example in a legal case where an expert is being cross-examined by the opposing attorney.

3. Cross-examining the software engineer – an example

In this case, an engineer, Bob Zeidman, who is also a lawyer and president of an engineering Corporation that is a leading provider of software intellectual property analysis tools, had the challenging task of cross-examining an expert in electronics who held over 100 patents and had degrees from MIT and Stanford, including a PhD in electrical engineering [13]. This expert submitted a report that listed several patents

that he claimed invalidated Zeidman's client's patent. One of these patents looked like a good match. It seemed similar enough to the client's patent that it might invalidate it. However, after examining this patent for some time, Zeidman figured out that the description of the circuit in the patent described by the expert showed that the voltages on either side of the transistor canceled each other out, and therefore the circuit described in the patent could not possibly work. That would mean that the key patent of the opposition was non-enabling, and therefore that their claim of a patent violation would fail.

What happened in court was that even though the attorney was an engineer and spent much time asking questions to try to get the expert to explain how the circuit worked, the expert was often condescending. The two parties became engaged in long technical discussions, and in the end the expert tried to avoid responsibility for designing a circuit that didn't work. After two hours of cross-examination, he finally had to admit that, but then claimed that it was the attorneys that wrote the report on the patent, and he had simply advised them on how to write it. This was a dangerous thing to admit, because it was his responsibility as the expert to write up the technical report. But he couldn't bring himself to admit that he had made a mistake. During the cross-examination, which lasted seven hours, the maximum time allowed, the expert several times exhibited a condescending attitude toward the questioner by putting forward speech acts in the dialogue we would classify as exhibiting the factor of appeal to modesty.

In what follows we show how profile of dialogue as discussed in the previous section may further serve as a tool of analyzing an actual case of cross-examining the expert. Zeidman [13] points to some excerpts of the actual dialogue that link to the profile of dialogue shown in Figure 1. Amongst the parts of this dialogue which are of key importance for extracting the factor of appealing to modesty are the expert's dialogue moves aimed at trying to induce the interlocutor's respect and thereby deflect his questions and arguments by portraying him as immodest:

- *How dare you question my expertise?*
- *I was designing circuits before you were born.*
- *I'm the expert here.*

The attorney's clever reaction to these moves relies on emphasizing his modesty towards the expert while pointing at the same time to the need of discussing key issues which lie in the expert's area of competence:

- *I apologize. I didn't mean to question your expertise. You've been doing this for a long time.*
- *Could you just explain to me how this circuit works when these two points are connected by a closed transistor?*

According to Zeidman, these responses to expert's appeals to modesty led the expert to calm down and say things such as:

- *It would take a lot of time to go through all of the signal transitions.*
- *Remember this is a two-transistor circuit.*

Attorney's response, again, pointed to the need of clarifying issues that belong to expert's area of competence:

- *We have all day and the important thing is to make sure all of our facts are correct.*
- *Please go ahead.*

In his first set of moves the software engineer commits the fallacy of appeal to modesty, which might be reconstructed as follows: *I am the expert in the field and I have been working on this topic before you were born. Therefore you should not question my expertise.* The profile of dialogue tool as presented in section 2 may be applied to this actual case by showing how the software engineer was cross-examined by legitimate critical questions.

Zeidman describes key elements of the cross-examination that enable us to clearly identify part of the profile in Figure 1 indicating the use of speech acts that attempt to deflect questioning by the strategy of portraying the questioner as immodest. When we examine these key elements, we can see that the speech acts put forward by the expert clearly fit the subtree on the right in Figure 1 where the proponent is in effect saying, "You are not an expert so you are immodest to ask these questions". The expert insists that he is the real expert, and puts the rhetorical question to the lawyer, "How dare you question my expertise?" The lawyer's responses are appropriate for an examination dialogue. He asked the expert to simply explain to him how the circuit works, and calmly says that the important thing is to make sure that all of our facts are correct.

Two complicating factors of the example we don't have enough space to comment on here are the following. First, it is evident that much of the seven hour examination consisted of the asking of why-questions that are requests for an explanation. Hence explanations are mixed with arguments, and this phenomenon is generally tricky because there are many shifts from the speech act of offering an argument to the speech act of presenting an explanation. The second is that the dialogue is not in all parts strictly speaking a persuasion dialogue, although persuasion dialogue is centrally involved, but rather it is a type of dialogue called the examination [1], [8]. Setting aside these complications in offering a more complete analysis of the whole text of dialogue, we hypothesize that the speech acts we have quoted above present good evidence to show that the profile of dialogue shows that the expert's responses are good evidential indicators that his appeal to modesty is a red flag suggests the *ad verecundiam* fallacy.

4. Toward distinguishing two types of appeals to modesty

The proposed line of extracting the factor of modesty from the dialogs that employ the AV technique may be continued by pointing to at least three areas of further inquiry which would aim at emphasizing the distinction between two basic types of appealing to modesty.

(1) The first task would be to explore the modesty component not only in arguments from expert opinion (as it is shown with an example discussed in this paper), but also in the second type of appeals to authority, namely arguments from deontic or administrative authority [7], [2] which are represented by the following scheme [10]:

δ is an administrative authority in institution Ω .

According to δ , I should (or I should not) do α .

Therefore I should (or I should not) do α .

The main question that should be asked with regard to this scheme is *what is the place for the modesty factor in it?* In order to explore this component we should turn to the matching set of critical questions [10]:

- CQ1: Do I come under the authority of institution Q ?
- CQ2: Does what δ says apply to my present circumstances C ?
- CQ3: Has what δ says been interpreted correctly?
- CQ4: Is δ *genuinely* in a position of authority?

Next, the interesting goal of future inquiry would be to show which of these critical questions is in fact applicable in actual arguments from deontic authority.

(2) Another task for future inquiry would be to treat proposed representations of appeals to modesty as the reason to further develop the classification system for various arguments from authority that was proposed in [11]:

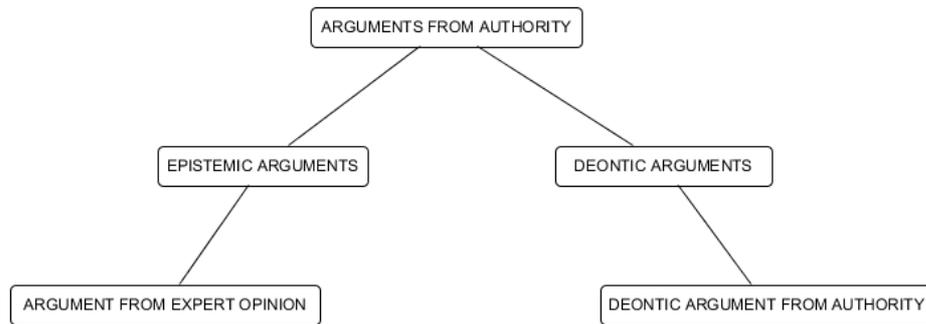


Figure 2. Basic Classification System for Arguments from Authority

The main idea would be that whereas appeals to “(im)modesty toward experts” might be classified within this system as a specific type of argument from expert opinion, and, on the other hand, appeals to “(im)modesty toward experts” could be treated as a sub-type of deontic arguments from authority.

(3) The third line of future inquiry could start from pointing to key affinities between appeals to modesty with some argumentation schemes for reasoning about trust discussed in [5]. The proposed method relies on seeking for those types of reasoning which incline some significant decisions regarding the establishment of trust in the social sphere. Although the issues of the role of authority in establishing trust constitute just one narrow area of the broader study of reasoning about trust, they might turn out to be quite important for exploring argument structures referring to modesty. Our hypothesis is that some schemes discussed in [5] could be legitimately treated as tools applicable in modeling the backing of appeals to modesty. For instance, the scheme “trust from expert opinion” (*If B is an expert in some domain of competence, then A may decide to trust B*) and the scheme “trust from authority” (*If B holds a position in an organization that exercises powers of authority, then A may decide to*

trust B) show two kinds of reasoning upon which some appeals to modesty are founded. The possible task for further inquiry would be to explore the hypothesis that these two schemes may turn out to be helpful in identifying some fallacies that lead to accepting apparent authorities as genuine ones – what may make it more easy to convince someone that the next technique, i.e. the fallacious appeal to modesty or respect is a fairly legitimate move.

5. Conclusion

In the paper it has been shown that the existing argumentation scheme approach to arguments from expert opinion, although it is vitally important in identifying the structure of appeals to expert authority, does not do full justice to grasping the complexity of the *ad verecundiam* technique. As we have argued, the thorough examination of what we have called the “modesty factor” in the AV technique is helpful in exposing not only its inferential aspects, but also its key components related to strengthening the techniques of building expert’s position (*ethos of the expert*) by means of inducing such emotions of argument’s addressee as modesty and respect (*pathos*). In this research context, the profiles of dialogue device may be employed as a legitimate tool for exploring both these aspects. Moreover, by linking this task with the need of distinguishing two types of appealing to modesty, the perspective for a new line of inquiry has been exposed.

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