

# You Cannot Judge an Argument by its Closure

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**Abstract:** The best arguments are distinguished by more than logical validity, successful rhetorical persuasion, or satisfactory dialectical closure. Argument appraisal has to look beyond the premises, inferences, and conclusions; it must consider more than just the objections and replies, and resolutions that satisfy the arguers might not satisfy outside critics. Arguers and their contexts can be important factors for assessing arguments. This conclusion is reached by considering several scenarios in which similar arguments—up to and including complete word-for-word identity—merit different critical responses.

**Résumé:** Les meilleurs arguments se distinguent par plus que la validité logique, une persuasion rhétorique réussie ou une fin dialectique satisfaisante. L'évaluation des arguments doit aller au-delà des prémisses, des inférences et des conclusions ; elle doit considérer plus que les objections et les réponses, et les résolutions qui satisfont les argumentateurs pourraient ne pas satisfaire les critiques externes. Les personnes qui argumentent et leurs contextes peuvent être des facteurs importants pour évaluer les arguments. Cette conclusion est atteinte en considérant plusieurs scénarios dans lesquels des arguments similaires - jusqu'à et y compris l'identité mot à mot complète - méritent des réponses critiques différentes.

**Keywords:** argument, argument appraisal, argumentation

## 1. Introduction

The best arguments are distinguished by more than just logical validity, successful rhetorical persuasion, or even satisfactory dialectical closure. Thus, argument appraisal must look beyond the premises, inferences, and conclusions, it has to consider more than just the objections and replies, and even a settlement that satisfies all the participants in an argument need not satisfy an outside

critic. There are more components to good argumentation than cogent reasoning, rational persuasion, and the successful resolution of differences. Most notably, there are arguers and their contexts, and these need to be recognized as factors when critically assessing arguments. This conclusion is reached by considering several scenarios in which similar arguments—up to and including complete word-for-word identity!—merit different evaluations.

I recognize that in making this claim, I am using a concept of “argument” that is at odds with how that word is used by some argumentation theorists.<sup>1</sup> I am not limiting its use to just a sequence of propositions constitutive of the illative core of argumentation, operating as “reasons/conclusion complexes” (Goddu 2016). Nor am I using it to refer to sequences of speech acts; although that is a step in the right direction, there must be genuine *engagement*. When the characters in a play are arguing, for example, the actors portraying them usually are not. The same is the case for two argument-generating programs set in motion with each other. I am eschewing a “product” conception of arguments in favor of a more “process-oriented” approach, albeit with emphasis on genuine inter-agent engagement rather than mere interaction.<sup>2</sup> In the sense being explored here, arguments have arguers, and arguments are something that arguers have. I am not insisting that this is the correct, primary, or only proper use of “argument,” but it is a sense that is consonant with ordinary usage.<sup>3</sup> Moreover, the concept that does emerge, with its emphasis on the rational engagement of cognitive agents, is philosophically relevant and useful. It is a valuable one to keep in our sights.

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<sup>1</sup> I am grateful to Harvey Siegel and Trudy Govier for their (skeptical!) comments clarifying just how idiosyncratic my use of “argument” may appear.

<sup>2</sup> The operative concept of argument has its roots in the distinction between arguments<sub>1</sub> and arguments<sub>2</sub> from O’Keefe (1977) and arguments as product, process, or procedure from Wenzel (1980), as well as the emphasis on agents in, say, Aberdein (2014) but critiqued in Godden (2016).

<sup>3</sup> Given this resonance with ordinary usage, I assume that Goddu’s claimed inability to understand my use of the word argument—“Indeed, I cannot make sense of most of Daniel Cohen’s (2009, 2013a, 2013b) uses of the word ‘argument’ unless I read it as ‘arguing’”—is disingenuous rather than genuinely obtuse (Goddu 2016, p. 441).

## **2. Jumping to conclusions**

One of the easiest lessons to teach conceptually but one of the hardest lessons to learn and internalize is that the quality of an argument is not the same as the quality of its conclusion. There can be valid arguments to false conclusions, invalid arguments to true conclusions, fallacious arguments to valid conclusions, unethical arguments for ethical conclusions, clever arguments leading to obtuse conclusions, and comfortable arguments that end in uncomfortable conclusions.

Yet, even with this thought firmly in mind, it is still a much greater challenge for us to critically evaluate arguments whose conclusions we agree with than it is to evaluate arguments whose conclusions we reject. Notoriously, it is even more difficult, by an order of magnitude, to evaluate our own arguments critically (Kornblith 1999), which may in the end be the best reason for engaging others in argumentation at all (Mercier and Sperber 2011; Stevens and Cohen 2021).

The independence of the evaluation of an argument and the evaluation of its conclusion holds across the whole spectrum of things that have been counted as arguments: logical calculations, speculative inferences, rhetorical performances, dialectical encounters, critical discussions, multi-party negotiations, single-party deliberations, and so on. Regardless of whether an argument ends in a demonstrable truth, rational persuasion, an optimal decision, or a satisfactory resolution of differences, it is not enough to determine the quality of the argument by the quality of its ending.

Even if there is nothing new here, there can still be some value in the reminder. What I'd like to do is work through a series of examples because new questions arise from revisiting old news.

## **3. Valid conclusions invalidly derived**

The easiest class of cases to analyze are flawed derivations to a validly inferable conclusion on, say, a logic exam, but even here there can be some spanners in the works. Here are two simple cases:

<b>I-a.</b>	1. $\sim A$		<b>I-b.</b>	1. $\sim A$	
	2. $B \vee A$			2. $B \vee A$	
	3. $\sim B \vee C$	$\therefore C$		3. $\sim B \vee C$	$\therefore C$
	4. $\sim B$	MT 1, 2		4. $B$	MT 1, 2
	5. $C$	MP 3, 4		5. $C$	MP 3, 4

The first example, I-a, is straightforward: the derivation contains two distinct errors—two invalid inferences—that happen to cancel each other out. The argument in this example consists entirely of *inferences*, so we need not deploy all the resources of argumentation theory as we do for evaluating more robust argumentation; any minimally competent logician can diagnose the problem adequately.

The second derivation, I-b, is fine except for the annotation. Either the wrong inference rule was invoked in step 4 or the correct pattern was used but misnamed. Does it make a difference which it was? It might for evaluating the *reasoning* because the former sort of mistake would seem more serious, while the latter is more like a minor typo. Unfortunately, it might require telepathy to decide which sort of error was committed. Either way, there is something here for a diligent instructor to note.

Now consider another example.

**II.** In the 2022 U.S. presidential election, the consensus among political pundits was that Pennsylvania was the key to Donald Trump's re-election chances. He'd win re-election if and only if he carried Pennsylvania. His campaign knew that if his appeal was broad enough for that state, he'd be re-elected... As it turned out, it wasn't, he didn't win Pennsylvania, so his re-election bid fell short.

Set aside the fact that this is an after-the-fact explanation of the *explanandum* that Trump lost rather than an argument to the *conclusion* that he would lose. The passage can easily be rewritten with the tenses changed if it matters.

This example shares some similarities with each of the first two examples. When we formalize it literally (i.e., pedantically and uncharitably), a faulty inference is readily apparent:

By the consensus:	$T \equiv P$
	$(P \supset T) \cdot (T \supset P)$
So, they knew:	$P \supset T$
But:	$\frac{\sim P}{\quad}$
Thus:	$\therefore \sim T$

As in the example I-a, there is a formal error—a case of ‘denying the antecedent.’ The wrong conjunct from the second line was used. The inference needs the converse of the conditional in the third line in order for *modus tollens* to apply. To be generous, the Trump campaign also knew the converse, and to be fair, since this was an *explanation* in which abductive inferences might complement deductive ones, denying the antecedent might be less objectionable. We can put those considerations aside, however, in the interests of this explanation: the mistake is both common and minor, again akin to not much more than a typo. Still, it is something for diligent logic instructors to note. Argumentation theorists should be no less diligent.

Return to the original prose passage, II. If the offending sentence (“His campaign knew...” and line 3 in the formalization) were simply removed, the result could stand by itself as a completely unobjectionable piece of reasoning. Prose reasoning (unlike logic exams!) need not make every inference explicit.

This is where things get a bit tricky: if the passage without the sentence is fine, why would its addition change that? It is, after all, a warranted, if unnecessary, piece of information, so its mere presence cannot be the problem. It is a problem only if it is used to get to the conclusion. Since this is not a logic exam where we can require annotation, that is something we might not be able to determine unless, once again, we have recourse to mental telepathy.

The cognitive state of the arguer is apparently relevant for evaluation, even though it may be inaccessible. Of course, if all we mean by ‘argument’ is something like *a sequence of propositions*

each of which is either a designated premise or follows from previous propositions, ending with the conclusion, then I-b, even with its faulty annotation or misapplied rule, would be a perfectly good argument. As noted, we can stipulate that the word ‘argument’ is to be used exclusively for a ‘reasons/conclusion complex’ but that arbitrary privileging of just one of its ordinary uses comes at a high cost for argumentation theorists.

#### 4. Rhetorically satisfactory resolutions

The next set of arguments focuses on the premises rather than the inferences. The first excerpt is from an argument about legalizing same-sex marriages that took place some years before the 2015 *Obergefell v. Hodges* Supreme Court ruling. Politically, my colleague “JR” is a Burkean conservative with a Thomistic bent who opposed same-sex marriage as both radical and contrary to natural law.

##### III-a.

**JR:** *I don’t object to some kind of legal recognition for same-sex unions, but marriage is a bridge too far. It’s too radical: it tries to redefine the concept and radically refashion the institution of holy matrimony. “Civil unions”? Maybe so. Marriage? Definitely not.*

**DC:** *Wouldn’t legalizing same-sex marriage actually be a less radical solution? Isn’t it more radical to introduce an entirely new institution, civil unions, rather than respect, reform, and extend an established one? Plus, we’re talking only about legal marriages, not holy matrimony.*

**JR:** *That’s an interesting take. Let me think about it.*

Later in that same argument:

**III-b.**

**JR:** *Marriage isn't just a legal tradition. It has its roots and telos in natural law—the biology of procreation. That's obviously not what same-sex marriages are about, so they can't be real marriages.*

**DC:** Does that mean couples who choose not to have children don't have "real" marriages—regardless of how satisfying they are as life-partnerships? Are infertile couples' marriages somehow second-class?

And, at the risk of resorting to *ad hominem* argumentation, can I infer that you disapprove of your mother's remarriage last year? You do know that even if procreation were part of her motivation for getting married again—and I'm pretty sure it wasn't—offspring really aren't in the cards for her at the age of 68, right?

**JR:** *Well, I suppose I could say that they could have had children if they'd married earlier, but that'd be way too ad hoc, so let me mull this one over, too.*

JR deserves a lot of credit for listening to and acknowledging reasons, and in the end, he recognized the inevitability of legalized same-sex civil marriages in deference to shifting public opinion in a democratic polity and, thus, even their "Burkean acceptability." The argument has to count as having been successful and could be held up as an exemplary piece of argumentation. I persuaded him by rational means using an argument that passes the ARG (or RSA) test, that is, I used premises that were relevant to and sufficient for the conclusion and that he found acceptable.<sup>4</sup>

That description of a successful argument—rational persuasion using premises that are relevant, sufficient for the conclusion, and acceptable to the hearer—also fits the next example from Cohen (2009) but less comfortably:

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<sup>4</sup> I am following, *inter alia*, Govier (1999, p. 185) in treating acceptability—the "A"—as acceptable-to-the-target-interlocutor. But see Tindale (1999, p. 95) on the role of Perelman and Olbrechts-Tyteca's (1969) universal audiences in differentiating between using such premises as factual or as assumptions.

IV.

**Parent:** It's time for bed. Growing children especially need their sleep.

**Child:** *I don't want to go to bed yet. I'm not tired.*

**Parent:** Don't forget that Christmas is coming and Santa Claus is watching to see who's naughty and nice to decide who gets presents and who doesn't.

**Child:** *Staying up late isn't naughty. You do it all the time!*

**Parent:** That's true but that's not the problem. It isn't staying up late that's naughty, it's not listening to your parents.

**Child:** *OK, I'll go to bed.*

As with the same-sex marriage arguments, there is a lot to be said on behalf of this exchange. It is an example of successful persuasion by appeals to reason rather than coercion (so it is also an admirable piece of parenting!); it can be reconstructed as a deductively valid argument; it included opportunities for questions and objections, even reaching dialectical closure; and like the same-sex marriage argument in III-a and III-b, it uses premises that are acceptable to the target audience. What's not to like?

Despite those considerable positive features, the Santa Claus argument, IV, does not deserve to be offered as an exemplar of good argumentation. The main problem is that although its premises are acceptable to the child, they are not believed by the parent. In itself, this is not a failing; the same thing can be said about my exchange with JR in III-b since I do not share his beliefs in natural law. What differentiates IV is that the proponent, the parent, *insincerely* presents the premises as givens. The target interlocutor's own beliefs are exploited. While it would not be altogether unfair to describe me as having "exploited" JR's Thomism in III-b, there are salient differences. First, there was no insincerity or deception involved on my part. JR (who knows my philosophical positions fairly well) would have been equally comfortable with the argument had I prefaced my remarks with, say, "*since you believe in natural law (but I don't), you should believe...*" The counterpart would not work with the parent and child in IV. Second, the parent exploits the child's ignorance and leaves it intact. I may have



exploited JR's beliefs, but I take them as mistaken not as a kind of ignorance. More to the point, part of my argumentative effort was intended to change—to *improve*—his beliefs. In contrast, the parent was content to leave the child's beliefs intact and unimproved. Not only were there no cognitive gains by either the parent or the child, but cognitive gains as a result of the argument were not even on the radar. They were in it only to win it. That contrasts with III-a and III-b, both of which respect the *telos* of argumentation. That is part of what makes them admirable.

### **5. Dialectically satisfactory closures**

It is the mark of a very good argument that all the participants are satisfied with its resolution. Indeed, general satisfaction stands up pretty well as the criterion for a good argument but only if we count judges and juries, bystanders and critics, and other interested parties (perhaps represented by proxies) among the participants, alongside proponents and their target interlocutors.<sup>5</sup> And silent participants cannot be ignored whether they are imagined, non-interactive, silenced, smothered, or simply not speaking for any of a myriad of possible reasons!<sup>6</sup>

What follows is a sequence of variations of a single argument bringing the significance of arguers, including silent arguers, into greater relief and bringing their role in argument evaluation into clear focus.

Begin with the skeleton of an argument, some premises, and a conclusion around which more robust argumentation can form.

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<sup>5</sup> Arguer satisfaction, with this liberal sense of who counts as an arguer, was proposed as a criterion for good arguments in Cohen (2008), but I now think the hypothesis is not quite right: it cannot work as a sufficient condition, and it can be a necessary condition only for a special class of “exemplary” arguments (Cohen 2022a).

<sup>6</sup> Many of our imagined, posited, or reconstructed fellow arguers do have active roles in arguments and should not count as silent, for example, ideal interlocutors (Johnson 2000), universal audiences (Perelman and Olbrechts-Tyteca 1969), opponents in idealized critical discussions (Wohlraup 2014), and angelic devil's advocates (Stevens and Cohen 2021). The concern below is *silenced* arguers; see, for example, Fricker (2007), Henning (2021), and Cohen (2022b).

Suppose an arguer offers these propositions as an argument for abolishing capital punishment in the United States.

**V-a.**

1. Capital punishment, the authority of a government's judicial and penal systems to kill certain of its own citizens, gives the State too much power.
2. This is one of the reasons that most countries have abolished the practice, but the U.S. has not—and neither have brutal dictatorships like North Korea and fanatical theocracies like the Taliban in Afghanistan.
3. So it's high time for the US to join the majority of the modern civilized world and put a halt to state executions.

It takes a certain amount of logical skill to assemble reasons for a conclusion and some additional rhetorical abilities to present them as a coherent argument. If the target audience is convinced that would be the end of it. The proponent would have demonstrated their argumentative skills by successfully accomplishing their argumentative goals. Of course, the reasons offered might fail to convince their target audience. The responsibility for the successful resolution of an argument does not fall solely on the shoulders of just one of its participant arguers, so they could be met with objections and questions, such as these:

**V-b.**

**Proponent:** Capital punishment, the authority of a government's judicial and penal systems to kill certain of its own citizens, gives the State too much power.

**Objection:** *But the institution of capital punishment isn't a government's pro-active power to kill its citizens; it's a latent, retaliatory power that is meant to deter crimes.*

**Proponent.** This is one of the reasons that most countries have abolished the practice, but the U.S. has not—and neither have brutal dictatorships like North Korea and fanatical theocracies like the Taliban in Afghanistan.

**Question:** *Why should Americans worry about what other countries do, especially countries whose cultural traditions, values, and norms are so different?*

**Proponent.** So it's high time for the US to join the majority of the modern civilized world and put a halt to state executions.

An adept arguer would rebut the objections and answer the questions, perhaps as follows:

**V-c.**

**Proponent:** Capital punishment, the authority of a government's judicial and penal systems to kill certain of its own citizens, gives the State too much power.

**Objection:** *But the institution of capital punishment isn't a government's pro-active power to kill its citizens; it's a latent, retaliatory power that is meant to deter crimes.*

**Proponent's reply:** Studies comparing states that allow capital punishment and those that do not, as well as before-and-after comparisons of states that have instituted or abolished capital punishment, show that it does not actually have a significant deterrent effect.

**Proponent.** This is one of the reasons that most countries have abolished the practice, but the U.S. has not—and neither have brutal dictatorships like North Korea and fanatical theocracies like the Taliban in Afghanistan.

**Question:** *Why should Americans worry about what other countries do, especially countries whose cultural traditions, values, and norms are so different?*

**Proponent's reply:** That's not a bad point: comparing the U.S. to North Korea or Afghanistan may be irrelevant, but the other countries that are most like us—including every nation in the European Union and vir-

tually all other industrialized liberal democracies—no longer allow the death penalty.

**Proponent.** So it's high time for the US to join the majority of the modern civilized world and put a halt to state executions.

The proponent has now exhibited additional argumentative skills: dialectical ones this time. If dialectical closure is reached and the interlocutors are all satisfied, this could be held up as an example of good and successful argumentation. However, there could be more to say, and there might be arguers who have not had a chance to say it.

Let us give the principal arguer making the case against capital punishment yet an additional set of argumentative skills: the ability to imagine their audience, to empathize with them, and to anticipate their questions and objections. Thus, the arguer can present their argument with their replies pre-emptively included:

**V-d.**

1. Capital punishment, the authority of a government's judicial and penal systems to kill certain of its own citizens, gives the State too much power, *and even if that power is meant to be used only in retaliation for its supposed deterrent effect, studies comparing states that allow capital punishment and those that do not, as well as before-and-after comparisons of states that have instituted or abolished capital punishment, show that it does not actually have a significant deterrent effect.*

2. This is one of the reasons that most countries have abolished the practice, but the U.S. has not—and neither have brutal dictatorships like North Korea and fanatical theocracies like the Taliban in Afghanistan. *Obviously, we do not want to be compared to those countries, but all the other countries that are most like us—every nation in the European Union and virtually all other industrialized liberal democracies—no longer allow the death penalty, so our continued use does invite putting us into that group.*

3. Thus, it's high time for the US to join the majority of the modern civilized world and put a halt to state executions.

The result could be a silent audience: no questions, no objections, just satisfied agreement. If so, then once again, we have a proponent who has succeeded in their argumentative task.

The ability to anticipate questions and objections is especially valuable when it comes to written arguments. Readers, being remote in time and space, are all effectively silent, so it is incumbent on the author to speak for them. That onus also makes the task exceptionally difficult because there are so many pitfalls to avoid. These include failures to imagine questions and objections, which may be relatively innocent. There are also less innocent logical fallacies to avoid, notably setting up a straw man opposition. In addition, there are ethical considerations to consider when speaking for others: there can be a fine line between trying to give the silent a voice and presumptuously claiming it. If an author were skillful and sensitive enough to avoid these pitfalls and was able to produce a printed version of V-d—which could even be word-for-word identical to a transcript of the oral version—then presumably they could end up with an equally convinced and satisfied audience, albeit one comprised of distant readers rather than present interlocutors.

In addition to actual, present arguers who are silent, perhaps because they are satisfied, and imagined distant arguers, who are silent whether or not they are satisfied, there can be a third class of satisfied arguers who are silent because they have somehow been *silenced*. This category would include a present arguer who was not given a chance to raise their objections, but those objections were answered anyway because they were raised by someone else—perhaps by the proponent themselves either by anticipation or by rudely cutting the arguer off or by another arguer who beat them to the punch or was in a better or more privileged position to be recognized in the argument. As before, transcripts of these variations might be completely identical.

There are many ways and reasons, some good and some not, why an arguer might be silenced. For example, an arguer might lack the requisite “standing” to participate; for example, there are compelling reasons for not letting observers participate in courtroom hearings, parliamentary debates, and diplomatic negotiations. Alternatively, an arguer might have the appropriate standing

but not the opportunity. That could be as benign as time constraints preventing the last people in a very long queue to ask questions of someone presenting an argument or weather conditions preventing would-be participants in a town meeting from making it to the town hall at the appointed time. Of course, there are many cases of silencing that are definitely not benign, for example, institutional restrictions on who is allowed to speak, systematic differential valuations of what different categories of people say, and both limitations and devaluations regarding how things are said (see Fricker 2007, Bondy 2010, Hundleby 2021, and Henning 2021). Of course, if the town meeting was deliberately scheduled so that certain persons could not attend, then it becomes a case of argumentative injustice. A professor who calls only, mostly, or preferentially on male students during seminar discussions, consciously or not, is responsible for an argumentative injustice. This diminishes the quality of the argument because it harms the systematically excluded, forcibly silenced arguers. Even if the silenced women are all satisfied at the end of the seminar because male students raised all their objections, asked all their questions, and provided what would have been their input, and even if the resultant discussion were identical to the discussion that would have occurred with female speakers, the discussion would not be equal. Texts of the argumentation might not reveal the differences, but it is something that may be relevant for a critical appraisal. Any critics who did not note that the only speakers from, say, a diverse gathering discussing Black Lives Matter or the MeToo movement were white males would be negligent, regardless of their final critical evaluation of the quality of the logic, dialectic, and rhetoric evident in the transcript. I am not saying that white males cannot produce cogent arguments about those subjects; what I am saying is that responsible critical responses may require that extra degree of scrutiny (Cohen 2022b).

## 6. Closure

What these cases illustrate are some of the possible ways that arguments can reach the same final state and yet merit very different critical evaluations. In some contexts, and for some purposes,

neither the conclusion nor the resolution and not even the paths taken to them can provide sufficient grounds for an accurate and comprehensive critical evaluation. For assessing arguments understood as *engagements* among *arguers*, contributions originating from logical, rhetorical, and dialectical perspectives can paint only part of the picture. For those arguments, the arguers matter—including silent arguers who may be absent from the “transcript” but are present in the argument.

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