

Critical Thinking and Intractable Disagreement

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The discipline of informal logic is devoted to the study of the nature and value of argument. The Critical Thinking (CT) movement is the sub-discipline that applies the lessons of informal logic to the undergraduate and K-12 curriculum. While argument has many functions, one of the most obvious and important is the rational resolution of disagreement. Thus, a natural development of the CT movement is to tie the study of argument to democratic culture by using contemporary controversial social issues as the subject matter of critical thinking courses. The assumption is that students will develop reasoning skills and that real progress can be made with respect to the controversial topics.

There are good reasons to take this development of CT seriously. We sometimes find ourselves in disagreement about issues such as abortion, gun control, immigration policy, environmental protection, and whether or not intelligent design creationism should be taught alongside evolutionary theory. There are many ways to resolve such disagreements or breakdowns in intersubjectivity. We can appeal to experts, traditions, force, or a roll of the dice. In at least some contexts, however, we are appropriately led to reasoning together by a shared sense that these “methods” of resolving disagreements are unsatisfactory.

Moreover, reasoning together has its virtues, which we might be attracted to as much as we are repelled by the alternatives. If we want to reach agreement in a way that is democratic, inclusive, and protected from the distortions that flow from power or dogmatism, then we might feel drawn toward reasoning. Perhaps more importantly, reasoning also has a good track record — we reason together everyday with perfectly satisfying results. For example, arguing that the heavy snowfall in the mountains makes it reasonable to take the coastal route typically ends whatever disagreement two interlocutors might have had about how to get to their destination. The expectation, then, is that argument will pay dividends in the more controversial aspects of our social and intellectual lives as well.

The expectation that reasoning will achieve these objectives has not gone unchallenged. Twenty years ago Robert Fogelin suggested that, in contexts of what he calls “deep disagreement,” argument fails to provide a means of rational dispute resolution: “deep disagreements cannot be resolved through the use of argument, for they undercut the conditions essential to arguing.”¹ This is no mere philosophical abstraction but rather something that applies to at least some of the items listed above that are of central interest to the CT movement. Furthermore, Fogelin thinks this may place the issues themselves beyond reason: “there are,” he concludes, “disagreements, sometimes on important issues, which by their very nature, are not subject to rational resolution” (*LDD*, 7). Although this view has been both attacked and defended,² it has been largely ignored in the teaching of controversy. In this essay

I examine the difficult questions underlying the tractability of disagreement and the problems that arise if these questions are ignored. I suggest that a failure to take such questions seriously risks nothing short of encouraging misology — the hatred of reasoning and argument. However, the critique of the CT movement developed below is not entirely negative, for I also make a point of distinguishing Fogelin's more modest claim that there are contexts of deep disagreement in which argument fails to live up to its dialectical promise from his more radical claim that deep disagreements are not subject to rational resolution at all. The way in which a defense of the former need not establish the latter suggests that there is a role for the teaching of critical thinking, though it is both different from and more modest than what is tacitly assumed by many proponents of the CT movement.

GETTING CLEAR ON DEEP DISAGREEMENT³

To understand the nature and significance of deep disagreement Fogelin directs our attention to contexts of “normal or near normal argumentative exchanges” such as the travel route example mentioned above (*LDD*, 6). In such contexts interlocutors share a background of commitments and understanding, including much about what counts as a resolution of disagreement. Fogelin's Wittgensteinian view is that it is these conditions that give argument whatever interest and value it has for us: “the possibility of genuine argumentative exchange depends...on the fact that together we accept many things” (*LDD*, 4). Conversely, if there are non-normal argumentative exchanges in which interlocutors fail to share a common core of framework propositions, then, “argument, to that extent, becomes impossible” (*LDD*, 4). Fogelin clearly thinks that there are contexts in which these minimal conditions for genuine or productive argument are not met, dubbing exchanges arising in such circumstances “deep disagreements.”

Since Fogelin's argument relies on the distinction between a normal argumentative exchange and non-normal exchange, more needs to be said about the nature of this distinction and how deep disagreement undermines the possibility of productive argument.⁴ To this end, let's begin as Fogelin does by considering cases of normal argumentative exchanges. Three such cases are summarized below:

1. A colleague asks about an oil stain under my car. I tell her that my car must have an oil leak since the stain is new and the car hasn't been moved for a while. She thinks I must be right.
2. Several students drop by a professor's office during scheduled office hours to ask about a quiz. The professor's door is open, but she is not in the office. One student suggests that she is gone for the day, but another points out that she just saw the instructor in class and that there is a steaming cup of coffee on her desk. The students conclude that the instructor is around somewhere and will be back shortly.
3. While out running errands together, my wife recommends that we go to the dry cleaner before the grocery store. When I ask why she says simply: we need ice cream. I head for the dry cleaners. (Adapted from *LDD*, 5)

In these cases of normal argumentative exchange offering reasons succeeds in producing agreement. To begin to see how and why departing very far from these congenial conditions might undermine the very possibility of argument, it is helpful to note that what the interlocutors share allows them to accomplish what they do quite economically. In the examples given, the entire argument may be captured in a single complex sentence in which the subordinating conjunction “because” connects the view with an item or two or three of support: The oil must have come from my car because the stain is new and the car’s been there for some time. These arguments are thus easily cast into schematic argument form.

One way to put Fogelin’s point is that the classic status of this form is no accident, but is symptomatic of the central feature of normal argumentative exchanges: that the interlocutors share enough understanding of the world, the particular circumstances, and each other that the person producing the argument can easily find something relatively epigrammatic that will produce agreement; and it will do so by appeal to the competent judgment of the other. Were it obvious that this describes a fundamental constraint on the use of argument, this topic would have generated no controversy. So, to better see why departing from this condition might threaten the use of argument altogether, it will be worth examining just what’s entailed in meeting it.

The first thing to note is that our shared understanding allows us to omit from explicit consideration in each case a strictly unlimited list of considerations that would be relevant were we not able to simply take them for granted. In the second example, for instance, we simply assume our interlocutors know that coffee is a beverage; that coffee cools over time when sitting at room temperature; that classes are nearby and recognizable by ordinary students; that in these normal circumstances people do not usually die, vanish, or ascend in the rapture; and so on. If many items on this list were missing from an interlocutor’s understanding, then nothing in argument form would resolve the disagreement. What would be needed would be an education, a richer life, or therapy, nothing that could be accomplished epigrammatically. This is the position we are in when the topic is exotically disciplinary.

Furthermore, when the agreement induced by mentioning steaming coffee and the recent sighting is of the proper sort, that is, the result of these items engaging a competent judgment, this will be manifest in the intersubjective satisfactoriness of other talk and behavior. In particular, the interlocutors should go on together in fitting the support offered into various stories about the recent whereabouts of the professor: musing about possible sequences of events, for instance, or checking for coffee sources, and other sightings. Were someone incapable of this, we would properly doubt that the agreement, if real at all, was due to understanding the reasons for the conclusion, as opposed to the authority of the arguer or the agreement it produced in others. My inability to do anything like this, for example, in the complex paleobiological argument for common descent would be one manifestation of my incompetence in its evaluation; moreover it would show that my quite reasonable acceptance of the conclusion was based on my estimation of the argument’s source and location, not its substantive detail.

In the third example, which is a different kind of case, we take for granted things like this too: that ice cream is frozen, and so on. But here we take for granted many explicitly normative items as well: that ice cream is better if not melted and/or refrozen, that this matters enough to affect itinerary, and so on. So, in cases of “practical” reasoning, explicitly concerning what we should *do* rather than simply what we should *think*, the shared perception must be expanded to include common values and preferences as well as judgments.

In any case, this way of thinking about what makes argumentative contexts “normal” allows us to provide Fogelin’s deep disagreements with some fine structure that will clarify their nature and prospects. If the effortless success of “normal” appeal to reasons derives from shared understanding and uncontroversial competence, it should not be surprising that this success starts to elude us as we share less and move beyond our clear competences. And, although there will be a considerable borderline of more or less indeterminate cases, we often find ourselves in circumstances in which we all recognize argument to be the wrong form in which to pursue agreement. Sometimes both sides will realize that one party needs to *accumulate* the understanding and *develop* the competence that might allow an argument to be effective. Pursuing this suggestion will often eliminate a disagreement without returning to the argument itself.

Frequently enough, however, disagreement will survive initial attempts to deal with it epigrammatically and neither side will concede that the other has any special status or advantage; and it soon becomes clear that the dispute concerns what is to count as proper understanding and genuine competence as much as it does the substantive topic. Fogelin’s own examples of social controversy (abortion, affirmative action) seem to contain this component almost universally. But, abstract philosophical controversies over the famous “isms” (realism, solipsism, skepticism, idealism, empiricism, and rationalism) are equally good candidates. This is why Fogelin’s “modest” claim is not really modest at all; for if disagreement of this kind is to be expected in addressing social and philosophical disputes, then much of the motivation for the appeal to argument in such disputes is undermined. This is not to say with Fogelin that there would be no point to assembling arguments in such contexts, since argument has multiple functions, only one of which is to resolve disputes; but it is to say that the point of argument in such contexts is significantly restricted. And, if the point of argument is significantly restricted in such contexts, so too is the point of courses that teach about the structure and evaluation of argument.

DEFENDING DEEP DISAGREEMENT

Fleshing out Fogelin’s view in this way by itself provides some support for this purportedly modest claim. In addition, however, any adequate defense must respond to criticism. Andrew Lugg, for example, claims that even Fogelin’s modest view is far too radical:

It is one thing to maintain that individuals may find themselves in the situation of being unable to resolve their differences on the basis of shared commitments, quite another to conclude that in such cases argument is pointless....⁵

For argument to provide rational dispute resolution, Lugg thinks we need not *begin* with an elaborately shared understanding because that is something that may *result from* engaging in the practice of argument.

What I am suggesting is that we take common viewpoints to be what individuals move towards rather than what they fall back to. Instead of thinking of shared beliefs as “a common court of appeal”, we should think of it as a product of discussion, argument, and debate.⁶

If Lugg is correct, Fogelin has described too narrowly the deployment of argument in practical conflict resolution, and so his troubling conclusion, and its implications for the CT movement, can be resisted.

It is uncontroversial that there are some cases of disagreement in which engaging in “discussion, argument, and debate” leads to a new shared understanding. In fact, it appears to happen regularly in local political disputes over, for example, whether a new football stadium should be built using taxpayer’s money, whether protecting the local environment is consistent with building a new light rail line, or whether the city should entice more business into the area in order to increase its sales tax revenue. In such cases Lugg’s suggestion that interlocutors can build to a common understanding by retreating to neutral ground, untangling, coordinating and synthesizing ideas, examining assumptions, reviewing alternative proposals, and negotiating conflicting demands seems perfectly reasonable.⁷ But, Fogelin’s point is not that what goes on in such dialectical free-for-alls cannot involve argument, or even that the resulting resolution cannot sometimes be represented as accomplished through nothing but serial arguments. It is that everything rests on how much is shared to begin with. And when that is not enough to resolve the conflict through the simple giving of reasons against a stable background of understanding and competence, it will require *altering* this background in non-incremental ways, which is another sort of thing entirely. And we misrepresent the source of success when things do work out in such circumstances as well as the nature of our disappointment when they do not, if we characterize as argument the activity required to make argument possible. This is especially damaging to the enterprise of Informal Logic when it encourages us to distort the role and exaggerate the prospects of argument form in the contexts of social controversy or philosophical abstraction that tempt our attention. For these are precisely the cases in which neither side can lay claim to the level of understanding or clarity of competence that characterize those quotidian uses of argument form that establish our expectations of it.

We recognize this perhaps most easily in the second of these contexts, that is, in abstract controversy over various forms of skepticism (external world, other minds, and induction), or the compatibility of free will with determinism. The interminability of these disputes among uncontroversially informed and intelligent people makes it fairly clear that they lie at the outer edge of our competence and understanding. The problem is deeper when it involves the controversial social issues we like to treat in our classes. For these contain, in addition to daunting intricacy, a normative or practical component missing almost entirely from the philosophical examples. This makes it easier for each side to see the other as simply

unworthy, and hence avoid the thought that the disagreement is due to the difficulty of the topic rather than the personal limitations of the opposition. Perhaps more importantly, argument form captures intricacy far better than normativity, allowing the often-dominating role of the latter to go unnoticed.

This is, perhaps, nowhere more apparent than in the controversy surrounding intelligent-design creationism (IDC). Argumentative exchanges in this debate are notoriously unhelpful. This is because the intractability of this controversy derives largely from an underlying normative judgment that invests these points of debate with their urgency: namely, whether an important part of our view of ourselves and our place in the universe includes tracing our existence to a divine intelligence. We don't find disputes like this arising over other scientific theories, such as subatomic theory or plate tectonics, which persevere in the face of the same sort of anomalies and do so because of their similar success in organizing a rich disciplinary conversation. Lacking such a direct connection to our spiritual lives, these disputes seldom spill over into the public domain, and what heat they do generate is of a wholly different order.

When the concepts of a theory are also involved in articulating our basic normative perceptions and commitments, it is nearly beyond us to stand back and separate normative from explanatory issues and characterize the controversy in the pragmatic, deflationary way required to persevere in its face. This is because normative and explanatory issues are not intrinsically separable, but themselves depend on what we share that gives significance to this distinction. Still, this point is easier to see here than in other social controversies because the IDC conflict is nearly unique in allowing for so much methodological fine structure. For most other hot topics the ratio of intricacy to urgency is far lower than it is here, and differences in the evaluative significance of the vocabulary obtrudes overwhelmingly and from the outset. Crossed purposes are hard to avoid even with the level of sophistication philosophers bring to such exchanges. Without some very intense training, training that simply cannot be accomplished in a standard critical thinking course, the two sides inevitably speak past one another.

The CT movement's failure to attend to this implication of Fogelin's view is serious, for one consequence of the frustration that a standard critical thinking course encourages is misology. We encourage misology by teaching an "exaggerated" demand for justification in contexts of great social controversy, a demand that, as Fogelin has shown, is too great for argument to bear. This is because it is in just these contexts that understandings are far apart and so the risk of intractable disagreement and talking past one another is high. The resulting lesson indirectly and inadvertently taught to students, then, is that argument is useless; or worse, it is simply a tool of the intellectually stronger.

BEYOND ARGUMENT: WHY DEEP DISAGREEMENT
IS NOT QUITE AS BAD AS IT SEEMS

The word "argument" is used quite broadly to cover everything from independent variables in mathematics to the unpleasantries antecedent to gunfire in saloon

parking lots. So, the point here is not a lexical one. The issue concerns the specific set of expectations attached to the word in philosophical contexts and especially in the developing conversation of the CT movement. In *this* context, characterizing as argument the usual sort of articulate wrangling provoked by disagreement in even the most civilized forums suggests that distinguishable activities bearing very different relations to the outcome of that wrangling be evaluated according to a single narrow standard. But, if we try to assimilate these cases to the paradigms of effective reasons-giving by representing their substance in schematized form, we will omit much, usually most of what was required to reach agreement. And it is here that the problem lies in what Fogelin and his most enthusiastic defenders have in common with many in the Informal Logic and CT literature who find his result appalling. This is that the resolution of disagreement is *rational* only if it results from evaluating arguments. But argument as Fogelin construes it — a structured set of propositions — is not the only method of rational persuasion. It is surely the most effective, but it's also the most limited, functioning effectively only when the interlocutors are competent and the gap between their understandings is small. However, we often change our minds about something as the result of education and experience the significance of which cannot be captured epigrammatically. When we read novels, poetry or textbooks, take courses, sharpen our perceptual and diagnostic skills in application, and simply knock about in the world with our eyes and ears open, we gain understanding in vast sweeps, not one proposition at a time. We must learn an enormous amount this way before the practice of giving reasons is accessible to us at all; and the value of that practice then rests on the objectivity of the understanding thus accumulated. To stigmatize our standard ways of learning as irrational demeans the concept of rationality.⁸

We may reasonably endorse dispute resolution on this basis, too. If the topic is one on which the contending parties can guide themselves to a common understanding in recognizably standard ways, the resulting agreement will have credentials as good as any resulting from canonical argument evaluation. But, this also makes clear why we cannot in general award such credentials to the result of the dialectical free-for-all that occurs when people get together to “work out their differences” on a contentious matter. For, as anyone who has served on an unruly jury will attest, what is effective in such forums will usually embroil the above sort of “rational” activity in a complicated mix of friendly cajoling, facile eloquence, strategic positioning, social pressure, veiled threats, and pure negotiation; activities that are distinctly not standard ways of accumulating understanding about the truth of a proposition.

Of course and again, without some intense dialectical training, these activities are very difficult to distinguish from standard ones (and even from each other). Especially in the heat of battle it becomes hard to see whether a gambit meets a standard or recommends departure from it. This explains why, when we try to discuss matters on which we do not share a sense of what appeals are acceptable, the problem is as much one of *communication*, resulting in cross purposes more than it is transparent disagreement. For the standards hanging in the background affect the very significance of the words expressing the judgments based on them. As Stanley

Cavell has put it, projecting the use of even shared concepts into unsettled contexts requires nothing more but nothing less than,

sharing routes of interest and feeling, senses of humor and of significance and of fulfillment, of what is outrageous, of what is similar to what else, what a rebuke, what forgiveness, of when an utterance is an assertion, when an appeal, when an explanation — all the whirl of organism Wittgenstein calls “forms of life.”⁹

Failing to share all this at the outset does not, as sometimes supposed, constitute a *formal* barrier to understanding each other; but it does suggest the sorts of challenges we face when trying to understand each other in contexts of deep disagreement.

IMPLICATIONS FOR THE TEACHING OF CRITICAL THINKING

From the discussion above we can glean several suggestions for a different and more modest critical thinking course, and so a different and more modest CT movement. First, we ought to be wary of the use of controversial social issues as a means to *teach* critical thinking skills. Even if the explicit goal of including such hot social topics is, for example, to structure and therefore seek to understand disagreement, it is hard to resist the temptation to expect more of argument. This is because offering reasons works so effortlessly in the kinds of mundane cases described above and so it is no wonder that we expect it to pay dividends in the more controversial aspects of our social lives as well. When this expectation is frustrated misology looms as a serious possibility.

But, we need not simply turn our critical thinking courses into courses on the use of rhetoric, as Fogelin’s more radical conclusion might lead us to think. We can, as Wright does, focus on the more modest, but difficult task of developing a vocabulary that allows us to articulate how arguments work when they do meet our expectation of producing agreement.¹⁰ Perhaps we can then use this vocabulary to get a handle on the much more difficult cases involving hot topics. However, this is unlikely unless this vocabulary is augmented by the development of a deeper understanding of those who hold views often very different from our own. For it is clear that agreement through argument is not forthcoming if interlocutors fail to even understand the framework propositions of those who hold views they oppose. This suggests that critical thinking courses should occur, not at the beginning of the curriculum as they typically do in most universities, but at the end of a wide and integrated multicultural curriculum that has as one of its goals the development of a critical and imaginative understanding of difference.

1. Robert Fogelin, “The Logic of Deep Disagreements,” *Informal Logic* 7 (1985), 5. This work will be cited as *LDD* in the text for all subsequent references.

2. Andrew Lugg, “Deep Disagreement and Informal Logic: No Cause for Alarm,” *Informal Logic* 8 (1986); and Peter Davson-Galle, “Arguing, Arguments, and Deep Disagreements,” *Informal Logic* 14, no. 1 (1992).

3. The next two sections draw from Dale Turner, “Defending Deep Disagreement” (presented at the bi-annual meeting of the Ontario Society for the Study of Argument, Hamilton, 2005) and Dale Turner and Larry Wright, “Revisiting Deep Disagreement,” *Informal Logic* 25 (2005).

4. Fogelin suggests a continuum from normal argumentative exchanges on one end of the spectrum and deep disagreements on the other. This makes a host of intermediate cases possible. In what follows I ignore this subtlety since it does not affect the point.

5. Lugg, "Deep Disagreement and Informal Logic," 48.
6. *Ibid.*, 49.
7. *Ibid.*
8. For a discussion of the role of fictional narratives in resolving seemingly intractable disagreements see Martha Nussbaum, *Love's Knowledge: Essays on Philosophy and Literature* (New York: Oxford University Press, 1990) and *Poetic Justice: The Literary Imagination and Public Life* (Boston: Beacon Press, 1995).
9. Stanley Cavell, *Must We Mean What We Say?* (New York: Charles Scribner's Sons, 1969), 52.
10. Larry Wright, "Argument and Deliberation: A Plea for Understanding," *The Journal of Philosophy* 92 (1995), 565–586; and Larry Wright, *Critical Thinking: An Introduction to Analytical Reading and Reasoning* (New York: Oxford University Press, 2001).