7.

Using Arguments to Inquire
Mark Battersby and Sharon Bailin

1. Introduction

An important function of argumentation is to inquire into issues that are controversial or the subject of debate in order to come to reasoned and reasonable judgments about them. The analysis and critique of individual arguments is one aspect of this process, helping to weed out bad arguments: arguments that provide little or no support for a particular position. It does not, however, on its own, get us to the goal of deciding what it is reasonable to believe or do. What is required is a comparative evaluation of the arguments on various sides of the issue.

Let us take, for example, the issue of whether physician-assisted dying should be legal. One could reject the argument that such a law would inevitably lead to the termination of the physically disabled as committing the slippery slope fallacy. But this would not, on its own, tell us whether or not such a law should be supported. Making this judgment requires comparatively evaluating the arguments both for and against physician-assisted dying.

1. © Mark Battersby & Sharon Bailin
2. This chapter is based on the approach to critical thinking detailed in Reason in the Balance: An Inquiry Approach to Critical Thinking. (S. Bailin & M. Battersby, Hackett 2016). The text shows how an inquiry approach can be used as the basis for an entire critical thinking course. For an examination copy, go to: https://www.hackettpublishing.com/ reason-in-the-balance-second-edition-3991
Goal of the unit

To learn to use argumentation to make reasoned judgments about real, complex issues.

Learning Objectives

Students will learn to:

- clearly identify the issue
- understand the various positions, the evidence and arguments on various sides of the issue, any objections and responses to the objections, and relevant alternative arguments and views
- understand the history and context of the debate
- evaluate the individual arguments
- comparatively evaluate and weigh the various pro and con arguments and come to a reasoned judgment

Method

We suggest using the following questions to guide the inquiry process:

- What is the issue?
- What kinds of claims or judgments are at issue?
- What are the relevant reasons and arguments on various sides of the issue?
- What is the context of the issue?
- How strong is each of the arguments?
- Weighing and balancing the evaluated arguments, what judgment should we come to?
Lesson Suggestions

We will demonstrate the methodology using a dialogue about a controversial issue (assisted dying) as the basis for the inquiry. Instead of dialogues, class inquiries could be based on a current issue of interest to students, a media piece, op. ed, blog post, online debate, etc.

2. Assisted Dying

Nancy: (looking at a Tweet on her cell phone) Right on! It’s about time.
Ravi: What are you so excited about?
Nancy: They’ve just passed a law that physician-assisted suicide will be legal—actually they’re calling it medical aid in dying. It’s long overdue.
Ravi: Do you mean to say that you agree with the decision?
Nancy: Well of course. People have a basic right to control their own lives. And that’s got to include the right to decide when to end it.
Ravi: Now wait just a minute. We don’t condone killing in our society, and that’s what we’re really talking about.
Nancy: “Killing”—come on Ravi, that’s rather loaded. Suicide is not a crime and helping someone to do what they have every right to do is hardly killing.
Ravi: But what about folks who are mentally incompetent or depressed? Are they really in a position to make those kinds of life and death decisions?
Nancy: There can be legal restrictions to deal with those potential problems.
Ravi: But you’re forgetting something pretty basic, Nancy—the sanctity of human life is one of our most fundamental values.
Nancy: But there’s also the issue of the quality of life. There’s no justification for forcing dying people to endure intolerable suffering and for not allowing them to die with dignity.
Ravi: But there are ways to reduce suffering, like drugs, palliative and hospice care.

Nancy: That may be so, but it doesn’t really address the issue of people’s right to die if they so choose.

Ravi: Except that allowing assisted death will undermine support for hospice and palliative care.

Nancy: What reason is there for thinking that that will happen? I’m not aware that that’s been the experience in places like the Netherlands which have legalized assisted death. And besides, allowing physician-assisted death would probably result in cost savings because we currently devote so much of our resources to end-of-life care.

Ravi: But making this type of life-and-death decision on the basis of money is clearly immoral.

Nancy: But the money could be used for other forms of health care where you could actually save lives.

Ravi: But what I’m most worried about is that this move will lead to all kinds of outcomes that we wouldn’t want—like people being “helped to die” without their consent or being pressured to die by family members. This could be a problem especially for the elderly, who may feel pressed to choose to die in order to not be a burden on their family.

Nancy: We’d have to make sure that there are safeguards in place to prevent this.

Ravi: It could also encourage the idea that the disabled are dispensable and should be terminated. I know that several of my friends with disabilities are worried about exactly that.

Nancy: I don’t really see how that would be an outcome of this type of law.

Ravi: And there’s also the concern that, if mental suffering is included in the law, this could lead to lots of people with depression taking their own lives.

Nancy: I would think that clear procedures and restrictions could help to deal with those concerns.

Ravi: You’re a lot more confident than I am that that we could control it in practice once it’s allowed. And anyway, it’s still involves taking a life and so I just can’t support it.


LESSON 1

Discussion of the nature of inquiry

Discuss how using arguments to inquire differs from using arguments to persuade. Emphasize the point that inquiry is not a matter of defending or attacking a particular position but involves, rather, an attempt to find the best view. It requires that participants show respect for the contributions of other participants, charitably interpret others’ contributions, and direct criticisms at the arguments and not at the person who offers them.

What is the issue?

Discuss the criteria for a well-formed and appropriate issue for inquiry.

- **Focused**—clear and precise; not overly broad
- **Question vs. topic**—e.g., not “Marijuana legalization” but rather method “Should marijuana use be decriminalized in this state?”
- **Controversial**—a currently live question, e.g., not “Does the earth revolve around the sun?”; an issue with at least two plausible sides, e.g., not “Is killing innocent children wrong?”
- **Neutrally framed**—framed in a way that does not bias the inquiry in a certain direction, e.g., not “Should CEOs be paid excessive salaries?” but rather “Are the salaries paid to CEOs in large corporations justifiable?”

Have the students try to formulate the main issue raised in the “Assisted Dying” dialogue, using the criteria as a basis for the formulation and critique of suggested issue formulations. This activity, as well as most of the activities which follow, can be done

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3. Several lessons might be done in one class period and some lessons may be extended over several.
4. See Reason in the Balance, Chapter 7.
most effectively in small groups that report back to the class. Alternatively, they can be done as a whole class discussion if numbers permit. Examples of problematic issue statements: “Assisted dying,” “Is suicide wrong?” “Should doctors be allowed to kill their patients?”

What kinds of claims or judgments are at issue

- *Factual*—focus on describing or explaining some aspect of the way the world is

- *Evaluative*—express an evaluation or assessment of an object, action, or phenomenon

- *Instrumental*—deal with the best means to an end

- *Ethical*—deal with questions of right and wrong, good and bad, etc.

  - Discuss the difference between factual claims or judgments and evaluative claims or judgments. It is also useful to distinguish among types of evaluative judgments, in particular, instrumental judgments and ethical judgments. Making these distinctions will be important when it comes to evaluating the various arguments because of the differences in the way the different types of judgments are evaluated.

  - Have the students identify the type of judgment that is called for by the issue raised in the “Assisted Dying” dialogue, as they have formulated it. E.g., the issue “Should physician assisted dying be legal in this state?” calls for an evaluative judgment.

  - Have the students also identify some of the subquestions that would be involved in inquiring into the main issue and determine what kinds of judgments they would involve.
E.g., “Is it right to force dying people to endure intolerable suffering?” (ethical judgment)
E.g., “Have assisted dying laws in other jurisdictions undermined support for palliative care?” (factual judgment).

LESSON 2

What are the relevant reasons and arguments on various sides of the issue?

• Have the students, working in groups, use an argument table to lay out the various arguments on both sides of the issue as represented in the dialogue, as well the objections to the arguments and responses to the objections. (Alternatively, have each student fill out an argument table as homework, then have them work in groups to compare and evaluate their tables.) We have supplied a blank table in an Appendix, as well as an example of a completed table, below.

• Then have the students add any arguments, objections, and responses that they can think of that are not included in the dialogue.

• Do an argument table as a class using the students’ suggestions from their tables and using the following criteria:
  ◦ that it includes all important arguments, objections and responses
  ◦ that it represents the arguments, objections and responses in a balanced and fair way

What is the context of the issue?

• State of practice (current situation)
• Intellectual, Social, Political, and Historical Contexts

5. See Reason in the Balance, Chapter 8.
Controversial issues generally exist against a historical background, and in the context of social relations and social, political and intellectual views. With respect to the debate over assisted dying, the current state of legislation is important in terms of framing the debate (is it about establishing a new law or changing the current law?) and establishing the burden of proof (which generally lies with the view that goes against commonly accepted views or practices). It is also helpful for students to understand some of the worldviews which may underlie the positions, e.g., the notion of the sanctity of life may stem from religious beliefs; the claim that people have a right to decide when to end their lives is underpinned by the philosophical notion of autonomy.

- Have students research the aspects of context which are relevant to making a judgment on the issue of assisted dying, using the following questions as guides.
  - What is the current law with respect to assisted dying in your jurisdiction?
  - Is the issue currently being debated? What arguments are being offered by the various sides? Are there particular groups that are championing each of the sides?
  - Have there been particular cases either in the media or the courts which have fueled the debate?
  - What worldviews (e.g., social, religious, political) inform the debate?
  - What’s happened in jurisdictions where assisted dying has been legalized?

One way to organize this task is to have students work in groups to create a joint wiki with their findings (this can be done outside class time).
Sample Argument Table: Should physician-assisted dying be legal?

<table>
<thead>
<tr>
<th>Argument Name</th>
<th>Argument Summary</th>
<th>Objections</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right to die</td>
<td>Basic right to control one’s life which includes right to decide when to end life</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right to end suffering</td>
<td>Intolerable to insist that people suffer to their death</td>
<td>Other alternatives to reducing suffering, e.g., drugs, palliative care, hospice</td>
<td></td>
</tr>
<tr>
<td>Quality of life</td>
<td>It is not just being alive that matters, but also quality of life</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right to die with dignity</td>
<td>Individuals have right to die with dignity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health care costs</td>
<td>Could result in cost saving because of expense of end-of-life care</td>
<td>Making life-and-death decisions on basis of cost is immoral</td>
<td>Money could be used for other forms of health care to save lives</td>
</tr>
</tbody>
</table>
### MAIN CON ARGUMENTS

<table>
<thead>
<tr>
<th>Argument</th>
<th>Description</th>
<th>Safeguard</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td>Amounts to murder, which is not condoned or legal in our society</td>
<td>Loaded language; It’s aiding suicide, which is legal</td>
<td></td>
</tr>
<tr>
<td>Sanctity of human life</td>
<td>Violates sanctity of human life, which is a fundamental value</td>
<td>Also issue of quality of life; dying with dignity</td>
<td></td>
</tr>
<tr>
<td>Misuse by mentally incompetent</td>
<td>Depressed or mentally incompetent not able to make such decisions</td>
<td>Need to be legal safeguards to prevent this</td>
<td></td>
</tr>
<tr>
<td>Slippery slope</td>
<td>Likely to lead to involuntary or pressured death</td>
<td>Need to be legal restrictions to prevent this</td>
<td>Might not be able to control it in practice.</td>
</tr>
<tr>
<td>Pressure on elderly</td>
<td>Elderly could feel pressure to end life</td>
<td>Need safeguard to prevent this</td>
<td>Might not be able to control it in practice.</td>
</tr>
<tr>
<td>Palliative care</td>
<td>Hospice and palliative care undermined</td>
<td>No reason to think this will be result</td>
<td>What is experience where it is legal?</td>
</tr>
<tr>
<td>Encourage termination of disabled</td>
<td>Encourage termination of disabled</td>
<td>No reason to think this will be outcome</td>
<td>What is experience where it is legal?</td>
</tr>
</tbody>
</table>

Using Arguments to Inquire
Depression | If includes mental suffering, could lead to depressed taking their life | Would need to be legal restrictions to prevent this

**LESSON 3**

_**How strong is each of the arguments?**_

- Have students evaluate the individual arguments in the table using the following questions as a guide:
  - Are there any fallacies or other obvious weaknesses?
  - To what degree are the factual claims well supported and credible?
  - To what extent do the evaluative arguments meet the relevant criteria?
  - Are the objections well-founded? To what extent do they count against the particular argument?
  - Are there additional arguments that have not been listed? If so, evaluate them as well.

Students will likely have covered the identification of fallacies in their course.

Evaluating the factual claims will require outside research by the students (this can be a good homework assignment).

- Before they do the evaluation, discuss how to find reliable sources (refereed journals, look for expert consensus) and, especially, how to determine the credibility of websites,

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• Before they do the evaluation, discuss the criteria for evaluating evaluative claims:
  ◦ ethical judgments: (1) the moral quality of the act (e.g., murder is wrong); (2) the duties and responsibilities of the actor (e.g., teachers have a duty of fairness to their students); and (3) the consequences of the act (e.g., will it benefit or harm people?)
  ◦ instrumental judgments: how well the action achieves the desired goal. Point out that evaluative judgments often involve both ethical and instrumental judgments, i.e., to decide whether to do something, we need to ask not only whether the action will achieve a certain goal but also whether the action is morally acceptable.

• Have the students add an “evaluation” column to their argument tables with a brief summary of their evaluation of each argument

LESSON 4

Weighing and balancing the evaluated arguments. What judgment should we come to?  
At this point, students comparatively evaluate the various arguments to determine their weight in the overall case.

• Discuss the factors that contribute to the weight of an argument:
  ◦ its credibility
  ◦ how well it has withstood any objections
  ◦ its degree of certainty or likelihood (e.g., the argument that the elderly might be pressured to take

7. See Reason in the Balance, Chapter 6.
8. See Reason in the Balance, Chapter 10.
their own lives would be a strong moral objection to assisted dying if evidence from other jurisdictions showed it to be a likely consequence but would be much weaker if shown to be unlikely)

- Discuss the idea that arriving at an overall judgment will often involve weighing and balancing different, and sometimes conflicting considerations, e.g., the preservation of human life versus individual autonomy; the benefits of alleviating suffering versus the risks of abuse, etc. Discuss some of considerations that go into such weighing and balancing:
  - the consideration of both means and ends
  - the consideration of both costs and benefits
  - the importance of considering a variety of criteria
  - the priority of moral considerations over other types of considerations.

- Discuss moves that can be helpful in arriving at a reasoned judgment:
  - establishing the burden of proof
  - identifying whether differences in how arguments are framed are contributing to disagreement
  - recognizing the valid points in each view and trying to take them into account

- Have the students come to a judgment on the issue of assisted dying (as they have formulated it), using the following questions as guides:
  - How much weight should we give to each of the pro and con arguments in light of their individual evaluation?
  - How can we weigh and balance the various considerations to come to a judgment?
Can we reach a judgment that incorporates the strengths and avoids the weaknesses of different views?

Point out that the overall judgment need not be a matter of deciding in favor of one side or the other of the debate as framed but may well be a modification, qualification, or combination of the positions (e.g., that physician-assisted dying should be legal but only with certain qualifications, restrictions, and procedures in place to safeguard against some of the concerns raised in the arguments).

- One possible procedure is to have the students work in groups to do the comparative evaluation and discuss the overall judgment. Then have each student, as an assignment, explain the judgment they would come to and justify it with reference to how they have evaluated and weighed the arguments.

- An excellent strategy for promoting the careful consideration of both sides of a controversial issue is structured controversy. After the students have done their evaluation of the individual arguments, divide them into two groups and assign each group one of the sides to defend. Then switch roles and have each group defend the other side. At this point, one can have the whole group try to reach a collective reasoned judgment.

3. Pedagogy

This approach is best realized through an active and interactive pedagogy. Although there is an important place for instructor interaction with students through a lecture format, providing explanations, concepts, etc., and leading discussions, much of the value of the approach comes through having the students engaged in the learning activities. Students can work on tasks in groups, both during class and online, and either report back to the class or hand in
the work as an assignment. In addition, some of the tasks can be done individually as homework, with students meeting in groups during the following class to offer each other critiques and suggestions as a basis for revision.

This series of lessons can be done as a complete unit, but it can also be extended by having students work on inquiries, either individually or in groups (or some combination), on issues of interest to them, using the structure of inquiry described here.