Criteria for Controversy: A Theoretic Approach

Paul Anders & Nicholas Shudak

Abstract

What constitutes a controversial issue as appropriate for pedagogical use is a foundational question for teachers and educators to countenance. In what follows we develop and argue for a framework that helps teachers and educators think through criteria for identifying what makes a subject, issue, or curriculum controversial. The criteria on which we focus are: behavioral, political, epistemic, social and theoretic. We discuss the necessity and sufficiency of each criterion in identifying issues as controversies suitable for educational purposes. We find each of the first four criteria to be necessary but not sufficient, and argue for a theoretic criterion. According to this criterion, an object of dispute is considered controversial if the authoritative experts studying in the relevant fields cannot agree.

Keywords: *authority, epistemic criteria, epistemic authority, resonance*

Introduction

One of the goals of education through systematic schooling is to develop in the student the ability to think clearly, the capacity for autonomous, rational decision making that is intellectually rigorous and morally sound. An increasingly common method in the pursuit of this goal employs the nondirective presentation of controversial issues.[1] And so what constitutes a controversial issue as appropriate for pedagogical use is a foundational question for achieving this goal, and is the central topic of this article.

Our American system of public education has a checkered past with controversial issues, especially when science and religion are involved. Most famously is the 1925 Scopes Trial in which a substitute science teacher was fired after the accusation was levied that he used a science textbook inclusive of evolution, and thus in violation of Tennessee law banning the teaching of evolution. Though that trial was more of a charade and publicity stunt than anything else, the law referenced—the Butler Act—was real. And though the Supreme Court overturned the Butler Act in 1968—Epperson v. Arkansas[2]—the battle between creationism and evolution hit a fever pitch

1. There is a distinction between directive teaching which seeks to lead the student to a particular predetermined and testable conclusion and nondirective teaching in which the teacher does not take any particular position on the topics/issues being taught, but lets the student come to her own conclusion through various facilitation and questioning strategies. Gerald Graff in his *Beyond the Culture Wars: How Teaching the Conflicts can Revitalize American Education* (New York, NY: W.W. Norton and Company, 1993) begins a nice lineage of scholarly work in this regard.

2. https://www.law.cornell.edu/supremecourt/text/393/97.

in 2014 during the Bill Nye and Ken Ham debates.[3] Similarly, the Jerome Bruner inspired curriculum—Man: A Course of Study (MACOS), funded by the National Science Foundation in the late 1960s[4]—was designed to combine the sciences and the humanities to help students gain greater insight into human behavior and morality. This truly unique curriculum was roundly criticized by Congress for its perceived skepticism of religion and scrapped soon after implementation in select schools.

Though the battle between science and religion has captured much of the history of curricular controversy in our public schools, in recent years, the controversy seemingly revolves around religious plurality (Christianity and Islam) and around issues of sexual orientation and gender. In regards to the former, a recent world religions homework assignment at Riverheads High School in Staunton, VA, which required students to copy an Islamic statement of faith, seemingly for the "artistic complexity" of the handwriting, closed all schools in that county due to parental outrage that the teacher was trying to convert Christian students to Islam.[5] In regards to sexual orientation and gender, the landmark children's book, *Heather Has Two Mommies*[6] first published in 1989, and which has had a regular place on the American Library Association's "challenge" and "banned" book lists for the past 25 years, has just experienced its second edition at a time when same-sex marriage has become constitutionally protected.

This most recent turn of events begs the question, if something is constitutionally protected like same-sex marriage, bearing arms, or abortion, can it be controversial. It also brings us back to the foundational question guiding this article, and that is: What constitutes a controversial issue? In other words, are there criteria that are necessary and sufficient for something to be considered controversial? On our view, this is an essential question for teachers and educators to countenance. It is our belief that thinking can be challenged, insight deepened, outlook expanded, and classroom culture enlivened through the appropriate pedagogical use of controversy when rightly considered. Inspired by Jerome Bruner's profound hypothesis "that any subject can be taught effectively in some intellectually honest form to any child at any stage of development,"[7] we develop and argue for a framework that helps teachers and educators think through the criteria for identifying what makes a subject, issue, or curriculum controversial.[8]

To do this, we present five criteria that must be taken into consideration when evaluating whether an issue is controversial. The criteria are: behavioral, political, epistemic, social and theoretic. The first three criteria—behavioral, political, and epistemic—we develop through and in response to the works of Robert Dearden and Michael Hand.[9] The behavioral criterion suggests that controversy exists simply when a dispute occurs that leads to divergent behaviors in relation to the issue disputed. The political criterion suggests that an issue is controversial if no agreed

3. See the Wikipedia page devoted to this: https://en.wikipedia.org/wiki/Bill_Nye%E2%80%93Ken_Ham_debate.

4. Education Development Center, *Man: A Course of Study* (Cambridge, MA: Education Development Center, 1969).

5. See the report on cnn.com by Ben Brumfield, http://www.cnn.com/2015/12/18/us/virginia-school-shut-islam-homework/.

6. Leslea Newman, *Heather Has Two Mommies* (Somerville, MA: Candlewick Press, 2015, 2nd ed.).

7. Jerome Bruner, *The Process of Education* (Cambridge, MA: Harvard University Press, 1960), 33.

8. Our focus is on controversial issues that have pedagogical value, promoting the chief goals of education. We will use as interchangeable the terms "controversial," "appropriately controversial," "suitably controversial," and the like in our discussions of criteria for identifying such issues.

9. Robert Dearden, "Controversial Issues and the Curriculum," *Journal of Curriculum Studies,*13(1) (1981): 37-44. Michael Hand, "What Should We Teach as Controversial? A Defense of the Epistemic Criterion," *Educational Theory,* 58(1) (2008): 213-228.

upon position within the public value system can be found in relation to the object of dispute. Though these criteria seem necessary, they still are not enough to answer the question pertaining to whether the claims concerning the object of dispute are justified and true. Thus, the need for an epistemic criterion that requires evidence to warrant the behaviors, or public positions, taken in relation to the object of dispute is also necessary. The social criterion suggests that the issue in question must relate to and have implications for the existential social lives of the students in and out of school. In other words, is the issue existentially pervasive throughout their multiple social spheres? Lastly, we put forth the notion of a theoretic criterion. According to this criterion, an object of dispute is considered controversial if the authoritative experts studying in the relevant fields cannot agree. Along the way we discuss the necessity and sufficiency of the criteria in identifying issue as controversies suitable for educational purposes.

The Behavioral Criterion

Dearden raises and rejects a behavioral criterion for identifying controversial issues for nondirective teaching. According to Dearden, the behavioral criterion stipulates that an issue should be taught as controversial whenever there is found to be an actual dispute among "numbers of people" over the truth claims associated with that issue.

Dearden argues against this criterion offering two objections. Dearden's first objection rests on the common occurrence of dispute among a particular group of individuals even though there is a clear, non-controversial answer to the dispute outside that particular context. For example, "children will raise questions concerning the capital cities of countries, spelling of words, authors of books and explanations of well-understood natural phenomena," to which there are already clear and well-established answers.[10] Dearden also rejects the behavioral criterion on the grounds that it promotes relativism. If any issue upon which there is disagreement must be taught nondirectively, then the notion is supported that all disputed issues are up for grabs, encouraging, "the thought that what is true should be collapsed into what some group regards as true, with epidemic relativism, and a sociological carnival as the result."[11]

Hand rejects Dearden's first objection to the behavioral criterion on the grounds it confuses the normative question about teaching controversy with a linguistic question about how we use the word, "controversial." Dearden claims the childish dispute over capital cities is not controversial at all, but as Hand points out, this is a controversial issue for the children engaged in the dispute. As Hand argues, clearly not all disputed claims are controversial in the sense relevant to the question of nondirective teaching, "many actual disputes in society at large are about questions to which there are entirely satisfactory and well-established answers…[and] many questions to which different answers are possible and which it would be bizarre to teach as settled…are too remote from people's practical or theoretical concerns to occasion much in the way of dispute."[12] Clearly, for an issue to be controversial there must be some actual dispute concerning the object under consideration, and so the behavioral criterion is necessary; however, as Hand argues, this criterion is not sufficient. That a dispute exists cannot alone bring the issue under dispute into the realm of appropriate pedagogical use as a controversy.[13]

10. Dearden, "Controversial Issues," 38.

11. Ibid., 38.

12. Hand, "What Should We Teach," 214

13. By appropriate pedagogy we again refer to the nondirective teaching of controversial issues as a means toward furthering the goals of education. For informative discussions see for example: Michael Hand and Ralph Levinson,

The Political Criterion

Hand considers and rejects a political criterion by which controversial issues are separated from noncontroversial ones according to public and private morality. On this criterion, an issue should be taught as controversial only if it falls outside the domain of public morality—only if the issue involves a dispute not necessarily relevant to the goals and values of a democratic state. As Hand concludes, "According to the political criterion, then, a moral question should be taught as controversial when no answer to it is entailed by the public values of the liberal democratic state…the class of moral principles teachers should refrain from endorsing is coextensive with the class of moral principles the state should refrain from enforcing."[14] On this view, if on some moral issue there is no clear position supported by public values and morality, then that issue should be taught nondirectively. Furthermore, according to the political criterion, if public values and morality entail a single position on some moral issue, then that issue should not be considered controversial and that position should be taught directively in public schools.

However, as Hand argues, the role of public schools is not to instill uncritical support for the "public values and morality of the democratic state," but to supply students with the knowledge, and equip them with the skills, necessary to evaluate these issues and positions for themselves. Hand sees the misapplication of the political criterion as grounded in a misunderstanding concerning the goals of directive teaching. According to Hand,

> Directive moral education is an exercise in the giving of advice and the promulgating of information, not an exercise in the issuing and enforcing of commands. Yet the purpose of the distinction between public and private values is precisely to delimit the legitimate scope of *authoritative* interventions by the state. The distinction is therefore strictly irrelevant to the task of determining the proper context of directive moral education.[15]

Hand goes on to briefly question an underlying assumption of the political criterion pointing out that, "the idea that we ought to promote whatever moral perspective society currently privileges is scarcely philosophically respectable."[16] That the current public values and morality of a democratic state entail some position on a moral issue should not necessarily remove that issue from controversy. Likewise, that the democratic state has no settled position on an issue does not entail that there is not a single best, most rationally defensible, position to be taken on that issue.

Therefore, the political criterion is neither necessary nor sufficient for identifying controversial issues appropriate for pedagogical employment. For example, the morality of divorce provides a historical example of Hand's point. In the recent past, divorce was seen as unethical because it was thought to undermine family structure and stability both of which were important for the continuance of a liberal democratic state, making the issue of divorce noncontroversial based on the political criterion—divorce was clearly unethical given public values and morality. With changing public values and morality, attitudes concerning divorce loosen and divorce became a

---

"Discussing Controversial Issues in the Classroom," *Educational Philosophy and Theory* 44(6) (2012): 614- 629; Michael Hand, "Framing Classroom Discussion of Same Sex Marriage," *Educational Theory,* 63(5) (2013): 497-510; Maughn Rollins Gregory, "The Procedurally Directive Approach to Teaching Controversial Issues," *Educational Theory,* 64(6) (2014): 627-648.

14. Ibid., 221.
15. Ibid., 224.
16. Ibid., 227.

truly controversial issue. In contemporary society, divorce is no longer seen as detrimental to family structure and stability, and/or family structure and stability is no longer seen as crucial for the continuance of a liberal democratic state, making divorce again noncontroversial based on the political criterion—divorce is now clearly ethical given public values and morality because it falls within the free actions of consenting adults. The political criterion, then, is essentially a litmus test helping determine the perspective taken on an issue by the general public, but that perspective can change considerably, even reverse, and so the political criterion has no traction on our question concerning controversial issues.[17]

The Epistemic Criterion

Developing Dearden's relativism objection to the behavioral criterion, Hand finds a positive argument for the epistemic criterion he defends. Hand critiques Dearden's relativism objection first on the grounds it does not adequately establish a causal connection between adopting the behavioral criterion and the rise of relativism, and second because Dearden gives no normative principle against which he could explicate the evils of relativism. By offering such a principle, Hand adds a needed normative premise to Dearden's argument and thereby both clarifies the dangers of relativism and supports the adoption of Dearden's proposed epistemic criterion. Hand argues, "The central aim of education is to equip students with a capacity for, and inclination to, rational thought and action." Therefore, teachers must promote rationality by, "presenting students with the evidence adduced in support of a claim, helping them to evaluate it, and encouraging them to accept the claim if, and only if, the evidence is epistemically adequate."[18] This conclusion, Hand argues, leads directly to Dearden's epistemic criterion, "the issues we ought to teach as controversial are precisely those on which, 'contrary views can be held without those views being contrary to reason'."[19]

The epistemic criterion is certainly an improvement over the behavioral and political criterion. Developing rationality is a necessary task of educators and so the epistemic criterion presents a necessary condition for identifying controversial issues. For example, and returning to our constitutionally protected rights to abortion, bearing arms, and same-sex marriage, the epistemic criterion would suggest that, even though constitutionally protected, those issues are indeed controversial in that contrary positions are held as a result of reasoned and rational thought. The various court decisions over the years, and the evidence used in making those decisions, are indicative of those issues meeting this criterion. But does the epistemic criterion express a sufficient condition? To see why we answer negatively we must move on to consider our last two criteria.

17. John E. Petrovic, "Reason, Liberalism, and Democratic Education: A Deweyan Approach to Teaching about Homosexuality," *Educational Theory,* 63(5) (2013): 525-541, argues for the importance of the political criterion for successful teaching as Hand describes and rejects it in his own project. However, Petrovic emphasizes "values of the liberal democratic state," while we are looking to the more general notions of morality expressed by a democratic state, which have often worked at cross purposes with democratic values. We agree with the thrust of Petrovic's argument that liberal principles (equality, autonomy, freedom, e.g.) should guide the epistemic criterion; however, that guidance is better captured, we think, by the theoretic criterion we present in what follows.

18. Ibid., 218

19. Ibid., 219

The Social Criterion

For an issue to be considered appropriately controversial, the issue must have relevant import in the students' lives whether they are in or out of the school building. There must be a case to be made about the social prevalence of the issue in the students' lives as well as beyond in the larger social spheres. In other words, for this criteria to be met, it must be nearly impossible for students to hide or escape from the issue at hand. This might differ from one social context to another. For example, in rural states where up to 50% of households own guns, and where guns are regularly carried and displayed in vehicles at certain times of the year, gun control as an issue might play out differently than in urban areas marred by gun violence.

This social criterion of controversy taps into a rich intellectual tradition in American educational thought that argues for the intimate connection between the school as a social institution and the life of the students as social beings. According to this tradition, one of the key functions of the school is to help students think clearly about their existential social situations using the prescribed curriculum. On this point, Dewey informs by giving the example, one of many, that the "ultimate significance of lake, river, mountain, and plain is not physical, but social…[as it] relates to human intercourse and intercommunication as affected by natural forms and properties."[20] The geographic principles being studied only make sense when put into a human social context. Dewey refers to this focus on social context as the "moral trinity" of the school. According to Dewey, it is the school's function to engender "social intelligence—the power of observing and comprehending social situations—and social power—trained capacities of control—at work in the service of social interest and aims."[21]

The importance of having a social criterion for controversy, and following the intellectual tradition from Dewey above, is that it places the social context and interests of the students in close proximity with larger contexts and social interests. For something to be appropriately controversial, it must at least be of interest to both the students and to the wider society. One of the key social interests and aims affecting students and society is the protection of individual freedom and dignity.

Arguably, our American Western democratic tradition has three signature features. The first is the belief that each individual person is bestowed with dignity. Secondly, that each individual person is in many regards free and equal to all others. And thirdly, the establishment of a system of free, public, and equal education predicated on bringing each successive generation into contact with arguments that lead to the defense of features one and two. The goals of education in the Western democratic tradition, though they might be many, revolve around a central and moral principle: clear thinking about individual dignity, freedom, and equality. The clearness of an individual's thinking matters simply because the individual matters, and, thinking is perhaps the best and most dignified way for people to protect themselves and secure their freedoms. Horace Mann, that giant figure who helped pave the way for our ongoing experiment in systematic, free, public, and equal education commented that "Universal education is our substitute for [standing] armies…School-houses are the republican line of fortifications."[22]

In his 1922 piece for *The New Republic*, Dewey argues that the chief advantage of an education is the role it plays in preventing people from becoming "dupes," preventing people from

20. John Dewey, *Moral Principles in Education* (Carbondale, IL: Southern Illinois University Press, 1975), 35.
21. Ibid., 43.
22. Horace Mann, *Thoughts: Selected from the Writings of Horace Mann* (Boston, MA: Lee and Shepard Publishers, 1872), 208.

becoming a means to another's ends—i.e. slowly becoming un-free. At a time in our country when education was becoming more about task efficiency and workforce preparation, at a time when cheap and available print led to the proliferation of political pamphlets and dailies aiding in the ethnic balkanization of a new and ever expanding populace, Dewey was vigilant in reminding people that clear thinking is key to education, and education is key to securing a free and equal people.

Again for Dewey, there was an intimate moral connection between school and society, school is the place where we learn and think about society for the purposes of acting within society; that the two are inseparably bound is a simple matter of fact. On Dewey's terms, the "tendency to discuss the morals of the school as if the school were an institution by itself is highly unfortunate."[23] He continues to state that the "moral responsibility of the school, and of those who conduct it, is to society. The school is fundamentally an institution erected by society to do a certain specific work."[24]

Dewey's fear, though, was that the two were functionally separate and would remain separate. Thinking of schools as typical embryonic and democratic communities did not catch on as he was wont to think. Then, and arguably now, "The school itself must be a vital social institution to a much greater extent than obtains at the present,"[25] which is why controversy should be included as a pedagogical consideration using the social criterion as a guide. If this criterion is met, it means that the issue at hand transcends and permeates the boundaries between school and society, that the protection of individual freedoms are of concern, and ultimately means that the school can take steps toward being that vital social institution.

Though the contexts might be completely different, the prevalence of an issue such as gun control in the social context of the students' lives might be high enough to make a case that this criterion is met. That an issue is socially prevalent is necessary for it to be appropriately controversial, but it is hardly sufficient. The issue must also meet the epistemic criterion. However, the necessity of the social criterion shows the epistemic criterion to be insufficient – for an issue to be controversial in a way suitable for educational purposes, the issue must consider not only rationality but existential social import.

Building toward the Theoretic Criterion

What we've seen so far are four criteria for determining whether an issue is controversial. So far it seems that the behavioral, epistemic and social criteria all express necessary conditions, though none is individually sufficient. As we build toward a case for the *theoretic criterion,* we do so by building from the cases for epistemic and social criteria introducing the key piece for the theoretic criterion, the role of authority. While we agree with Hand that an epistemic criterion must be employed, the epistemic criterion as Hand presents it is inadequate for predominantly social reasons.[26] Hand's astute observation concerning the relation between political enforcement and pedagogical endorsement opens a window into this conceptual space through which we can begin

23. Dewey, *Moral Principles in Education,* 7.

24. Ibid.

25. Ibid., 13.

26. Trevor Cooling, "What is a Controversial Issue? Implications for the Treatment of Religious Beliefs in Education," *Journal of Beliefs and Values,* 33(2) (2012): 169-181, questions Hand's epistemic criterion for failing to embody principles of fairness and diversity, and offers a diversity criterion. This criticism is a sample of the kind of general problem at the foundation of our objection in what follows based on Hand's failure to recognize important considerations in social epistemology.

to see more clearly the relationships between the behavioral, political, epistemic and social criteria. These relationships can be better understood by considering recent work in political science and social epistemology.

In her influential book, *Epistemic Authority*, Linda Zagzebski argues for the rationality and even necessity of accepting truth claims on the basis of authoritative testimony.[27] As Zagzebski argues, modern treatments of epistemological concepts—rationality, evidence, knowledge, and the like—are grounded in two methodological considerations, egalitarianism and autonomy. Egalitarianism assumes that all rational subjects are fundamentally equal in their epistemological position with differences attributable to context and situation, therefore any knower can arbitrarily represent the set of all knowers. Egalitarianism fails to acknowledge the fundamentally subjective element in epistemic considerations. Autonomy is closely related to the modern call for a strong epistemic self-reliance—any rational agent should accept a belief only after she has done the necessary epistemic work to justify that belief for herself. Such prioritizing of self-reliance fails to recognize the social element in knowledge, evidence and rationality. Zagzebski details the problems with these modern assumptions not only in the tension between them but also in the practical impossibility of holding to such ideals.

These assumptions seem represented in Dearden's and Hand's epistemic criterion, for example, when Hand argues, "So if we are serious about promoting rationality, we must also be serious about teaching students to judge candidates for belief against the evidence or arguments in their support.[28] On his epistemic criterion Dearden comments, "By 'reason' here is not meant something timeless and unhistorical but the body of public knowledge, criteria of truth, critical standards and verification procedures which at any given time has been so far developed."[29] Yet, he still seems to treat this historical development as a socially monolithic movement from the unknown to the known, the nebulous to the clear, the controversial to the settled. A student need only be positioned within the historical flow of human understanding on an issue for the student to make an objective assessment of the relevant considerations. However, knowledge and rationality are not wholly objective even at any given time; they are obtained within a web of social interrelations between rational agents.

To understand how identifying controversial issues should reflect a more social epistemology, one must consider the role of authority in our typical belief formation. There are typically three ways the authority relation is analyzed.[30] A person can have authority in the sense of having permission to act on another's behalf. For example, my work study student has the authority to retrieve mail from my faculty mailbox. The authority relation is between me and my work study student. Her authority is limited to the actions I have permitted her to perform on my behalf. This example illustrates another type of authority: the authority to grant permission to another. I am in a position of authority with respect to granting my work study permission to retrieve my mail. The third analysis of the authority relation concerns information or a body of knowledge in general. Theoretical authority, or expertise, involves giving an authoritative opinion on the accuracy, reliability or credibility of a statement or claim. Expertise affords a statement credibility based on the source of the statement. If one does not have the requisite experience and/or background

27. Linda Trinkaus Zagzebski, *Epistemic Authority: A Theory of Trust, Authority, and Autonomy in Belief* (Oxford: Oxford University Press, 2013).

28. Hand, "What Should We Teach," 218.

29. Dearden, "Controversial Issues," 38.

30. For an excellent introduction to the concept of authority see, Joseph Raz, "Introduction," in *Authority*, edited by Joseph Raz, (New York: New York University Press, 1990).

knowledge to judge the inherent credibility of a claim, the decision to accept that claim as accurate or reliable can be made justifiably based solely on the credibility of its source. Expert support of a claim, when the expert is not unduly biased or self-interested, supports the justifiable acceptance of, or belief in, the claim as true.

Political philosophers have seen a close relationship between a right to rule and expertise. Political authority can be understood as a kind of permission granting. However, a political authority must also have the power to require and even coerce acceptance of both permissions granted and permissions withheld. Expert advice grants the novice permission justifiably to accept a claim presumably because the expert has an access to evidentially relevant information that the novice does not enjoy. The novice, by definition, lacks information and/or access to information. The novice can accept a claim because, based on the advice of the expert, she can justifiably believe there is evidentially relevant information that itself, independent of the expert's advice, supports the claim. In the same way expert advice to reject a claim justifies the novice in rejecting that claim.

Much of the contemporary literature on legitimate political authority has arisen in response to Robert Wolff's substantial treatment of the anarchist challenge to the possibility of any legitimate political authority.[31] Wolff argues that the problem of political authority lies in one's duty to obey the dictates of an authority. A duty of obedience vacates one's rational autonomy. The requirement of obedience to political authority eliminates one's responsibility and authority over oneself. Furthermore, if one is to accept a political authority then one must accept the directives of that authority whether or not one agrees with that directive.

A common problem underlying attempts to answer the anarchist challenge arises because of a fundamental disanalogy between political and theoretical authority. Theoretical authority does not grant the expert any power to coerce the novice to obedience. In Robert Ladenson's reply to the anarchist challenge, he attempts to dissolve the challenge arguing one's being under the political authority of another does not bring with it a requirement of obedience.[32] For Ladenson, political authority is just the permission to use coercion, there is nothing in legitimate political authority that requires a duty of obedience. While this response may be problematic with respect to political authority, it accurately represents theoretical authority. An expert does not have the power to coerce obedience or acceptance. Expert authority is unlike political authority in this fundamental regard, it functions not within a political context where obedience can be required, but within a social context where obedience is not obligatory.

The Theoretic Criterion

Within the social context of education, the student is a novice under the theoretical, but not political, authority of multiple experts. If teaching controversial issues is to have a positive impact on students, it must, at least in part, be focused on developing in the student the knowledge and skills required to navigate the social context of divergent expert testimony on socially prevalent issues. Within this context controversial issues should be identified using a *theoretic* criterion—an issue is appropriately controversial if, and only if, the issue is prevalent in the social context of the students' lives and there is observed an actual dispute *among experts* on that issue. The theoretic criterion is based on the understanding that epistemic concepts such as knowledge, evidence,

31. Robert Paul Wolff, *In Defense of Anarchy* (New York: Harper and Row, 1970).

32. R. Ladenson, "In Defense of a Hobbesian Conception of Law," *Philosophy and Public Affairs*, 9(2) (1980): 134-159.

fact, reason and rationality, are all theory laden and so socially contextualized. This criterion clearly embodies Dearden's rejected behavioral criterion but focuses the criterion on particular contexts of disputation that entail the requirements of Dearden's and Hand's epistemic criterion while also applying the epistemic criterion along the lines of considerations expressed in the social criterion, since expertise, as theoretical authority, is itself both an epistemic and social category.

To support the theoretic criterion we want to consider more closely Dearden's objections to the behavioral criterion and Hand's treatment of those objections. Dearden rejects the behavioral criterion first because it would identify as controversial issues that are disputed within some group even though, "there exists a clear decision-procedure and typically there is also a publicly known and available answer," concluding that, "These matters are not controversial at all."[33] However, Hand points out, the issues in Dearden's examples are in fact controversial for the groups having the disputes. What seems relevant in such cases then is the make-up of the group. Dearden focuses on instances of "simple ignorance" or overly assertive individuals; however, there have certainly been instances in which a small group has disputed an issue that had a clear decision-procedure, and publically "known" and available answer. Such instances arose with the Copernican revolution in astronomy, the gradual acceptance of plate tectonics in geology, and the abolitionist movement in social ethics. We can conclude, then, when identifying controversial issues, dispute by experts should be given priority even over public knowledge and rationality.

It may be argued that the theoretic criterion still promotes the kind of relativism with which Dearden is concerned regarding the behavioral criterion. Dearden grounds his relativism objection to the behavioral criterion in the inevitable discontinuity between controversy and objective fact; "If all that is needed is for a number of people to assert a counter-opinion for the matter to become controversial, regardless of that counter-assertion's ungroundedness, inconsistency, invalidity or mere expressiveness of a vested interest, then even the shape of the Earth becomes at once controversial," which Dearden concludes would encourage, "the thought that what is true should be collapsed into what some group regards as true."[34] Since any expert will invariably be positioned within some conceptual framework, it seems identifying controversial issues based on disputes among experts will exacerbate rather than ameliorate the problem of relativism.

Returning to our political model, this concern can be adequately addressed. S. Lukes argues persuasively, "that every way of identifying authority is relative to one or more perspectives and is, indeed, inherently perspectival, and that there is no objective, in the sense of perspective-neutral, way of doing so."[35] For example an authority will not only use their specialized knowledge to evaluate the relevant evidence supporting a position on an issue, the expert will also decide what evidence is relevant for adjudicating the issue. This certainly sounds like relativism. This seems deeply problematic with respect to political authority. However, theoretical authority does not entail a necessary commitment to obedience. Even when an expert can be found from within one's chosen perspective, identifying controversial issues in the disputes between experts strongly suggests that no expert has the final word on a controversial issue. This consideration militates against relativism.

33. Dearden, "Controversial Issues," 38.

34. Ibid., 38.

35. S. Lukes, "Perspectives on Authority," in *Authority*, edited by Joseph Raz, (Oxford: Oxford University Press, 1990), 203-217, 204.

Applying the theoretic criterion raises Alvin Goldman's question, "Which experts should we trust?" [36] This question speaks to the prevalence and import of an issue within the social context of a student's life. A novice would be more likely to accept authoritative pronouncements if the expert and novice hold a similar worldview. Goldman includes among the requirements of knowledge and reputation, the absence of bias as one characteristic of a legitimate theoretical authority. In light of Lukes' contention that authority attribution is inherently perspectival, lack of authoritative bias may be impossible. A better characteristic for legitimate theoretical authority regarding a particular issue may be lack of ad hoc reasoning. Reasoning becomes ad hoc when assumptions or presuppositions are used only to achieve a desired conclusion, those assumptions and presuppositions having no coherent or interconnected relationship to the overall worldview from which the expert is approaching the issue. Following the epistemic and social elements of the theoretic criterion, a novice, or student, is encouraged to evaluate the arguments and evidence presented by various experts *including those representing their own perspective* focused on how facts and evidence are being used in support of each expert's position.

Conclusion

We have sought to develop and argue for a framework that helps teachers and educators think through the criteria for identifying what makes a subject, issue, or curriculum suitably controversial. We presented five criteria that have been offered for consideration when evaluating whether an issue is controversial—behavioral, political, epistemic, social and theoretic. The behavioral, epistemic, and social criteria all express necessary conditions for identifying controversial issues, while the political criterion focuses on conditions unrelated to this task. We have argued that only the theoretic criterion expresses both necessary and sufficient conditions for identifying controversies suitable for educational purposes. Education has many goals but among them must be to promote the knowledge and skills necessary for social awareness of, and rational engagement with, the prevalent issues facing any citizen of a modern democracy. Using controversial issues to instill an ability to evaluate divergent expert testimony on a prevalent issue will continue to be a significant pedagogical tool. What controversial issues to incorporate into a particular classroom or curriculum must ultimately depend on the theoretical authority of the teacher engaging that particular group of students in that particular educational context.

After discussing the behavioral and epistemic criteria, Dearden distinguishes four different kinds of controversial issues: first, cases in which there is insufficient evidence to settle a dispute; second, cases where the dispute is over the weighting of relevant considerations on an issue; third, cases in which there is dispute regarding what considerations should even be considered relevant; and fourth, cases in which differing conceptual frameworks or worldviews are brought to the issue. Dearden suggests these kinds of controversies are of increasing intractability, but argues that controversies at all these levels should be included in educational curriculum. Clearly, learning to evaluate a controversial issue of prevalent social import from within a particular perspective is a crucial feature of promoting rational autonomy. In closing, Dearden asks, "Should the step be taken of calling in 'experts' to pronounce, in which case what would be the character of their expertise?"[37] We hope to have begun answering these question.

36. Alvin I. Goldman, "Experts: Which One's should You Trust," *Philosophy and Phenomenological Research*, 63(1) (2001): 85-110.

37. Dearden, "Controversial Issues," 44.