CRITERIA FOR EVALUATING NON-POLICY ARGUMENT

David Zarefsky
Northwestern University

The conferees at Sedalia two years ago urged, as one of their 64 formal resolutions, that a variety of propositions should be used in academic debate, including the occasional use of propositions which did not call for a change in policy.[1] Two assumptions underlay this resolution. First, it was believed that a reciprocal relationship exists between argumentation theory and practice. Theories are implemented in practice, but they also are generated in response to practical problems and needs. Second, it was feared that an almost exclusive concern with propositions of policy had rendered both argumentation theory and practice dangerously parochial. After all, people participate in many sorts of argumentative encounters other than public policy decision making--judicial argument, scientific and historical arguments, aesthetic and critical arguments, philosophical and theological arguments, and others. Yet argumentation theory and practice seem confined to the deliberative situation, with its key question, "What should we do?"

Presumably in response to the Sedalia resolution, the Committee on Intercollegiate Debate and Discussion included one non-policy proposition on the 1976-77 ballot; it placed second in the final vote. I do not know whether these results bespeak widespread interest in non-policy propositions, attraction to the subject area of law enforcement, or disgust with the policy propositions which Professor Callaway and his colleagues offered as alternatives. But they do suggest that a consideration of theoretical issues involved in non-policy propositions is of more than hypothetical relevance to intercollegiate forensics. If this discussion suggests appropriate reference points, then we

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may see greater willingness to debate non-policy questions. If not, well, it only proves my point that practice in non-policy argument is needed to sharpen our theory!

My task is to discuss criteria for judging non-policy argument. At the outset I must say a word about the role of the judge. To state the obvious, the metaphor of debate as administrative or legislative policy-making will not do, and it makes no sense to regard the judge as a "policy-maker," rational or otherwise. The implications of abandoning this metaphor, and some possible substitutes for it, are topics which I reluctantly leave to Professor Trapp--with the proviso that I may return to them during the discussion period. But I mention the subject now to stress that this "policy-making" metaphor gives us one set of specific answers to the general question, "What constitutes good reasons for affirming a proposition?" I use the term "good reasons" as did the late Professor Karl Wallace, to refer to reasons which are psychologically compelling for a given audience, which make further inquiry both unnecessary and redundant--hence justifying a decision to affirm or to reject a proposition.[2] Now policy questions give us a set of commonly-accepted good reasons: a cost-benefit standard, according to which advantages must exceed disadvantages; a focus on unique advantages and disadvantages; a widespread belief that the preservation of human life is among the most substantial of advantages, and so forth. Is it possible to specify, in a similar fashion, the "good reasons" for affirming or negating a non-policy proposition?

To do so we must recognize that there are many different types of non-policy propositions. I'd like to consider five types. I don't claim that these categories are exhaustive or mutually exclusive, but they make convenient divisions for the moment.

(1) First is what I would label the quasi-policy proposition. It does not advocate a specific plan of action, yet one is implicit within the statement of the proposition. It would be difficult to defend the proposition, "Resolved:

That federal financing of abortion is immoral," without simultaneously advocating that such payments should cease. The law-enforcement proposition on the 1976-77 intercollegiate ballot is an illustration of this type. It implicitly called for reversal of certain decisions of the Supreme Court.

This propositional type would entail the smallest deviation from criteria for judging policy propositions of any that I will discuss. The major change would occur in what we customarily think of as "plan objections." I am sure that Professor Rhodes will address this issue in detail, so let me say simply that plan arguments could not concern themselves with mechanics of a plan-- a particular finance, enforcement, or administrative mechanism, for instance. Instead, arguments would be generic in nature, applying to any plan embodying the principle implicit in the proposition.

It is possible that the emphasis of principle over mechanics would affect other judging criteria as well. For instance, the resolution might be affirmed by pointing to deficiencies in the principles underlying a given policy, rather than focusing primarily on the effects of the policy--in particular the quantitative effects. One might define excessive restriction on law enforcement by reference to some fundamental principle. On the other hand, one might say that the police are overly restricted if too many guilty people go free, and then argue about the number who do.

In either case, however, this sort of proposition would be judged according to two grounds: (a) What are the criteria for describing reality in the manner stated by the proposition? (b) Are these criteria satisfied?

(2) A second type of proposition is that of historical or scientific argument. In either argumentative situation, the question is one of what meaning to give to phenomena. The historian attempts to interpret events within the framework of some explanation; the scientist, to interpret phenomena by reference to some theoretical

structure. The underlying question is: Does experience mean this - and - so, or not? Most of the propositions used last year in the Bicentennial Youth Debates program are of this type; one example might be "Resolved: That the metaphor of America as a 'melting pot' is an historical fiction."

In judging debate on such a proposition, one first must determine the grounds on which he will find it to be true. Principles of historical and scientific generalizations should supply many of the grounds, such as: Is it consistent with the facts? Is it consistent with other known data? Are there a significant number of counter-examples? If so, how might the theory explain them? Is it relatively parsimonious? and so forth.

Once agreement is reached on what the grounds for judgment are, the other main judging question is whether the proposition satisfies the given criteria. Of course, here the issue would be whether the theory's proponent or antagonist is better able to convince an audience that his view is the more coherent, complete, simple, or whatever the criteria may be. Each advocate would attempt this task using argumentative techniques with which we are quite familiar. I would suspect, however, that argument from example would receive especially great prominence.

(3) Conflicts between or among values. This type of argument concerns hierarchy, the relative merit of values which are in conflict. It seems to me to characterize much of philosophical or theological argument. An example of such a proposition is, "Resolved: That the right to justice is more important than the right to property." Those of you who have judged intercollegiate debates recently in all probability have been in rounds in which the implicit proposition was, "Resolved: That human life is more important than human freedom."

Two stages are involved in judging such an argument. First, a decision rule must be determined. That is, the judge must adjudicate between competing views of how the main question should be decided. For instance, one might argue that the

decision should go to whichever value maximizes some other, agreed-upon value: Is life or liberty more conducive to happiness? Or one might maintain that the decision should favor the one value which subsumes the other: justice is a necessary condition for property rights, or vice versa. Or one value might be preferred if it could be shown to have more desirable consequences: Infringing the right to property would provoke civil war; hence it is undesirable. Or an argument from definition might be the grounds on which to support one value: It is only the capacity for freedom which makes human life more valuable than that of other animals. The point is that each advocate, explicitly or implicitly, will urge a decision rule. The judge must decide which decision rule makes more sense, on the basis of the arguments offered for it. Having done so, he then must apply the decision rule. For instance, if he determines that the decision rule is "maximization of happiness," then he must proceed to adjudicate the question, "Which value has been shown to maximize happiness?" It should go without saying, of course, that the judge determines neither the decision rule nor its application on the basis of whim or personal prejudice, but on the basis of the arguments which are presented to him.

(4) A fourth type of non-policy proposition is one which concerns whether or not to bestow a given value judgment on an object, event, person, or act. Here the question is not the relative ordering of values, but whether or not a particular value is appropriate to characterize a given object. Most arguments within the fields of aesthetics and criticism, I think, involve propositions of this type. One example would be the topic reportedly debated by the President-elect when in high school: "Resolved: That Gone With the Wind is pure trash." The question, you see, is whether "pure trash" is an appropriate characterization of the critical object.

To judge an argument such as might occur between literary or dramatic critics, one first must adjudicate the question of criteria. How would one know "pure trash" when he saw it? What conditions would justify the affirmation of the proposition? Competing advocates either would agree upon criteria or would present alternative criteria for a decision by the adjudicator. Once the criteria are determined, the second basis for judgment is whether or not the object in question satisfies the criteria. If "pure trash" is seen as sentiment, contrived plot, and lack of verisimilitude, then the question is whether, on balance, Gone With the Wind displays these qualities.

Incidentally, while I have focused on aesthetics and criticism, this sort of argument also has many applications in law. The relevance of disputes about the nature of obscenity should be obvious. There are several other areas, I suspect, in which invoking a legal definition involves bestowing a value judgment, as well.

(5) Finally, I want to mention what I call the proposition of quasi-fact. Many of us have learned that propositions of fact are not really debatable. Why argue the question, "Resolved: The outdoor temperature is 60 degrees Fahrenheit," when one can look at a thermometer and see? Or, as Wendell Johnson would have advised the disputants in the question of how many angels could dance on the head of a pin, "Bring me the pin and the angels and we'll see."

I fear, though, that we have been misled by the examples of factual propositions into thinking that no proposition of fact is debatable. But many are. For one thing, many seemingly factual statements are in reality questions of classification, much like the argumentative type I described a moment ago. "Resolved: That the two-party system is dying in America," appears to be a statement of fact, yet actually turns on the questions, "What would make death an appropriate characterization of the two-party system?" and "Are these conditions satisfied?" Moreover, determining what would qualify as supporting evidence for a

factual statement seldom is automatic. The proposition, "Resolved: That Jimmy Carter received stronger political support than Gerald Ford," raises many questions about what would constitute support: number of votes, intensity of partisan feeling, independence of voters, positive affect, or what? Of course, this proposition could be rewritten to avoid this ambiguity. But my point is that we frequently encouter factual claims which have not been "cleaned up" and we must determine what would constitute support for the claim and whether those conditions are fulfilled.

You may have noticed two recurring criteria for judgment throughout this discussion. First, each type of non-policy question requires judgment on the standards or criteria for decision--the decision rule. The means of resolving the dispute are themselves subject to argument. Second, a judgment must be made as to whether the circumstances in question satisfy the conditions stipulated in the decision rule.

In passing, I would note that these same two criteria apply to policy propositions as well; they really are not so different. But we don't notice the criteria because, as I've said, there exists a fairly broad consensus as to both the decision rules and the process by which one demonstrates their applicability. The debate then becomes a forum for the production of evidence and argument to satisfy these consensually validated standards. In focusing on policy questions, however, we may have developed a "trained incapacity" to adjudicate other types of claims.

This situation is hardly unique to forensics. My colleagues in management are far more advanced in what they call the "policy sciences" than are those in history, philosophy, and literature in discussing controversial questions in those fields. As a society, we pay the price for being able to make only certain types of decisions with sophisticated intelligence.

If I sound like an advocate for the non-policy proposition, I readily confess. I think our theories of argument would be given greater validity and wider utility by grappling with issues such as the nature of presumption and burden of proof, the responsibilities of the advocates, the role of the judge, and the nature of "good reasons" in the context of non-policy propositions. And I think our students would be far better prepared to understand and to apply the argumentative perspective to the wider range of settings in which human beings must make choices under conditions of uncertainty.

NOTES

[1] Forensics as Communication: The Argumentative Perspective, ed. James H. McBath (Skokie, Ill.: National Textbook Company, 1975), p. 29.

[2] Karl R. Wallace, "The Substance of Rhetoric: Good Reasons," Quarterly Journal of Speech 49 (1963), 239-249. See also, generally, P.H. Nowell-Smith, Ethics (Baltimore: Penguin Books, 1954).