PRESUMPTION, PRESUMPTION, WHEREFORE ART THOU PRESUMPTION?

The use of the hypothesis-testing paradigm to establish presumption in value-proposition debate

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> CASUISTRY 1a: the study of or the doctrine dealing with cases of conscience b: the reasoning about or resolution of questions of right or wrong in conduct through the application of religious or secular ethical principles and rules 2: equivocal or specious reasoning: false application of principles specifically in regard to law or morals (Webster's Third International Dictionary, p. 349)

In approaching the subject of presumption in value proposition debate, I have felt a bit presumptuous. To quell such modest feelings on my part, I would like to respond to several detractions before I go further:

1: Why is the paper so long? Both because I feel Tim Browning and the Desert Invitational should get their (?) money's worth, and because the subject invites volumnious treatment.

2: Why is the paper so short? Because the tournament director refused to spread epoxy on the symposium seats, and because I would like comment from both critic and debater before I expand on this theme.

3: Why do you have such a limited discussion of presumption and hypothesis-testing? Because I assume my audience either is already, or can become, familiar with the existing work on those topics.

4: Where are the pragmatic suggestions we can follow? I do believe my ideas are highly pragmatic, but, if desired, I would be happy to contribute an extended article on the subject to some deserving publication.

5: Why don't you give credit where credit is due? I try to, but many of the ideas on argumentation have become filtered through the noisesome mob that attribution was unfeasible.

6: Where did you dredge up your terminology? From expedience. Hence, "NDT debate" refers to traditional intercollegiate academic competitive debate; VPD refers to debate on propositions which focus on evaluative judgements; PPD refers to debate on questions of policy; hypothesis testing refers to the hypothesis-testing paradigm for decision-making in academic debate, as suggested by David Zarefsky. Although I realize such terms are more evaluative than I intend, I will stoop to such shorthand to avoid incomprehensible academic prattle where possible. I ask all my readers to uncode my ideas and language kindly.

7: Why don't you case this particular prattle and get on with your analysis? A point well taken.

Delivered at the Desert Argumentation Symposium, Tucson, Arizona, March 2, 1980.

The definition on the previous page is included as both a curiosity and a criteria. In endeavoring to argue according to definition one, particularly in a competitive framework, we all too often lapse into debate best described by definition B. I optimistically posit that such debate occurs more out of confusion than perversion. In perhaps no area of academic debate is there more confusion than the role of presumption.

Presumption in intercollegiate debate often seems to have moved to the endangered species list. The increasing acceptance of the comparative advantages case, the popularity of the "policy maker" decision paradigm and the character of recent intercollegiate debate resolutions have produced a situation where the call of "affirmative" after winning a coin flip becomes the standard, and critics wax apologetic for considering presumption or inherency a major issue in their judging philosophy. Academic debate moved in recent years from a position possibly to the right of the good prelate Whately, to a situation where "first negative debaters feel emasculated," according to one, predictably male, author, because their traditional territory has increasingly become part of "affirmativeland" (Pfau, 1979).

Traditionally, presumption has been defined as "the preoccupation of a piece of argumentative ground" (Brockreide, 1978, p. 135). Also traditionally, presumption favored the status quo, placing the burden of proof on the affirmative team. This assignment assumed stability was the rule and that the affirmative team should carry a special burden due to the risk of change involved in supporting the proposition. As Marsh, Newman and others observed, stability was perhaps even less to be expected than change, and the affirmative advocate, rather unrealistically, was "required to show that the world was going to Hell in a wheelbarrow" simply to overcome the negative "presumption" (Newman, 1970). The more recent tradition which grew out of this dissatisfaction, that of the "comparative advantage" case, simply requires the debaters to support their own assertions, regardless of side assignment. The comparative advantages approach, which either ignores presumption in the older sense, or exhumes it in case of a "tie," has gained acceptance in the 1970's.

Present practice typically combines the stock issues and the comparative advantage approaches in an often awkward marriage of convenience. Any of the stock issues <u>may</u> suddenly emerge as a decision-criteria, but usually the round involves weighing the probability of the affirmative team's claimed advantages against the risk and impact of the negative team's claimed disadvantages in a tally system which makes Olympic figure skating scoring look simple by comparison. This debate equation asks the critic to be a rational policy-maker, then insults that supposed rationality by pulling arguments, dropping arguments, sleazing in and out of arguments, accusing the other side of using tactics as shoddy as your own tactics, and traversing the tightrope of inconsistency. Presumption is relegated to a last-ditch appeal by a moist-eyed second negative for clemency in case of a "tie" or a total lack of evidence.

Is presumption, then, simply an arbitrary games rule used to determine speaking order and ties? Few would reject the idea of presumption entirely, if only because without presumption "the situation is chaotic or formless and hence not subject to reordering. The parties have nothing to argue about" (Brockreide, 1978, p. 135). But since as good a case for change may be made

as for stability, traditional assignment of presumption to one team seems arbitrary at best. In an activity reliant upon reason, it seems ironic to assign duties by means of a reasonless game rule, however. Without belaboring the issue further, is there yet another means by which to establish presumption?

David Zarefsky's reformulation of the concept of presumption in intercollegiate debate and his formulation of the hypothesis-testing decision-making paradigm for debate provided the opportunity for the beleaguered first negative speakers a chance to at least regain their gender identity. Zarefsky proposes "that we conceive of presumption as being, not in favor of maintaining the present system, but against the specific resolution being argued" (Zarefsky, 1972, p. 5). Based on this concept of presumption, Zarefsky suggests argumentation can be likened to the hypothesis testing used in scientific research. To be accepted, the proposition, which is now treated as the hypothesis, must be able to stand against all counter-argument; the choice is not between two policies but simply for or against the one course of action embodied in the proposition. The rationale for such "testing" is provided at length by Zarefsky in his 1976 paper, "Argument as hypothesis testing," and in more recent sources as well. Unfortunately, here I must be brief. The likeness of argument hypothesis-testing to scientific research is parallel: science attempts empirical verification, argumentation considers "the uncertain and contingent" (Zarefsky, 1972, p. 6). The particular value of the hypothesis-testing paradigm in rhetorical matters is "reliable knowledge" about topics which empirical methods cannot approach. In Zarefsky's words: " . . . placing presumption against the proposition is the means of providing for a rigorous test of the proposition" (Zarefsky, 1976, p. 5).

Hypothesis testing remains a rather radical paradigm for competitive debate. My sage colleague, Professor Scott Nobles, hazarded that all the hypothesis-testers could fit into a phone booth with room left over; while this opinion may not be literal, it is indicative. The radical image is curious, as hypothesis-testing is at heart a rather conservative paradigm, quite like debate in "the good old days." The paradigm is also uniquely suited to propositions of value or judgement. Before continuing with hypothesis testing, however, I shall establish what is indeed unique to propositions of value.

A distinction between value and policy debate is probably more convenient than realistic. Values and policy are interdependent to a degree, where each can be meaningless without the other. Values preceed policy formation, influence policy implementation and assess policy results. A value alone is an abstraction with minimal relevance; a given policy translates a value, or values, into a form which those of us who dwell below the ozone layer can appreciate. Is value debate, then, synonymous with policy debate? No. The argumentation theory, as is to be hoped with the theory a discipline evolves, applies irrespective of the categorization of the particular resolution, but the locus of the debate, and, hence, the focus of the argument shifts. In the case of value proposition debate, the focus is on idea, rather than action. VPD places the major emphasis of the debate on those ideas precedent to policy formation.

The American Heritage Dictionary defines value as "a principle, standard, or quality considered worthwhile or desirable" (1975, p. 1415). Most debaters advise me to consider contextual definitions; Dale Hample suggests values "are thought to typify both people and cultures by defining proper (or good or

acceptable) action and belief," value proposition debate would be an argument, the focus of which requires evaluation of the desirability of principles underlying belief or suggesting action (Hample, 1977). From a rational standpoint, values are both antecedent to and, for proper understanding of motive, superior to actions alone (NEA, 1976, p. 18). Tom Hollihan wrote recently "issues of value are fundamental to understanding the motives of human action and are at the very center of what debate should be about" (1980, p. 5). A number of papers and articles have suggested propositions of value for intercollegiate debate (see Matlon, 1978). The CEDA devision has used propositions of value for topics in recent years. Clearly, there is a much-warranted interest in value proposition debate.

Unfortunately, the vast majority of debaters seem ill-prepared to argue propositions of value. This year, both the CEDA rounds and the NDT rounds can think of little to argue on such philosophical issues as compulsory national service and the first amendment, respectively, besides the inevitable "nuclear holocaust" of innumerable disadvantages. The reason for this curious preference is not difficult to establish:

> Contemporary intercollegiate debaters, who are accustomed to debating the costs and benefits of policy alternatives using empirical evidence, are understandably confused when it comes to value arguments (Hollihan, 1980).

This is not to utterly condemn those who debate values entirely in terms of policies. In debate there is less right and wrong than appropriate and inappropriate. Attacking values by way of inferred policies is about as efficient as deciding whether or not you love someone by determining whether you have enough gas to get to a no-tell motel. (This last example involves less bionic leaps of inferred action than several CEDA rounds I have heard.) The importance of efficient argument selection becomes all the more obvious when the time constraints of the debate round are considered. The optimal approach to arguing propositions of value would use the most appropriate paradigm. Efficiency, effectiveness, relevance and theoretical validity are criteria for that selection.

It is naturally at this point that I wish to again consider hypothesis testing. While there are valid objections to the use of hypothesis testing for policy proposition debate, mostly on pragmatic grounds (see Lichtman and Rohrer, 1973), these concerns are less relevant to value proposition debate, as I will indicate below. Hypothesis testing seems to be the most appropriate paradigm for value proposition debating; I do use "seems" because not only can I not prophesy what new decision-models lurk in the coming years, but also because there may be exceptions revealed experientially or topically. Nevertheless, hypothesis testing seems well-suited to value proposition debate for five reasons.

First, hypothesis testing establishes presumption. As indicated above, presumption serves to establish duties and thus reduce some "chaos" by making debate possible. The traditional assignment of presumption, to the present system, is rarely possible in VPD. As Thomas Dye explained, "There are no societal values that are usually agreed upon, but only the values of specific groups and individuals, many of which are conflicting;" Dye suggests that even generally held precepts lack such generalization when considered in a hierarchy (1978, p. 31). Presumption can hardly be assigned to a non-existent

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Second, hypothesis testing allows subtlety. "Not only do our social ends or values conflict, but being quite subtle and comlex, they are exceedingly difficult to specify" (Schultz, 1968, p. 38). Rather than require the negative to formulate a specific alternative, existant or not, the arguments need only be specifically against the proposition. Thus, instead of an artificial black-and-white contrast, shades of gray more suitable to the nuances of moral judgement may be employed. For example, the 1978-79 CEDA topic raised the issue of ethnocentric definitions of "human rights;" while few teams could argue the U.S. definition is bad, the definition may be undesirable for nationas with differing religious, social, political or economic criteria for desirability. Such a position is indeed tenuous as compared to a "human rights position" but very important in judging a value.

Third, hypothesis testing increases alternatives. The importance of considering all alternatives was indicated in the interdisciplinary Making Decisions.

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A frequent criticism of hypothesis testing is the quantity of positions which may be essayed. While consistency may have some appeal in policy comparison, it is unclear to me why only a single value may be considered, if indeed a value can be discreet. The advantage of considering all alternatives to aid in optimal decision-making seems preferable to unrealistic limitations on the number of ways in which a debater may think. Pre-guessing the "best," which usually means "successful," refutation seems less educational than discussing a variety of alternatives. By directing argument against a proposition, rather than for-and-against only two options, the subsets of the proposition and non-proposition, the debate is granted greater scope.

Fourth, hypothesis testing reasonably limits the topic. In view of the above statement, this statement may seem odd, but valid. Hypothesis testing has been criticized for encouraging such a multiplicity of arguments that the

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Fifth, hypothesis testing does not politicize a topic. While the benefit here may be negligible to some, debaters of my acquaintance are intrigued by the prospect of being conservative one round and perhaps liberal the next five, rather than having ideology predetermined by side. The presumption against the proposition allows greater latitude. The affirmative may <u>be</u> the status quo, to the extent that such can be identified, or deviate. The negative is no longer limited solely to "defender of the present system" or "defender of the counterplan," but is freer to select her alternatives from less arbitrary political ideologies. In considering questions of value, it seems that such freedom is essential to rational consideration of the issues. Values which conflict, but yet deny the propositon, need not be abandoned because of a preordained position with no basis in actuality.

Sixth, hypothesis testing allows conditional consideration of issues. This observation also applies to policy debate, but is of particular benefit in value policy debate. Rather than try to attack a mythical "plan," with generic "value objections," the negative could analyze a number of possible scenarios the proposition could evolve. Any one value could lead to a number of actions, and an even greater number of reactions. Although, as indicated above, arguing policies on a value proposition is likely fruitless. However, some "value" propositions are but slightly reworded policy propositions, in which case policy objections may be the most valid counterargument. Such attacks may also deflate the charming, but impossibly idealistic, case. The important feature of such issues is that they not only allow exploration of alternatives, but that exploration may be done conditionally. The debaters need not predict with certainty, but only indicate the problems attendant with a certain value <u>if</u> that value is accepted. While at first glance this may seem to place a heavy burden on the affirmative, that team may choose to argue the conditional arguments, eliminate the "ifs" at the outset, or to argue only that the value should <u>not</u> be analyzed by hypothetical policies. The result would seem at least more pragmatic than current non-conditional argumentation. If a negative speaker has only one argumentative option, she must exploit it for maximum impact. Conditional arguments allow a variety of scenarios, so that one need not have to be the "killer." In the "real world," a variety of results may be occasioned by one shift in values, why not in the "debate world?" Conditionality seems far more attractive than the single argument if that single issue evolves into a nuclear holocaust, starvation, revolt, melted polar ice caps, overpopulation and ice-nine simultaneously!

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*The 1979-80 CEDA teams treat the proposition largely as one of policy. Perhaps a discussion on the desirability rather than the probability of a draft would have been of more interest.

debate becomes both shallow and chaotic. While such a scenario is possible, particularly at the lips of chaotic debaters, a wise team would select those alternatives which best refute the proposition. It would be absurd, for example, to advocate a belief system despising children, perhaps evidenced by infant cannibalization, as an alternative to a belief system advocating a liberal arts education. Child hatred and cannibalization might be a "valid" alternative, but hardly a desirable one. Such an argument would be worse than useless in a time-restricted debate. Thus, a negative team, while able to pursue a variety of alternatives, would be restricted to arguments of quality in an effort to win the round. A negative team could issue exotic arguments, or "spread," but the affirmative would have a correspondingly light burden of refutation. Values also require too much analysis to permit such extravagance. While there exists a great number of possible policy proporals for a problem, the judgemental bases cannot be so minutely diverse. By this criteria, an affirmative team is limited to the substance, rather than the periphery, of the proposition. Both affirmative and negative teams would have to argue the substance of the topic, rather than its extreme scenarios.

Fifth, hypothesis testing does not politicize a topic. While the benefit here may be negligible to some, debaters of my acquaintance are intrigued by the prospect of being conservative one round and perhaps liberal the next five, rather than having ideology predetermined by side. The presumption against the proposition allows greater latitude. The affirmative may be the status quo, to the extent that such can be identified, or deviate. The negative is no longer limited solely to "defender of the present system" or "defender of the counterplan," but is freer to select her alternatives from less arbitrary political ideologies. In considering questions of value, it seems that such freedom is essential to rational consideration of the issues. Values which conflict, but yet deny the propositon, need not be abandoned because of a preordained position with no basis in actuality.

Sixth, hypothesis testing allows conditional consideration of issues. This observation also applies to policy debate, but is of particular benefit in value policy debate. Rather than try to attack a mythical "plan," with generic "value objections," the negative could analyze a number of possible scenarios the proposition could evolve. Any one value could lead to a number of actions, and an even greater number of reactions. Although, as indicated above, arguing policies on a value proposition is likely fruitless. However, some "value" propositions are but slightly reworded policy propositions, in which case policy objections may be the most valid counterargument. Such attacks may also deflate the charming, but impossibly idealistic, case. The important feature of such issues is that they not only allow exploration of alternatives, but that exploration may be done conditionally. The debaters need not predict with certainty, but only indicate the problems attendant with a certain value if that value is accepted. While at first glance this may seem to place a heavy burden on the affirmative, that team may choose to argue the conditional arguments, eliminate the "ifs" at the outset, or to argue only that the value should not be analyzed by hypothetical policies. The result would seem at least more pragmatic than current non-conditional argumentation. If a negative speaker has only one argumentative option, she must exploit it for maximum impact. Conditional arguments allow a variety of scenarios, so that one need not have to be the "killer." In the "real world," a variety of results may be occasioned by one shift in values, why not in the "debate world?" Conditionality seems far more attractive than the single argument if that single issue evolves into a nuclear holocaust, starvation, revolt, melted polar ice caps, overpopulation and ice-nine simultaneously!

Seventh, hypothesis testing encourages analysis. By focusing attention on proposition rather than attendant policies, the value is inescapable. The teams must be able to provide a resonable rationale for their arguments; they cannot simply verify with empirical evidence, but they must justify their claims with analysis (Hollihan, 1980). Ray McKerrow argues:

> The pragmatic nature of justification suggests that a listener has been good reason to accept a claim and act on its behalf. This justification is not simply a product of given reasons, but of offering reasons which will satisfy the hearer that adherence is an acceptable choice (1977, p. 135).

Statements of fact, conclusionary opinion evidence, and trivial analysis are insufficient to determine the desirability of values. It may be self-evident that government dependence yails economic woes, but not so evident that the individual psyche is harmed. Analysis, which should be in every debate, is crucial in debating values with the hypothesis-testing paradigm, as the teams are less able to take refuge in exotic policy interpretations and ignore the value-issues.

Eighth, hypothesis testing can encourage audience adaptation. In the absnece of clear position assignment due to presumption being against the resolution rather than in favor of the existing system, each team has greater latitude in specific argument selection. Although a generic defense is mandated, the particulars of that defense can be altered to suit the perception of the critic or audience. As values are idiocentric, the manner in which they are argued becomes quite strategic. While the typical "objective" coach/judge may not be highly reactive, the nature of value propositions suggests adaptation to a general audience is essential. Hypothesis testing may thus encourage adaptation in-round, but provide a style more suitable, and adaptable, to a lay audience. The greater scope for selection permits more appropriate argument use according to situation.

Ninth, hypothesis testing reduces temporal fix. A paradigm which advocates comparison of options, or analysis of the present, automatically fixes the debate in time. Value positions should not be lined up in a single-elimination, now-or-never schema unless the issues involved are truly emphemeral. Values worth debating can usually be assumed to have more than such minimal longevity. It seems curious to debate a judgement only "for this round only" when moral, ideological and evaluative issues are very much part of an ethical continuum. To place such values as freedom, obligation to nation, or value of life in a present time frame only places the concepts in a vacuum. Hypothesis testing can quite properly ignore such artificial constraints. If the proposition is the crux of the test, no time context is mandated. All arguments remain conditional; there is nothing "adopted" at the end of the round, only considered desirable, so there is no advantage to haste, and no reason for "right now" argumentation alone.

And finally, tenth, hypothesis testing permits experimentation with speaker duties. As value propositions do not advance a specific policy for consideration, the usual division of labor into "case" and "plan" is not needed. Despite the reluctance of many debaters to abandon their accustomed roles, and the uses to which those roles may be put, it is quite conceivable that variations may prove beneficial. In my own 1976 paper I outlined a variety of options for both affirmative and negative teams; more have been developed in the intervening years. The advantage of hypothesis testing for value debate is the freedom in

issue selection, but simultaneous topic restriction, involved. Each team is thus able to experiment in the division of labor, without risking a bizarre or "sandbagged" case which could render the experiment a disaster. For example, the negative could argue against the proposition by way of a variety of conditional scenarios; as long as the scenarios were indeed against the proposition, to the detriment of the negative, without risking a loss on the ignored arguments. Although the above example may not seem particularily compelling, in three separate value proposition rounds I observed this year, affirmative teams capitalized on the possibility of "redefinition: to avoid valid arguments. The debates were poor, the negatives demoralized, and proposition superflous.

Hypothesis testing is perhaps the sole debate paradigm suited to all types of propositions. Most important in the paradigm is the consideration of presumption, the argumentative choices permitted the debaters, and the focus upon essential issues. However, the mere adoption of a paradigm does not transform an activity. The reasons for adoption indicated above are by nor means certain. Misinterpretation, laziness, fadishness and academic rigidity are but a few ways any theoretical model can be destroyed. Hypothesis testing as a paradigm also seems uniquely suited to the special emphases of propositions of value. I will not flatter myself that the debate community will immediately become enamoured of hypothesis testing for **values**. I do hope, however, that the concept of presumption as "reformulated" by Zarefsky will be recognized as useful and appropriate to value proposition debate; the additional reasons for using the paradigm could be viewed as "add ons," to supplement the presumption rationale.

Paralleling, not coincidentally, the "liberalization" of NDT debate has been the growth of a desire among coaches and students to return debate the "the good old days." Theoretical shifts, broad topics, the rapid delivery "spread" techniques and somewhat exclusive emphasis on documentation alientated. One result of this alienation has been the creation of CEDA debate association. In less than a decade, CEDA has gone through a name change, a change from policy to value propositions and has expanded across the nation. Presently, CEDA is the largest forum for the consideration of value propositions in competitive intercollegiate debate.

CEDA debate has possibly expanded practice faster than theory. The delivery is faster and more jargon-laden; increased reliance is placed upon disadvantages, or value objections, to win the round; evidence seems to substitute for analysis; and values often do not receive argument. The rise of "uncommunicative" habits mades CEDA a less distinct and less attractive alternative to NDT debate.

CEDA debate must evolve argumentation theory. Value proposition debate cannot rely on piecemeal pilfering from policy debate theory. When relevant ideas, such as "value manifestations," arise, such issues should not be bludegeoned into plan attacks. Rather then shirking paradigms because of the"NDT" onus they may carry, CEDA debaters need to use these paradigms and create new paradigms to advance their own argumentative needs. Somehow CEDA debate seems so anxious not to be "NDT" that the baby is thrown out with the bathwater and debaters are given platitudes rather than guidance. The result is a prardigmatic vacuum which almost forces debaters to follow what is known, namely, NDT debate. A number of articles and papers have heralded value proposition debate as beneficial. The number of present practitioners of CEDA debate indicate the desire for an alternative. Matlon, Wenzel, Hollihan and, of course, myself have been among those who have endeavored pragmatic guidance in value debate; Zarefsky is certainly among those who have indicated theroetical guidance. The papers at this symposium make a further contribution to theory. I urge both critic and debaters to expand the consideration of values in all debate, to expand not only the theory of argument, but

test ethics and morality. Hill concludes

> ...the ethically sensitive person is wary of articiciality or arbitrary limitations on the range of issues to be brought under scrutiny from the moral point of view. Ethical decision-making may not be the be-all and end-all of human decision-making. Yet if it is not, what is? (1978,p. 55)

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