CALLING A COUNTER-WARRANT A COUNTER-WARRANT: AN IMMODEST PROPOSAL

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For academic debate, a fine line has always existed between being a mirror of "real world" argumentation and a parody of it. For the most part, commendably, it has remained the former. In the case of counter-warrants, however, the line has been blurred in two significant regards.

First, the term "counter-warrant" is derived not from any argumentation theory, but is, rather, arbitrary nomenclature. What have been called "counter-warrants" do not counter the warrant of an argument; they counter an example which justifies the resolution. The result is an unclear conception of what a "true" counter-warrant is, or what function it performs in argumentation.

Second, the discussion of counter-examples (counter-warrants) has thus far been focused narrowly upon policy debate. Through no fault of the authors—they are remarkably clear about the parameters of their essays—policy-derived theory has been applied to value resolution debating. We will argue that counter-examples, whatever their merits in policy debate, are eminently suitable for resolutions of value.

In this essay, we will first detail our proposed changes in terminology. We will argue that what have been called counter-warrants should be termed counter-examples; counter-warrants should be those generalizations which actually counter the warrant of the argument. Second, we will provide justification for adopting these proposed changes. In addition to advancing argumentation theory, we will suggest that a change of terminology can help resolve the problem of the "counter-warrant" by clarifying its argumentative function.

COUNTER-WARRANTS REDEFINED

The term counter-warrants, as currently employed, would be more accurately labelled "counter-examples." True "counter-warrants," in contrast, would be more accurately applied to arguments which counter the affirmative's warrant. For purposes of this essay, we ground our terminology in Stephen Toulmin's model of argumentation as outlined in *The Uses of Argument* (1958). We consider this model pivotal for our discussion because of its past and present acceptance as "an appropriate structural model by means of which rhetorical arguments may be laid

out for analysis and criticism" (Brockriede and Ehninger, 1960, p. 44). By clarifying terms using the accepted vocabulary of Toulmin's Model, we can avoid potential semantic confusions and, more importantly, augment the epistemic value of the model. "Counter-warrants," as originally set out by Paulsen and Rhodes (1979), are legitimate because the affirmative provides an example—or a "plan"—which "justifies" the resolution. For instance, as detailed in Figure 1, supporting the resolution that "U.S. arms sales to non-democratic countries are justified," the affirmative might argue that past sales to Saudi Arabia, the People's Republic of China, and Jordan have promoted peace.

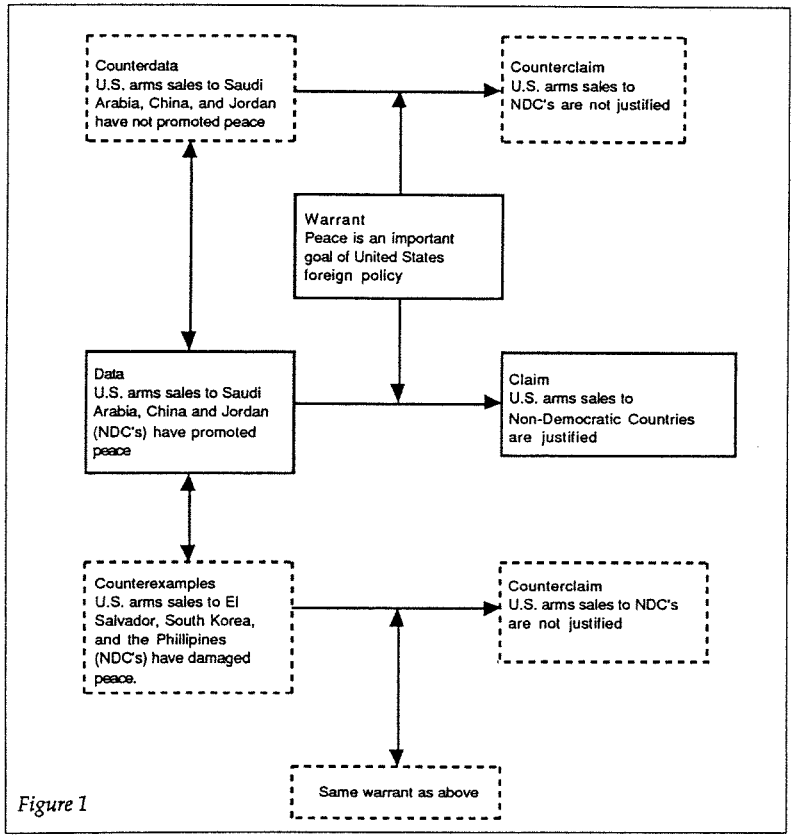

Figure 1

Because peace is a desirable goal, the resolution is justified.

In response, the negative should be permitted to provide counter-examples which, supposedly, would show that the affirmative's examples are either unrepresentative or insignificant. In the example of "arms sales," the negative might counter with the examples of El Salvador, South Korea, and the Philippines (Fig. 1), arguing that these examples show that the opposite of the resolution holds true: arms sales to non-democratic countries are *not* justified.

Note that "counter-example" is not only a better term than "counter-warrant," but more accurate than "counter-data" as well. "Counter-examples" specifically refers to examples used to illustrate the non-representativeness or non-significance of the affirmative's examples—the purpose of "counter-warrants" as proposed by Paulsen and Rhodes.

"Counter-data" would best be reserved for that data used expressly to argue that the affirmative's examples (or other data) are not true. Counter-data, then, would be evidence demonstrating that U.S. arms sales to Saudi Arabia, China, and Jordan have *not* promoted peace. Thus, counter-examples would best support a negative's hasty generalization argument, while counter-data would best complement an evidence indict. Both types of negative argumentation challenge the affirmative's data, but they do so in different ways.

As evident in Figure 1, all three arguments—the original affirmative and the two negative challenges—rely on the same warrant. That is, peace must be a valued goal of U.S. foreign policy, otherwise the negative's as well as the affirmative's evidence is irrelevant to the resolution. Suppose, for example, that the affirmative proved that peace were an *undesirable* U.S. foreign policy goal. Both negative positions—counter-examples and counter-data—would then support the resolution. Such a turn could be used if Figure 1 represented only part of the original affirmative case. This possibility suggests a third negative strategy: attacking the warrant.

A negative argument which directly refutes the affirmative's warrant should properly be labelled a "counter-warrant." In this discussion, we consider the resolution that "Military strength is desirable." (Fig. 2) For the data, the affirmative presents evidence that those not militarily strong are subject to the will of others. Affirmative's warrant is that "being subject to the will of others is undesirable." To this argument the negative might accept the data but argue that a hierarchical society based on military strength is good. They might argue that under such a system, peace reigns, society prospers, and civilization flourishes. Consequently, "being subject to the will of others is desirable." The affirmative data could be granted by the negative while the claim is denied.

Frequently, in CEDA debate, such a challenge would take the form of a criteria challenge. Counter-warrants, however, could be an intermediate form of argumentation as well. As Figure 2 illustrates, one could model the argument back to the warrants (labelled "Warrant2") which support the primary warrant (Warrant1)

and counter-warrant. The affirmative would likely argue that "life" is the most important criteria by which to judge the resolution. The negative would be arguing that "civilization" is a more important criteria in the value hierarchy. The counter-warrant itself, along with the evidence providing backing, would likely be developed in the off-case.

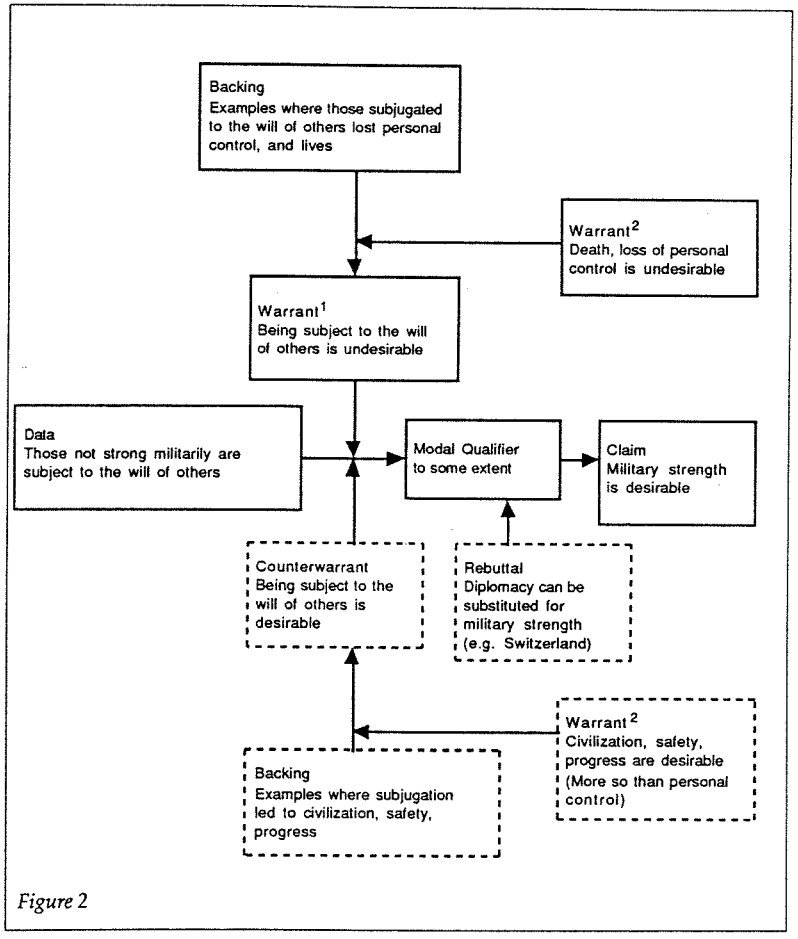

Figure 2

We would advise against substituting "counter-warrant" for a strictly "counter-criteria" argument, however. First, the two terms can usefully distinguish between parts of a single argument, as suggested above. Second, a warrant and a counter-warrant *could* rely on the same criteria. For example, to support the resolution that

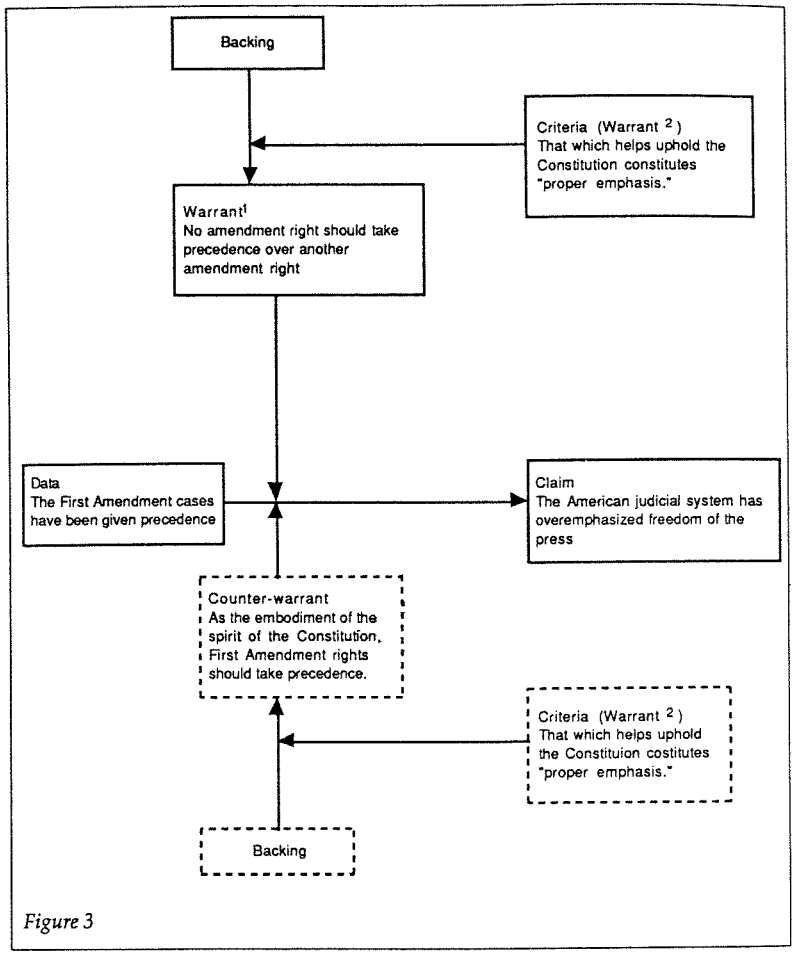

Figure 3

"The American judicial system has overemphasized the freedom of the press," the affirmative could argue that First Amendment rights in general have been given primary importance by the judicial system. (Figure 3) They could argue that under Constitutional theory no single right should take precedence. Therefore, the affirmative would argue that freedom of the press, as one of the First Amendment rights, has been overemphasized by using the criteria of upholding the Constitution.

The negative could counter by accepting the data but arguing that the most important principle of the Constitution is individual liberty. Further, they could argue that the First Amendment is the purest embodiment of that principle, and therefore should take precedence over all others. In so doing, the negative would reject the resolution but would also use the criteria of upholding the Constitution.

In this first section, we have operationalized the use of counter-examples, counter-data, and counter-warrants by extending Toulmin's Model of Argumentation. We now turn our attention to the remaining question as to whether or not such a change in terminology is warranted.

JUSTIFICATION FOR CHANGE

We see two immediate advantages for changing the terminology. First, the change of vocabulary more accurately utilizes the existing terminology in argumentation theory and debate. The argument which counters the primary affirmative warrant in a debate should be called the counter-warrant. The argument which counters an affirmative example should be called a counter-example. Both terms are far clearer than calling counter-examples "counter-warrants," as they draw upon argumentation theory for their etymology. Why make up new language, when accepted terms or their derivatives will suffice?

Even the origin of the term "counter-warrant" misconstrues argumentation theory. Paulsen and Rhodes (1979) coined the term because the affirmative plan is an "example of the resolution [offered to] *warrant* the generalization [resolution]"[p. 205 (Emphasis ours.)] Accordingly, they labelled an "'*example* against the resolution,' as a *counter-warrant*"[pp. 206-7 (Emphasis ours.)]. Following Toulmin's Model, however, no example by itself can "warrant" the claim. *Any* example requires a warrant in order for the advocate to make the leap from data to claim. The counter-warrant, as defined here, would be that belief which led to *rejecting* the claim based on the same data. This language is obviously clearer than the original nomenclature.

Not coincidentally, the first advantage creates a second—a clearer understanding of the argumentation involved. Two examples of the latter advantage will be considered: 1) the "counter-warrant" controversy and 2) an evaluation of the relative strength of the added components.

The "counter-warrant" controversy within CEDA has largely occurred because the terminology hides as much as it reveals. "Counter-warrants" are actually counter-examples, and as such are useful tools for inductive reasoning in the same way examples are. Whether counter-examples in debate are legitimate negative arguments depends then upon the nature of the resolution; i.e., can inductive reasoning be used as a negative tool to dejustify the resolution?

Because value resolutions are generalizations, those modes of thinking typically available for arriving at general conclusions should be suitable for affirmative and negative positions alike. Specifically, those modes of thinking include deductive and inductive reasoning.

An affirmative case could be deductively structured by justifying the resolution as a subset of a larger principle. For example, the affirmative might argue that democracy is best served by controversy, political parties create controversy, the more political parties there are the more controversy one has, therefore increased involvement by third parties is desirable. Inductively, the affirmative *could* simply construct a case documenting the utility of several third parties throughout American history, show that third parties are currently in decline, and therefore conclude that increased involvement by third parties would probably be desirable.

By reversing the inductive affirmative case in the above example the negative could show the destructiveness of several earlier third parties in America and arrive at the conclusion that the "less involvement by third parties the better." This would serve as an acceptable argument against either the deductive or inductive affirmative scenarios. In terms of the former, the negative induction would clash with the principle that "democracy is best served by controversy." Presumably, the negative examples would illustrate how democracy is not served well by *all* controversy.

Against the latter affirmative case, the negative counter-example position would clash directly with the entire affirmative induction. The argument would focus on two elementary tests of evidence always raised by two conflicting inductions—representativeness and significance of examples. Either application by the negative of counter-examples—examples disproving the resolution—would be viable for disproving the value generalization.

McGee's (1989) analysis of "counter-warrants" (counter examples) is an interesting affirmation of this point. McGee proposes a systematic method for evaluating "counter-warrants" "once they have been introduced and accepted as legitimate" (p. 64). Significantly, his method is grounded in the nature of "counter-warrants" as inductive reasoning. "Counter-warrants," McGee posits, function as examples justifying a generalization which contradicts the resolution. While McGee avoids arguing whether "counter-warrants" are legitimate or not, his method clearly supports the argument that they are legitimate inductive methods for arriving at a

generalization.

Counter-examples would be an illegitimate negative strategy when the resolution is understood not as a generalization but instead as particular policy to be adopted. Policy debate has, of late, been conceptualized in just those terms. A brief look at the extant literature on "counter-warrants" (counter-examples) reveals the policy debate orientation of the literature, and illustrates the generalization/specific policy dichotomy.

The discussion of "counter-warrants" has been primarily focused on their applicability to policy debate. In their initial essay, Paulsen and Rhodes (1979) clearly ground their discussion in policy debate. In their introductory paragraphs, the authors discuss whether the "*plan* [is now] an example of the resolution" or whether the plan may still be viewed as "synonymous with the resolution" (p. 205). Their justification for "counter-warrants" is that the affirmative presents a plan which *generally* "warrants" the resolution. Therefore, the authors argue the negative should be allowed to present examples which *generally* "counter-warrants" the resolution [pp. 206-7 (Emphasis ours.)].

Keeshan and Ulrich's (1980) notable critique of "counter-warrants" is also confined within the parameters of policy debate. Broadly, they reject "counter-warrants" on the basis that the proposition's function is only "whether or not a specific *policy* is included within the required argumentative territory" [p. 200 (Emphasis ours.)]. Also, they suggest that the proposition is "merely a device to divide up potential *policies*" [p. 200 (Emphasis ours.)]. They also reject "counter-warrants" due to the fact the "negative's ability to counter*plan* increases" and because the "debate community, through a 'gentleman's agreement' has agreed to ignore the resolution and concentrate on the *plan*" [p. 208 (Emphasis ours.)].

Subsequent "counter-warrant" articles have similarly concentrated on policy debate. For example, Herbeck and Katsulas (1985) base their refutation of Paulsen and Rhodes on the premise of a "*plan* focus" of the resolution [p. 134 (Emphasis ours.)]. Likewise, Mayer (1982) reaffirms Keeshan and Ulrich's position grounding his argument in the "*policy* making paradigm. [p. 123 (Emphasis ours.)].

All of these scholarly works explicitly indicate a primary premise; i.e., that they are discussing policy debate. Notably, much of the ensuing discussion is then focused on the nature of the policy resolution. For instance, Herbeck and Katsulas (1985) indict the theory of "counter-warrants" on the assumption that it "erroneously presupposes that the focus of debate centers on the merits of adopting the resolution rather than voting for the affirmative plan as an example of the resolution" (p. 133).

While Herbeck and Katsulas's supposition may be correct for the expediency of "counter-warrants" in policy debate, Rhodes and Pfau (1985) argue that it is not an erroneous assumption in the case of CEDA debate (p. 147). Indeed, the entire purpose of a value resolution is to generalize about the desirability of a belief or an attitude. The important term here is "generalize," as it is the hallmark distinction

between value and policy resolutions. A policy resolution is situation-bound in a way questions of value are not. Claims of value should be applicable to other, like situations; claims of policy might or might not be.

The line between resolutions of policy and value is not always clear. Policies are adopted presumably in order to institute values. Values, on the other hand, have policy implications if they are of any significance. This mutual influence of value on policy and vice versa has prompted suggestions that identical argumentation theory be applied to both types of resolutions.

While undoubtedly values and policies are mutually influential, we argue that resolutions of one kind are indeed different than resolutions of the other. To agree that better relations with the Soviet Union is *more* important than a stronger defense is not the same as concurring that defense spending should be cut. We could believe better relations are more important, but a strong defense is also important, and that cutting the latter will not get us the former. The first claim addresses a generalized value hierarchy with which we should judge our foreign relations with the Soviet Union. The second claim is more situationally bound: Should we *cut* our defense spending *now*?

The distinction between the generalized value resolution and the situational policy resolution is evidenced in the critiques of "counter-warrants." In their theoretical section, Keeshan and Ulrich (1980) advance two reasons the "counter-warrant" is not justified. First, they ask why, if the legislative paradigm is accepted, would a policy-maker have to pass bad legislation intentionally? That is, if the affirmative plan fits the resolution, and is a good plan, why would adopting it force the judge to also adopt all other plans that so fit the resolution regardless of merit (p. 201).

This point is moot for propositions of value. To the extent that a value resolution has policy implications, the judge *would* have to employ that value in all applicable situations, or examples of situations. In the example of better relations with the USSR, a judge would have to rule that, in general, better relations with that polity are more important than a stronger defense. Counter-examples of situation where the value did not hold would legitimately dejustify the value, if significance and representativeness requirements were met.

Keeshan and Ulrich further state that "counter-warrants" do not resemble real world argumentation in that policy-makers do not have broad resolutions thrust upon them. Instead, agenda-setters consider narrow applications of policy (p. 201). This objection is not substantiated in the context of value resolutions. In fact, "policy-makers" do on occasion argue resolutions giving a "sense of the legislature,"— systemic resolutions which supposedly will *guide* future law-making. Value resolutions resemble *those* types of resolutions which are not specific or formalized bills enacting particular policies. Again, counter-examples of situations in which the resolution was inappropriate would be legitimate grounds for

discarding that resolution.

One caveat must be added to this analysis. While counter-examples are clearly acceptable for resolutions of value, CEDA resolutions can not automatically be equated with resolutions of value. Indeed, this discussion of counter-examples points up a continuing problem—CEDA sometimes adopts value resolutions and sometimes adopt what have been termed "quasi-policy" resolutions. Counter-examples were obviously useful tools for disproving the resolution "that the federal judicial system has overemphasized the freedom of the press" [Spring, 1987]. Counter-examples demonstrating underemphasis or proper emphasis by the federal judicial system were considered a legitimate area of argumentation.

Counter-examples become far more problematic for quasi-policy resolutions such as "Resolved: that increased restrictions on the civilian possession of handguns in the U.S. would be justified" [Spring, 1989]. The terms "increased restrictions" indicate that *some*, but not *all* restrictions are justified, thus narrowing the "generalization" significantly and suggesting that the affirmative may pick and choose which restrictions they would like to defend and not be bound to those the negative would choose. For example, the affirmative defending waiting periods would not also be bound to defend a handgun ban, as the two are mutually exclusive actions. Consequently, quasi-policy resolutions invite the kind of controversy surrounding counter-examples evident in policy centered theory.

CEDA debate *per se* does not allow or disallow the use of counter-examples. Instead, their utility is founded upon the nature of the resolution and not in the association adopting the resolution. This conclusion becomes clear as we recognize that counter-*examples*—not counter-*warrants*—are involved. Then we can apply what we know about the nature of examples and their relationship to generalized conclusions.

Hierarchical Strength of Arguments

The second justification for a change of terminology lies in the explanatory value of extending the Toulmin Model. As one example, a hierarchy of strength regarding possible negative arguments begins to emerge.

Counter-warrants appear to be the most effective arguments—*if the argument is accepted*. The effectiveness of the counter-warrant resides with the fact that they directly clash with the affirmative. If sustained, the affirmative data supports a rejection of the claim. This occurs because the affirmative can ill afford to deny the data they previously claimed to be true. Additionally, counter-warrants justify an absolute negation of the claim. In contrast, counter-data and counter-examples constitute forms of what Toulmin calls a "rebuttal." Rebuttals might justify rejection of the resolution, but they might also be more limited in argumentative scope, simply qualifying belief in the resolution. (Fig. 2)

All things being equal, counter-data is the second stronger negative strategy if

that part of the argument is carried. Counter-data also clashes directly with the affirmative's data, and, typically, the more accurate data can be determined by using traditional tests of evidence. If the negative can sustain a counter-data charge, that position will likely carry the argument. The affirmative, however, does have one significant alternative—presenting more data. They can say, "Yes, our original data was wrong, but here is more and better data which still sustains the claim."

Counter-examples, by contrast, when *once accepted* are the weakest of the three in terms of effectiveness. Just as examples are always prone to claims that they are unrepresentative or insignificant, so too are their counterparts. The negative could win the point that the counter-examples are true, without convincing the audience that they are representative or significant. In such an instance, negative would win the counter-examples yet not disprove the resolution. Further, there are no field independent means for proving representativeness or significance. Moving to field dependent methods simply invites more argumentation as to which testing standards are acceptable. Any move away from *the* argument at hand risks weakening the impact of that original argument. This weakness of counter-examples as a negative strategy perhaps serves to explain the controversy surrounding them for there exists no standard method for judging their representativeness or their significance.

This hierarchy of strength is but one example of how an expansion of Toulmin's Model incorporating negative strategies of "counter-warrants," "counter-examples," and "counter-data" can increase our understanding of argumentation. Expanding the model and realizing its full potential for analysis and criticism of arguments is impossible if the proper terminology is not employed.

CONCLUSIONS

This essay argues that we should strive for clearer and more accurate terminology. Academic debate exists not for the mere sake of competition but rather as an educational laboratory set in a competitive arena. The function of the activity, whether value or policy based, is to enable the scholar as well as the practitioner to improve understanding of the advocacy process. The *ideal* is that this theoretical awareness will carry-over to the non-academic community, thus improving the process. We recognize that this is a lofty goal and that its realization will be at best only partial. However, any improvements to the process will necessarily enrich a polity which depends upon advocacy.

In this attempt, both the scholar and the practitioner must effectively utilize pedagogical and epistemic models of argumentation. Toulmin's model provides one such structure. However, the model is incomplete. Just as the "feed-back loop" advanced the basic Shannon-Weaver Model and led to other innovations and more sophisticated modeling, Toulmin's model demands expansion to include

argumentative strategies that to this point have not been incorporated. Likewise, the model can profitably be adapted to meet the needs of both value and policy debate.

Using the proper terminology for counter-warrants and counter-examples is one means for adapting Toulmin's model. As we have argued, by whatever name, counter-examples are legitimate arguments in value debate. Past criticisms have drawn on policy debate for their justification and have rejected counter-examples at face value, even when a resolution of value is involved. Understanding counter-examples as tools of inductive reasoning explains why they are legitimate responses in value debates. Understanding counter-warrants as replies to affirmatives' warrants explains why they are legitimate responses in value, quasi-policy and policy debates.

Using clearer terminology not only resolves current controversy over theory but directs our attention to the nature of value, quasi-policy and policy resolutions. One method for exploring the similarities and differences among resolutions is to extend and adapt models of argumentation. By incorporating the language proposed here and extending as needed, we can better appreciate the process of argument.

The major objection to changing the terms currently used may be that the debate community has grown used to calling counter-examples "counter-warrants." As Rhodes and Pfau (1985) write, however, "tradition" is a fickle argument. It is far too dependent upon one's particular perspective of "tradition" and not enough upon the logic supporting one's position (pp. 146-7). Surely an alteration which clarifies negative arguments and illumines the relationship between negative and affirmative strategies justifies changing the *status quo*.

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A DESCRIPTIVE ANALYSIS OF CEDA JUDGING PHILOSOPHIES PART I: DEFINITIVE ACCEPTANCE OR REJECTION OF CERTAIN TACTICS AND ARGUMENTS

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After the First Annual National CEDA Debate Tournament at Wichita State University in April, 1986, the tournament evaluation committee reported that an overwhelming majority of those respondants surveyed favored creating a judge's philosophy statement booklet for the 1987 tournament. The result was a document containing philosophy statements from the majority of participating critics at the 1987 CEDA National Tournament. A similar booklet was prepared for the 1988 tournament, and there continues to be support for the booklet at future CEDA Nationals. The purpose of this study is to analyze and summarize the judging philosophies submitted at the 1987 and 1988 CEDA tournaments. To that end, this study isolates those comments made in the philosophy statements at the 1987 and 1988 National CEDA Tournament which accept or reject certain practices implicit in the activity. This analysis is descriptive in nature.

Previous research in this area is scarce. In 1974, Robert Cox published an article in the Journal of the American Forensics Association which analyzed the content of philosophy statements submitted at the 1974 National Debate Tournament. Given the numerous differences between NDT and CEDA, and the lapse in time since the Cox study, the applicability of Cox's findings are somewhat limited.

The potential implications of this type of analysis may be far reaching. CEDA has emerged as a competitive means of argumentation without a firm theoretical foundation. The unique elements introduced by the Cross Examination Debate Association include an examination of non-policy debate propositions, the need for debaters to introduce decision-making criteria into the round, the importance of inductive reasoning and debating without a plan or plan objections. It is possible that a consensus of opinions may emerge from an analysis of philosophy statements which would help refine and develop the theoretical basis for CEDA debate.

METHODOLOGY

The sample for this study consists of the judging philosophy statements submitted at the 1987 and 1988 National CEDA Tournament. Although the sample is limited to those schools and judges attending the National Tournaments, the sample reasonably reflects the diverse membership of CEDA. Furthermore, because all