

Authority as Argument in Academic Debate

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Once considered an unassailable postulate, the supposition that academic debate provides an environment in which students learn "to understand and communicate various forms of argument more effectively" (McBath, 11) has come under recent attack. For the most part, the charges grow out of a perceived rift between participant behavior and the argumentation theories academic debate supposedly embodies. While some scholars have stepped forward to defend the theoretical soundness of particular practices (Bahm & McGee; McGee & Simerly), as a general claim, Trapp's conclusion that "Debate is in trouble because its practitioners have lost their focus on argumentation" seems well founded (23).

One of the more obvious manifestations of academic debate having lost sight of its traditional grounding is found in the way participants use testimonial evidence in support of their asserted claims. Certainly, norms regarding the use of evidence cut to the very heart of the connection between academic debate and argumentation.¹ The essential role of evidence in argument is attested to by Toulmin:

Let it be supposed that we make an assertion, and commit ourselves thereby to the claim which any assertion necessarily involves. If this claim is challenged, we must be able to establish it -- that is, make it good, and show that it was justifiable. How is this to be done? Unless the assertion was made quite wildly and irresponsibly, we shall normally have some facts to which we can point in its support: if the claim is challenged, it is up to us to appeal to these facts, and present them as the foundation upon which our claim is based. (1965, 97)

Testimony, or attributed facts and opinions, constitutes only one manner by which evidence may establish the foundation for a claim. Nonetheless, it seems to be the manner of evidence which academic debate embraces most enthusiastically.² In fact, many contemporary debate texts use the terms "evidence" and "quotation" interchangeably, presuming that debate evidence will take

¹In this context, I use evidence in its broad sense as "the ground upon which the argument rests, the base from which it starts, the matters of fact or opinion to which it ultimately appeals" (Ehninger, 1974, 11). Thus any support for an assertion which portends to justify claim making constitutes "evidence."

²The possibilities for grounding claims in evidence other than direct testimony are far greater than most debaters would assume. Whenever a claim is reasoned from a conceded or stipulated point, an opponent's own statements, cross-reference to another argument, or a point admitted under cross-examination, etc., it has its foundation in non-testimonial evidence.

the form of quoted facts and opinions (Bartanen & Frank; Branham, Church & Wilbanks; Freeley; Pfau, Thomas & Ulrich).

Trapp argues that the predominance of testimonial evidence has been detrimental to academic debate, pointing to an equivocation which he ascribes to a pedagogy more concerned with the *persuasiveness* of arguments than with their *soundness*. Expert opinion, Trapp argues, can be very persuasive. Public audiences are not well versed on all issues, and thus respond favorably to facts, opinions, and visions attributed to perceived experts. Unfortunately, once testimony is accepted as effective evidence it is not a long slide to equivocating compelling arguments with sound arguments. Trapp concludes that the practice of relying heavily on testimonial evidence is antithetical to the logical and dialectical argumentation constructs to which he would connect academic debate.³ It is my contention, however, that this antithesis is grounded in the ways debaters use testimony rather than the intrinsic nature of such evidence. I will argue that testimonial evidence has a logical-dialectical as well as a psychological dimension, and that when *properly employed*, testimony produces arguments which are both persuasive and sound. To that end, I will propose standards for using witness testimony which seek rapprochement between the epistemic substance of proof by authority and the practice of academic debate.

THE DEVALUATION OF WITNESS CREDIBILITY

At the center of this issue is a controversy relating to whether or not debaters are obliged to lay a foundation for testimonial evidence by addressing the qualifications of "expert witnesses." While it once might have been true that debaters were expected to qualify sources before presenting evidence (Sanders), that practice is no longer in vogue.

Among debate judges, there appears to be little consensus regarding if, when, or how witnesses should be qualified. The content of judge philosophy statements illustrates the range of expectations regarding the practice. At the 1994 CEDA National Tournament, fewer than 60% of the judges who made substantive comments about evidence even addressed the question of witness qualifications (Cross Examination Debate Association). For those who did, preferences ranged between instructing debaters to present source qualifications, affirming the importance of qualifications but failing to mention when or how they should be worked into the

³Trapp refers to Wenzel's distinction between the three prevalent perspectives on argumentation. Argument as persuasion represents a *rhetorical* perspective. Trapp prefers to ground academic debate in *logic*, argument as substantive inference, and *dialectic*, argument as examination and discussion.

debate, allowing that qualifications need not be presented but should be available upon request, and instructing debaters not to present source qualifications.⁴

Debaters seem more of a single mind. The norm for using testimonial evidence seems to be a convention in which testimony is introduced without reference to witness credibility. The 1990 CEDA championship debate illustrates.⁵ Of the 100 examples of testimony introduced into the debate, in only four instances did the debaters directly address witness qualifications, although there were seven subsequent references to those sources. In an additional six instances the evidence took the form of a report which contained internal qualifications, and in nine instances evidence was drawn from a nationally known publication which might lend some authority to the testimony. This majority of the testimony (74 instances) was introduced by citing a name and date, absent any reference to expert qualifications. This behavior is so prevalent in contemporary academic debate as to constitute a community norm (Trapp).

Support for the name-date convention normally is grounded in two metaphors. The more familiar metaphor compares academic debate to a judicial setting, and draws upon a practice Freeley calls *judicial notice* (103). In the court room, it is common practice for attorneys to stipulate certain facts, that is, to agree to accept a fact without a foundation having been laid. In circumstances in which expert witnesses are well known to the court, the qualifications of those witnesses often are stipulated so that counsel may forego the time and trouble of laying a foundation which opposing counsel has no intention of challenging. Freeley extends this to the practice of qualifying witnesses in academic debate, arguing that debaters, judges and audience members diligently research relevant issues, producing an extensive body of common knowledge. Thus, participants are likely to be conversant with the available authorities and evidence, allowing sources to be introduced with references "below the acceptable level for general argumentation" (390). Freeley concludes that "Time is precious in a debate and, given the choice between citing four pieces of evidence incompletely or two pieces of evidence completely, the experienced debater in this situation would take the risk of incomplete citation. The 'in-group,' the experienced judges and debaters, would understand why the choice was made and, for better or worse, accept it in this situation" (390). Setting aside

⁴Philosophies were submitted by 160 judges, of which 92 addressed the use of evidence. Expressed as percentages of the judges addressing evidence, the breakdown was: present qualifications, 17.4%; qualifications are important, 18.5%; have qualifications available, 18.5%; do not present qualifications, 4.3%; and no reference to qualifications, 41.3%.

⁵There is no special significance to having examined this particular debate. As it happens, the text of the debate is reprinted in Freeley. The manner in which evidence was introduced in this debate is consistent with other recent national championship debates, as well as with the way debaters in general introduce testimonial evidence.

the appeal to circumstances, the brunt of this argument seems to be that participants and judges can be expected to be familiar with available witnesses, making it unnecessary to lay a foundation for expert testimony.

The weakness of this comparison should be obvious. In the court room, the qualifications of witnesses are stipulated only when they are known to the court and when opposing counsel has no intention of impeaching the witness. Whether or not facts are stipulated remains the decision of opposing counsel, and the structure of the proceeding provides an opportunity for counsel to expedite examination of an expert witness by stipulating expertise. Furthermore, the court is likely to draw upon a small body of experts, increasing the likelihood opposing counsel will acknowledge the expertise of a particular witness. Academic debate is substantially different. It is the advocate, not the opponent, who decides whether to qualify a source, and should the opponent be willing to stipulate expertise there is no provision by which such stipulation might be recognized prior to laying the foundation. Even were such not the case, the virtually infinite profusion of potential sources from which debate testimony could be drawn mitigates the possibility that the "court" would be familiar with the witness.⁶ In addition, opponents are likely to have expert witnesses of their own, and must lay the groundwork for comparing witness testimony. In such a situation, stipulating witness qualifications would be foolish. Unlike academic debate, the judicial setting recognizes the fundamental importance of laying a foundation for deference, and foregoes that step only when no exception is to be taken.

The second metaphor compares academic debate to academic writing. It is the norm for scholarly publications to cite references by last name and date of publication. Academic debate is a scholarly activity, or so the argument goes, and should be subject to the same norms. The description of academic writing upon which the metaphor is based is accurate. Both the American Psychological Association and the Modern Language Association, whose manuscript conventions are considered standard for writing in the social sciences and humanities, subscribe to some form of name-date reference citations (American Psychological Association; Gibaldi & Acherter). While there are minor differences in the way the two stylebooks employ the convention, they both prescribe that attributed, paraphrased and quoted sources should be cited by author and date of publication. The assumption of the metaphor is that academic debate involves a kind of oral scholarship in which source references should

⁶In this case, the "court" includes a critic who is even less likely than the participants to be familiar with particular sources. In any event, it is hard to take seriously Freeley's contention that everyone concerned is likely to be familiar with the body of available testimony. Even had that once been true, it certainly is not in this day of instant access to limitless resources via the information highway.

be subject to the same conventions as would apply were the arguments presented in written form.

What this comparison forgets is that the purpose of source references in academic writing is different than the role of references in academic debate. Scholars engage in acts of attribution. That is, sources are cited to distinguish between original thought and ideas borrowed from other scholars. Reference citations are just that, references; they protect writers from claims of plagiarism and point readers to additional works by connecting ideas with particular sources. Academic arguments are grounded in the substance of scholarly ideas rather than attribution to previous publications. In academic debate, references often *are* the substance of arguments, and there is little proof beyond that revealed through testimony. Furthermore, when scholars propose to derive some advantage from presumed deference, their references to authoritative works commonly extend into textual commentary. Oddly enough, when debaters introduce evidence which depends upon presumed deference, they point to scholarly behavior as their license to avoid commentary.

All that remains is Freeley's circumstantial argument: Time is at a premium in academic debate, and qualifying witnesses is time consuming. His premises are true, but Freeley's conclusion begs the question of whether academic debate should inexorably yield pedagogy to convenience. The urge to reject outright an appeal to circumstance, which Richard Weaver described as "a surrender of reason," (qtd. in Johannesen, 130) is tremendous.⁷ While accepting the transcendence of convenience might put a quick end to any number of disputes about academic debate practices, it also would call to question the activity's right to the moniker "academic." Nonetheless, time is a constraint, and any reasonable standard for qualifying witnesses must be fully cognizant of that fact.

The problem with both metaphors used to justify name-date references is that the situations which dictate legal and academic citation conventions are unlike that which ought to dictate conventions in academic debate.⁸ Furthermore, when placed in a context similar to academic debate, both court room and academic writing behaviors conform to a higher

⁷Johannesen is not very charitable in his discussion of appeals to circumstances: "Arguers from circumstances . . . lack moral vision and possess only the illusion of reality. When we cannot vindicate an action by principle, we often must resort to the expedient argument of citing brute circumstance" (130). Freeley, at least, attempts to connect the practice with the principle of judicial notice. It is unfortunate that contemporary debaters often turn only to the circumstance, claiming that they do not have time to fully qualify their witnesses.

⁸This raises a much larger issue relating to debate theories grounded in metaphor. Much has been written on topics ranging from evaluative paradigms to questions of procedure in which academic debate has been likened to any number of other world experiences. Some of the disarray in the activity might be put to rest if theorists spent more time focusing on what academic debate *is* rather than what it *is like*.

standard of source qualification than otherwise would be the case. In essence, the metaphors fail because they are not attuned to the logical-dialectical dimension of proof by authority, which ought to be the basis upon which testimonial evidence is offered in an argumentation setting.

PROOF BY AUTHORITY

Testimony generally is thought to have its grounding in the Aristotelian doctrine of *ethos*, the classical counterpart of *source credibility*. Basically, this doctrine holds that the credibility of a message can be influenced by an audience's assessment of the intelligence, character, and good will of the messenger. Trapp implies that grounding judgments of testimony in *ethos* reflects the persuasive orientation of contemporary academic debate -- public audiences are more likely to be *persuaded* by testimony from sources thought to be "competent, trustworthy, and dynamic" (29). It is from this point, claims Trapp, that the slide begins: Testimony from a more credible source is better than testimony from a less credible source; testimony from a less credible source is better than testimony from an unknown source; testimony from any source is better than no testimony at all. From there it is a fairly minor leap to the assumption that it is the *fact* of testimony rather than its *substance* and the *credibility* of the witness which constitutes logical proof. Although debaters may be cautioned that "The mere fact that a statement appears in print lends not one atom to its value," (Foster, qtd. in Branham, 77), reliance on conclusionary testimony and name-date references leaves little else upon which to base an appeal.⁹ These practices are reinforced by textbooks which refer to witness qualifications as a *comparative dimension* of evidence rather than a *necessary foundation* for witness testimony.¹⁰

⁹The complete quotation from Foster reads: "Most grown-up people get rid of the notion that whatever appears in print is true, but many cling to the equally absurd notion that the printing of a statement does give it some claim to dignity and credence. For the purposes of argumentation, let us here make this point emphatic: *The mere fact that a statement appears in print lends not one atom to its value* [emphasis added]. Every assertion that is brought forward -- though it may have been printed a thousand times and repeated a million times -- must be challenged and tested before it can be of any value as evidence." The reference is to William Trufant Foster, *Argumentation and Debating* (Boston: Houghton-Mifflin, 1932) 59.

¹⁰Although contemporary debate textbooks ordinarily address witness credibility under the rubric of tests of evidence, the discussion generally suggests comparisons, implying that statements from credible sources makes for better evidence than do statements from less credible sources. This leaves the impression that credibility is a dimension of persuasiveness rather than a condition of proof. See Bartanen & Frank, 58; Church & Wilbanks, 120-121; Freeley, 124-126; and Pfau, Thomas & Ulrich, 142-143.

A somewhat different bent on testimony can be drawn from Whately's theory of presumption. That something is presumed, Whately reminds, does not mean a "preponderance of probability in its favour [sic]," but rather that it must "stand good till some sufficient reason is adduced against it" (qtd. in Golden & Corbett, 342). Presumptions preoccupy argumentative ground and are not to be disturbed until a good and sufficient claim to the contrary can be constructed. Whately refers to one such presumption as "deference" (Golden & Corbett, 346-7). That is, some persons, bodies or works are accorded a mantle of Authority. As learned persons or institutions, Authorities occupy a ground which favors their decisions or opinions. As such, to the extent to which learned persons are regarded as Authorities, they are accorded a degree of deference manifested in a presumption favoring their ideas.¹¹

While presumptions exist independent of arguers, it remains for arguers to find those presumptions which can be used to defend argumentative ground. Presumptions are derived from associations, but given the many associations which may exist in respect to any topic, arguers are confronted by presumptions which defend and presumptions which counter occupation. Arguers construct presumptions in the same sense that substantive arguments are constructed -- topics are connected to relevant presumptions in an attempt to overthrow other presumptions and transfer burdens of proof. For instance, academic debate accepts the ubiquitous presumption against assertions, literally requiring that whoever asserts must prove. Authoritative proof can be generated by associating an assertion with a learned person to whom one might reasonably defer. In this sense, arguers *construct* a presumption of deference.

Ehninger and Brockriede describe the inferencing involved in associating ideas with learned Authorities as generating proof in the same manner as substantive logics generate proof -- a claim (belief) is reasoned from specific evidence (expert opinion) by virtue of logical license (deference).¹² The exigence for such proof is explained by Toulmin, Rieke and Janik:

In a world of such complexity as ours, it would make no sense not to recognize the need to call upon expert judgment from time to time. If causes of death were judged only by lawyers and jurors, much would be lost from our system of justice. If only politicians judged the qualities of space vehicles or economic analyses, our government would have even more trouble than it has. Accordingly, we do rest claims upon the judgment of authorities. . . . (230)

¹¹Whately again addressed Authority when discussing presumptions for and against the Learned. At that point, he wrote: "Again, there is a presumption, (and a fair one) in respect of each question, in favour [sic] of the judgment of the most eminent men in the department it pertains to -- of eminent physicians, e.g., in respect to medical questions, of theologians, in theological, etc." (qtd. in Golden & Corbett, 353).

¹²For a more complete discussion of the similarities between substantive and authoritative proofs, see Ehninger and Brockriede, 158-162.

The fact that an opinion is grounded in the judgment of an authority does not establish a probability that it is true, merely the *presumption* that it is so. Thus, the judgment of an authority preoccupies argumentative ground, and remains upon that ground until good and sufficient reason is advanced to challenge the occupation. The problem, as Toulmin (1972) explains, is determining to whom audiences should defer:

All accredited members of a scientific profession may, in theory, be equal; but some turn out to be 'more equal' than others. On the one hand, there are the men [sic] whose word carries weight in the profession -- the men whose judgements [sic] are accepted as authoritative by other workers in the field, and who come to speak 'for and in the name of the science concerned. On the other hand, there are the men who have no such influence . . . [and] are in no position to act as spokesmen for the science they all serve. (264)

It follows that a claim to Authority must be established in order to construct a proof out of deference. As Toulmin, Rieke and Janik put it:

The problem with such arguments is not the use of authority *per se*; it is the failure to establish an adequate *foundation* for the authority. To justify a claim with any cogency, the authority cited must be qualified as capable of providing expert judgment on the subject of the claim. If the claim is used in the court to express the cause of death in a murder case, the authority must be qualified as a physician, specializing in forensic medicine, with experience in determining death caused under questionable circumstances, with extensive experience in recent times, and with a reputation among those qualified to judge as an expert in this area. (230)

Thus, arguers who attempt to prove by testimony must lay a foundation for the inference by establishing that a witness should be accorded the presumption of deference. In effect, it is the qualifications of the witness which warrants an inference. Ehninger and Brockriede explain how this idea transfers to academic debate:

In college debating and elsewhere the support for the warrant of an authoritative proof is quite important. All too often a college debater will support a contention with a few 'quotes' from 'noted authorities,' without taking the trouble to inform his [sic] listeners of the qualifications that make the opinions and information of his experts worth believing. Such a debater might as well attribute the statements to himself. Unless an authoritative warrant is supported adequately, no proof exists at all. For it is the warrant certifying the credibility of the source that carries testimonial evidence to the status of a claim. (160)

In an early treatment of Toulmin's model of argument, Trent discusses several extended variations of the DATA-WARRANT-CLAIM relationship. In each, he adds to the basic structure an element he terms "backing for the data" (256). Toulmin's model, Trent claims, is not satisfactory for examining the material validity of the evidence upon which inferences are

grounded. Rather than treating indicators of material validity as separate arguments, Trent opts for a holistic model in which such indicators are viewed as statements supporting the evidence. In the case of academic debate, this extension of the Toulmin model paves the way for understanding the symbiosis of presumption and substance in testimonial evidence.

When debaters establish constructive premises (data from which they will draw an inference), the material validity of those premises is always at question. As such, they ordinarily are drawn from testimonial evidence. To wit, when a debater reasons that AIDS has reached epidemic proportions, that claim might be constructed from the premise that a significant number of individuals have been infected with the virus. Barring the unlikely circumstance that the infection rate is common knowledge or that an opponent is willing to stipulate the premise, the material validity of the premise will rest on the ability of the debater to document the incidence of the disease. Since the warrant for this argument is substantive rather than authoritative, it would appear that the documentation does not constitute testimony in the traditional sense, and that no presumption of deference need be established. However, the acceptability of the *premise* is at question, and is supported only by the testimony of an individual or institutional authority. Thus, witness qualifications remain at issue even when evidence takes the form of a constructive premise.

In a similar fashion, when debaters rely on expert opinion, substantive reasoning ought to be involved. While it may be popular to rely on conclusionary evidence, such arguments are grounded solely in presumed deference. What is the epistemic weight assigned to that presumption? Deference should be viewed as one strand in a web of proofs which give force to an idea.¹³ Conclusionary evidence establishes only the *fact* of expert opinion, it does not consider the *substance* of the opinion. Upon what did the witness base this judgment? How soundly did the witness reason? Authoritative inferences (testimony revealing the reasoning by which a witness arrived at a conclusion) provide a basis for answering such questions by requiring a witness to explain a judgment. Such an explanation serves as substantive backing for the data, constructing a stronger web of proof for an arguer's claim.

It is only in the case of conclusionary evidence (assertions by authorities) that deference is isolated from substance. When such testimony is introduced into a debate, it has no force other than that given to it by the authority of the witness. Any backing for such evidence would have to come from the corroborative effect of similar conclusions reached by other witnesses.

¹³The idea is borrowed from Perelman. "Nonformal argument consists, not of a chain of ideas of which some are derived from others according to accepted rules of inference, but rather of a web formed from all the arguments and all the reasons that combine to achieve the desired result. The purpose of the discourse in general is to bring the audience to the conclusions offered by the orator. . . ." (qtd. in Golden, Berquist & Coleman, 406).

Viewed from this perspective, proof by authority is consistent with both logical and dialectical notions of argumentation. Authority provides a basis for generating reasoned discourse. To prove by authority, an arguer must construct an inference in which testimony is connected to a claim by virtue of presumed deference, a warrant which exists only once a proper foundation has been laid by explicit reference to the expertise of the witness. By so doing, the arguer has facilitated inspection, evaluation and discussion of both the claim and the inferential process from which it was derived. Whether or not the argument is psychologically compelling, it is laid open in such a fashion that its intuitive soundness can be addressed by both parties to the dispute. Proofs by authority not only can be argued, they can be argued about.

STANDARDS FOR TESTIMONIAL EVIDENCE

How then, ought witness testimony be employed in academic debate? Any answer ought to reflect four basic assumptions evolving from the preceding discussion: First, a foundation must be laid which gives some basis for assuming expertise. Proof by authority is grounded in deference, but there is no presumption to defer absent some sign that testimony is taken from a learned person, institution or work. Second, witnesses must be introduced in such a way as to make a challenge to Authority feasible. Presumptions are open to challenge, and witnesses ought to be introduced in such a way that opponents know who is being questioned and what Authority they represent. Ambiguous references fail to identify the person, institution or work from which testimony has been drawn, thus insulating the witness from impeachment. By its very nature, ambiguous reference encourages *argumentum ad ignoratum* (the witness is assumed qualified until demonstrated otherwise). Third, preference should be given to strong testimony. Strong testimony is a symbiotic product of deference and substance in which both the expertise and reasoning of a witness stand up to critical scrutiny. While deference can be constructed without addressing the internal validity of an expert opinion, such arguments are supported by a weaker form of proof. Fourth, the implementation must be feasible within the practical constraints of competition. While preferences ought not be abandoned in the name of circumstance, they must be tempered by concerns with the real. Standards for introducing evidence which place unreasonable demands on competitors will be summarily ignored.

From these assumptions are derived five standards for using testimonial evidence in academic debate.

1. **All sources must be clearly identified.** Opponents have the right to know who has been called to testify, from which work that testimony was drawn, and when that work was published. Witnesses can be impeached on personal, temporal and substantive grounds. Evidence drawn from sources ambiguously identified hides the person and obscures the context

of the testimony. While name and date may suffice to identify evidence drawn from commonly quoted works, a more complete citation should be readily available should the work prove to be unfamiliar. The ability to provide a suitable reference citation upon demand should be considered a minimum condition for introducing testimony.

2. **The initial testimony from any witness must include some sign that the witness is qualified to testify.** The deferential grounding for testimonial evidence is not altered by the way that testimony is used. The force of authoritative inferences is derived both from the authority of the witness and the intuitiveness of the inference. When testimony is being used to establish a constructive premise, the material validity of the premise rests on the authority of the witness. Conclusionary testimony has no force other than that taken from the authority of the witness. In each instance, the epistemic value of the testimony is connected in some significant way to the authority of the witness. No such authority exists absent a proper foundation. Source qualifications provide that foundation.

3. **Direct signs of expertise are to be preferred over indirect signs.** Without reference to signs of expertise, testimonial evidence produces unwarranted claims. The crucial question becomes, what constitutes a sign of expertise? Showing due concern for time constraints, I propose the following hierarchy of signs:

- Direct evidence of expertise
- Associative evidence of expertise
- Evidence of accepted expertise

Direct evidence of expertise includes signs that the substance of the testimony is within a source's field of competence. Professional or professorial status in a relevant field constitutes one such sign. For instance, drawing testimony concerning economic theories from a professor of economics, testimony concerning legal principles from a court majority opinion, and testimony regarding carcinogens in a food substance from the Food and Drug Administration, would be examples of direct signs. Direct signs are more or less fallible, i.e., professor of urban studies would be a less fallible sign than would professor of sociology when considering urban culture, and the text of a majority opinion would be less fallible than the opinion of a legal expert when considering a particular Supreme Court decision. The more specifically a sign connects established expertise to the fact or opinion at question, the greater the presumption which that sign constructs.

Associative evidence of expertise includes indications that a witness is, represents, or is associated with an institution with general connections to the substance of the testimony. In this case, the sign of expertise is indirect. Congressmen, for instance, are assumed to have some knowledge about matters which fall within the purview of their committees, and research fellows from policy research centers are assumed to have some knowledge about policies they

have investigated. However, such qualifications do not constitute signs of direct expertise. Associative signs also are more or less fallible; the long-time chair of the Senate Foreign Relations Committee might be presumed to speak with greater Authority than would a member of the Senate at large when addressing foreign policy issues. With an associative sign, the more closely the institution is connected to the issue at hand, the greater the presumption which an association with that institution would construct.

Evidence of accepted expertise covers a far broader range of signs. Into this category would fall witnesses who testify before investigatory committees, staff writers for recognized publications, news reports from recognized agencies, etc. In this case, arguers do not establish expertise directly or by association. Instead, they establish that reliable proxies have accepted the expertise of the witness, and interpret this prior acceptance as a sign which extends credibility to the case at hand. Once again, the signs are more or less fallible. Testimony drawn from a news report printed in the *New York Times* might be more authoritative than had it been drawn from a local newspaper, evidence drawn from a witness testifying before a Senate committee would be more authoritative than evidence drawn from a staff writer, and evidence drawn from a known publication would be more authoritative than evidence drawn from an unknown publication. The fallibility of accepted expertise is related to the credibility of the institution which made the prior determination.

Two additional points need to be made about the hierarchy. First, the weight of presumption attached to any witness is a function of the directness as well as the fallibility of the sign used to lay a foundation for the testimony. Stronger presumptions are harder to challenge than are weaker presumptions, and thus are to be preferred. Since less fallible signs create greater presumptions than do more fallible signs, a strong associative sign might create a greater presumption than would a weak direct sign. Second, witnesses may have connections to any number of signs. An expert testifying before a congressional committee, for instance, would have been accepted as a credible witness for some reason. Whatever that reason, it is likely to be more direct than the sign derived from having been called to testify, and should create a stronger presumption. The congressional testimony merely enhances that effect. It should be the responsibility of debaters to seek out the strongest signs so as to create the greatest presumption. Debate ought to involve a search for strong arguments, and making debaters responsible for the strength of the foundation they can lay for their testimonial evidence reinforces the epistemic dimension of the activity.

Requiring that some sign be used to lay a foundation for testimony does not place an undue burden on debaters. A phrase the equivalent of "Professor of Government at Harvard," or "testifying before the Joint Committee on Intelligence," falls easily within the bounds of reasonable expectations. Subsequent references to a witness, of course, require only some indication that the evidence is drawn from a source for whom a foundation already has been laid.

4. The substance of testimony is as important as the expertise of the witness. In academic debate, the symbiosis of substance and deference produces three distinct types of testimonial evidence. As a logical-dialectical experience, the relationship between substance and deference should create a clear hierarchy of preference.

Constructive Premises
Authoritative Inferences
Conclusionary Evidence

In academic debate, constructive premises ought to be preferred over all other uses of testimonial evidence because such usage places the greatest epistemic burden on the arguer. Rather than delegating the burden of argument to witnesses and depending upon expert opinion to confirm an asserted claim, constructive premises rely on witnesses only as sources of information from which claims might be inferred. Thus, a debater who asserts that underdeveloped nations should establish population control measures would be responsible for determining the premises upon which such a claim might reasonably be based, providing support for those premises, and defending the intuitive soundness of the argument. Testimony enters the debate only as a way of validating the premises.

An authoritative inference involves expert opinion, but presents that opinion in a manner which reveals the thinking of the authority. Upon what evidence is the opinion based? Is the opinion intuitively sound? Such testimony not only identifies the opinion a witness holds, it identifies the inference upon which that opinion has been based. Opinions which combine substance with deference create a stronger web of proof than do opinions which rely upon deference alone. Such opinions are harder to overturn, and thus are to be preferred over opinions which construct no argument. On the other hand, with an authoritative inference the burden to construct the argument has been delegated to an expert witness, and should be considered inferior to discourse in which that responsibility is assumed by an advocate.

Conclusionary evidence is the weakest form of testimony. Since neither the debater nor the witness makes a substantive argument, such evidence constitutes proof solely by presumption. As expert opinion, conclusionary evidence merely confirms that an expert has reached a conclusion convenient for the debater who introduces the testimony. The strength of the opinion rests entirely upon the credibility of the witness, and can be validated only by introducing confirming opinions, which themselves might rest solely upon the credibility of the witnesses. For conclusionary evidence to play an epistemic role in academic debate, it should be limited to testimony which addresses questions of what (fact) rather than questions of why or whether (opinion). It is what the witness has observed rather than what the witness has inferred which is entered into evidence, so the probative weight of the testimony is more likely

to be determined by position than by preference. In this case, expertise alone may be sufficient to validate the observation.

5. Advocates must be prepared to compare evidence. Matters of expertise and substance are arguable. Who is a more reliable witness in a given situation? Which source presents the more sound argument? Where does the predominant opinion lie? When evidence is treated as absolute proof, evidence comparisons are unlikely. The fact that expert testimony confirms an assertion gives it some force, but that force is variable. Contemporary debate practice, with few exceptions, treats all testimony as equal. An evidence claim, no matter how poorly reasoned, is assumed superior to an unevicenced claim, no matter how well intuitively sound that claim might be. More recent testimony, no matter its force, is assumed superior to less recent testimony. These unwritten assumptions of contemporary debate do not lend themselves well to meaningful comparisons of evidence. Accepting the principles that experts are more or less credible, and that their opinions are more or less reasonable, paves the way for challenging testimonial evidence. The strength of evidence ought to be as much a matter of argument as are the issues of a resolution. Contemporary practice, however, does not give debaters the tools with which to challenge and compare testimony.

Adhered to on a community wide basis, these five standards would create a new environment for employing testimonial evidence in academic debate. Standards one and two are prescriptive norms, intended to establish minimum conditions for introducing testimony in academic debate. Standards three and four are comparative norms, intended to establish hierarchies of preference for making logical-dialectical choices between alternative witnesses and testimony. Standard five is a descriptive norm, intended to reflect the way testimony ought to be processed in the interaction between opposing advocates. Taken together, these new norms reconceptualize the relationship between evidence and claim, and should force debaters to rethink the ways they select, use and argue about evidence.

SUMMARY

Trapp argues that academic debate should subscribe to argumentation as a "master perspective" (26). His contention that notions of argumentation are central to the act of debating, and thus constitute the most appropriate perspective from which to critique academic debate, is well taken. Such a presumption pervades this essay. However, Trapp views the use of testimonial evidence, the predominate form of evidence in academic debate, as a manifestation of a debate pedagogy which overemphasizes rhetorical argument at the expense of logical-dialectical argument. While the connections between testimonial evidence and persuasive discourse are obvious, I have attempted to demonstrate that testimony has an epistemic dimension as well. The logic of testimony, derived from Whately's discussion of deference to learned persons, requires arguers to construct authoritative proofs in much the

same way that they construct substantive proofs. Properly conceived, testimonial evidence involves *argument* from authority more than *appeal* to authority.

The problems which arise from testimonial evidence relate not to questions about its legitimate place in argumentation, but to the way it is employed in academic debate. Questions about witness credibility, the essential ingredient in epistemic testimony, have been sidetracked by inappropriate metaphors and arguments of convenience. The result has been testimony without proper foundation, appeals without argument, and evidence without comparison. If testimonial evidence is to play a role in academic debate, credibility must be revived as an issue so to reconnect testimony with presumption and substance. Community norms should encourage debaters to examine, evaluate and argue about evidence. The current practice of ignoring credibility issues while assuming that all testimony has the same probative value discourages arguments about evidence. To that end, I have proposed five standards for using testimonial evidence which recognize the logical-dialectical dimension of testimony, and create an environment where debaters may argue about evidence as well as argue with evidence.

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