

ON PRIMA FACIE VALUE ARGUMENTATION:  
THE POLICY IMPLICATIONS AFFIRMATIVE

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One of the most pervasive pedagogical problems in CEDA debate is instructing prospective debaters how to construct prima facie affirmative cases. To do so properly requires that students understand the place presumption plays in value debate, so the advocates can determine whether their burden of proof requires that presumption be overcome, ascertained, or seized. Similarly, the development of a prima facie case requires that the affirmative first know what the stock issues are in a value proposition before he or she can effectively develop them in the first affirmative.

In resolutions of policy, such determinations are hardly absolute, but at least there are fairly well-defined prescriptions with a substantial theory base and significant tradition. Presumption is widely held to rest initially with the negative, whether due to risks inherent in change, the deleterious effects of affirming a false hypothesis (resolution), or the necessity of a decision rule in case of a "tie." To overcome the presumption, the affirmative must demonstrate the requisite stock issues (significance, inherency, solvency, topicality). A number of organizational alternatives or forms of prima facie cases have evolved (e.g., need-plan, comparative advantages, goals-criteria, alternative justification); the method of choosing which approach to employ is ideally a function of appropriateness to the substantive issues being discussed.

Unfortunately, such clarity does not exist with respect to the conduct of value debate. To be sure, Matlon added to our knowledge of stock issues with the differentiation of definitive from designative issues. The definitive issue, Matlon notes, "establishes decision criteria....before the validity of an ethical judgment can be established, the nature of the value must be described and defended."<sup>1</sup> Recently, Ulrich argued that philosophical systems should be articulated and defended to satisfy the demands of the definitive issue. Specifically, "each advocate would outline the ethical (or political or social system that they wish to defend, outlining its central features. Second, each team would explain why their paradigm should be used in that debate."<sup>2</sup>

On the other hand, the designative issue "assumes the adoption of a moral standard and proceeds to assess that standard in a particular situation."<sup>3</sup> There are two matters of importance here. Explicitly, the affirmative case

must "meet" the criteria presented. Implicitly, the affirmative is given considerable latitude in determining what the "particular situation" or context is in which the evaluation will take place. As will be demonstrated later, the policy implications of a value or value system is a logical, even necessary, method of assessing or justifying its utilization as a decision rule or code of conduct. Certainly the influence of Matlon's work has been pervasive. More and more CEDA teams (and critics) are utilizing or demanding an organization patterned after his discussion of definitive and designative stock issues. Failure to demonstrate (or carry) both issues has undoubtedly been cited on many ballots as reason for negative decisions on prima facie grounds.

For all the increased consistency in affirmative case construction Matlon's writing has produced, the overall impact on the conduct and critical evaluation of CEDA debate is lessened by the failure to attain agreement of what the locus of presumption is in value inquiry. Matlon himself notes that "In value debate, in particular, there seems to be no precise or widely accepted method for locating presumption."<sup>4</sup> Indeed, we are no closer to intersubjectivity on this matter than we were five to ten years ago. The disproportionate share of journal and convention space devoted to the subject and the myriad of positions articulated is ample evidence of the lack of shared agreement.<sup>5</sup>

In a very real sense, that this set of circumstances could arise is a bit illogical. Brydon's argument makes a good deal of sense: if the negative team does not have presumption initially, then the practice of having the affirmative speak first and last is highly suspect - - such an order of speaking is predicated on particular burdens associated with sustaining a prima facie case in light of negative refutation, i.e., overcoming negative presumption. Brydon observes:

If they [affirmative] do not have the burden of proof, it is unfair to give them both positions. Furthermore, it makes little sense to impose the burden of proof on the negative, but require them to wait for the affirmative to set the boundaries of the debate in the first speech. If CEDA debate abandons the traditional allocation of presumption, it also ought to abandon the traditional format designed with the allocation in mind.<sup>6</sup>

We also recognize that the designative stock issue is considerably underdeveloped when contrasted with the definitive issue. Matlon observes merely that "The designative stock issue is designed to satisfy the conditions set up in the definitive issue. Does the topic in question satisfy

the criteria or value standard?"<sup>7</sup> But how does the affirmative go about "satisfying conditions" of the designative issue?

We believe that a viable affirmative method of fulfilling its responsibilities is what we term the "Policy Implications" affirmative. Basically, the affirmative offers a *prima facie* case in support of a value or value system, consistent with that required by the resolution (the definitive stock issue). The justification for the value system, the designative stock issue, is grounded in the system's beneficial policy implications. The appropriateness of the policy approach in "value" or CEDA debate may be argued in the first affirmative or reserved for refuting negative objections to the approach taken (if any).

Theoretically, this position commands increasing support. At the most recent Argumentation Conference, Robert Rowland lent considerable credence to our view that policy considerations of value systems ought be the central concern in CEDA debate. Drawing from a host of value theorists and linking their conceptual and evaluative contributions to the theory and practice of CEDA debate, he concludes that "the relative worth of competing values can be measured only by considering the effects which the values would have if they were to guide human conduct. The values can be evaluated only by treating them as implied policies."<sup>8</sup>

Presumption initially rests against the resolution, in our view; depending on negative argumentation the role of presumption may be altered during the round. Specifically, the negative may present arguments that the affirmative has failed to meet its *prima facie* burdens - - it has failed to present and justify a valid "decision rule" or value system and/or it has failed to demonstrate the designative issue, i.e., the policy implications either are not logical outgrowths of the value system or fail independently to justify adherence to the system. Moreover, the value system may in fact produce harmful policies or actions which outweigh the benefits claimed. In this scenario, presumption would continue with the negative by virtue of the affirmative failure to justify the resolution.

If, instead, the negative chooses to offer a competing value system to produce equal or greater benefits with fewer harmful consequences than the affirmative value system, the decision rule regarding presumption is with the value system of least risk. In many respects, a debate of this type resembles a counterplan round in NDT - - both sides are competing for presumption on the

least risk criterion. And, if so, by what method is risk properly assessed? Is such a view of value debate, policy alternatives, supported within the context of value theory? The next section of the paper will hopefully provide cogent answers to these questions.

Rokeach has argued that there are certain ways to evaluate terminal or social values.<sup>9</sup> Each value, he claims, carries with it a certain group of "end-states" or "modes, means, and ends, of action."<sup>10</sup> Rokeach's "end-states" can be seen as policy manifestations. Societal values are manifested in various ways, but primarily are discernible in policy changes and considerations. Values are reflected in the modes of action of a society. These policies reflect the values on which they are based. As Bartanen notes, "there can be no doubt that policy decisions reflect the acceptance or rejection of certain values [and] represent attempts to implement values into policy...."<sup>11</sup> Clearly, the "end-states" or manifestations of societal values arise in the form of policy decisions.

There are two ways, according to Rokeach, to compare values and to determine their relative desirability. One is to test the value and its accompanying end-states against the competing value and its subsequent policies by finding their order in a predetermined hierarchy. A second method of weighing is to measure the value and its end-states against its opposite value and end-states. Either evaluative method necessitates knowledge of the policy systems that follow from the adoption of a value position. In either case, the policies or end-states inherent in values are "instrumental" in determining which value is more desirable. This link between values and subsequent policies has been noticed by others. As Zeuschner and Hill observed, "'value' topics seem to imply a policy system as one means of determining the desirability of the value."<sup>12</sup> Indeed, Rowland has argued that the wording of CEDA topics forces such an approach, noting that, in CEDA, "the responsibility of the affirmative is not to defend a single specific proposal, but a broad set of implied policies."<sup>13</sup>

Rokeach also claims that in order to determine which values are most desirable, end-states of the value must be considered. This suggests not only that value debaters weigh policy manifestations of the values proposed in their case or by their opponents, but the necessity to do so in order to assess accurately the desirability of the basic value. Thus, the strategy referred to by some as straw man arguments is actually, given the nature of values as

outlined by Rokeach and others, the most viable means of determining the most desirable value. Nicholas Rescher concurs, claiming that "To adopt a value is to espouse principles of policy in the expenditure of resources, and the mode of value evaluation with which we are now concerned is predicated on the somewhat hard-headed standpoint of the question of whether, how, and to what extent such expenditures are worthwhile."<sup>14</sup>

The recognition of policy systems in non-policy argument carries other important implications as well. These policy systems will carry with them a certain degree of risk. If they are not a part of the status quo, the uncertain effects of change per se, coupled with predicted harmful effects, will enter into the determination of risk. If the policy system is already embedded in the status quo, the risks of maintenance and retention can be ascertained and weighed.

Lichtman, Rohrer, and Corsi have argued that policy systems can be tested and weighed against one another to determine risk and desirability.<sup>15</sup> It is very possible to weigh the relative risk of competing values by assessing the policy systems that are their end-states. Thus, the affirmative could plausibly suggest desirable systems that would arise from their value position, as could the negative. Both sides could also offer undesirable end-states that would emerge from their opponent's value system. We are not suggesting that value debate should function purely as a clash between two policies. The focus remains the value, with policy systems offered in support for the desirability of that value.

Flaningam has argued that "presumption is based on degrees of risk associated with change,"<sup>16</sup> and therefore does not apply to value debate. We, too, believe that presumption is based on risk, but for our purposes, presumption is based on the risk of accepting a value or value system, not the risk of choosing a faulty policy. Rokeach suggested that end-states are very much a part of a value decision. Policy systems, as end-states, reflect change and an inherent risk, the degree of which can be argued in the round. The value or policy system of least risk gains presumption.

In some respects, our position resembles Value Benefits Analysis. When explaining the case, however, Zeuschner observes that "In this vein [comparative advantages case], Value Benefits would offer the value claim . . . usually the resolution or a defined subset thereof, and then offer decision-makers a rationale which would support some sort of expected

benefit(s) to be derived from the new value."<sup>17</sup> Two key distinctions emerge. First, Zeuschner's focus is on the "new" value; ours is the value system offered by the affirmative, new or not. Second, and perhaps most telling, we are advocates of policy alternatives as a necessary focal point of CEDA debate; Zeuschner acknowledges the approach but does not advocate it. The key point for us is that the likely behavioral consequences of a value, whether on a national, international, or personal level, ought to be the major evaluative focus. What are the consequences of accepting a value system? For years, we have grown up believing (and research is generally supportive) that our value systems are somehow linked to human actions. How and why that is the case ought to become better understood by focusing on that relationship, rather than the values in abstract form.

If the major argument against a policy implications affirmative is that it deals with policy, then we ought to look seriously at the theory base which serves to justify CEDA activity. Virtually no value theorists separate the study of values from the study of consequential policies.<sup>18</sup> In fact, to do so many force value "debate" into the model of epideitic discourse, a move which, according to Fisher, "would be to make it a game for sophists."<sup>19</sup> Rather, it is the relationship between policy and value that is the focus of study -- and when it comes to choosing between competing systems, the least risk criterion is the natural decision rule.

#### ENDNOTES

<sup>1</sup>Ronald J. Matlon, "Propositions of Value: An Inquiry into Issue Analysis and the Locus of Presumption," in George Ziegelmüller and Jack Rhodes, eds., Dimensions of Argument: Proceedings of the Second Summer Conference on Argumentation (Annandale, VA: Speech Communication Association, 1981), p. 497.

<sup>2</sup>Walter Ulrich, "Philosophical Systems as Paradigms for Value Debate," in Don Brownlee, ed., CEDA Yearbook (Cross Examination Debate Association, 1983), p. 25.

<sup>3</sup>Matlon, p. 498.

<sup>4</sup>Matlon, p. 498.

<sup>5</sup>Inspections of CEDA publications and other forensics material clearly reveal the dominance of the issue.

<sup>6</sup>Steven R. Brydon, "Presumption in Value Topic Debate: The Three Faces of Eve," paper presented at the Western Speech Communication Association Convention, Albuquerque, NM, February 1983, pp. 12-13.

<sup>7</sup>Matlon, p. 498.

<sup>8</sup>Robert Rowland, "The Philosophical Presuppositions of Value Debate," in David Zarefsky, Malcolm O. Sillars, and Jack Rhodes, eds., Argument in Transition: Proceedings of the Third Summer Conference on Argumentation, (Annandale, VA: Speech Communication Association, 1983), p. 833.

<sup>9</sup>Milton Rokeach, The Nature of Human Values (New York: Free Press, 1973), pp. 3-25.

<sup>10</sup>Rokeach, p. 10.

<sup>11</sup>Michael Bartanen, "The Role of Values in Policy Controversies," in Don Brownlee, ed., Contributions on the Philosophy and Practice of CEDA (Cross Examination Debate Association, 1981), p. 19.

<sup>12</sup>Raymond Bud Zeuschner and Charlene Hill, "Psychological Presumption: Its Place in Value Topic Debate," in Don Brownlee, ed., Contributions on the Philosophy and Practice of CEDA (Cross Examination Debate Association, 1981), p. 21.

<sup>13</sup>Rowland, p. 823.

<sup>14</sup>Nicholas Rescher, Introduction to Value Theory (Englewood Cliffs, NJ: Prentice-Hall, 1969), p. 134.

<sup>15</sup>Alan Lichtman, Daniel Rohrer, and James Corsi, "Policy Systems Analysis in Debate," in David Thomas, ed., Advanced Debate (Skokie, IL: National Textbook, 1981), pp. 375-90.

<sup>16</sup>Carl D. Flaningan, "Value Centered Argument and the Development of Decision Rules," Journal of the American Forensic Association, 19 (1982), 112.

<sup>17</sup>Raymond Bud Zeuschner, "Value Benefits Analysis as an Affirmative Paradigm," in Don Brownlee, ed., CEDA Yearbook (Cross Examination Debate Association, 1982), p. 16.

<sup>18</sup>See Rowland article for an impressive review, especially pp. 830-33.

<sup>19</sup>Walter R. Fisher, "Debating Value Propositions: A Game for Dialecticians," in George Ziegelmüller and Jack Rhodes, eds., Dimensions of Argument: Proceedings of the Second Summer Conference on Argumentation (Annandale, VA: Speech Communication Association, 1981), p. 1015.