

The Art of Debate

Course Guidebook

Professor Jarrod Atchison
Wake Forest University



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JARROD ATCHISON, PH.D.

**Associate Professor of Communication
and Director of Debate**

Wake Forest University

Jarrod Atchison is an Associate Professor of Communication at Wake Forest University, where he has taught since 2010. He is also the Director of Debate for the Wake Forest University Debate Team, which dates back to 1835 and has won multiple national championships. As an undergraduate at Wake Forest University, Dr. Atchison was a Presidential Scholar in debate who was ranked the third overall individual speaker at the 2001 National Debate Tournament, at which the team ranked second overall in the nation.



After graduating from Wake Forest University, he was an assistant debate coach and Ph.D. student at the University of Georgia, where he helped coach the winners of the 2007 Rex Copeland Award, which is given to the top-ranked debate team in the nation headed into the National Debate Tournament. After receiving his Ph.D. in Communication, Dr. Atchison helped revive the debate program at Trinity University before being offered the Director of Debate position at his alma mater.

Dr. Atchison has published extensively on the study of argumentation and rhetoric and is the author of a forthcoming book on the rhetorical leadership of Jefferson Davis. He researches 19th-century American public address, with an emphasis on the American Civil War. Additionally, Dr. Atchison researches public argument, including the best practices for intercollegiate debate.

Dr. Atchison has been nominated twice for the Reid-Doyle Prize for Excellence in Teaching at Wake Forest University. He teaches such courses as Debate and Advocacy, Argumentation Theory, Conspiracy Discourse in American Public Address, Rhetorical Theory and Criticism, the Rhetoric of the South, and Pivotal Speeches of the American Civil War. In the summer, Dr. Atchison works with high school students on the art of debate and was consistently voted the top-ranked lecturer at the University of Michigan summer debate workshop. ■

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COURSE SCOPE



Debate involves an incredibly important set of skills not limited to high school or intercollegiate debate tournaments. Anyone who has met or interacted with a debater knows that debating can help build confidence, train people to think quickly on their feet, and become strong advocates for what they believe. The goal of this course is to introduce you to the art of debate, but the idea is not to make you a nationally ranked debater. Rather, our focus is on how to apply the concepts of debate to your personal and professional lives.

We begin by exploring what debate is and what makes it different from an informal argument. We learn that debate is the formalized enactment of argument and that it has several components: structure, agreement before disagreement, and the resolution to be debated. All the participants must agree

to the format of the debate, including the organization of speeches and the amount of time to be allotted for everyone to speak. Beyond the format all the participants must agree to the stakes, the topic, and a neutral third party who will serve as the judge.

How do you make your really big decisions? Do you act on your gut? Do you use a pro and con list? In this course, we will explore how debate can be a powerful method of decision making. Debate can distill the messy, complex, and sometimes emotional disadvantages of informal argumentation into the benefits of comparing ideas through the rigor of intellectual contestation.

To maximize the benefits of learning the art of debate, we must establish proficiency in the core concepts of building proposals, rigorously testing arguments, and preparing to argue against a well-prepared opponent. The course explores the obligations associated with proposing change along with how to build and attack affirmative and negative cases. In addition to learning how to determine the strengths and weaknesses of an argument, we explore how to conduct a cross-examination to reveal those strengths and weaknesses for the judge. We learn how to use open-ended and leading questions to reveal the holes in an opponent's case.

To learn more advanced argumentation techniques, we explore what to do when someone presents an unexpected argument, how to “flip the warrant” to use our opponents' evidence against them, and how to use “even if” statements and conditional logic to add a degree of nuance and rigor to our arguments. We examine the power of a strategic concession to refocus the debate to the strength of our positions. In short, we explore the techniques that transform a decent debater to a great debater. Those techniques are not limited to formal debate and can play a crucial role in decision making in any organization.

The last section of the course focuses on using debate to help with assessment in the context of rebuttal speeches to transition from merely summarizing

positions to weighing the advantages and disadvantages of positions in light of what the opponent has argued. One of the overlooked benefits of debate is its capacity to help train decision makers in how to make and communicate important decisions. To that end, an entire lecture is dedicated to articulating reasons for decision, a crucial skill for any leader in an organization.

To conclude the course, we take the techniques from formal debating to the informal world of the cocktail party. The goal is to explore the ways debate can serve in an informal setting where you may have competing goals and varied audiences for your informal arguments. We see the true art of debate develop as we explore how to win the cocktail party.



THE HIDDEN VALUE OF DEBATE

Debate is a tool for resolving disagreements and bringing us together as a society. Debate is an incredibly important skill that can help build confidence, train people to think quickly on their feet, and become strong advocates for what they believe. The goal of this course is to introduce the art of debate and its fundamentals. Its focus is on how to apply the concepts of debate to improved decision making. Debating is a competitive activity, but it's also a way of learning, exchanging ideas, and gaining an understanding of other people's perspectives. That understanding furnishes the basis for making better choices.

DEBATE VERSUS ARGUMENTATION

- ◆ The simplest definition of debate is that it is the formalized enactment of argumentation. The word “formalized” is a key distinction between having an argument and engaging in a debate. For something to be formal it must have structure.
- ◆ Structure in debate can have a variety of meanings, but typically it involves equal opportunities for all participants to speak, alternating speeches to create the conditions for a good clash of ideas, agreement on the topic to be argued about, and a neutral third party who agrees to be a judge. Unlike spontaneous argument, debate is intentional and methodical.

DEBATE AND DECISION MAKING

- ◆ The importance of the distinction between argumentation and debate becomes clear in the context of debate as a method of decision making. We tend to think that our best decisions are the product of rationality. Rationality empowers us to make well-considered decisions and judgments, and argumentation helps in that process, focusing our ideas to make sure that the end point of our decision-making process is a product of rationality. But the informal nature of argumentation can lead to incomplete and ill-considered outcomes.
- ◆ Arguing about a problem with someone for a while doesn't ensure that you've thought out all the benefits and drawbacks of the solution that you have in mind. That's where the structured nature of debate comes in handy. Debate is the ultimate form of decision making, because it harnesses the best parts of the messy, complex, and sometimes overly emotional process of argumentation while striving to reduce the distractions.

- ◆ How debate enhances decision making rests on three concepts crucial to the best forms of debate. First, debate emphasizes the skill of discerning the key questions of a controversy. If you have a finite amount of time to argue a point, then you are already more likely to spend that time on the central questions.
- ◆ Debate requires the skill of anticipating the best arguments available to your opponent that produces a better proposal for yourself. The best debates happen when both sides have thoroughly researched the entire controversy, and all the participants are aware not only of the strengths and weaknesses of all positions, but of where all are in agreement. As a result, debaters develop the ability to focus on the core of a controversy and to quickly distill the key questions from the overall potential arguments. Argumentation theory defines this point as stasis, a concept that represents the point of departure between the two sides engaged in the interaction.
- ◆ Let's say that two colleagues are having a debate about how to increase the market share for the corporation for which they both work. They may agree that buying ads that run before the previews at the local movie theater may not be the best use of resources. That agreement, however, may end when one suggests that spending finite resources on social media and the other suggests print advertising. If both understand where they agree, where they disagree, and why, they are at the point of stasis.
- ◆ If you have ever participated in a brainstorming session, you probably know that they tend to begin with the person in charge telling everyone that there is no such thing as a bad idea. The free flow of thoughts is supposed to generate more ideas, making the brainstorming session more productive. According to a study conducted by Dr. Charlan Nemeth, a professor of psychology at the University of California at Berkeley, the truth is that brainstorming with no interaction, with no debate, is actually much less effective than brainstorming with debate.

- ◆ The second way that debate improves decision making is that debate creates nuance. The interaction of ideas refines and ultimately produces the best version of participants' arguments.
- ◆ Many of us have been taught that the way to approach a big decision is to generate a pro and con list. Of course, this step is important in the process of decision making, but generating the list rarely makes the choice evident. Only when people factor in the values they bring to a decision can they reach a choice likely to address their wants and needs.
 - ⦿ If we simply list pros and cons, we will have indexed some arguments, but we will not have resolved the core of the controversy: Which value should dictate the decision? Resolving competing values requires an interaction of ideas. It requires argument.
 - ⦿ Nuance appears when debaters attempt to whittle away their opponents' best reasons for their positions. Proposals start to develop nuance to reduce potential objections. The more complicated the decision, the more important it is to understand the parties' underlying values and to study the interaction of their ideas.



- ◆ The third way that debate can help in decision making is by training people—especially leaders in an organization—to make and articulate judgments. Informal arguments rarely include an outside party who listens to the argument and explains who won and why. Debates, on the other hand, are especially effective as a method of arriving at a decision both because that decision is explained to all the participants and because the process vastly improves the participants' ability to make future decisions.

- ◎ A tangible example is the amount of anxiety, stress, resentment, and overall loss of productivity that comes from the combination of poor organizational decision making and poor communication about decision making. A business was losing profit because of production-related expenses that were steadily growing worse. The products were increasingly expensive to make, and the company could not pass on the increased costs to the customers. The manager approached the production team and asked them to think through some potential solutions and present them to him for review.

- ◎ Two proposals emerged. The first was to invest in an inventory management system that would help reduce the need for rush orders. The supporters of this proposal argued that if they had an inventory management system they would have adequate lead time to purchase the appropriate components, eliminating the need for rush ordering.

- ◎ The second proposal was to invest in new production equipment. The existing equipment was in a constant state of disrepair, resulting in extensive delays that reduced the number of orders the production team could fill and cost a tremendous amount to fix. The proponents of this proposal argued that an inventory management system would be nice, but all the inventory in the world wouldn't help if the machines kept breaking down.



- ◎ The manager evaluated both proposals. He asked great questions. He assessed the relative viability and timeframes necessary for both proposals. He thanked everyone for their participation in the process, and in the end, he decided to invest in the inventory management system. This initial decision was not all that confusing or controversial. The manager did not go to any lengths to explain his decision. He simply made the call and asked the key players to start the process of purchasing and implementing the new inventory management system.
- ◎ The problem was that three weeks later, the manager announced a new investment in technology for the office workers: brand new computers, printers, and copiers. Resentment grew until very little communication occurred between the production team and the manager, and overall productivity began to slip.
- ◆ The manager did just fine in his initial approach. Where he went awry was the way he handled communicating his decision. After evaluating the perspectives of the folks on the front lines, he wanted the authority of a command and control system. Although it is possible to borrow from both approaches, the key is developing the skill of articulating a judgment.

DEBATE AND ARTICULATION

- ◆ Formal debate includes a concept called RFD—reason for decision. The RFD is what the judge delivers at the conclusion of the debate. The judge has listened intently to all sides of the controversy and is the final arbiter. Not unlike the manager, a good judge listens closely and considers all sides equally. The difference is that the RFD requires judges to articulate why they made their choices in a way that assesses the relative strengths and weaknesses of each proposal.

- ◆ The lesson from this story is that debate doesn't just improve the decision-making ability of the debaters. The truth is that the people who often benefit most from incorporating debate as a method of decision making are the leaders of an organization. Those are the people who most need to hear a rigorous discussion of a problem and who most need to learn how to articulate the reasons for their decisions.
- ◆ Organizational leaders' most common objection to the process of debate is that their explanations for their decisions will be upsetting or will draw criticisms and counter-arguments that make them look vulnerable. But leaders who are honest and who articulate their assessments actually build trust with their employees. Not only does explaining their decisions leave employees more satisfied; it encourages them to produce better arguments in future debates.
- ◆ Debate can be used to make decisions in a variety of settings, from government and business to economic policy making, personal relationships, and even marriage. The beauty of debate is that we all have to make difficult decisions. The tools of debate can enhance your confidence in handling the challenges of your everyday life. It's true that debaters are not afraid of arguing—but they are also not afraid to admit when we're wrong. The result is that their arguments are more productive because they happen more often and rarely involve the serious emotional swings that often come with arguing in a less structured environment. The more debating skills you master, the better you will become at argumentation and decision making in just about any environment.



SUGGESTED READING

Branham, *Debate and Critical Analysis*.

Ehninger and Brockriede, *Decision by Debate*.

Nemeth, “The Liberating Role of Conflict in Group Creativity.”

QUESTIONS TO CONSIDER

- 1 How could you assess competing values without argumentation?
- 2 Were you surprised at the results from the study on brainstorming? Why do you think that brainstorming without debate is less productive?



WHEN AND HOW TO USE DEBATE

For the best debaters, a fierce argument is the ultimate sign of respect. It requires all of the participants involved to listen carefully to what another person thinks about the world; to be willing to challenge that perspective with evidence, logic, and well-constructed arguments; and to be open to the possibility that you are wrong. The fierceness of debate isn't in the emotion that you put into your delivery; it's in the precision of your logic and the way you exploit weaknesses in the positions of your opponents and use them to your advantage.

HARNESSING THE POWER OF DEBATE

- ◆ Why would someone want to engage in a fierce argument? The answer is that debate is a useful means of refining and testing ideas and receiving assessments that will challenge the key assumptions, data, reasoning, and recommendations; forcing clarity of purpose by taking on the position of an opponent; and preventing embarrassment before publicly advocating for change. We want to focus on using debate as a means of deliberating about the future.
- ◆ Aristotle identified three major types of rhetorical events: epideictic, forensic, and deliberative.
- ◆ Epideictic rhetoric is a category set for special occasions such as eulogies, wedding toasts, and retirement speeches. They are extremely important and can change the course of a society forever. President Lincoln's Gettysburg Address, for instance, was a part of the events designed to commemorate the battle of Gettysburg and to dedicate the cemetery, but it has become a part of our national identity as he laid a new framework for the identity of the nation.
- ◆ Forensic rhetoric discusses a past event with the goal of rendering judgment. A question such as, "Did Richard Nixon commit treason by encouraging the South Vietnamese government to refuse President Johnson's cease-fire agreement?" is a forensic argument. Forensic controversies involve arguments and debate, but the key distinction is that the focus of the debate is on the past.
- ◆ Deliberative rhetoric focuses on the future: the moments when we step forward to make a statement about how we should proceed. This is the first limit to when we should debate: We should debate when we are attempting to determine a course of action.

- ◆ Part of the reason that people level accusations against debaters as sophists or relativists is that it is possible to argue against almost any value or proposition no matter how widely believed or reasonable a position seems to be. The way to help reduce absurd argumentation is to focus the debate on deliberation.



- ◆ Deliberation typically comes with an exigency that begs for a decision. Exigency can, of course, result in bad decisions as people rush to judgment. But at the other extreme, it is possible to deliberate for so long and to consider so many arguments that no decision ever gets made.
- ◆ For example, let's say an organization is trying to determine how to invest some precious resources. Some people advocate for investing in existing staff through a bonus structure. Others argue for new technology. Still others argue that the resources should go toward amenities around the office such as new furniture. All three positions are reasonable and have merit. Debate can and should be used to determine which one is the best choice.

- ◆ The focus on Aristotle's concept of deliberative rhetoric is designed to prevent derailment of a debate by one assuming the contrarian position. For example, a person might raise his hand and say, "We would have even more extra money if you had agreed to invest in new energy-efficient automobiles last quarter when we could have taken advantage of the tax break," thus shifting the conversation from a deliberative rhetorical event to a forensic rhetorical event. That shift is an intentional strategy of those occupying the contrarian position.
- ◆ Forensic discussions are important and can be helpful in reviewing whether a past decision was correct. The key in this example is that the argument is unconnected to the deliberation about how to proceed from here. If the person argued that the organization could have made more money and can still do so if it invests right now in new energy-efficient automobiles, then the contrarian position goes from being a non sequitur designed to frustrate and anger the audience to a productive argument that could help make the immediate decision about how to spend these excess funds right now.
- ◆ The first question we should ask ourselves is whether the controversy at hand is deliberative in nature. If it is, then debate may be a good process for making the decision.
- ◆ Second, we have to ask ourselves if the stakes of the decision merit the investment of resources necessary for a debate.

DECISION FATIGUE

- ◆ The concept of decision fatigue is simple: Every day we have a certain amount of energy to devote to the types of higher-order thinking skills necessary for making big decisions. The more time we spend making

decisions over the course of the day, the harder it is to marshal those skills to make important decisions.

- ◎ Stories abound of people attempting to take advantage of decision fatigue by drawing out negotiations so that they can “wear down” the other party. The thought process is to get to the point where your opponent is mentally (and sometimes physically) exhausted and doesn’t have the mental faculties to continue to put up a good fight.
 - ◎ Others structure their days around the concept of decision fatigue. Some, for example may choose all clothing or meals well in advance so as not to waste decision-making capabilities on such tasks when they need to be ready at any moment to make decisions with more serious ramifications.
- ◆ Our brains are not structured to debate every single decision we make over the course of the day. Heuristics or short cuts are built into our decision making precisely for this reason. We build in strong emotional connections to certain brands and certain flavors and certain behaviors both because we have enjoyed them in the past and because we cannot dedicate the mental energy to argue about each decision every time.



Our brains are not meant to debate every single decision we encounter.

- ◆ Instead, we should use the power of debate in making deliberative decisions with personal or professional implications that go beyond routine—the types of decisions that have the potential to fundamentally alter our progress in an organization or the future of the organization itself. Similarly, we should use the power of debate for family decisions that can truly impact the future: Should we buy a house? Which college should my son or daughter attend? What investments should we make for our financial future? Those future oriented decisions that have stakes big enough to merit debating are ideal situations for harnessing the power of debate.

CONDITIONS NECESSARY FOR DEBATE

- ◆ Three conditions must be present to change an argument to a debate and to help maximize the potential of debate: a formal structure to which all parties agree; agreement on the proposition; and a well-prepared opponent.
 - ⊙ At a minimum, a formal structure means ensuring that all of the participants have an equal amount of uninterrupted time to present their case and a structure set in place for responses. The point of formalizing the enactment of argument is to enhance the best parts of argumentation while reducing the inevitable messiness that comes with this form of human interaction.
 - ⊙ There is simply no way around the fact that asking people to stand and deliver their perspectives on difficult controversies invites aggression and emotion. When channeled appropriately those forces can help harness some of the most brilliant and creative thoughts that a person can muster. If those forces become too powerful, then the quality of the argument disappears as the participants begin talking over

each other, or worse, focus on attacking their opponents rather than arguing against their positions.

- ⦿ Setting ground rules about the structure of the debate will dramatically improve the quality of the arguments. Decide the total amount of time available for a meeting and how many total speeches you want to hear on a topic. Build in preparation time, that is, time for people to think through their arguments in between speeches. Save some time at the very end for debriefing after the debate.
- ⦿ The key is to have some actual structure in place. Without it, the argument can too easily turn into a shouting match. Ideally the structure not only prevents that from happening, but it encourages the best arguments possible.
- ◆ The second precondition for a debate is agreement on the proposition. The specificity of the resolution helps debaters determine the relevance of any given argument. Without a clear resolution, debaters can exploit ambiguity to avoid the central question of the controversy.
- ◆ The third precondition for a debate is a well-prepared opponent. In a competitive intercollegiate setting, the element of surprise is one of the key aspects of creating an asymmetrical advantage to win the round. If you can take your opponent totally off guard then you dramatically increase your chances of winning a debate. In an organizational context, the reverse is true.
- ⦿ Debate works because it uses the power of dialectics to put arguments in contestation with each other. The arguments bang up against each other and bash around through a whirlwind of data, reasoning, warrants, and claims.

- ◎ This rigorous process of examination should help with decision making because the best arguments emerge from the contest more refined, more nuanced, and better-reasoned. To maximize that process, the key is to make sure that no one walks into the room unprepared for the battle. As a decision maker, you want both sides of the debate to be as prepared as possible so you need to allocate time and energy to make that happen.



- ◆ In its best forms, debate is an effective process for making decisions because coming to agreement on the terms of the debate can, in itself, be a productive way to determine what the real issues are. After a group makes that determination, the process of debating affords all sides a chance to have their arguments heard before an objective judge who hopefully renders a decision with a clear assessment of the arguments.
- ◆ And this is why the best debaters truly appreciate a fierce argument. In fact, the best decision makers should expect a fierce argument because that is truly how to arrive at the best decisions.

SUGGESTED READING

Aristotle, *Treatise on Rhetoric*.

Lehrer, *How We Decide*.

Tindale, *Acts of Arguing, Introduction*.

QUESTIONS TO CONSIDER

- 1 What are some situations where it is inappropriate to use debate?
- 2 Are you persuaded by the concept of decision fatigue?



THE PROPOSITION: CHOOSING WHAT TO DEBATE

Contrarianism is not the same as a great argument. Perhaps counterintuitively, good debates require agreement about the structure and the proposition to maximize the benefits for decision making and to ensure that all of parties have time to prepare. A good debate requires well-prepared opponents. Picking the right proposition may be the single most important element.

OUTLINE THE CONTROVERSY

- ◆ The first issue in choosing the proposition is consensus about the problem. Often, the idea that something actually is a controversy generates little to no agreement. More often than not, a small group believes that a problem does or will exist and proposes changes to address it or to get ahead of it. Sometimes they are worried about corporate culture. For example, they see the fissures between sales, marketing, and product development. They write up a proposal or a recommendation and send it up the ladder. Lack of consensus that a problem really exists means these recommendations are often overlooked.
- ◆ Other times, the small group is less concerned with a current conflict than about a market or industry trend that they believe will threaten the future of the organization. They visit a conference or get some industry reports and fear that the whole organization will become irrelevant. So what happens is that their recommendations look rash or are regarded as overreactions, and they get filed away in a drawer somewhere.
- ◆ Anyone arguing for change has the burden of proof that something is wrong and must be addressed. The problem starts when the small group jumps to making recommendations before winning the argument that something is wrong with the status quo. The remedy is to break up the process and use the power of the proposition to help establish the premise.
- ◆ In some very rare instances, a person or small group of people truly discovers the proverbial canary in the coal mine. In these very rare moments, they become passionate advocates for change. They get a glimpse into a situation that could radically change the future of an industry or an organization. In these moments you need the proposition to be focused not on problem solving, but on whether the controversy or problem exists at all.

- ⊙ A good example is the collapse of the housing market. A small group of people came to believe that the housing market was a disaster and made a bunch of money shorting mortgage-backed securities. If someone came in before the housing crisis and said, “Let’s invest millions of dollars to short the housing market,” the empirical data suggest that most people in the room would have said, “You’re crazy. Get out of here.”
- ⊙ But what if, instead of pitching the idea as a policy recommendation, we simply asked for a debate? The proposition would be, Resolved: mortgage backed securities are a bad investment. The resolution is neutral on purpose. The proposition is simple and direct and does not suggest or advocate for a particular solution. Often, the negative case wins the debate over whether a controversy actually exists because the affirmative case relies heavily on speculation about potential future events before it effectively establishes the more neutral proposition.
- ⊙ If we determine that a problem exists, we can proceed with developing a proposition that helps direct immediate action. If we determine that no problem exists, we need to decide whether we should dedicate resources to monitoring the situation and be prepared to have a debate about potential actions when we cross a certain benchmark.

CONSIDER THE TIMING

- ◆ In considering when to debate, remember that debating every single decision is simply not feasible. Yet one of the biggest mistakes that people make when they advocate for change in an organization is to rush to make recommendations before they have enough data to support their case. This is a classic case of a rush to judgment: putting the cart before the horse.

- ⦿ For example, imagine a media company that has been very successful generating content for social media. It is generally excited about how the company is going, and the forecasts look good. One night over the dinner table, the social marketing director's nine-year-old daughter says "Wow Dad, I can't believe that you all are still using that social media service. No one thinks that is cool anymore." Later that evening he fires off an email to the executive team expressing his concern and making his recommendation: We should seriously consider figuring out what the kids are using today and moving platforms as soon as possible.
- ⦿ Because the company wants to avoid specializing in a social media platform that disappears overnight, a debate ensues—Resolved: we should begin to move away from X social media platform. Over the course of the debate, we discover that the data support the daughter's assertion that for teenagers the presence of so many adults has rendered the service "uncool."



- ⊙ The opposing side argues that our clients are not asking for content for teenagers, and it is the presence of those adults on the service that makes us money. Although it is possible that the service goes up in flames and everyone migrates to something newer and cooler, the resolution was framed to be a question of time: Should we begin to move away from the social media platform?
- ⊙ At the conclusion of the debate the decision makers decide to continue to monitor the usage rates for our core demographic and that we should investigate the newer platforms so that we can sell potential clients that want to target a younger audience. However, we should not, in fact, begin to migrate away from our current social media platform.
- ◆ One of the hallmarks of the best decision makers is that their decisions are clear, predictable, and consistent. The best decision makers acknowledge, for example, that the goal of a losing proposal may be a valuable one, and the proposed expenditure might do important things to achieve that goal, but it simply is not as high a priority as other key investments that have to be made to preserve the long-term viability of the institution. A good decision maker will clarify when a proposal is not possible and when it is just not preferable.

DETERMINE THE AGENT

- ◆ The agent is the person who has the authority to act on the controversy. People rarely include the agent when tossing out ideas. For example, many people want to debate the legalization of marijuana, and a good debate about what would happen if the Drug Enforcement Agency reclassified marijuana could be constructed. The debate is a complex one with lots of science and studies available both pro and con.



What people rarely want to debate is a genuinely difficult notion: Even if the federal government decriminalized or legalized marijuana, it would not resolve the multitude of state laws that make marijuana illegal.

- ◆ What people rarely want to debate, however, is a genuinely difficult notion: Even if the federal government decriminalized or legalized marijuana, it would not resolve the multitude of state laws that make marijuana illegal. Now we can have a great debate about the probability that the states would follow up with legalization if the federal government signaled greater acceptance of the drug, but that is not the same thing as debating a full-blown proposal to legalize pot. That real-life controversy has much more to do with the agents involved in the action than the normative value of the action itself.
- ◆ In focusing on writing propositions for deliberative actions, making sure that the proposition is written for a particular agent is critical. The choice of agent will dictate several key questions for the debate itself.
- ◆ The agent will limit the scope of the potential recommendations. For example, in a debate about whether a company should switch health insurance providers, we cannot frame the resolution through the lens of the individual employees, who have no authority. We must frame the proposition as, Resolved: the benefits officer should recommend a change in our health insurance provider. The point is that the critical decision is to focus the resolution on the key agent within the organization. Picking an agent who is too far up the ladder or who has no actual control results in a poor investment of time and energy.
- ◆ The agent can significantly limit the scope of the opportunity costs involved in the decision that an organization is trying to make. One of the most frustrating dilemmas decision makers face is that few change advocates have a complete understanding of the opportunity costs involved in implementing their proposals. An opportunity cost is an assessment of the trade-off to implement a particular proposal, not just the direct costs of the change itself.

FOCUS ON THE RELEVANT

- ◆ The agent limits the potential advantages and disadvantages that are relevant for discussion. For example, people involved in venture capital focus on basing good decisions on the best available research. Yet the vast majority of proposals they hear answer the wrong questions; they are not designed to reflect the perspective of the agent making the decision. Although market data and the potential to scale up the business are important, the relevant point to establish for a venture capitalist is how the business can make money.
- ◆ Similarly, for agents in our propositions, an idea that is valuable to you is not necessarily valuable to the person who can choose whether to make your idea happen. You only have so much time to persuade an agent that your idea is worthwhile, so if an advantage that seems important to you isn't likely to be important to the agent, leave it out. The important point is to keep the role of the agent in mind as you are establishing the proposition that will be debated.



SUGGESTED READING

Freeley, *Argumentation and Debate*, chapter 3.

Lewis, *The Big Short*.

McBath, *Argumentation and Debate*, chapter 4.

QUESTIONS TO CONSIDER

- 1 What types of arguments are most persuasive for the key decision makers in your personal or professional life?
- 2 Can you think of an example of when a proposal made sense from the perspective of the advocate but did not make sense from the perspective of the decision maker?



THE STRUCTURE OF ARGUMENT

Once we can break an argument into its component parts and put it back together to see how it functions in an interaction, we can start to see what makes for a successful argument. One of the most widely studied models of argumentation was designed by Dr. Stephen Toulmin, a British philosopher and scholar of formal logic. The beauty of the Toulmin model is its simplicity, yet it reveals that truly mastering argumentation requires a series of decisions in the moment that have dramatic implications for the positions you are defending.

EXPLORING THE MODEL

- ◆ Some people believe that raising the drinking age to 21 has encouraged underage people to engage in unsafe behavior to get intoxicated. Others believe that lowering the drinking age to 18 would encourage even worse behaviors. All agree that the priority value is safety. Therefore, the exchange is less complicated and more direct than one that presents a number of competing values. Thus, this controversy is useful for exploring the Toulmin model.

CLAIM, GROUNDS, WARRANT

- ◆ The first component of the Toulmin model is the claim—the conclusion that we are seeking to establish over the course of the argument. A claim is a statement that requires support. For example, stating that the drinking age should be lowered to 18, with no additional information, is a claim. By itself this statement carries little argumentative force. It is missing evidence on which to ground it so the audience can start to accept it.



While some people believe that raising the drinking age to 21 has encouraged underage people to engage in unsafe behavior to get intoxicated, others believe that lowering the drinking age to 18 would encourage even worse behaviors. But all agree that the priority value is safety.

- ◆ The grounds for an argument represent the facts, data, statistics, or any other type of evidence. The grounds are the second component of the model.
 - ⊙ The concept of front-loading is important data about underage drinking. It means that underage drinkers attempt to consume enough alcohol secretly, before they go out in public, to get enough of a buzz to last them through the night. This type of binge consumption is extremely dangerous and related to accidents and deaths from alcohol poisoning.
 - ⊙ Studies suggest that this type of binge drinking is more prevalent among people under 21, and some suggest that they are doing it because the drinking age is 21. The evidence can therefore be seen as supporting the idea that if for people under 21 could drink legally, they wouldn't engage in such risky behavior.
 - ⊙ Several other lines of argument are possible. For example, the federal government has tied receiving federal highway funds to states' raising the drinking age to 21. Some argue that this move was an inappropriate overextension of government power.
 - ⊙ Others argue that the definition of “adult” should be consistent across the board. Eighteen-year-olds can vote; they can fight and die for their country. Both of these civic endeavors assume that they are adult enough to make life or death decisions. If they are adult enough for these decisions, they should be able to choose what they can consume.
- ◆ According to Dr. Toulmin, the connection between the evidence and the claim is not automatic. In most arguments, people make strong claims and have some data, but they invest relatively little time in connecting them. The connection is the warrant—the third component of the model.

- ⊙ The claim is that we should reduce the drinking age to 18.
- ⊙ The grounds are that the drinking age produces risky behavior because young people are attempting to circumvent the law.
- ⊙ To arrive at the warrant, the relevant question is, “Why do we assume that reducing the drinking age to 18 would eliminate the behaviors that are putting people’s lives at risk?”
- ⊙ The reasoning that connects the claim to the grounds—the warrant—is that reducing the drinking age would reduce the incentive of 18- to 20-year-olds to engage in risky behaviors.
- ⊙ They would be less likely to feel compelled to front-load.
- ⊙ They would be able to drink in public bars and restaurants that have standards for determining when a person has had too much alcohol and should not be served.
- ⊙ Public settings are monitored by people who are willing to take action if a person has consumed too much alcohol.
- ⊙ If a person showed signs of alcohol poisoning, the assumption that a responsible person would take appropriate action without fearing legal retribution is more reasonable.

VULNERABILITY OF ARGUMENTS

- ◆ The reason to focus attention on the warrant is that the connection between the grounds and the claim is often the most vulnerable part of an argument. The warrant assumes that the only way to curb risky

behavior is to legalize the consumption of alcohol in hopes that people who were evading the law will now be more likely to comply with it. At least three objections to this warrant arise:

- ◆ A cognitive difference exists in the capacity to make good decisions between an 18-year-old and someone three or more years older.
 - ◎ The assumption of our warrant is that 18-year-olds will make rational decisions about when, where, and how much alcohol to consume. Although some debate occurs over the specific age for maturity, many scientists agree that the brains of 18-year-olds are still forming.
 - ◎ Mature adults also face risk from impaired decision making when they consume alcohol; the likelihood that 18-year-olds, whose cognitive maturity is incomplete, will be capable of rational decision making is small.
- ◆ Rules or laws should not be based on those who are intent on breaking them.
 - ◎ The phenomenon that supports the grounds of our argument, described as front-loading, happens when 18- to 20-year-olds try to circumvent the law. Although safety is an important value, should we sacrifice the rule of law in the name of helping people intent on making selfish decisions?
 - ◎ Our laws impose restrictions that demand a degree of maturity before a person can access certain privileges. For example, the Constitution provides that a candidate for the president of the United States must be at least 35 years old. If we believe that society can and should impose age restrictions for certain activities, we should not sacrifice the rule of law to help underage drinkers.

- ◎ Reducing the drinking age to 18 does not resolve the problem of front-loading: It just shifts it to an even more vulnerable population. If 18- to 20-year-olds front-load to circumvent the law, why don't we assume that the same thing will happen with 16- and 17-year-old high school students?
- ◆ Notice that these three arguments do not challenge the grounds of the original argument nor deny the existence or dangers of front-loading. They do not deny that front-loading presents difficult choices for observers of potential alcohol poisoning. They do challenge whether front-loading should be a factor in the debate.
- ◆ Once you start to think about arguments in terms of their component parts, you will start to listen differently to how people are arguing. Rather than getting caught up in the power of the claim, which is often where people use their boldest language, you will be listening for their actual warrants. When you realize that they are vulnerable for attack on their warrants, you will start to evolve in terms of which arguments you prioritize when you respond.

PRACTICAL ASSESSMENT

- ◆ In organizational decision making, almost everyone benefits from slowing the conversation down and using the Toulmin model to help diagram the arguments as they develop. One of the most important venues for using this exercise is the committee meeting. The committee spends time examining an issue, and they work on developing a report and a presentation designed to persuade the organization to adopt their recommendations.
 - ◎ Sometimes these reports move seamlessly, and the organization adopts the recommendations right away, leaving people frustrated that they

had to waste their time serving in a full committee for something with such an obvious solution.

- ◎ Sometimes the process breaks down, and everyone leaves the meeting completely frustrated.
- ◆ The issue is in how the committee arrives at its findings. The more controversial the subject and the more powerful the recommendations, the more likely the committee is to be peppered with questions by stakeholders who feel that their perspectives have been ignored in the final presentation.
- ◆ Audience members ask, “Have you considered” this or that, and the committee members scramble to justify its exclusion while simultaneously demonstrating that they did their due diligence. A great committee can balance this exchange and move forward with their credibility intact. But if just one important question is not answered satisfactorily, the issue can be sent back for further consideration. And that’s just in the presentation.
- ◆ The main issues arise inside the committee meeting itself. One of the primary reasons committees fail to generate successful recommendations is that they rarely use the power of debate in their decision making. They fail to use debate in arriving at the recommendations, testing their recommendations against potential objections, or developing nuance that accounts for the potential objections by limiting the scope of their claims.
- ◆ One of the easiest ways to improve a committee decision-making process is to hand everyone on the committee an outline of the Toulmin model with blank space to fill in the component parts. With a short presentation on what the model is and the differences between a claim, the grounds, and the warrant, you will be surprised at how many arguments will disappear as people struggle to satisfy the demands of a good argument.

The arguments that do survive are far more nuanced and vastly superior to simple discussion.

- ◆ Three steps are necessary to make this practical assessment a reality.
 - ⊙ Someone in your organization must commit to learning the Toulmin model. Ample information is available online. This person will be responsible for giving a 10- to 15-minute presentation to the committee, including at least two good examples to show what a fully developed argument looks like.
 - ⊙ The Toulmin leader must distribute blank versions of the model to the committee and give them time to develop their arguments. If the committee is going to meet more than once, allow people to take the model home and work on it before the next meeting.
 - ⊙ The committee chair must agree that the committee will attempt to base its presentation on the three best arguments it can generate using the model. The selection process of the three best arguments helps the committee members develop nuance and anticipate potential objections.
- ◆ Introducing change into any organization carries risk, but the quality of the final product will justify taking this structured approach to argumentation. The process of talking through the model creates ample opportunities to anticipate the best arguments against the final recommendations, along with helping to generate the best version of the committee recommendations.

SUGGESTED READING

Herrick, *Critical Thinking*, chapter 1.

Hitchcock, *Arguing on the Toulmin Model*.

Toulmin, *The Uses of Argument*.

QUESTIONS TO CONSIDER

- 1 Why is the warrant so important for the Toulmin model?
- 2 Have you ever heard a public argument that was a series of claims without grounds or warrants?



USING EVIDENCE IN DEBATE

There is no such thing as ideal evidence in the abstract. Context is key. When the first thing people seek when researching a controversy is a set of statistics, they have fallen victim to the belief that their argument will be successful simply because they have the statistics. In fact, there are three types of evidence: narrative, empirical, and authoritative. Knowing the types of evidence you can use in a debate is critical, but figuring out which type is appropriate for the argument you are trying to make is the more important skill.

NARRATIVE EVIDENCE

- ◆ Narrative evidence is presented in the form of a story. Dr. Walter Fisher, one of the most prominent scholars of the narrative paradigm, has argued that almost all successful communication tells a story, and that the framework of a story helps people interpret information and persuades them of its veracity.
- ◆ The strength of the narrative paradigm rests in its ability to generate a connection to the audience and to take complicated subjects and boil them down to a coherent story that the audience can absorb.
- ◆ Although the narrative paradigm is extremely powerful when it develops the connection to the audience, it fails miserably when the audience rejects the connection and, therefore, the argument. Every time someone uses a story during a debate, that story must be relevant to the controversy. The audience is being asked to accept an analogy, to believe that the story should inform decision making.
 - ◎ Imagine a debate over background checks for semiautomatic weapons. Someone arguing against background checks tells a true story about a young person who lives in an authoritarian country. The young person's life is miserable because he has no access to basic rights, and he lives in constant fear of the government.
 - ◎ For some people in the audience, this story would aptly relate to the controversy over whether we should require government background checks for semiautomatic weapons. They believe that background checks are a precursor to more intrusive moves to severely limit all individual rights.

- ⊙ For people inclined to favor background checks, however, the story goes too far. The debate over background checks is not the same thing as life under an authoritarian regime. For the people the debater most needs to persuade, the narrative reveals a paranoia that, taken to its logical extreme, would allow anyone to purchase any type of weapon.
- ◆ The narrative did not successfully connect the controversy so as to persuade a key part of the audience. The failure of this use of evidence was not because the story wasn't powerful; it was with the application of the evidence to the controversy.
- ◆ The key to successful use of narrative evidence is developing a great story that not only makes sense and has a clear connection to the topic, but also takes into account the possible outlooks of the people who are listening

EMPIRICAL EVIDENCE

- ◆ Empiricism is a system of thought that relies on observation and experimentation to generate claims about the world and is grounded in a rigorous and transparent philosophy of science. Ideally, experiments can be replicated by others, observations can be made by others, and results have been recorded by many sources. Many empiricists focus on events that have occurred in the past as a way of substantiating a claim about the present.
- ◆ Empiricism is a phenomenal resource for figuring out what has happened. But many controversies are deliberative—that is, the issue is an argument over whether the facts are the facts and what decision should emerge from those facts. A different set of analytic skills is necessary to apply empirical information to a debate over what should happen in the future.

- ⊙ For example, a person could use statistics to demonstrate that a growing number of consumers have purchased guns at gun shows without going through a background check, as well as statistics about the danger of unsecured weapons in a home where children are present. Still further, a person could show statistics on the number of people who choose to end their life using a gun.
- ⊙ Gun rights advocates, believing that the government has no business knowing whether they own guns, may see the gun show statistic as a positive. They might agree that unsecured weapons in the home is a bad idea but also think that government knowing about the guns is worse and that people should just be more responsible about securing their guns.
- ⊙ They could also argue that not having access to a gun will not necessarily stop anyone from committing suicide; a person who wants to end his life will find another way.



Empirical data is collected by observation and experimentation.

- ◆ Statistics present observations and sometimes trends, but the value judgments we make about them require broader argument. When a controversy becomes deliberative and we start arguing about what we should do and whether that is good for the future, empirical evidence can be a weapon for either side. The best debaters are masters at listening closely to the empirical data of their opponents and using it against them.
- ◆ A subsection of empirical evidence is personal experience. Personal anecdotes and stories are a powerful combination of the narrative paradigm and empiricism because they are irrefutable. As a result, people use personal experiences as a form of evidence when they want to speak to an issue without having to meet the evidentiary requirements that come with researching empirical or authoritative arguments. These stories also give the debater a creative way to make a direct connection to the controversy and sometimes to the audience.
- ◆ The strength of personal experience is that it is empirical in nature but doesn't rely on an external authority. Its weakness is that it is just one person's experience. So many variables go into how a person remembers an event that distilling a lesson from it is difficult.

AUTHORITATIVE EVIDENCE

- ◆ Authority, at its core, is an efficiency-gaining measure. Authority should, in principle, help resolve conflicts and debates; we feel we should be able to rely on someone who speaks to an issue after years of developing expertise in the area.
- ◆ We define authority in a multitude of ways. But one person's authority is another person's amateur. Authority or reputation can often be established on some of the societal markers of expertise, such as an advanced degree.



We also evaluate the relative substance of the degree by the reputation of the institution that granted it: We assume that a Harvard M.B.A. is more qualified to render an opinion on the subject than one from No-Name University.

- ◆ Experience is another key marker that translates into authority. A difficult struggle for any organization is balancing its need to value experience with the supposed expertise conferred by certain credentials. Many organizations acknowledge a strong impulse to boost their reputations by hiring a young person with degrees from a major institution. But that impulse can sometimes lead organizations to overlook promoting someone from within who has years of experience, even if they lack impressive degrees.
- ◆ The primary benefit of authority is that it reduces the messiness of decision making by giving more latitude to the experts to help resolve controversies. That latitude should translate into efficiency of recommendations. If someone who has been an industry leader for 30 years offers the benefit of her experience, you're likely to pay close attention.
- ◆ But expertise alone is also the primary weakness of using authority for decision making. The fact that a person has been doing something for 30 years does not mean you should accept the recommendation without scrutiny. Authority by itself is a powerful way to support a position, but the best decision makers never rely on authority alone. The more complicated the question, the higher the stakes, and the more organizations that have a vested interest in the outcome, the more people that have authority will step forward to participate.
- ◆ The tension in using authority in debate is that both sides of a controversy generally can draw on excellent sources of authority. Being totally reliant

on someone else's perspective does not prepare you for a rigorous argument. The key is to use the perspective and opinions of authorities in addition to other forms of evidence.

CUSTOMIZING THE EVIDENCE

- ◆ The evidence a person uses in a debate must match the controversy and the audience's expectations about what the framework for evaluation will be. A good illustration of this point is the types of evidence used by both sides of the physician-assisted suicide controversy.
 - ◎ Physician-assisted suicide has become a more contentious issue as the medical establishment has developed new ways of sustaining life. Ventilators, feeding tubes, and other life-sustaining treatments generated ethical questions that have been a part of at least three Supreme Court decisions. The controversy often boils down to one relatively simple question: Is refusing treatment the same as choosing to die?
 - ◎ The Supreme Court has clearly stated that we have the right to refuse treatment, even if that treatment is life-sustaining. The situation becomes more difficult when someone goes one step further and requests medical intervention to facilitate the end of life.
- ◆ Narrative evidence has been essential. Specific cases with specific people and their specific stories emanate from both sides of the controversy. These stories concentrate on showing the value of life even under the most difficult of situations.
- ◆ Empirical evidence also plays a key role in the debate. Scientists attempt to explain the relative probabilities for people to improve when they have

suffered from a devastating condition or injury. Most of the time they are using statistics based on previous cases to establish a statistical probability for recovery or for length of life. Empiricism plays a vital role in these difficult conversations, but empirical data cannot resolve the ethical component of the controversy.

- ◆ The difficult issue of authority in the context of physician-assisted suicide raises a number of questions:
 - ⦿ Should we defer to the perspective of doctors? Or is the controversy a legal one, suggesting that we should rely on lawyers instead?
 - ⦿ What should the role be for people trained in biomedical ethics?
 - ⦿ What is the role of religious leaders?



The physician-assisted suicide controversy often boils down to one relatively simple question: Is refusing treatment the same as choosing to die?

- ◆ These questions indicate that the appropriate authority in this debate is up for grabs. One of the reasons that this controversy is so difficult to resolve is that the choice to value one authority over another sets in motion a particular perspective on the topic. If you come from a religious perspective that believes that physician-assisted suicide is a sin, then no doctor or lawyer will have the authority to convince you otherwise.
- ◆ Although difficult, this controversy helps demonstrate that evidence is a crucial component of debating but that evidence is not enough. The key is to choose the right evidence to match the right argument for the right context.



SUGGESTED READING

Feibleman, *Foundations of Empiricism*.

Fisher, *Human Communication as Narration*.

Ziegelmüller and Dause, *Argumentation Inquiry and Advocacy*.

QUESTIONS TO CONSIDER

- 1 Can you think of an example of a statistic that people often cite for a particular argument but that you believe supports a different conclusion?
- 2 Are you persuaded by Fisher's argument about the power of the narrative paradigm for human communication?



FALLACIES IN YOUR OPPONENT'S RESEARCH

Argument fallacies are examples of terrible reasoning, but that does not mean that they don't work to persuade people. A cluster of argument fallacies centers on the evidence opponents use in a debate. They can be persuasive because it is a rare audience that is trained in the art of evaluating evidence. Additionally, many of the controversies that we face daily require complicated explanations with evidence that is sometimes scientific and often difficult for nonscientists to understand.

POST HOC, ERGO PROPTER HOC

- ◆ The debates over climate change are fascinating but difficult for the average audience, and this very difficulty makes the debate ripe for both proponents and opponents of climate mitigation to employ argument fallacies.
 - ⊙ For example, commonly cited evidence shows a relative increase in global temperature after the Industrial Revolution, presented with graphs showing bars of average temperatures. It is striking and visual, and audiences can easily see the temperature rising alarmingly. These graphs are powerful because no scientific training is necessary to be alarmed.
 - ⊙ The problem is that the graphs typically represent only a small chunk of time in the grand scheme of human history. Opponents of climate regulations are quick to point out that the persuasive bar graphs are cherry picking a small segment of time to show what appears to be a correlation between the Industrial Revolution and the rise of global temperatures. They argue that climate change is a natural phenomenon that occurs on a cycle.
- ◆ The graph represents an argument fallacy because it asserts a correlation between the Industrial Revolution and climate change simply because of the sequence in which they occurred. This fallacy is called post hoc, ergo propter hoc, meaning that because one event happened before another, the first event caused the second.
- ◆ The graph showing the rise of global temperatures is not necessarily inaccurate, but it does create a possibly false impression and therefore supports a fallacious argument that is persuasive because it selects the events and presents them in a visually striking way.

- ◆ The key to debating against a post hoc fallacy is to challenge correlation versus causation by introducing potential variables that better explain the events being described so that the audience understands that the fact that the sequence of events is not necessarily determinative.

HASTY GENERALIZATION

- ◆ Fred Singer, a physicist and professor emeritus at the University of Virginia, has argued that climate change happens every 1,500 years and therefore has little to do with the Industrial Revolution. It just happens that we are entering the global warming phase of the cycle.
- ◆ Opponents of regulations for climate mitigation have embraced Singer's argument partly because his charts show massive swings in global temperature over thousands of years. On the other hand, Singer's graphs and arguments also represent a type of argument fallacy: The capacity for climate change to occur naturally does not deny the potential that humans also cause the changes. This fallacy is called a hasty generalization.



A consensus of the majority of scientists who study climate change is that humans do, in fact, contribute significantly to global climate change.

- ◆ Singer's argument represents an unsupported rush to judgment. The Earth may in fact have gone through significant climate change over thousands of years. As humans, however, we have a vested interest in figuring out why. A consensus of the majority of scientists who study this phenomenon is that humans do, in fact, contribute significantly to global climate change.
- ◆ Furthermore, Singer's graphs do not preclude humans' making the next cycle worse. If climate change happens cyclically, an argument could be made that the worst thing to do would be to contribute to it.
- ◆ The way to counter this fallacy is to demonstrate just how much humans are doing to contribute to climate change, not an easy task for those advocating remedial action. It requires comparisons to previous years and to some naturally occurring events, along with some projections about the future. This combination of evidence can help people realize that the narrative "this is all happening because of nature" is a hasty generalization fallacy.
- ◆ To counter these persuasive fallacies, pointing out that they represent a flaw in reasoning or logic is not enough. A skilled debater must attack what makes the fallacy persuasive while simultaneously presenting evidence that combats the general claim the fallacy defends.

ASSUMPTIONS

- ◆ Because assumptions are rarely made explicit, they are difficult to combat. As a result, you must identify your opponents' unspoken assumptions and explain why their position rests on the assumptions. Finally you have to attack the assumptions and bring out their flaws.

- ◆ Your opponents may deny the assumption. If they can convince the audience that they do not assume what you say they assume, your attack will disappear.
 - ⊙ Imagine an employee has had some negative interactions with the boss. The boss has passed this person over for promotion, and performance reviews are average to mediocre and show no real positive encouragement. The boss has a great rapport with everyone else in the office but simply doesn't seem to like this employee. Finally, one day, she files a complaint with human resources.
 - ⊙ The employee argues that the behavior has been discriminatory because the boss is heterosexist and can't stand that she is gay. They fill out the paperwork, inform the boss, and begin a mediation process. The second the boss sits down he says, dumbfounded, "You're gay? I had no idea." The employee has no evidence of the boss targeting her for being gay, but from her perspective, the actions and the poor relationship result from bias.

THE BATHROOM PREDATOR MYTH

- ◆ This narrative was told in many forms, but the reason it's described as a myth is that at the time of the legislative discussion, no actual evidence was presented that a case had ever occurred where a person cross-dressed in an effort to get into the bathroom of the other sex to attack them. Nevertheless, the bathroom predator myth became an important part of the public discussion over transgendered rights in public bathrooms.
 - ⊙ Several advocates for transgendered people have argued that a transgender person can experience tremendous discrimination and violence. A person who identifies as a woman but has a man's



The use of bathrooms by transgendered people is an area of debate.

secondary sex characteristics risks violence every time she is forced to walk into a men's restroom. In an effort to remedy the potential for violence, advocates have argued that bathrooms should be open to anyone who identifies with the gender on the bathroom door.

- ⊙ Charlotte, North Carolina, passed such a law. The state legislature overrode the Charlotte law and made it illegal for a person to use a public bathroom that did not match the sex identified on their birth certificate.
- ◆ Although lots of arguments can potentially be made in favor of the prohibition against allowing transgender people to use the bathroom of their choice, one of the most prevalent and persuasive arguments was the bathroom predator myth. The bathroom predator myth asserts that if people were allowed to choose whatever bathroom they want, sexual predators would dress up as women and wait in women's bathrooms to attack unsuspecting victims.
- ◆ Because the law makers could not cite any empirical data, the bathroom predator myth was always debated as a hypothetical, described as an evil the legislators were sure could happen if people were permitted to use bathrooms based on the gender with which they identified.

THE SLIPPERY SLOPE

- ◆ The slippery slope fallacy is one of the most pernicious and persuasive of all the fallacies. It occurs when a person asserts that taking one small action will result in a series of cascading events leading to a massive problem. It is a fallacy that preys on fear.

- ◆ In the context of the bathroom predator myth, the assumption is that legalizing transgendered people's use of whatever bathroom they want would generate a new wave of sexual predators who would interpret the symbolic nature of the law as a green light to attack. This assumption has serious flaws. As Tara Romano, president of the North Carolina women's advocacy group NC Women United explained, "Predators aren't waiting for a formal invitation."
- ◆ Furthermore, according to Laura Palumbo, the communications director at the National Sexual Violence Resource Center, most people who experience sexual violence are harmed by someone they know and trust. This statistic is an effective attack on the myth's assumption. It points out how the myth distracts from the real sources of sexual violence and focuses on unrealistic threats.
- ◆ Arguing against slippery slope fallacies is difficult because they rely on fear rather than empirical data or expert opinion to make reasoned judgments. The power of this fallacy cannot be understated. The only way to beat the slippery slope fallacy is to point it out and then break the presumed sequence of events leading to the worst-case scenario.



THE FALSE DILEMMA

- ◆ A corollary to the slippery slope fallacy is the false dilemma, which occurs when a person argues that only two choices are available when there may, in fact, be more than two. By describing an issue as either/or, they limit the range of arguments available and create a false binary.
 - ◎ President Nixon described our options in Vietnam as either victory or defeat, with the clear assessment that more troops were needed for victory and that any notion of withdrawal would surely mean defeat. This false dilemma meant that there was no discussion of any diplomatic option for a negotiated peace. The entire debate was limited to the military options
- ◆ In the context of the debate over bathroom use legislation, a major false dilemma occurs. Proponents of limiting bathroom use according to birth certificate gender created a binary between protecting transgendered people and protecting innocent women.
- ◆ Records of public debates show that when advocates for transgendered rights made an argument about transgendered people needing protection or privacy, opponents would often ask, “What about the protections of the innocent women or the privacy of the innocent women who are now going to have to face bathroom predators on a daily basis?” thereby constructing a false dilemma.
 - ◎ Lost in the public debates was any discussion of attempting to prevent predators from attacking people in the first place. Opponents of the protections for transgendered people accepted that predators exist and are just waiting for the green light to start attacking women in bathrooms.

- ⊙ Instead of figuring out what motivates predators and talking about ways to help prevent and catch them, they assumed that predators were inevitable and therefore the choice was between protecting this group (transgendered people) or that group (women using public bathrooms).
- ◆ The false dilemma was so illogical that it caused the audience to wonder why nobody was doing anything to stop these predators—if they exist—from attacking innocent women in venues other than the bathroom.



SUGGESTED READING

Govier, *A Practical Study of Argument*, appendix A.

Kahane, *Logic and Contemporary Rhetoric*, chapter 5.

Rybacki and Rybacki, *Advocacy and Opposition*, chapter 8.

QUESTIONS TO CONSIDER

- 1 Do you agree that argument fallacies can be persuasive in public discourse?
- 2 What are some of the negative implications that come from making a decision based on a hasty generalization?



FALLACIES IN YOUR OPPONENT'S ARGUMENTS

Argument fallacies are not to be underestimated: They represent a dangerous form of public discourse precisely because they are persuasive. Argument fallacies that stem from the actual debate itself, that develop from the interaction of arguments, are difficult to recognize and even more difficult to attack in the moment. It's easy to recognize argument fallacies after the fact, but thinking about arguments in terms of their constituent parts helps identify the fallacies as they are happening.

CONSPIRACY THEORIES

- ◆ One of the most pernicious and dangerous conspiracy discourses ever encountered is the one surrounding September 11 that suggests that the president of the United States, George W. Bush, orchestrated an attack that cost thousands of American lives with the goal of consolidating power and making vast sums of money.
- ◆ Most of the issues discussed in this course are legitimate controversies, and showing multiple sides of a given controversy is only fair. In this case, the discussion is designed to demonstrate that the conspiracy theory about September 11 uses some of the most egregious argument fallacies in the hope that it will not only illustrate argument fallacies but provide the equipment to help shape our national discourse in confronting someone who believes in these theories.
- ◆ When we examine how conspiracy theorists debate September 11, we find three argument fallacies: false analogies, straw person fallacies, and ad hominem attacks.



Conspiracy theories, such as the ones about September 11, can be dangerous.

FALSE ANALOGIES

- ◆ An analogy is a comparison. The stronger the comparison, the more likely that an argument is persuasive. Establishing the fallacy is difficult because all analogies require some comparison which, by definition, requires analytic creativity to establish a clear linkage. A false analogy occurs when the speaker attempts to create a connection that doesn't exist to support a larger argument.

- ◆ In the context of September 11, false analogies occur in at least three areas: the motivation, the Pennsylvania crash site, and the way the Twin Towers came down.

- ◆ The various conspiracy theorists argue that the true motivation for September 11 was a move by the president of the United States to consolidate power in a dictatorial fashion.
 - ◎ If you ask whether any evidence exists to suggest that the putative motivation is accurate—an email, a witness, anything—the answer is always, “No, but...” The “but” is almost always the beginning of a false analogy. In this case, the conspiracy theorists point to Hitler's rise in Germany as an example of a domestic attack that served as a precursor to the consolidation of power.

 - ◎ The frustrating part of this false analogy is its assumption that the president of the United States could achieve a level of power analogous to Hitler's. Conspiracy theorists struggle to explain why President George W. Bush stepped down at the end of his presidency or why he even submitted himself to an election cycle. Why not simply declare himself chancellor of the United States of America?

- ⊙ Zero evidence exists to suggest that President Bush had any connection to the events involved and zero comparison relevant for this historical analogy.
- ◆ Another false analogy concerns the evidence conspiracy theorists use to deny the crash of flight 93 in Shanksville, Pennsylvania.
 - ⊙ They argue that the crash site does not “look like” the sites of other major airline crashes; therefore, a commercial plane must not have been involved in the crash. They dismiss the forensic evidence, the DNA evidence, and the eyewitness testimony, as well as the audio recordings of what was happening inside the plane.
 - ⊙ They rely almost exclusively on photographs of other plane crashes to argue that it was impossible for this site to be a plane crash, pointing out that the debris field is too small and fewer intact pieces show that the debris came from a plane.
 - ⊙ The crash site of flight 93 is different from other plane crash sites for one very powerful reason: the terrorists piloting the plane were heading straight down. In the vast majority of airline crashes, the pilots were using a variety of evasive maneuvers to avoid crashing.
- ◆ In the third false analogy, the conspiracy theorists struggle to prove that the Twin Towers collapsed as a result of bombs, rather than the structural damage caused by the planes.
 - ⊙ They emphasize the speed at which the Twin Towers fell and the video that shows windows being blown out of the floors below as the towers came down and compare it to video of buildings being brought down by demolition. They assert that the Twin Towers must also

have been brought down by bombs planted in advance, an operation that would have required the intervention of a higher power such as the government.

- ◆ Structural engineers and scientists across the country have clarified what is happening in the video of the Twin Towers collapsing.
 - ◎ When the steel lost its ability to sustain the weight of the upper floors, it gave way to a tremendous amount of mass that started falling from the top of both towers. “Pancaking” occurred when the pressure from the upper floors was exerted on the floors below. As that mass accelerated it pushed down through the elevator columns and the stairwells and generated a huge amount of pressure from floor to floor and started blowing out floors and windows. The result looks like bombs are going off because the windows are being blown out from the floors below, but what we are actually watching is a tragic example of physics in action.
- ◆ The conspiracy theorists create a false analogy by using compelling evidence—video of real events—to support the argument that the towers are being destroyed by bombs. Conspiracy theorists suggest that the fires in the Twin Towers could not have been hot enough to melt steel. The key question actually is whether the temperature was hot enough for the steel to lose structural integrity.
- ◆ In these three cases, the conspiracy theorists are attempting to appeal to the audience’s reasoning by drawing analogies between events. But in all three instances, a significant difference exists between the events being compared that renders the analogy inadequate and flawed. The result is that the analogies presented do not support the conclusions that the conspiracy theorists want.

STRAW PERSON

- ◆ The straw person fallacy is committed when someone ignores a person's actual position and substitutes a misrepresentation of that person's position to discredit him or her—by taking a quote out of context, for example.
- ◆ Most people cited as sources for the conspiracy theory have been questioned about their quotes to verify that they supported it. The result is verification that the conspiracy theorists have no problem lifting quotations or editing significant portions of quotations to suggest that more people support them than really exist. One of the saddest examples is their consistent use of firefighter testimony.
 - ◎ In the immediate aftermath, firefighters were asked to describe the scene. Obviously, the horrors of the event challenged the descriptive ability of almost all the eyewitnesses. As a result, many said such things as, “It looks like a bomb went off.”
 - ◎ The conspiracy theorists represent quotes from firefighters as opinions of experts trained in dealing with the aftermath of incendiary devices agreeing that a bomb had exploded. When the quote is lifted out of context through a simple video edit, the audience sees a firefighter covered in dust and debris saying “a bomb went off.”
- ◆ The difficulty in a debate is to point out the straw person fallacy without knowing the full context and being able to refute the manipulation. If you know which misused quotations your debating opponent regularly brings up, you can research the full quotation, present it to the audience, and destroy your opponent's credibility.

AD HOMINEM

- ◆ The ad hominem attack is personal. The name comes from the Latin phrase meaning “against the man” and occurs when a debater attacks the opponent as a person rather than the argument.
- ◆ In many debates the credibility of your source is relevant. For example, if someone says your source is economically motivated to support your argument because she is a lobbyist who makes her money by defending your side of the issue, that attack might have some weight. It might be a relevant piece of information for the audience to know to make an assessment about the credibility of the source.
- ◆ Instead, conspiracy theorists assert that all who challenge their arguments may themselves be a part of the conspiracy. It is not enough for a conspiracy theorist to have the audience evaluate the evidence for what it is; they usually challenge the motivation of those engaged in the discussion.
- ◆ The tactics of intimidation are critical for conspiracy theorists. If all the arguments supporting a conspiracy are lined up side by side, the conspiracy supporters are often in a difficult defensive position. Thus, their most effective strategy is to challenge or undermine every form of authority that the audience may rely on when making a decision:
 - ◎ Major news outlets made so much money from people glued to their televisions for weeks on end that they helped make sure that there was no rigorous review of the facts.
 - ◎ Major news outlets were complicit in helping President Bush distribute a message that left no room for dissent; no serious journalists ever investigated the president as a potential orchestrator of the events.

- ⊙ The 9/11 report is biased because the people who created it were participants in the conspiracy, and the report itself is a piece of propaganda.
- ⊙ The eyewitnesses are hired disaster actors and actresses who were given lines and emotional responses in advance to feed a particular story as advocates for the administration.
- ◆ The ad hominem attack is a crucial part of the conspiracy theorist arsenal because it both scares people into avoiding engagement with them and serves as a weapon of argumentation. You might think that people would see through this attack and be turned off, but that's not the case. In fact, they often suspect weakness and wonder if the conspiracy theorist must be on to something.
- ◆ If you want to be a part of debating this sort of opponent, you must be prepared to roll up your sleeves and get in the trenches with a group of people that are going to attack first and try to reason with the audience when there's no opponent left standing.
- ◆ Many of our lectures focus on how to use the art of debate to advance your personal or professional life, but the truth is that our democracy depends on people being able and willing to stand up to flawed arguments. That requires an understanding of how argument fallacies function and why taking them head-on is so important.



SUGGESTED READING

Dunbar and Reagan, *Debunking 9/11 Myths*.

National Institute of Standards and Technology, *Final Report*.

Popular Mechanics, *Debunking the 9/11 Myths: Special Report*.

The 9/11 Commission Report.

QUESTIONS TO CONSIDER

- 1 Are you aware of other false analogies from the 9/11 conspiracy discourse?
- 2 How would you argue against a 9/11 conspiracy theorist without using science?



ELEMENTS OF A GOOD CASE

The variety to the kinds of controversies you can encounter as a debater is endless, which is one reason that debating is so interesting and so valuable in education. But every case is based on some fundamental building blocks. It doesn't matter if you are arguing in front of the Supreme Court, your board of directors, or simply with your significant other. You must pay close attention to the process of building a good case to have a chance at being persuasive.

THE AUDIENCE

- ◆ The first element of a good case is that it is designed to appeal to the audience's decision making. Several important scholars of persuasion have established key concepts in the studies of rhetoric. One critical piece of wisdom is that you cannot build a case without considering the audience. There is no such thing as a persuasive message in the abstract.
 - ◎ Those who work with juries know first-hand that understanding what the audience values is essential in persuading them. The boldest jury consultants will say that you cannot go to trial without knowing what will and will not be persuasive for your audience. Discussion even has arisen about whether defendants have a right to a trial consultant for capital cases.
- ◆ According to Aristotle, if a speaker is unable to create a relationship with the audience, persuading them is almost impossible. You must help them identify with your side of the debate to build credibility and strengthen the influence of the arguments you make.
- ◆ Aristotle described this process as invention. Speakers must evaluate the obstacles they face and construct arguments to deal with them most effectively. The audience represents the key obstacle to a speaker's goal, which is persuasion to his or her point of view.
- ◆ Therefore, before constructing a case, start with an assessment of the decision maker. Think about someone in a position of leadership and about a moment when that person had to make an important and public decision. Think through the specific arguments that were persuasive. The key is the principles involved. Step into that person's worldview and figure out what values and principles are paramount in decision making.

THE RESEARCH

- ◆ The second element of a great case is that it is well researched. Good cases are built on the best available research. The world today is different from almost any other time in human history because of the vast flow of information available. People born during or after the Internet revolution have grown up with more information at their fingertips than they could ever begin to absorb in three lifetimes.
- ◆ Great debaters today, rather than living in the library to find the one piece of information no one else has, have learned information processing skills. The question now is not who can find the evidence, but who can sort through the evidence. To that end, we'll review three characteristics that can help determine whether a piece of research is ideal for building a case.
- ◆ First, where the research is published is one of the clearest indications of whether anyone with a degree of expertise has vetted the research. Ideally, peer review ensures that experts in the field agree that published information is a worthwhile contribution in knowledge of that field. That is, it has something unique to say that can advance a conversation about the topic.
- ◆ Many in the business and professional worlds may not focus on peer-reviewed research for constructing cases, although most of the data presented in business settings, ranging from market analysis to audience analysis and even measures of productivity is, in fact, rooted in academic research. If you plan to construct a proposal for significant change in your organization, you are better off consulting those foundational academic publications than assuming that a secondary source reviewing or using academic literature has it right.

- ◎ Most executives are interested in the academic literature as long as they can translate those concepts into practical everyday decision making. They already have some understanding of the foundational assumptions and read the foundational work to ensure that they are prepared to defend their proposals.
- ◆ In the world we inhabit today, research arrives in venues other than academic journals. With the click of a few buttons, anyone can create a blog that will provide a platform for making arguments to the public. More often, people argue publicly through social media.
- ◆ The key is that the more rigorous the review, the more nuanced the position is likely to be. Thus, to build the best case possible, recognize that nuanced claims generated from rigorously reviewed evidence are far more likely to be persuasive than the rant of a person furiously thumping the phone keypad.
- ◆ In addition to the venue, examine the quality of a piece of evidence in terms of its author's qualifications. Academic qualifications should not be the sole basis of this determination, but some measure is essential for evaluating the value of the claims being made.



Technology gives us unprecedented access to information.

- ⦿ For those in business, qualifications may be in terms of experience and success that can be measured in growth or sales or the size of the team you manage or even the diversity of the sectors in which you have worked.
- ⦿ For those involved in medicine, qualifications may include the satisfaction of former patients with a new procedure, along with adoption of that procedure by other physicians.
- ◆ Aristotle said that ethos, or credibility, is the most important variable in persuasion. If the audience doesn't trust the speaker, or in this case the author, the quality of the argument is greatly diminished.

THE POWER OF THE CLAIM

- ◆ The third element of a good case is the power of the claim. All evidence is useful insofar as it supports the final conclusion, what the Toulmin model referred to as the claim. But in evaluating evidence, be aware of the differences between descriptive, evaluative, and prescriptive evidence.
 - ⦿ Descriptive evidence explains complicated phenomena. This type of evidence is necessary when a proposal addresses complex ideas, such as a potential occurrence that could affect your organization but is difficult to see coming. In these situations, descriptive evidence helps the audience understand the issue before you can persuade them to do something about it.
 - ⦿ Evaluative evidence is less focused on explaining basic concepts and more on assessing potential solutions. Case studies are a good example of evaluative evidence. They describe other organizations that have faced similar issues and evaluate the success or failure of their approach.

Case studies work only if the audience agrees that your organization is facing a similar set of problems or obstacles, otherwise the power of the evidence is lost.

- ◎ Prescriptive evidence argues in favor of a particular response. It is necessary but rarely sufficient for good decision making. If the decision is big enough or if the potential ramifications for the organization are scary enough, the decision makers will want the prescriptions to be focused on their particular situation. The executives end up with a set of recommendations, but they are missing the descriptive and evaluative evidence from which to construct a complete proposal that includes using the recommendations for what they are—evidence from an outsider that can be used to help construct a case for change.
- ◆ In building a case, it is vital to choose evidence carefully. It must be nuanced, qualified, and appropriate for the controversy. If the proposal has been well researched, even the strongest opponents will not be able to challenge it off the cuff. If they truly want to object, they will have to dig into the literature and the proposal to counter its basic claims with their own evidence.



NUANCE

- ◆ The Toulmin model posits nuance as a crucial component of argumentation because it insulates the claim from attacks. A concept especially important here is the qualifier—some limit or condition applied to the overall claim. Good cases are built on qualifiers. What that means is that a person defends the narrowest version of the claim that they need to for an effective argument.
 - ◎ For example, the statement “debt is evil” is a broad claim with very little nuance. An opponent could reply that several instances occur wherein debt can be used for positive good, such as when the government uses debt to provide social services it otherwise couldn’t afford. Debt can be crucial for families in times of emergency or to buy a house. Additionally, debt may not be monetary at all: It could be a sense of being in debt to the people who went before you and were willing to serve as your mentors.
 - ◎ The problem isn’t with the thesis; it’s that the claim has no qualifier, so the debater is stuck defending an argument that is too broad. An appropriate qualifier might be “consumer debt is evil.” Now the claim is more nuanced. It still doesn’t prevent the opponent from pointing out cases of beneficial consumer debt, but it eliminates defending the idea that every single instance of debt is evil, which was the implication of the original statement.
- ◆ People attempting to defend the legalization of medical marijuana do themselves no favors by grounding their argument in individual rights and autonomy. If they defend the broad claim that people have the right to put whatever they want into their bodies, they have lost the nuance that comes with defending medical marijuana. They are defending much more than the legalization of pot: Now they are defending the

legalization of any drug or any technology no matter how ethical. If the proposal is really about medical marijuana, the claims that you make to support it must be nuanced to medical marijuana.

- ◆ The more nuanced position would be to argue that in the context of medical treatment, medical marijuana can alleviate suffering for a narrow group of patients. If those patients are able to secure a prescription from a doctor that says that the risks associated with medical marijuana are outweighed by the potential pain relief it would provide, they should be allowed to use medical marijuana. Adding that medical marijuana should be legal only to people who have two separate physicians agree to the prescription would be another layer of nuance designed to create a qualifier. Every condition we add to the original proposal reduces the number of extraneous arguments that my opponent can attack.
- ◆ Nuance is a sign to the audience, judges, and decision makers that you are well prepared and bringing forward a thoughtful proposal.



SUGGESTED READING

Fryar and Thomas, *Basic Debate*, chapter 6.

Rieke et al., *Argumentation and Critical Decision Making*, chapter 4.

QUESTIONS TO CONSIDER

- 1 Can you think of an example of an argument that relies on nuance to be persuasive?
- 2 Why is prescriptive evidence more controversial than descriptive evidence?



ARGUING FOR THE AFFIRMATIVE

The affirmative is the team that has to step forward and propose change. They must persevere and advocate for change that they believe in passionately despite the strength of the negative's critique. We'll begin the two-part lecture on affirmative cases with a discussion of the obligations of the affirmative. This lecture explains what it means to be affirmative; the second lecture will discuss the particularities of building an affirmative case.

OBLIGATIONS OF THE AFFIRMATIVE TEAM

- ◆ To defend the affirmative position in a debate the team must fulfill three obligations.
 - ⊙ Demonstrate that they are an example of the resolution; that is, they present a relevant argument.
 - ⊙ Indict the status quo.
 - ⊙ Offer a proposal to rectify the problems with the status quo.
- ◆ Meeting these three obligations does not translate to an automatic victory for the affirmative; however, if an affirmative does not meet all of them, winning is nearly impossible. In fact, if you train yourself to look for these three obligations in any proposal you put forth, you will see that the best proposals satisfy them no matter what the venue.

RELEVANCE TO THE RESOLUTION

- ◆ Recall that the ideal proposition is focused on the future, timely, and narrow enough to ensure achieving the maximum benefit of debating, which includes effective presentation from a well-prepared opponent. The goal of a resolution or proposition is to help establish a point of stasis for the debate, the place where we ceased to agree and debate begins.
- ◆ You can come up with a point of stasis on the fly or decide well in advance. To maximize the benefits of debate, agreeing to the point of stasis in advance is essential to both sides' being prepared to make the best arguments possible.

- ◎ For example, if, right now, you had to defend your favorite sports team, you should be adequately prepared because you've had time and experience to come to a conclusion. But if you had to stand now and deliver an affirmative case about the single most important U.S. policy change necessary for the future of Puerto Rico, you might not be so prepared.

- ◆ The first obligation of any affirmative, to ensure its relevance to the resolution, can be surprisingly difficult. Many people believe that the best way to gain an advantage in a debate is to push the boundaries of the resolution. You can see why that would seem to be strategic: If you can take your opponents even the slightest bit off track, they will be scrambling to get back into the area of research they prepared to debate about.

- ◆ The flaw in this approach is that the affirmative is presenting an irrelevant argument, a non sequitur. Most of the time we dismiss this fallacy, but because the affirmative sets the initial arguments for the debate, skewing the affirmative with a non sequitur creates a dangerous combination. An affirmative with a non sequitur can derail the entire debate.



- ◆ In formal debating, topicality is used to test whether the affirmative is an example of X, that is, that its argument is relevant to the resolution. A topical argument is one initiated by the negative team that tells the audience or the decision makers that the affirmative is too far beyond the bounds of the resolution and therefore should not be considered.
- ◆ Although topicality is mostly used in formal debating, it is important to understand the concept and why it is necessary for the affirmative to strive to address the controversy for what it is, rather than attempting to find a way to circumvent it.
- ◆ If you have structured a debate for your organization and the affirmative proposal is not a representative example of the resolution, it is incumbent on you to stop the debate rather than allow the affirmative to take advantage of their unprepared opponents. This step will not be easy and could be embarrassing, but the alternative can render impossible ever using debate again in your organization.

INDICTMENT OF THE STATUS QUO

- ◆ The affirmative team cannot advocate for change simply for its own sake. All change is risky. No matter how brilliant your proposal, if you are asking people to make a change, you're asking them to assume risk. In business, the status quo is always presumed to be the best option until you can demonstrate a sense of urgency that demands action and change.
- ◆ Often, when executives want to advocate for a specific change to their organization, they hire a consultant to help ensure that their proposal is designed to deal well with the likely opposition. Initially, they want to focus the discussion on all of the advantages of their proposal. They have researched how the proposal will accomplish much.

This step is important, but advantages to the proposal are not the same as an indictment of the status quo.

- ◆ In formal debate, we assign presumption to the negative. That is, we assume that the status quo is the correct course of action until it is proven otherwise. Thus, the affirmative must begin the debate with a persuasive case for change. If they do not fulfill that obligation, the negative does not have to say a word to win the debate. The logic is simple: we should not require the negative to prove the affirmative is a bad idea if the affirmative cannot justify considering the proposal to make a change in the first place.
- ◆ The affirmative has three ways to indict the status quo.
 - ◎ Everyone involved in the debate already knows that a serious problem exists. When the exigency is clear, the affirmative's burden is greatly reduced. They can spend less time establishing that a problem exists and get on with their proposal to fix the problem.



- ⊙ Overcome the burden of presumption through consciousness raising about an existing problem. Many affirmative proposals are designed to fix a problem perceived as serious in one part of an organization before it has affected the entire organization. Therefore, the affirmative must not only help everyone understand exactly what is happening and how serious the problem really is but also motivate them to address it.

- ◆ Use evidence to make a prediction. Predictive evidence, necessarily requires speculation and opens a case up for attack by the negative.

- ⊙ Let's assume that you believe your organization could be in trouble in the next three to four years if the federal government passes certain regulations. To indict the status quo and advocate for change to get ahead of the regulations, you must win two arguments: that the regulations are coming and that the regulations would be bad for your organization.

- ⊙ The negative now has their pick of those two arguments. If they win that the regulations are a scare tactic by some politicians looking to satisfy a segment of their constituency and there is no real chance that the regulations will pass, the organization won't risk the change to implement your proposal.

- ⊙ At some level, the affirmative team has to assess relative risk, and that is when the nuance of the argument starts to develop. Sometimes they can acknowledge that their indictment of the status quo is speculative but argue that the magnitude of the future peril is worth the ounce of prevention that the proposal represents. No matter which way the affirmative team goes, they must be explicit that the status quo is untenable.

- ◆ The goal of the burden of presumption is to force the affirmative to build its case around the idea that there is a serious problem. If they cannot do that, whether their idea is a good one in theory does not matter. From the perspective of the organization and its decision makers, the idea can't just be good in theory; it must be an action that the organization has to take, not one that might be nice to take.
- ◆ We are focusing on using debate as a method of decision making to help us think through what we should do in the future—that is, deliberative debate. Within the context of deliberation, it is not enough to indict the status quo, although that is an essential first step because it encourages the audience to start considering what we should do instead. Assuming that there are grounds for establishing that the status quo has problems that do not require defying all conventional wisdom, you should be able to indict the status quo and transition to presenting your solution.

BURDEN OF A PROPOSAL

- ◆ Any proposal must pass three tests: it must be within the power of the agent of the resolution, it must address the problems of the status quo, and it must be feasible.
 - ◎ The first test, determining whether the proposal fits the power of the agent of the resolution, becomes complicated as a result of competing motivations when a proposal requires several agents working simultaneously. Therefore, you must ask whether the required action is within the agent's jurisdiction. That type of question can quickly determine whether the proposal is worthy of considering in the first place.

- ◎ In considering the second test, perhaps the proposal should address the cause of the problem rather than the symptom. To determine if a proposal is worthy of consideration, the affirmative must demonstrate that it addresses the problem indicted through the affirmative attack on the status quo.

- ◆ The final test, whether the proposal is feasible, is always relative because feasibility is often a measure of multiple variables including, but not limited to resources, motivation, and accountability. Feasibility, despite being a difficult concept to pin down, is an essential test of a proposal. Feasibility originates from cost-benefit analysis; thus, the proponents must have built understanding of opportunity cost into the proposal.

- ◆ An idea is worthy of consideration only if it can be implemented.



SUGGESTED READING

Bauschard, *Debating Topicality*.

Windes and Hastings, *Argumentation and Advocacy*, chapter 7.

QUESTIONS TO CONSIDER

- 1 Can you imagine some scenarios where you could use the concept of topicality to keep a conversation on topic?
- 2 Do you agree that the Affirmative must indict the status quo or is that too high of a burden for proposing change?



BUILDING AFFIRMATIVE CASES

Building an affirmative case is no easy task. The affirmative must meet a set of obligations just to have their proposal considered. In this lecture, we focus on constructing the affirmative proposal and outline an example, using the resolution from the 2016 Atlantic Coast Conference debate championship. Resolved: that the United States should adopt substantially more restrictive gun control regulations, including a prohibition on carrying firearms on college campuses.

THE PROBLEM WITH THE STATUS QUO

- ◆ Our first goal is to indict the status quo. Here lies a key element of the gun control debate: The status quo is not so clear-cut as you might imagine. No consensus exists on the definition of a mass shooting.
- ◆ For our affirmative, we need to establish that if gun violence on college campuses is a problem, allowing more guns on campus is worse. Rather than attempting to define mass shootings, we should focus on the idea that an increasing number of states are allowing campus carry, thereby changing academic environments.
- ◆ Two arguments work specifically against campus carry laws: academic freedom and the value of preserving life. We begin with a nuanced argument about higher education.

ACADEMIC FREEDOM

- ◆ One of the preeminent values of any institution of higher learning is academic freedom, the precursor to creating and testing ideas. College is supposed to be about encouraging students to learn the skills necessary to be productive members of society and to discover exactly what they believe and why.
- ◆ For such conversations to be productive, facilitating the exchange of ideas, even—or especially—over controversial subjects is essential. The classroom environment must encourage difficult conversations where students confront controversies head on. To that end, many college classes are designed to encourage students to consider perspectives that they may not have encountered. They interact with students from different parts of the world and confront arguments that challenge the core of their own

belief system. College is one of the few places where this type of engagement actually occurs where people are forced to confront difference.

- ◆ College is often a place where the confrontation with difference sharpens perspective. Sometimes it produces activism and sometimes apathy. Either way, the confrontation with difference and the uneasiness it produces is essential to creating a vibrant academic environment. The question is how guns interact with this vibrant environment.
- ◆ The first argument is that the presence of more firearms on campus, particularly in the classrooms, creates a chilling effect that diminishes the potential for academic freedom to flourish.
- ◆ Firearms on campus have the potential to transition colleges from institutions of higher learning to another version of high school, complete with the safest curriculum possible. The goal of college as a place where students transition from pupils to adults is greatly diminished if they are not confronted with the real-world differences awaiting them when they receive their diplomas.



THE VALUE OF PRESERVING LIFE

- ◆ Our second argument must address gun violence directly because that is the heart of the controversy. The primary negative position will be about the need for guns on campus to prevent mass shootings. Therefore, we will discuss the value of preserving life and reframe the discussion to less public but equally tragic types of gun violence. Our second argument against campus carry focuses on suicide.
- ◆ A study of more than 157 universities found that besides car crashes, suicide is the number one cause of death among college undergraduates. In any given year, more than 1,000 college students will commit suicide, and another one in ten students will consider it.
- ◆ Turning to the issue of campus carry, we must establish a connection between having access to guns and an increased risk of suicide.
 - ◎ Using her observations in counseling centers and many years of quantitative fieldwork, University of Texas–Austin Professor Ellen Spiro argues that access to a gun dramatically increases the risk that someone with suicidal tendencies will act on them.



- ◎ Professor Spiro’s observations are supported by a 2008 study conducted by the Harvard School of Public Health, which concluded that suicide rates were substantially higher in states with high gun ownership than in states with low rates of gun ownership.
- ◆ Thus, if you prioritize life over any other value, you should be more concerned about helping prevent suicide on college campuses than about any other violent event. The stress of college combined with data suggesting that owning a gun or having access to a gun facilitates acting on that stress indicates that the last thing we should do is infuse college environments with more firearms.

BASIS OF THE PROPOSAL

- ◆ The agent of the resolution is the United States, which is not a singular agent, but a confederation of the autonomous states and territories. Therefore, we must find a state that has acted to prohibit guns on campus and use its prohibition as a model for creating a proposal.
- ◆ California’s SB 707 extended the Gun-Free School Zone Act of 1995 to delete the exemption that allows a person holding a valid license to carry a concealed firearm or to bring or possess a firearm on the campus of a university or college. The bill also created two exemptions for certain appointed and retired peace officers authorized to carry a firearm by their appointing agency. The bill was signed by the governor in October 2015.
- ◆ We do not have to defend the specific piece of legislation used to craft our affirmative proposal. Rather, we can propose as the affirmative that every state should model some legislation that includes a basic prohibition on campus carry.

- ◆ One of the difficult distinctions in any debate is the difference between the advantages of the proposal and the harms of the status quo. Although the proposal may be helpful in alleviating some of the problems with the status quo, if we leave it at that, the negative will surely be able to demonstrate that we cannot fix all the problems of the status quo and may challenge our proposal with a set of disadvantages. Therefore, we must describe the advantages of the proposal.

ADVANTAGES OF THE PROPOSAL

- ◆ We may argue that the more aggressively states work at passing restrictive gun-control laws, the more likely the national gun rights lobby would have to devote their resources at the local level rather than investing their resources at the national level.
- ◆ In that case, one advantage of our proposal might be that the process of individual states passing laws to prohibit campus carry would force the gun lobbyists out of Washington and into the individual state legislatures. If they were forced to engage the states individually, they would be less mobilized to stymie national legislation.
- ◆ This advantage is connected to our proposal, but it is not a specific provision of our proposal. This is exactly the type of argumentation that makes the affirmative unique in the context of the resolution. It allows the affirmative to access a set of arguments about the broader gun control regulations despite the narrowness of the topic, which is about gun control at the campus carry level.
- ◆ Solvency is the measure by which we determine if the affirmative proposal would actually remedy the problems of the status quo. In the first lecture on building an affirmative case we discussed that some proposals address

symptoms while others address the root of a controversy. Solvency is the part of the affirmative in which we attempt to demonstrate that we are addressing the root of the controversy.

- ◆ In the context of campus carry, the foundational assumption is that the presence of guns on campus is causing the chilling effect and the increased risk of suicides. To some extent, we have to win the argument that campus carry laws encourage more people to bring guns on campus, while laws that prohibit campus carry actually stop people from bringing guns on campus.
- ◆ We must tie this argument about what we do and do not solve to the potential negative arguments. This concept, having to do with the viability of our proposal, is preempting negative positions.
- ◆ It is safe to say that the negative in this debate will argue that gun-control legislation works to keep law-abiding citizens from bringing guns on campus, while the people looking to do harm to others are not likely to be deterred by the legislation.
- ◆ The affirmative must both answer this argument that we know is coming and demonstrate that our proposal is still a good idea. In this case it is important to emphasize that our proposal solves the problems of the status quo, regardless of whether criminals disobey the law. In essence, we will preempt the argument that gun control doesn't work on criminals.
- ◆ The key to winning this argument is to say that one of our advantages, the academic freedom argument, does not rest on the number of guns in the classroom, but on the symbolic endorsement of guns in the classroom. In other words, the potential always exists for someone to do violence in any public setting; but it's the symbolic effect that generates the chilling in the classroom, not whether the gun is actually in a person's backpack.

- ◆ Whether criminals disobey the law and bring guns in their backpacks is less important than the state endorsing the classroom as a site of gun violence by making it permissible for people to bring their guns to school.
- ◆ Additionally, our second argument about suicide has less to do with deterrence and more to do with decision making under stress. In other words, we must win the argument that easy access to guns enables people to make the decision to kill themselves quickly by a particularly effective means. Perhaps if it were tougher for a suicidal student to lay hands on a gun, fewer people would die.
- ◆ The key to our solvency here is that the ease of access to guns, because campus carry makes them more likely to be available, means that a person who is law-abiding but suffering from depression has an easier time acting on the decision to commit suicide.
- ◆ We are attempting to delink the question of criminality and deterrence from our affirmative position. In doing so, we are preempting the negative's best argument that the criminals won't obey the law.
- ◆ We have our full affirmative case. We have demonstrated that campus carry is a problem, we have identified a basic proposal for states to prohibit campus carry, we have identified an advantage to the states to act on the issue of gun control, and we have attempted to preempt attacks on the affirmative by narrowing our solvency claims to the issue of illegal guns on campus, rather than the assumption that we are attempting to deter people from bringing illegal guns on campus.

SUGGESTED READING

Miller and Hemenway, “Gun Prevalence and the Risk of Suicide.”

Turner et al., “Causes of Mortality among American College Students.”

QUESTIONS TO CONSIDER

- 1 Do you agree that advocating for academic freedom is strategic to offsetting the power of the negative’s potential arguments about the right to own a firearm?
- 2 What is the weakest portion of the affirmative’s argument that the proposal would weaken the gun lobby?



ARGUING FOR THE NEGATIVE

In this lecture, we will outline the negative role in the debate and examine three types of arguments available to the negative: disadvantages, counterproposals, and critiques of assumptions. The affirmative has massive advantages in any given debate. To counterbalance the advantages, the negative side has negation theory, which suggests that the only role of the negative is to prove that the affirmative is a bad idea. The affirmative must be an example of the resolution and must defend the premise of the resolution, but the negative has no such restrictions.

ROLE OF THE NEGATIVE

- ◆ Assume that the resolution is about climate change. The affirmative team chooses to defend carbon taxation as their method of meeting the resolution. They will tax companies for the total amount of carbon they emit and believe that the taxation will create a strong incentive for industries to innovate and switch to cleaner methods of production, including possibly introducing new technologies or switching to renewable technologies.

- ◆ The best negative teams are able to conjure a wide range of arguments and test the affirmative proposal from a variety of perspectives:
 - ⦿ Reducing fossil fuel emissions is unnecessary because climate change is a naturally occurring event and humans have a very small role in it.

 - ⦿ Even if climate change is occurring as a result of humans, the major industries will not agree to the rules of the carbon tax and will simply move to other countries with weaker environmental regulations. The same amount of fossil fuel emissions will occur, but we will lose the benefit of having the companies in the United States.



- ⊙ If we really care about reducing fossil fuel emissions in the United States, we should consider positive rather than negative incentives to encourage businesses to reduce their emissions.
- ⊙ Enact a production tax credit to encourage renewable energies, which will do more to encourage innovation and renewable energies than threatening major industries.
- ◆ The negative can attack the affirmative from a variety of perspectives that might appear to represent contradictions. They have no obligation to be consistent. Instead, negation theory allows the negative to attack the affirmative and all of its assumptions.
- ◆ Negation theory is somewhat limited by the audience's expectation that the negative is working toward helping decision makers understand the true nature of the controversy. At the end of the day, the task is still about persuasion, which requires the negative to be sensitive to the judges' perspectives.

DISADVANTAGE

- ◆ A good disadvantage argues that everything is going well now, but the affirmative proposal would set in motion events that would lead to a negative outcome. The key to a good disadvantage, therefore, is the ability of the negative team to describe what would happen after the affirmative proposal and tie the negative outcome to a value considered more important than the affirmative.
- ⊙ The affirmative proposal was for individual states to model California's prohibition on campus carry to ensure bringing otherwise legal firearms on college campuses was illegal.

- ⊙ The negative can argue that we need more firearms on college campuses to prevent mass shootings. If more people were carrying guns then the bad guys would either be deterred from mass shootings, or they would be less likely to kill many people because the other people on campus would be prepared to respond with gunfire.
- ⊙ The affirmative team argued that many people use guns to commit suicide and that, in terms of raw numbers, more people die on college campuses from suicide than from mass shootings. The negative can argue that everyone has a fundamental right to self-defense that should come before any other consideration. Those who commit suicide are making a terrible choice, but tragic as that is, the loss of innocent lives of people who do not want to die and who are pleading for their lives is a greater violation of a more fundamental value.
- ◆ The disadvantage is designed to outweigh affirmative arguments, but it is not about the affirmative's indictment of the status quo. It is an entirely new set of arguments, tied to the proposal, that show why it is a bad idea. If a disadvantage is done correctly, it can become the central question of the debate.

COUNTERPROPOSAL

- ◆ To make disadvantages even more powerful, the negative team can articulate a counterproposal to help remedy the problems of the status quo outside of the affirmative proposal. For example, making the argument that climate change is not occurring is becoming increasingly difficult. Arguing that climate change is not a result of or worsened by human behavior is equally difficult. Therefore, when confronted with the potential for climate change regulations, opponents often use counterproposals to obviate the most restrictive measures.

- ⦿ If a proponent of climate change legislation suggests carbon taxation, opponents might suggest a renewable portfolio standard requiring energy producers to obtain a percentage of their energy from renewable sources but allowing the industries to determine which renewable resource would work best. This competing alternative to the carbon taxation is perceived as more flexible and thus more likely to lead to innovations as companies work to meet the standard.

- ◆ Counterproposals force the affirmative to develop advantages specific to their proposal, rather than relying entirely on their indictments of the status quo. They must describe the particular advantages of their proposal against the counterproposals because most counterproposals are also designed to help with addressing the problems of the status quo.

- ⦿ In the example of campus carry, the affirmative has argued that we should reduce the number of guns on campus because of the high suicide rate on college campuses. The negative could argue that part of the problem with college campuses is that they do not have adequate mental health facilities to deal with the unique challenges of so many young people in one place dealing with so much stress away from home.



- ⊙ The negative counterproposal could be to dramatically improve the quality and quantity of services available to deal with mental health crises on college campuses. The negative could then argue that if the mental health services were successful, then even if there were more guns on campus they would be less likely to be used for suicide because there would be credible alternatives for people experiencing suicidal thoughts.

- ◆ This is an example of why counterproposals rarely work to defeat an affirmative case by themselves. The counterproposal must be matched with a disadvantage; in this example, the negative would have to continue to argue that we need more guns on campus to prevent mass killings while also arguing that we should invest in mental health measures to reduce the instances of suicide. It is the combination of the counterproposal and the disadvantage that makes the negative side so persuasive.

ATTACKING THE ASSUMPTIONS

- ◆ The core assumptions of an affirmative proposal represent fertile ground for negative teams to attack something broader than the affirmative case and thus reduce the advantage of the affirmative's nuance.



- ◆ In the context of carbon taxation, our foundational assumption is that the taxes represent a negative incentive that will motivate companies to innovate in the name of saving money. The negative team could challenge that assumption on a number of levels without having to debate the particulars of carbon taxation.
 - ◎ The negative team could argue that when the government passes regulations built on negative incentives, companies are likely to avoid environmental regulations by moving to countries that do not have strict requirements. Additionally, the negative team could argue that taxation itself is an immoral use of government power.
 - ◎ Environmental ideologies to the far left could challenge the assumptions of this proposal, as well. The affirmative proposal may reduce emissions, but it doesn't address the problem that produced climate change in the first place, which is that we view the Earth as resources to be consumed. That philosophy enables the various forms of human domination of the environment that extend further than simple climate change regulations.
- ◆ Challenging the assumptions of the affirmative requires arguing from more abstract positions. It forces the affirmative out of their nuance and their specific policy analysis and into much deeper arguments. If the negative can persuade that the fundamental assumption on which the affirmative rests is flawed, they can focus less attention on the strengths of the affirmative case.
 - ◎ In the case of campus carry, the negative could argue that the fundamental assumption of the affirmative is that the government has the right to curtail the Second Amendment in specific areas in the name of some unique value such as academic freedom. The negative could challenge that assumption, arguing that a

consequentialist philosophy is at play. The affirmative wants the audience to consider the consequences of their proposal in terms of suicide and academic freedom.

- ◎ The negative also could argue that we should not discuss gun control through the filter of consequentialism; instead we should take a deontological perspective—you cannot justify doing something evil in the name of a potential good. Here the negative team would argue that the goal of preventing suicides and ensuring academic freedom are both important, but that we should not violate such fundamental rights as the Second Amendment in the name of these goals.

- ◆ If the negative in this debate against campus carry articulated a disadvantage centered on the linkage between guns and mass shootings, articulated a counterproposal to focus on mental health services on campus, and challenged the affirmative's justification for action by articulating the theoretical tenets of deontology, the affirmative would be in a very difficult position.

- ◆ The fact that the affirmative has the advantage from the outset does not mean that the negative is without hope. In fact, most negative positions are creative ways of challenging an affirmative proposal at all levels.



SUGGESTED READINGS

Branham, *Debate and Critical Analysis*, chapter 6.

Lott, *More Guns, Less Crime*.

———, *The Bias Against Guns*.

QUESTIONS TO CONSIDER

- 1 Do you believe that the risk of a mass shooter on a college campus is a greater concern than the increased risk of suicides that are associated with easier access to guns?
- 2 Are you persuaded by the argument that colleges should invest more resources in mental health regardless of the debate over campus carry?



BUILDING NEGATIVE CASES

You may think that because the affirmative team has so many tasks to accomplish, the burden on that team is unfair in any given debate. It should be hard to be affirmative. The affirmative is proposing change. Change carries risk, and any organization or individual should be as rigorous as possible when someone puts forward an argument for change. You should not step forward and argue for serious change until you have been challenged at every level. The risks of taking actions for their own sake far outweigh the degree of annoyance that comes with taking an affirmative proposal to task.

ATTACKING INHERENCY

- ◆ The three-part attack of pointing out disadvantages, making counter-proposals, and attacking the assumptions of an affirmative proposal is an effective challenge, but it does not attack the affirmative case directly. We will develop three direct attacks on the affirmative case. The first is on inherency, a concept that describes the obstacles the affirmative must overcome or barriers to the affirmative proposal. Inherency may be structural, such as a law, or attitudinal, such as a general belief that the status quo is going well.
- ◆ Few affirmative teams defend proposals without knowing whether they have already been made and reforms begun. Therefore, the more common attack is to demonstrate that many attempts to resolve the flaws of the status quo are ongoing. For example, according to the affirmative case for climate change regulation, the primary problem with the status quo is that too many fossil fuel emissions are being released into the atmosphere. As a result, climate change is occurring and carries devastating negative consequences. One is that the sea level is likely to rise and threaten coastal communities.
- ◆ To structure its attack on the affirmative's inherency, the negative team has some options:
 - ◎ Research current actions to reduce emissions, examining all the federal, state, and local laws and the work being done by foundations and other nongovernmental organizations, as well as what is being done within particular industries. Pointing to the dozens of initiatives already in place, argue that another regulation to reduce emissions is unnecessary.

- ⊙ Focus on the various climate adaptation strategies that are coming online. The affirmative's research suggested that sea level rise would be a serious problem as a result of climate change. If the negative learned that strategies to mitigate that threat to coastal communities were in development, they could challenge the affirmative to articulate what is unique about their approach.

- ◆ The negative is not denying the science, but arguing that coastal communities are well aware of the science and are already taking steps to protect themselves. The negative is essentially saying that proposals occurring in the status quo have a chance at ameliorating the problems outlined by the affirmative.

- ◆ In the context of the campus carry debate, the negative team has several lines of attack:
 - ⊙ Describe new university responses to the problem of suicide; the resources that universities are dedicating to mental health; and the new training for resident advisers to help them detect early signs of a mental health crisis.

 - ⊙ Point out the increased availability of suicide prevention hotlines.

 - ⊙ Research the increased attention in first-year orientations to stress management, depression, and other mental health issues.

 - ⊙ Point out that many universities now have 24-hour crisis units.

- ◆ Acknowledging that even a single suicide is too many, the negative team could make the case that the university system is working hard and improving in its efforts to reduce suicides on campus.

- ◆ Attacks like these can be very difficult to defend against because the negative is not disagreeing with the thesis of the affirmative position, but weakening it by demonstrating that other people and organizations are already aware of the problems with the status quo and are taking action.

ATTACKING THE HARMS

- ◆ The affirmative has an obligation to demonstrate the flaws with the status quo. The negative can attack directly by challenging whether an actual harm exists.
- ◆ In the context of climate change, the negative team's options are broad:
 - ◎ Attack the science that the affirmative is using for its doomsday scenarios. Ample debate still occurs about exactly how bad climate change will be and when we will see the most serious effects.
 - ◎ Offer scientific evidence suggesting that the effects of climate change will occur so slowly that they present no serious threat to our economic or national security.



- ⊙ Argue that some parts of the country will actually benefit from climate change.
- ⊙ Argue that the power of innovation and adaptation will avert or mitigate the worst-case scenarios that describe mass starvation and cities being lost to the sea.
- ◆ The debate about campus carry is a bit trickier. The negative cannot say that suicide is not a serious problem, but the other harm was academic freedom, claiming that the presence of guns on campus could influence the curriculum and the classroom and chill the free expression of ideas.
- ◆ The negative could argue that the concept of academic freedom is overblown. In the idealized version of the Academy, every class is an opportunity for students to learn from every other student, resulting in life-changing moments in every class, every semester. But the ideal does not represent the expectation of many parents and students about college—a credentialing process to help find a job.
- ◆ If the negative is successful, the blow is potentially devastating to the affirmative when combined with the other negative positions. The negative is challenging the affirmative's values and making a claim that they are overstated.

ATTACKING THE SOLVENCY

- ◆ Solvency is how we describe whether the affirmative proposal will actually resolve the problems of the status quo. The affirmative must demonstrate that their proposal is feasible. An affirmative team can win a strong indictment of the status quo and lose the argument that their proposal

will remedy the problem. In this instance, the negative leans heavily on the burden of presumption.

- ◆ If the negative wins a strong attack against solvency, they reduce the need to win on a disadvantage or critique of the affirmative assumptions. In the context of climate change, the affirmative proposes a carbon tax to prompt companies to reduce their emissions and invest in energy efficient or renewable technologies. Assume that the negative focuses on demonstrating that the carbon tax is a terrible idea that is not likely to work for three reasons.
 - ⊙ The carbon tax will cause companies to move their operations overseas, where the polluters will release even more emissions than the status quo because so few regulations curtail them that they have no need to worry about investing in newer technologies.
 - ⊙ The companies that do stay will cheat, and very little enforcement mechanism is in place to regulate them. The documented ability of car manufacturers to avoid emission detection is evidence that major corporations will invest their time and energy in avoiding detection rather than spend millions to overhaul their production processes.
 - ⊙ The companies that don't move overseas and don't cheat already know that their long term viability is questionable; rather than make a big investment that will take decades to pay off, the dirtiest industries will pass along the price of the taxes to consumers who don't have competitive options in the marketplace.
- ◆ At the same time, the negative is arguing the disadvantage that if the EPA is in charge of enforcing carbon taxes, it will be distracted from its other projects and will not have the resources to cover its more vital missions such as preventing lead from polluting public water supplies. The impact of this

disadvantage is the serious health hazard of lead in the water that presents long term health problems.

- ◆ If a judge were comparing only the risk of global climate change against the impact of lead in the water, you would probably vote affirmative. But as bad as lead in the water is, global climate change threatens to spread diseases across the globe, along with other potential threats, and is therefore worse.
- ◆ However, the attacks on the affirmative's solvency greatly reduce the likelihood that the affirmative's proposal will substantially mitigate climate change. Once the judges arrive at the conclusion that the affirmative does not solve the problem, the risk posed by the disadvantage becomes more important. Thus, the reduction of an affirmative proposal's solvency enables the negative to win all the other arguments. It is truly one of the most powerful attacks possible.
- ◆ In the context of the campus carry debate, the solvency of the proposal is one of the most contentious parts of any gun control debate. The premise of the negative's attack is that the law deters only law-abiding citizens, ironically creating an advantage for the criminal. Most opponents of gun control emphasize that law-abiding citizens run the risk of defenselessness against well-armed criminals. This solvency attack is difficult because most proposals to stop gun violence rely on winning the argument that the police can effectively deter or respond to it, both a persuasive and a scary prospect.
 - ◎ Gun control advocates point to the hours of training necessary for police officers to make the right decisions in the heat of the moment. They emphasize that the idea that a hero bystander could use a personal weapon to stop a mass shooting is unrealistic. Often, people untrained in combat either shoot the wrong people or risk being shot by the police.

- ◎ Opponents counter that in some life or death situations, law-abiding citizens cannot wait for the police to arrive—a home invasion, for example.
- ◎ The affirmative’s strategic choice—limit the debate to academic freedom and suicide to forestall the mass shooter argument—helps the negative. As the affirmative attempts to develop a nuanced argument for their solvency, they open up the negative attack that the mass shooting disadvantage is even more powerful because of the affirmative’s refusal to try to solve the core of the controversy: that the real reason to encourage conceal carry on college campuses is so students can defend themselves against an active shooter.
- ◆ Every debate is like a verbal game of chess. Certain arguments are powerful because they represent a blunt force attack on the opposition’s arguments; others because they draw the opponent into arguments that they are less prepared for or willing to debate. The key is that the negative always attacks the affirmative case with disadvantages, counterproposals, and critiques of the assumptions.
- ◆ Those arguments are made more powerful if the negative can persuade the audience that the affirmative proposal simply doesn’t work or is unnecessary. The negative might even suggest that perhaps there isn’t even a real problem at all. Take it all together and you have powerful negative arguments culminating in a persuasive case not to risk the change being proposed by the affirmative.



SUGGESTED READING

Fryar and Thomas, *Basic Debate*, chapter 8.

Vancil, *Rhetoric and Argumentation*.

QUESTIONS TO CONSIDER

- 1 Have you ever been persuaded that a proposal was a good idea in theory but that it lacked sufficient inherency to risk the action?
- 2 What is more important to you as a decision maker, feasibility or the potential affirmative advantage?



THE CRUCIBLE OF CROSS-EXAMINATION

Cross-examination is a question-answer session that happens at some point during the debate. As a general rule, cross-examinations are directed by one opponent; that is, the opponent has the authority to move the cross-examination along at the pace appropriate for his or her questions. In most formats, the cross-examination happens at the conclusion of the opening speeches, but it has been used in a variety of ways. The key aspect is that if you just delivered a speech, you have to answer questions about what you just said.

ROLE OF CROSS-EXAMINATION

- ◆ Debate tournaments started adopting the practice of cross-examination at some point in the mid-20th century, placing it after the constructive speeches to test whether the students actually understood the content of their speeches or simply regurgitating information prepared by someone else.
- ◆ Being forced to answer questions about what you just said is a very difficult test indeed. You have to answer off of the top of your head with no notes and with zero heads-up about what questions are coming. The debate community learned that it can be a very effective way of testing whether you know what the heck you're talking about.
- ◆ Tournaments have experimented with various ways of conducting cross-examination. Some allow for points of information or questions that are asked during the speech. Additionally, some forms of high school debate have a grand crossfire, a cross-examination in which all the debaters are allowed to be participate at once. This format is popular in public forum debates.



- ◆ The form of debate that is in use at Wake Forest is sometimes referred to as Cross-examination Debate because of the focus on using cross-examination in every debate at the conclusion of every constructive speech. It includes four separate cross-examinations. One of the major governing bodies is the Cross-examination Debate Association, which illustrates how important the practice is for this style of debate.
- ◆ Cross-examinations are always a pivotal and suspenseful part of a debate. It can be intimidating, so people often try to remove it from the structure of a debate. Doing so is almost always a mistake. Three goals demonstrate how important it is to set aside time for cross-examination: to ensure comprehension, to identify holes in your opponent's case, and to engage the audience.

ENSURE COMPREHENSION

- ◆ The cross-examination period is designed to give the debater wide latitude in the questions that he or she can ask at the conclusion of the constructive speech, and debaters should construct questions that will help them understand their opponents' arguments. The cross-examination is an opportunity to clarify an opponent's position or the basic structure of the argument.
- ◆ In our case about global climate change, the affirmative proposed carbon taxation to persuade businesses to employ renewable technologies or develop more energy efficient measures to reduce their fossil fuel emissions. Because the carbon tax is a tricky concept that has been theorized in a variety of ways, the negative might need some clarification on what this affirmative proposal is defending before introducing some of the attacks they have researched.

- ⊙ For example, the debate over carbon taxes includes a question of whether they are upstream or downstream. If you had studied this issue, then you would no doubt nod along to a cross-examination on the differences between upstream and downstream regulations. Upstream regulations focus on the production; downstream focuses on regulating the direct sources of greenhouse gas emissions.
 - ⊙ Assume that the negative team's research substantiates arguments about the effectiveness of upstream versus downstream regulations and that the original affirmative proposal takes very little position on upstream versus downstream regulations. The first goal of the cross-examination would be for the negative team to find out exactly what we are arguing.
 - ⊙ Once the negative has established our position on the carbon tax, it can initiate arguments and possibly a counterproposal. But if the negative tries to stand up and argue about upstream versus downstream without having asked a question to the affirmative team, the arguments will probably not only be incoherent but they might actually support the affirmative side of the debate.
- ◆ In the campus carry discussion, the broad issue is whether giving people the right to carry guns on college campuses would make the campuses safer or more dangerous. One of the more persistent questions for regulations in higher education is whether it is possible to use a one size fits all approach. The idea of a college campus has changed so dramatically in the past quarter of a century that imagining a very clear regulation is difficult.
- ⊙ For example, online education has dramatically changed the concept of a college campus as students sometimes gather together in a variety of places ranging from virtual classrooms to study abroad programs.

A great place for the negative to start the cross-examination might be to ask the affirmative about the scope of their regulation.

- ◎ If the negative position is that the affirmative's gun-control measures will set in motion laws that will eventually eradicate the Second Amendment, then clarifying what exactly "a college campus" means to the affirmative team would be a helpful cross-examination. If they take a restrictive view that a college campus is only the brick-and-mortar institutions that have state sanctioning, the negative can more easily attack the solvency of the affirmative proposal.
- ◎ If, on the other hand, the affirmative team is arguing that academic freedom must be protected at every turn and that their proposed regulation applies to any place that a college course is happening, the increasing number of people taking online classes demonstrates that either academic freedom is not available to anyone who is not physically on campus, or professors' having to engage students in environments that might include a gun is inevitable.
- ◎ The negative could easily set up a precedent-based argument that the government would only have to demonstrate that someone was enrolled in an online class to have the grounds to search that person's home for a gun. The key to the debate about gun control is not the likelihood that government will actually come and take your guns, but the persistent fear that any small step will set in motion precedents that could result in such a tyrannical measure.
- ◆ In both the debates—climate change and campus carry—the affirmative proposal did not take a position on key questions. Thus, in both of these situations, the cross-examination was critical to get some comprehension that could set up negative argumentation.

In both situations, the negative had positions prepared depending on how the affirmative team answered the cross-examination question.

IDENTIFY HOLES

- ◆ The cross-examination is where debaters can create tension between arguments by asking questions designed to reveal their assumptions. The beauty of the cross-examination is that if it is done well, the people answering the questions inadvertently reveal the holes. An excellent debater can conduct a cross-examination so that it reveals the problems to the audience without simultaneously revealing them to the opponent so as to allow the opponent to evade it. The goal is to use the cross-examination to test the affirmative's or negative's ideas with direct, rigorous investigation.
- ◆ In the context of the bathroom predator myth, a crucial component was the lack of empirical data that risk of bathroom predators was real. The preponderance of empirical data supported the argument that in the places where protections are in place for transgender people, not a single instance of a bathroom predator attacking someone by taking advantage of the transgender protections has been reported. Thus, going into this cross-examination, the advocates for transgender protections will need a way to emphasize that the bathroom predator myth does not have empirical data on its side. Instead of attempting to ask about empirical evidence, the transgender advocate might benefit from asking about principles.
 - For example, the vast majority of people who voted for the bathroom law are also opposed to gun control. An ideal cross-examination could focus on the tension between those two positions. The transgender activist could ask a legislator, "In the past you have voted against

gun-control legislation and said that your primary problem with gun-control legislation is that it is only followed by law-abiding citizens and that the criminals ignore the law because they are criminals. Isn't that correct?"

- ⊙ The legislator might be initially confused about what the question has to do with the transgender law but agrees in principle. The transgender activist then asks, "So is it true that you believe, in the context of guns, that criminals are not deterred by the felony penalties for illegally owning a firearm, but in the context of bathroom predators you honestly believe that a sexual predator intent on attacking innocent women is somehow deterred by the sign on the door that says you can use this bathroom only if your birth certificate says you are a woman?"
- ◆ Our goal is to use the contradictory principles to establish a hole in the argument. Now I'm sure that the representative in this example would probably go for a move of dissociation to try to prove that these are two entirely different issues, but the cross-examination has served its purpose and the hole has been identified for the audience.



ENGAGE THE AUDIENCE

- ◆ The last major goal of the cross-examination is to get and keep the audience involved in the debate. Simply listening to dueling speeches in a public debate is dangerous because the audience gets only one chance to follow the arguments. When a good cross-examination is under way, the audience is hanging on every word and watching the interaction of the ideas unfold. Thinking on your feet is more spontaneous and requires an incredible analytic capacity. The cross-examination is a remarkable display of intellect and competence that can build or destroy the credibility of debaters as the audience and judges watch them interacting with the ideas outside the confines of their notes.
- ◆ At the highest levels, cross-examination is an intellectual strategy that represents a map of the relevant arguments. The best debaters know exactly what direction they're going to take based on the potential answers their opponents give to a given question. It is a beautiful thing when you see someone set a trap. It is sometimes even more beautiful to watch a person skillfully escape what appears to be an impossible position.



SUGGESTED READING

Ehninger and Brockriede, *Decision by Debate*, chapter 19.

Emerson, “The Old Debating Society.”

Nichols, “A Historical Sketch of Intercollegiate Debating.”

QUESTIONS TO CONSIDER

- 1 How does cross-examination test whether debaters researched the arguments themselves?
- 2 Have you ever experienced a situation wherein the initial proposal was well received but the question and answer period went so poorly that it was eventually rejected?



ASKING AND ANSWERING LEADING QUESTIONS

The give and take between questions that are really arguments and answers that are not really answers lies at the core of using leading questions. Leading questions suggest the answer or contain the argument that you want your opponent to commit to. They are especially useful for identifying holes in opponents' arguments. Leading questions are considered very aggressive. You need to know how to temper your aggression both when you are asking and when you are answering leading questions.

THE RULES

- ◆ Before we discuss the mechanics of leading questions, you need to know the three rules for using them.
 - ⦿ Allot adequate time for your opponent to answer your question. A leading question is powerful and it makes an argument. Audiences and judges expect that no matter how powerful the question, your opponent deserves an adequate opportunity to respond.
 - ⦿ When you have established your point, move on. Debaters need to make as many arguments as possible during the cross-examination. By getting bogged down over a single question, they miss a key opportunity to make good arguments and risk losing the sympathy of the audience.
 - ⦿ Stay focused on the judges rather than the opponent. The cross-examination is a verbal fistfight, and it is easy for a debater to engage on a more personal level with the opponent. This behavior is a total waste of time—you are attempting to persuade the audience, not your opponent.

THE QUESTIONING TECHNIQUES

- ◆ Good leading questions represent persuasive arguments, regardless of what the opponent says in response. The point of a leading question is that the audience pays close attention to both the premise and the conclusion. Great leading questions leave opponents stuck in a moment where they have to agree or disagree with the argument. As a result, the leading question controls the conversation in a way that an open-ended question cannot.

- ⊙ In the context of the climate change proposal to use carbon taxes to coerce businesses to take action, one of the concepts that negative teams want to initiate is that climate change is a long-term problem. The negative must challenge the time frame of the proposal as a way of foregrounding their argument that the short-term consequences of the affirmative proposal should have priority because the real effects of climate change will not be felt for decades.

Negative: “When will we feel the effects of climate change?”

Affirmative: “We are already feeling the effects of climate change. The 10 hottest years on record have happened since 1998. The Earth is warming up right now, and if you ask the people who live on islands in the South Pacific they will tell you that they are watching the sea level rise and threaten their entire livelihood on a daily basis.”

- ◆ Obviously, that line of questioning did not work to establish what we wanted the audience to hear. The primary problem was that the question was too open-ended. It allowed the affirmative to point to a statistic about the hottest years on record as an argument that climate change is happening now, when the point we’re trying to make is that the dramatic worst-case scenarios are not going to happen any time soon.
- ⊙ Suppose we ask the following:

Negative: “In your speech you cited scientific evidence that explains that the worst-case scenarios from climate change are still 80 to 100 years away from happening—correct?”

Affirmative: “Well yes, but we have had 10 of the hottest years on record since 1998.”

Negative: “That may be true, but my question is about the doomsday scenarios you outlined in your speech. You mentioned starvation, drought, and a whole host of other arguments designed to scare this audience, so I just want us to all be on the same page that your own studies confirm that we are talking about 80 to 100 years from now—correct?”

- ◆ Notice that the question builds in several arguments: The affirmative’s scientists agree that climate change is a long way off: the time frame is 80 to 100 years; and the worst-case scenarios are the farthest away. By using a leading question during the cross-examination, you can create an opportunity to narrow the characterizations of the affirmative with a greater demand for agreement.
- ◆ The second characteristic of a good leading question is that it is concise. One of the most common mistakes is to pack too many arguments into the question, confusing everyone in the room. The best way to determine whether a question is concise enough is to ask yourself whether you are presenting facts or summarizing a position.
 - ◎ To return to our example about climate change, the original version of the negative leading question was, “In your speech you cited scientific evidence that explains that the worst case scenarios from climate change are still 80 to 100 years away from happening, correct?”
- ◆ Consider trying it this way:
 - ◎ “The United Nations Intergovernmental Panel on Climate Change, known as the IPCC, has issued a report which you cited in your constructive speech. That report uses controversial and inaccurate computer models but still only predicts that we will not experience the doomsday scenarios such as sea level rise and starvation for another

80 to 100 years. And that prediction is based on an assumption that the average rise in global average temperature will be more than 3.5 degrees Celsius as measured by inaccurate satellites. Correct?”

- ◆ The real point of the question is obscured by the addition of the information about satellites, degrees of warming, the specification of the types of impacts, and even the acronym for the IPCC. Whatever benefit the debater perceives as a gain in adding all of this extra information is lost on the audience, which is left wondering what exactly the point of the question was.
- ◆ The third characteristic of a good leading question is that it ends in a measured concession, a key indicator of the questioner’s experience with cross-examination. Forcing the opponent to agree to an overly broad conclusion that doesn’t connect to the premise results in a disjunctive question that opens the door for the opponent to simply disagree with the conclusion that the debater is trying to reach. How this works in practice is as follows:
 - ◎ If the goal is to establish that the climate change proposal would cost American businesses a serious amount of money, the negative might want to use a leading question to establish that carbon taxes work by scaring businesses enough that they invest in new technologies. The only way for the threat to be credible is for the tax to be so high that companies will want to avoid it.

Negative: “You would agree that businesses have not invested in enough energy efficient technology now, correct?”

Affirmative: “Of course, that is why we are proposing a policy designed to incentivize businesses to make those investments.”

Negative: The policy you are describing, carbon taxation, uses negative incentives. In other words, if a business does not make those investments, they pay a tax per metric ton of carbon, right?”

Affirmative: “That’s right. The tax escalates over time to give a stronger incentive over time.”

- ◆ Here is the difference between an experienced debater and an inexperienced debater: An experienced debater knows to stop right there. The key is to ask leading questions with conclusions that are measured enough that the audience will expect the opponent to have a serious moment of consideration before answering.

STRATEGIES FOR ANSWERING

- ◆ The options for answering leading questions are limited by the very nature and structure of the question, but there are three strategies you can use when confronted with a leading question.
 - ⊙ Refuse the premise of the question.

Negative: “Scientists say that global warming will take 100 years before we will experience any problems, don’t you agree?”

Affirmative: “I don’t know which scientists you are referring to, but our position is that we are already experiencing the problems of climate change. Arctic ice caps are disappearing, islands in the South Pacific are vanishing, and species from across the globe are dying in droves because of climate change. It is only going to get worse from here.”

- Give a terse answer that is the opposite of what your opponent is expecting.

Negative: “Scientists say that global warming will take 100 years before we will experience any problems, don’t you agree?”

Affirmative: “No.”

Thrown off guard, negative: “Well, why not?”

Affirmative: “Our position is that we are already experiencing the problems of climate change. Arctic ice caps are disappearing, islands in the South Pacific are vanishing, and species from across the globe are dying in droves because of climate change. It is only going to get worse from here.”

If you get such an opportunity, you should pounce on it and use it to state the very argument that your opponent was trying to defuse.

- A third way to deal with a leading question is simply to ask for clarification and, in doing so, reframe the question altogether.

Negative: “Scientists say that global warming will take 100 years before we will experience any problems, don’t you agree?”

Affirmative: “I think you’re asking me whether we are experiencing climate change right now, and we definitely are, as we have had 10 of the hottest years on record since 1998. Arctic ice caps are disappearing, islands in the South Pacific are vanishing, and species from across the globe are dying in droves because of climate change. It is only going to get worse from here.”



- ◆ Waiting until the final speech to say that climate change won't be a serious problem for another 80 to 100 years, allows your opponent to challenge that analysis by returning to the hottest years on record argument.
- ⊙ Having asked the leading question, you can make a much more persuasive argument in your closing speech:

Negative: "Remember the cross-examination when my opponent was unable to tell you when we would experience the worst case scenarios from climate change? Well, we know that the affirmative's own scientists agree that the real number is 80 to 100 years from now. So we can live with some of the hottest years on record right now if it means preserving American jobs and the overall economy."

- ◆ A skilled debater might try to rephrase and repeat the original question once, but they will quickly realize that you are essentially using a stalling tactic and move on. The power of a leading question is its ability to control the response. That power works only if you give it that authority by letting the question control the conversation. Whether you're asking or answering leading questions, the key is to use some restraint and subtlety. If you keep your cool, you can control the conversation and quickly get the audience on your side.

SUGGESTED READING

Wellman, *The Art of Cross Examination*.

Ziegelmueller and Dause, *Argumentation Inquiry and Advocacy*, chapter 15.

QUESTIONS TO CONSIDER

- 1 Have you ever seen a person be too aggressive in a cross-examination? How did the audience react?
- 2 In what situations would you want to use a leading question in everyday conversations with friends or family?



OPEN-ENDED QUESTIONS: SETTING TRAPS

An open-ended question is one without an implied answer. The person answering has complete latitude and no requirement to commit to a conclusion or premise. Open-ended questions can be short and concerned with a fact, such as “What is the date of the study cited in your opening speech?” Others may be complicated, such as “Do you believe the phrase ‘well-regulated’ in the Second Amendment means that the federal government has the authority to enact gun-control legislation?” Both are open-ended questions, one a simple question of fact and the other asking for an interpretation of the Constitution.

BENEFITS OF OPEN-ENDED QUESTIONS

- ◆ The first goal of cross-examination is to ensure understanding of what your opponent is and is not defending. This goal of comprehension is best aided by open-ended questions. At the highest levels of debate, affirmative and negative cases are built on nuance, with many qualifiers. Not taking the time to understand what the qualifiers are presents a strong potential for initiating an argument already remedied by a narrower position.
- ◆ The first benefit of an open-ended question to the cross-examination is to help ensure understanding of the opponent's argument, enabling us to prepare an appropriate attack. It is important to note that an open-ended question doesn't license our opponent to fabricate in the moment. In other words, opponents are not allowed to change their proposal.

OPENING A LINE OF ATTACK

- ◆ Another reason open-ended questions are so valuable is that they seem innocuous, but can actually open an opponent up for a potential attack.
 - ⦿ For example, let's say the negative asks this question: "Is there anyone who is allowed to bring a firearm onto campuses under California's SB 707?" The affirmative answers: "Well, we're not sure, but under our proposal no one would be allowed to bring a firearm on campus." In this situation, the affirmative's deliberate vagueness has put them in a difficult position. Now they have to defend a blanket prohibition against firearms on campus, even for people who have been trained and authorized to carry them.
- ◆ The best debaters use the strategic ambiguity of the question to force the other side into choosing an answer that will inevitably make their lives

more difficult. In the ideal world, the person asking the open-ended question can use it to generate strategies no matter what the response.

CREATING TRAP DOORS

- ◆ In the context of a proposal to address climate change with a carbon tax, negative could ask the affirmative team the following questions:
 - ⊙ “Do you have any evidence to support whether industry leaders like the affirmative proposal?”
 - ⊙ “Did you or your authors consult anyone in industry before setting the tax rate that is the foundation of your proposal?”



- ◆ The affirmative team immediately thinks the attack will be that they are antibusiness and that the argument will be that industry leaders hate the proposal and, as a result, will not comply. So they answer the open-ended question like this:
 - ◎ “The decision to set the tax at 10 dollars per metric ton of carbon was decided after genuine consultation with business leaders across the country. Our authors also talked with the chamber of commerce and small business associations. In every consultation, industry leaders yearned for regulatory certainty more than anything else, and they are perfectly comfortable with the proposal. We are confident that this tax rate allows businesses ample flexibility to meet the goals of the policy.”
- ◆ Now the affirmative proposal is in a double bind. They have now demonstrated that the industry leaders love the proposal and gave strong input on its creation. The negative can use that to support a critique of the affirmative’s assumptions. The negative argument was that we should not trust capitalism and consumption to fix our environmental catastrophes. When the affirmative brags that corporations like their proposal, they have provided a prime link to the argument that the affirmative’s assumptions are built on a flawed ideology.
- ◆ If the affirmative answers in the other direction, they might say, “No, we didn’t want to give the industry leaders a voice in the proposal, so we had our experts determine what a good tax rate would be based on the annual growth rates of the industries involved. We researched and determined what the ideal tax rate would be to generate a strong negative incentive to get companies to act quickly to stave off climate change.”
- ◆ Now the affirmative has fallen into the other trap. The negative is free to argue that the process of the affirmative proposal undermines business

confidence critical for the future of our economy, and the worst thing that government can do is to start acting irrationally and create an unpredictable regulatory environment.

LIMITING MANEUVERABILITY

- ◆ The difference between a leading question and an open-ended question in terms of strategic ambiguity is that a leading question leaves nothing to the imagination and no room for maneuvering. Open-ended questions, on the other hand, supply an opportunity to shift positions and maximize strategic flexibility. To pull this off, the negative team must think through the potential answers that the affirmative team could give and have a range of arguments available before standing up to ask the first question.
- ◆ The affirmative is defending restrictions on carrying concealed weapons on college campuses. The negative team is arguing that we need more guns to deter mass shootings. They assert that restricting guns on campus only opens up the opportunity for more innocent students to die at the hands of a crazed gunman.
- ◆ A series of open-ended questions for the affirmative creates a double bind for the negative:
 - ◎ “Explain to me how deterrence works.” “People don’t pull guns and start shooting when they think that other people can pull a gun and shoot them back.”

“So do you think that gunmen are interested in self-preservation?”

“Well yes, they are not going to pull a gun and start shooting if someone else can pull a gun and shoot them.”

“Okay, interesting—how many perpetrators of mass shootings on college campuses have escaped and disappeared to go free?”

- ⊙ Now the negative is caught, and has no choice but to answer: “As of now, not many...in fact probably none.”
- ◆ The affirmative side has opened two potential directions for future arguments. The negative could say that someone in the classroom could save lives by killing the mass shooter, but the research clearly indicates that the supposed hero effect doesn’t work: often the wrong people are shot or police mistake the hero for the shooter.
- ◆ The negative team, is more likely to defend the theory of deterrence attempting to argue that concealed weapons provide a check against the mass shooter acting in the first place. The empirical data certainly do not support that theory. The vast majority of gunmen who engage in mass shootings take their own lives or die at the hands of the police.
- ◆ Thus, the very nature of mass shootings defies the theory of motivation that the negative’s position relies on. It assumes that people act rationally and therefore would be deterred by the presence of other people with weapons, whereas the truly terrifying thing about a mass shooting is that there is nothing rational about it whatsoever.

RESPONDING TO OPEN-ENDED QUESTIONS

- ◆ Think through the potential traps and leap directly to challenging the conclusion the opponent is trying to reach rather than answering the specific questions the opponent has asked to set up the argument. This skill is difficult to master because answering a question by attempting to jump to the conclusion you think your opponent is trying

to make can come across as a bit pretentious. But if you get it right, you can advance your position in the face of the argument your opponent is attempting to set up.

- ⊙ The negative in the climate change debate might make the mistake of trying to make this point through an open-ended question rather than a leading question. For example, “What is the realistic time frame for when we will see these doomsday scenarios?” But that would give the affirmative the opportunity to anticipate the conclusion and take it on directly.
- ⊙ This strategy requires a debater to have thought through the negative arguments enough to understand the basic premise of the question and what conclusion it is pointing toward. If we can execute this answer, then we have cut off the ability of the negative team to try to trap us on the question of time frame.
- ◆ Acknowledge the tension or potential for an opposition argument and add some nuance to resolve the potential threat. In the context of answering an open-ended question, we can choose a direction with the full knowledge that it might be a trap but attempt to add some nuance in the moment to reduce the damage.



- ⊙ In the context of concealed carry on college campuses, look at the earlier example where the affirmative debater pressed on the issue of deterrence. The affirmative asked: “Explain to me how deterrence works?”
 - ⊙ Notice what happens when the negative adds some nuance: “Look, I have no clue what goes through the mind of a mass shooter, but the statistical evidence shows that the states that have concealed carry laws in effect have far lower incidence of mass gun violence. I’m not a psychologist and can’t explain to you exactly why, but the empirical data is clear that if we want fewer mass shootings on college campuses we need more concealed carry laws.”
 - ⊙ Rather than letting the cross-examiner set up three separate questions about the psychology of a mass shooter, the negative side acknowledges the ambiguity and attempts to reorient the focus of the discussion from the premise of the question and force it back into the strength of the position, the empirical data.
- ◆ Although we have divided this unit into specific strategies, the best debaters have the flexibility to move back and forth between leading and open-ended questions in the same cross-examination. Similarly, the best debaters understand the strategy happening at any given moment and choose the right response to move the arguments in their direction.

SUGGESTED READING

Wellman, *The Art of Cross Examination*.

Ziegelmueller and Dause, *Argumentation Inquiry and Advocacy*, chapter 15.

QUESTIONS TO CONSIDER

- 1 Why is setting a “pit of doom” trap in an argument so difficult?
- 2 Under what circumstances would you want to combine leading and open-ended questions in one cross-examination?



ESSENTIALS OF A PERSUASIVE REBUTTAL

Debate should get your blood flowing. When you find your own views under attack, it's only natural to get frustrated. In this lecture, we will work on getting from frustration to argument by focusing on the second portion of the debate: the rebuttal. An important military concept is just as relevant in debate as it is on the battlefield: No plan survives contact with the enemy. For military strategy, that can mean life or death. For debate strategy, it means that no case is immune from all of the potential arguments that can be marshaled against it.

ROLE OF REBUTTAL

- ◆ Building a great case requires time and energy. We want cases with nuance, that are well researched, that are designed to maximize decision making by putting forth the best arguments possible. Part of the reason that we decide on a point stasis in advance is to ensure that all the participants have ample time to construct the best cases possible.
- ◆ That's especially important if you are a decision maker. As military decision makers have to reconcile the strength of an opposing army's strategy and how it affects the original battle plan, debaters must master both the skill of constructing their case and the skill of defending it, often in the moment.
- ◆ Delivering a good rebuttal can be one of the most intimidating parts of any debate. The reason for a rebuttal is precisely that if a team delivered the case as constructed and sat down, then the audience would be entirely responsible to figure out how the arguments of the two sides interact and which values should prevail.
- ◆ The goal of a good rebuttal is not to repeat what someone has said earlier in the debate: It is to transition from attack to assessment. If every speech were prepared in advance, it would be impossible for the audience to get the cost-benefit analysis that is unique to this form of argumentation. The real benefit of debate for decision making comes through the process of argumentation. It is the interaction of the ideas and not simply the construction of the cases that makes debate a unique method of decision making.
- ◆ One of the great misconceptions about rebuttals is that you can prepare them in the same way you prepare your affirmative or negative case. Although it is true that you can develop some portions of your rebuttal

by thinking through the likely arguments, the speech is by definition more spontaneous. The three characteristics of rebuttal are assessment, organization, and emotional appeal.

ASSESSMENT

- ◆ Delivering a rebuttal is not a simple theoretical proposition. The best debaters reflect on the position they were in during a previous debate to see if they could have achieved a better result by making different decisions. A great rebuttal assesses rather than merely repeats. Anyone can repeat an argument made earlier in the debate. It is not the case that repetition has no value, but it can become a substitute for advanced argumentation when applied to the debate context.
- ◆ The best debates represent an evolution of argument, not a repetition of the original case. They address the arguments of their opponents. Debate is not a competition built on simple oratory. Debate is the interaction between ideas and requires the debaters to actually engage the arguments. But no debate can go on forever, and even in a college debate there's not enough time to challenge every single argument.
- ◆ The goal in a rebuttal is to accomplish three assessment tasks.
 - ⦿ Defend the basic premise of the case, answer the primary objections to it, and challenge the opponent's attacks.
 - ⦿ Reiterate the attacks on the opponent's case, present some good reasons why the audience should be skeptical of the opposition's position in the debate, and reduce their overall credibility.

- ◎ Help the audience assess the debate as a whole. This is the key skill that is the difference between a decent debater and a phenomenal debater.
- ◆ Assessing the debate requires using the rebuttal to help the judges determine which side of the debate has the more persuasive arguments. Because, in the best debates, the judges' task is made more difficult because everyone is doing the best job possible, the rebuttal must start moving from repetition to assessment as quickly as possible.
- ◆ Three forms of assessment can argue that the judges should prefer our case to that of our opponents: time frame, magnitude, and turning the case.

TIME FRAME

- ◆ Focus on time frame. If trying to resolve all the problems that the two sides of the debate have addressed is unfeasible, then prioritize the most near-term problems; the solutions for the other problems are for another day.
- ◆ In the climate change debate, the affirmative side argues that carbon taxes are necessary because the rise in emissions threatens to make global climate change worse. They describe a litany of problems associated with the worst-case scenarios of global climate change. All these problems are scary, and the affirmative team does a good job of making the audience understand that global climate change is serious.
- ◆ The negative argued that implementing a carbon tax regulation would seriously hurt the United States economy at a key moment when the United States is battling against the rapid rise of China and India, the affirmative proposal would put a serious damper on the growth of some major industries in the United States. The proposed carbon tax policy might prompt some companies to cheat and others companies to move to



countries that have far less stringent environmental regulations. In either case, the proposal will cost Americans jobs and could pave the way for the United States to lose its position as the economic leader in the world.

- ◆ If both sides have a persuasive case, then the judge needs additional argumentation to help decide which side has won the day.
- ◆ The negative in the debate would be wise to go straight to time frame, arguing that the problems associated with climate change are serious, but not right now. We have had some hot years recently, but the doom and gloom outlined by the affirmative team are still decades away. Rather than sacrificing the United States economy at this crucial moment of international competition, we should err on the side of promoting the economy right now, with the full knowledge that we have plenty of time to develop new strategies to deal with global climate change.

- ◆ Time frame is persuasive because most audiences do believe in the optimism built into the idea that the future is going to be a better place. Humanity's innovative spirit has helped us overcome countless problems in the past, ranging from the polio vaccine to the very idea of renewable technologies. As decision makers, we constantly struggle with what to emphasize in a given moment, and time frame is a way of ranking a decision based on the speed with which the problems will present themselves.
- ◆ The affirmative in this debate must try to challenge the assessment of time frame presented by the negative. Most debates about climate change regulations involve an intense discussion of just how much time is left before we cross the invisible threshold where we will not have a feasible way to address climate change. The affirmative need only to do some digging into the literature on global warming to find nightmare scenarios of worldwide catastrophe that many audiences would find highly persuasive.

MAGNITUDE

- ◆ Magnitude is a decision calculus that rests on the total size of the problem that could be avoided if we determine that a case is correct. In the context of climate change, affirmatives stress magnitude at every turn.
- ◆ Some industries will lose some jobs in the transition away from the dirty fossil fuel economy; therefore, we need to be prepared to either retrain people who lose their jobs or prepare for a significant amount of unemployment as we make the economic transition to cleaner sources of power. The point of the affirmative's proposal is that transitioning some people away from the dirty fossil fuel economy is not nearly as scary as the impacts of global climate change.

- ◆ There are legitimate reasons to fear that the way of life for the vast majority of humanity could be changed forever. Mass starvation could kill millions of people as their food sources disappear. Countless others will die as a result of new diseases that spread as a result of the migration of people and pests. As the sea level rises, coastal communities will disappear.
- ◆ So from the perspective of magnitude, the affirmative can argue that we must take action now because the result of not taking action would be so bad; it's worth sacrificing a little comfort now to prevent having to deal with a major problem in the future. In the same way that the negative team will emphasize time frame, in every discussion of climate change, the affirmative will emphasize magnitude.

TURNING THE CASE

- ◆ In formal debating, asking the audience whether one case has the potential to interact with the goals of the other case is referred to as turning the case. One side acknowledges the possibility that the other side's goals are admirable, but rather than conceding, argues that its case, in fact, is the better proposal for achieving the opponent's goal.
- ◆ The audience has the best of both worlds. They can choose to endorse one side's case and also endorse the value that the other side is attempting to achieve. This form of assessment can be very strategic, but it requires an investment of time and energy to make a logical argument for the audience.
- ◆ In the debate over carrying concealed weapons on college campuses, the negative claims that we need more guns on campus to prevent mass shootings. The argument proclaims that if there are more mass shootings then innocent people will die, and that we should act to try to prevent the loss of innocent lives. The negative's goal is to get the audience

to agree concealed carry is allowed and that many people are armed and ready to stop mass shootings on campuses.

- ◆ The affirmative in this debate should argue that the potential for the loss of innocent lives is equal or greater with more guns on campus, reiterating that a person has a much greater statistical chance of choosing suicide than of dying in a mass shooting. The audience should not permit guns on campus because that contributes to one of the main causes of death among young people—suicide.
- ◆ Although this statistical comparison may be a persuasive argument to some people, chances are that the audience will evaluate suicides and the victims of mass shootings differently. Whether it is a fair argument or not, it is certainly a persuasive argument that people who choose suicide have a greater degree of autonomy in that choice than the people who are the victims of mass shootings.



- ◆ To turn the negative's case, the affirmative must go a step further. The best argument could be to say that if guns are determined to be dangerous in the hands of untrained individuals, then the best solution to mass shootings is not to put more guns in the hands of students, but to put more police on college campuses. The affirmative case could argue that in the states that have laws against carrying firearms on college campuses, a massive investment in the safety of the students has been made through investments in more police on college campuses.
- ◆ Essentially, the affirmative is arguing that campus carry is an excuse not to have a strong police presence on campus; the position of the negative is that they are no longer necessary because students are empowered to become their own version of a police officer. And yet, the value underlying the negative's position is the protection of students' lives.
- ◆ The affirmative's case to prohibit campus carry may achieve the very value—the protection of innocent lives—that is the foundation of the negative's case. As a means of assessment, the audience can start with the premise that innocent lives are important rather than trying to determine whether academic freedom is more important than innocent lives—a much harder question to resolve.

CLEAR ORGANIZATION

- ◆ The second characteristic of a great rebuttal is that it should be well organized. The best rebuttal speeches are spontaneous, but they still have a measure of organization. That organization is not just for the audience, although audiences care deeply about it as well; organization is also important for ensuring that you have checked all the necessary boxes to complete your rebuttal and haven't failed to include any of the key elements of argumentation.



- ◆ Achieving organization in a spontaneous speech is difficult because it is so easy to get caught up in the moment and forget about the overall picture. That is why the best debaters practice rebuttals in a variety of settings to develop the mental muscle memory that enables them to deliver well-organized speeches extemporaneously.
- ◆ A rebuttal should be organized similarly to a constructive case, with the addition of the assessment. It should include an introduction that previews the speech, and it should address the attacks on your own case before turning to your opponent's case. The rebuttal must transition to assessment and use a variety of advanced argumentation tactics to start helping the judges decide the debate based on the values.
- ◆ This organization must be mapped onto the total time available. If five minutes is the time allotted, efficiency is the key. Organization is a critical way to keep yourself on time and on task.

EMOTIONAL APPEAL

- ◆ The rebuttal is an important place to transition from strict logic to putting some emphasis on the value that you care about so that the audience understands that this is a very serious conversation and that you are passionate about your case. The best way to employ emotional appeal is to point out something that the opponent has done that runs counter to the value that you care about in the debate.
- ◆ For example, a truly passionate believer that global climate change is a serious threat and that we should care about the environment more than our immediate comfort must get that value out of the realm of statistics and science and into the judges' minds by escalating your rebuttal assessment to include some emotion.

- ◆ The negative is likely to use its time frame argument to play to the judges' emotions about all the people who will be thrown out of work if industry is forced to give up fossil fuels and if the U.S. economy collapses as companies move abroad to avoid regulations. The rebuttal is the place to bring your passion on the subject into play to convince the judges that the longer term results of climate change can produce results that are even more disastrous.
- ◆ If it's done well, an emotional appeal can be an important way of building a great rebuttal. If it is not done well and it simply feels like someone is coming out of nowhere to tug at your heartstrings then the audience is not only likely to reject the argument, but to feel like you have moved from logic to manipulation. Make sure that your appeal to the audience's emotion is centered on the value that you care about and how your opponent has interacted with it.



SUGGESTED READING

Covino, *The Elements of Persuasion*, chapter 1.

Zarefsky, *Public Speaking*.

QUESTIONS TO CONSIDER

- 1 As a decision maker, do you tend to care more about time frame or magnitude?
- 2 Are you comfortable using pathos appeals in a public argument?



DEALING WITH THE UNEXPECTED IN DEBATE

One of the strongest tensions in debate is between the desire for a well-prepared opponent and the need to confront your opponents with arguments they haven't prepared for. This constant negotiation is always a struggle. Teams work hard to determine a proposition in hopes that it will limit the range of arguments that participants will have to be prepared to debate, but they want the proposition to be broad enough to encourage creative thinking and ideas that may not have been considered. There is value in both surprising an opponent and learning how to deal with the unexpected.

CONFRONT FEAR

- ◆ This lecture is about a skill set that transcends the formal structure of debate and should be relevant for unexpected arguments in daily life. Survey data suggests people are more fearful of public speaking than of death, but what people are really afraid of is freezing under pressure and panicking in a room full of important people.
- ◆ Debate magnifies this fear because it has a strong interactive element that goes way beyond traditional public speaking. If you get lost during a public speaking situation, you can always check your notes to trigger your thoughts. In debate, there is no such thing; you may find yourself in the middle of a rebuttal studying your handwritten notes to decipher what you scribbled down to answer your opponents' attacks.
- ◆ Three techniques are essential to having a chance of emerging victorious against an unexpected position: diagnose the unexpected argument while searching for its flaws, use empiricism to challenge the quality of the argument, and analyze the theories and assumptions.

DIAGNOSE THE ARGUMENT

- ◆ Believe it or not, you have an impressive store of knowledge; if you can slow down and access it, you will probably find you can answer any number of arguments that you may think are new or innovative. More often than not, upon closer inspection, they turn out to be something you already thought about.
- ◆ The way to slow the process down is to diagnose what makes this argument unexpected. Start with the maxim that there is nothing new under the Sun, and apply that to the context of arguments. People have

been arguing for thousands of years, do you think that your opponent has truly figured something out that has never been thought of before? Ask yourself a few questions when something seems to come out of the blue.

- ◆ Is it a new argument or just a new way of describing an issue we were prepared to debate?
 - ◎ This happens in debate all the time: Researching a position will uncover some academic terminology related to a concept you are prepared to debate, but the new academic language makes it feel like the argument is new or unique.
- ◆ Is this unexpected argument really a complete argument or just a series of claims without the appropriate evidence or warrant?
 - ◎ Turning quickly to the Toulmin model will enable you to dismantle the unexpected argument to discern which part is ripe for attack. Remember that the claim is the conclusion that we want the audience to draw, the grounds are the data or evidence that substantiate the claim, and the warrant is the connection between the data or evidence and the claim.



- ⦿ For example, the proponent for the affirmative's carbon tax proposal states that the newest research demonstrates that an invisible threshold precedes arriving at a point where we cannot adapt or mitigate climate change because of the self-perpetuating nature of positive feedback loops. The affirmative argues, therefore, that we must take action now to avoid positive feedbacks.
- ⦿ The negative should ask themselves what this invisible threshold is and why positive feedback makes climate mitigation or adaptation impossible. The answers would confirm that the original statement does not include enough components of the Toulmin model to create a good argument. It is a series of claims strung together without good grounds or a clear warrant. The affirmative has essentially stated that if global climate change doesn't stop now, at some point environmental processes will speed up warming. That fast warming will change our climate so quickly that attempts to do something about it will be too late.



- ⊙ The problem is a very strong claim without very strong grounds. Scientific evidence that explains the concept of positive feedback is not the same as evidence that adapting or mitigating climate change will be impossible simply because the positive feedback loop has been triggered.
- ⊙ Even though the negative has no strong evidence denying the existence of positive feedbacks, they do have the capacity to point out what's missing from the affirmative's argument.
- ◆ Is this new, unexpected argument consistent with the rest of the position the opponent is attempting to defend?
 - ⊙ Debaters often will insert a new argument in hopes of taking their opponents off guard without really thinking through whether the argument is consistent with their other arguments. Many times, the unexpected argument is so new that the team deploying it has not really thought through its implications for their entire case.
 - ⊙ For example, in the context of defending restrictive gun-control measures, the affirmative argues that we should close the loopholes that allow people to buy guns at gun shows without going through the same background checks as people buying guns from a store. In an effort to take the opponent off guard, they argue that the newest technologies allow people to use a 3-D printer to create guns and that there are plans all over the Internet showing how to do it. The goal is to demonstrate how easy it is for people to circumvent the law and get access to a gun absent a more expansive regulatory environment.
 - ⊙ The problem is that although the argument may take the opponents off guard, it also undercuts the premise of the affirmative's solvency. If a person can simply download plans from the Internet and then

use a 3-D printer, going to a gun show is unnecessary. The potential certainly exists for people to sell guns they make with a 3-D printer, but if the goal is to stop people from gaining access to guns, then the existence of a new technology that allows people to make them at home does not help the case.

USE EMPIRICISM TO CHALLENGE

- ◆ The beauty of an unexpected argument is that it often has specificity on its side. Imagine a new study comes out that is quite specifically relevant to the proposal, and the opponent is using that specificity to their advantage. The new study proves that the pace of global climate change is not as fast as predicted.
 - ◎ To marshal the power of empiricism, the affirmative must talk about the power of the scientific data, arguing that one new study should not dictate this policy decision; the global consensus of more than 2,000 scientists, along with the metadata of thousands of studies, suggests that the rate of climate change is not only rapid, but that once we cross that invisible threshold it will be irreversible. The point is not that the time frame may be longer; it's that global climate shifts in the past have resulted in catastrophic changes for the globe and for the species that inhabit it.
 - ◎ Nothing about the new study denies climate change; it is simply a semantic difference in a debate that is about magnitude and not time frame.
- ◆ In the context of the gun control debate, the affirmative has powerful new survey data suggesting that the majority of employees at universities nationwide do not want guns on campus. The data are very specific to

the question. The negative team needs empiricism to attack the new study and reduce its impact.

- ⦿ The first argument is that the study is a survey of institutions nationally—a problem because mass shootings have not occurred at every university. The study should have focused on the institutions that have actually experienced mass shootings. That data would reflect opinions about gun control from people whose beliefs have been shaped by an actual event on their campus.
- ⦿ The second attack could be about the sample—the employees of college campuses, who are more than likely faculty, administrators, and staff. The negative’s position in the debate is that students are the innocent people most likely to be the targets of mass shootings. The perspective of the students is more important because they are the ones who have to deal with the consequences of this decision affecting their safety.

ANALYZE THE ASSUMPTIONS

- ◆ If you can challenge the assumption or theory behind the unexpected argument, then you don’t have to fixate on the specificity that the opponent is pitching to the audience. In the global climate change debate, the assumption of the affirmative’s carbon tax proposal is that economic motivations can change how companies act and that the change could be positive if the incentive is strong enough to generate new technologies.
- ⦿ The flaw in this argument is that the tax is an attempt to use capitalism and consumption to remedy global climate change. But global climate change is not a problem of capitalism and consumption; it is fundamentally about perspective and ideology. We are obsessed with creating new technology to make our lives comfortable rather than

confronting the fact that this consumptive mind-set is the source of a number of environment problems, including global climate change.

- ⊙ This negative position urges that before we get obsessed with the specificity of a carbon tax proposal, we should think through the assumptions that undergird that affirmative case. A carbon tax on downstream producers of fossil fuel emissions would be arguably more effective because it would resolve the final product that produces nasty emissions.
- ⊙ The negative came prepared to debate about an upstream system and now the opponent is throwing a curve by proposing a downstream system, confident that this switch will allow them to add nuance and circumvent the negative's best arguments.
- ⊙ To get to the underlying assumption or theory of the new affirmative case, the negative could jump on the idea that the downstream tax is unfair and unjust because the people in society who use the dirtiest technologies are the people who cannot afford the newest and greatest technology. The assumption of the new downstream affirmative proposal is that the best way to get people to stop using the dirty technology is to tax them.
- ⊙ The reality is that this proposal would make the poor people in a society pay for the dirty production that would have been resolved with the upstream system. The negative side proposes that this assumption, that we should make the poor people be responsible for fixing global climate change, is a classist attack on the working-class people who are just trying to get by.

SUGGESTED READING

Ribeiro, *Systematic Approaches to Argument by Analogy*.

Wiles, “Impromptu Speaking.”

QUESTIONS TO CONSIDER

- 1 What are the primary assumptions of the affirmative’s carbon tax proposal? Which of those assumptions could you attack based on the negative arguments discussed so far?
- 2 Do you think you would try to research an opponent’s new argument in the limited preparation time set aside during a debate?



"EVEN IF" ARGUMENTS: THE ESSENTIAL WEAPON

The single most important kind of argument for any debate is “even if.” It can jump a debater from junior varsity to varsity, win national championships, and be used again and again in every argument setting from the law to the boardroom to the dinner table. An “even if” argument is simple: You start with the premise that your opponents are right about every single thing they argued and then explain why you should still win the debate.

“EVEN IF” IN THEORY

- ◆ One of the hardest lessons for a debater to learn is that the opponent is not your true focus. Your opponents are only a stepping-stone to the real goal, which is to persuade the decision makers that you are correct. The judges are the real opponents. Your opponent is nothing more or less than an obstacle in the way of your true goal.
- ◆ Inexperienced debaters argue for the sake of arguing; they enjoy the fight but not the act of persuasion. They understand the strategy available to them but not the importance of admitting error to build trust with the audience. They understand enough about argumentation theory to pick apart just about any position, but they don't recognize when they are dominating a conversation. The skill of making “even if” arguments separates the novice from the master debater.



It is important for debaters to build trust with their audience.

- ◆ “Even if” is simple in theory but, for a couple of reasons, much harder to practice.
 - ◎ Considering that the opponent is right about anything, much less everything, is difficult for debaters. They are so well trained on how to attack that they often forget how to recognize that their opponents have argued persuasively, much less think through the idea that everything they have said is persuasive.
 - ◎ Explaining why you should win if your opponent is actually correct requires a higher order of critical thinking that is very difficult to master.
- ◆ A debater’s inclination is to compare arguments on a series of evaluations that stem from the quality and quantity measures they learn in basic argumentation. In the Toulmin model, they learn to break arguments apart to identify weaknesses but not to identify strengths. Once this mind-set is ingrained, it is very difficult to turn that part of the brain off and focus on an assessment that allows that the opponent may be correct. But, from the perspective of the judges, an “even if” argument is one of the most persuasive arguments possible. It allows the judges to contemplate the best-case scenario for your opponent and still conclude that you are the victor.

THE POWER OF “EVEN IF”

- ◆ In the debate about global climate change, the affirmative starts with a proposal to use carbon taxes to coerce companies into adopting new technologies to reduce fossil fuel emissions. The affirmative makes a passionate case that immediate action is required.

- ◆ The negative has argued that China and India are surpassing the United States in total emissions, and that relatively soon these countries will be responsible for so much fossil fuel emission that no domestic policy in the United States could offset the rate of warming identified as the key measure of change, according to the United Nations intergovernmental panel on global climate change. The negative also argues that the carbon tax would dramatically restrict economic growth in the United States, costing jobs and setting back the competitiveness of the United States in the global market.
- ◆ At the end of the debate, the affirmative team repeats their passionate description of the catastrophes that global climate change will cause. In short, the affirmative argues that the magnitude of the problem matters more than a couple of jobs lost here in the United States. The judges are left wondering whether they care more about jobs in the United States or the people in the vulnerable communities throughout the world—a difficult dilemma.
- ◆ Now the negative takes a different approach, arguing that even if the affirmative is entirely correct about the problem of global climate change, the judges should still prefer the negative side. The real problem with climate change is that it is global. Therefore, even if the carbon tax were to be completely successful in the United States, the rapid rise of the Chinese and Indian economies, along with their massive increases in emissions, render the affirmative proposal ineffective.
- ◆ The “even if” statement absolves the judges from choosing between the vulnerable populations of the world and unemployed Americans. The negative has switched the framing of the debate away from these competing values. A less experienced debater might simply have tried to win the argument that the domestic economy is more important to the American people and therefore should matter more to the judges.

The more skilled debater has taken on the perspective of the judge and understands that a decision maker is searching for nuance and doesn't want to be in a position of ignoring a value that has clear intrinsic worth.

- ◆ “Even if” arguments enable a judge to assess the relative strengths and weaknesses of each side's position by giving it the full credibility that the debaters have asked for, rather than inserting themselves into the debate and dismissing one of the cases altogether.
- ◆ Three elements of “even if” argumentation can actually improve debating skills: honing critical thinking skills for assessment, refocusing the strategy on the judges, and breaking a tie.

HONING CRITICAL ASSESSMENT

- ◆ True assessment requires you to think about the possibility that you're wrong. Attack and defend is a strategy that starts with the assumption that you are never wrong or that if you are wrong it is not on an important issue. What if you assumed that everything that the other team had said was actually correct: Should you still win the debate? That line of thought requires an assessment that sometimes results in a simple “No.”
- ◆ It is possible to conclude that if your opponent is right about everything, you cannot win the debate. The process of this sort of critical thinking, without regard for who wins or loses, is a different from what we would see in an attack and defend debate where the opponent is portrayed as wrong at every turn.
 - ◎ In the campus carry debate, the affirmative team argued that guns on campus create a chilling effect on academic freedom. They argued

that if there are guns in backpacks, professors are more likely to avoid controversial subjects to try to reduce the likelihood that a student might use a weapon in the classroom. They escalated the value of academic freedom, claiming that it essential to the mission of higher education and therefore should take priority over any other concern.

- ⊙ The negative acknowledges that the presence of guns in the classroom may result in changes to the curriculum, but even if the curriculum is less controversial, the very nature of college involves the contestation of ideas and different perspectives and requires the participation of the students. The key ingredient for academic freedom is not another lecture by the professor but an environment where ideas are shared freely and students can learn about different perspectives while explaining their own.
- ⊙ Therefore, if the decision makers truly care about academic freedom they should be willing to allow campus carry. You can have the most aggressive, radical, controversial curriculum possible, but if you don't have students willing to engage it, then you lose all the benefits of academic freedom. Academic freedom only works when the students feel safe and secure enough to voice their perspective on whatever the curriculum is, class in and class out.

◆ A novice debater might have said only that the death of innocent students is more important than the liberal curriculum at the root of academic freedom. This argument is persuasive, but consider how much more effective it is when combined with an “even if” statement that is a direct response to the affirmative’s best argument. The negative is using assessment through an “even if” statement to establish that academic freedom is not only the purview of the aggressive gun-control position. An argument can be made that campus carry also, and more effectively, protects the value of academic freedom.

- ◆ Thus, “even if” arguments improve debating by forcing assessment of the terminal values of the debate without being dismissive of the opponent’s position, which in turn forces a more creative approach to the arguments.

REFOCUSING THE STRATEGY

- ◆ “Even if” arguments require that debaters consider how the arguments are functioning from the judge’s perspective. Because the judge is the person to be persuaded, you have to start thinking about the arguments from the perspective of the judge.
- ◆ From that perspective, “even if” arguments are much more persuasive in comparison to the blunt force attacks of novice debaters. Debaters do not have to give up on their arguments or even sacrifice their value, but learn to incorporate “even if” arguments into their rebuttals, just in case they have a judge or decision maker who is persuaded by the value their opponent emphasized.

BREAKING THE TIE

- ◆ The final benefit to employing “even if” arguments is that they function as an excellent tie breaker in a close debate. For example, say the decision makers are trying to decide between the argument that guns on campus are dangerous because they might facilitate student suicide and the argument that more guns on campus will reduce the likelihood of a successful mass shooter.
- ◆ That is not an easy spot for a judge, who is not looking forward to deciding which value prevails. “Even if” statements help make the final analysis easier by eliminating the choice between two important values.

One argument that the negative team could try is that even if guns were removed from campuses altogether, students who are motivated to commit suicide could find a way to end their lives, but if you removed all guns from campus students would have no way to protect themselves from a mass shooter. If decision makers do care more about preventing suicides than anything else, they should invest in mental health services that can prevent or treat the underlying causes, rather than trying to remove one of the ways that students fulfill the act.

- ◆ For the negative there is no other way to prevent a mass shooter from being successful. There is no room for negotiation or for trying to stop a mass shooter with anything other than a gun. Therefore, the proposal to remove guns from campus potentially makes mass shooting worse without a supplying a meaningful chance of stopping suicides.
- ◆ Notice that the analysis slipped a little from “even if” logic to add a bit of attack-and-defend in the argument. The negative didn’t accept the affirmative team’s argument that guns on campus increase the risk of suicides and tried to attack that argument while also supporting the overall “even if” claim.



SUGGESTED READING

Andersen, *Persuasion: Theory and Practice*, section 2.

Cronkrite, *Persuasion*, chapter 7.

QUESTIONS TO CONSIDER

- 1 Do you agree that there is no such thing as an ideal argument in the abstract?
- 2 Can you generate a powerful “even if” argument in the context of our hypothetical gun control debate?



DEBATE JUJITSU: FLIPPING THE WARRANT

The Toulmin model posits that every good argument includes at least three components: a claim, evidence (grounds), and a warrant, which is the connection between the claim and the grounds. Flipping the warrant occurs when a debater agrees with the opponents' evidence but uses that evidence to support a different claim. When it comes to advanced argumentation techniques, flipping the warrant can create great and devastating moments when you can feel the audience take a deep breath as they realize that you have outmaneuvered your opponent.

THE STRATEGY IN THEORY

- ◆ According to the Toulmin model, the claim requires evidence, referred to as the grounds, which vary from argument to argument. The key part of the Toulmin model is the third concept, the warrant, and it requires the highest level of analytic argument.
- ◆ For example, in a debate about taxes, the proponent of raising them might claim that North Carolina should raise the state income tax and might also provide a statistic showing the great number of people living in North Carolina who need more social services. The warrant is that if North Carolina had higher income taxes then it would have more revenue to spend on social services.
- ◆ What's wrong here is the embedded assumption that raising taxes will increase revenue so as to provide more social services. The assumption that more tax revenue means more social services can be challenged in at least three ways:
 - ⊙ Empirically: Examples abound of states enjoying a sudden windfall that has not translated directly into social services. The tobacco settlement and the British Petroleum oil settlement are just two examples. In both, the states used the money for a variety of programs, but the empirical data do not suggest that the legislatures involved voted with the explicit goal of investing the funds to help the poorest of the poor.
 - ⊙ Philosophically: One person's safety net is another person's state-sponsored dependence. Chronic poverty, malnutrition, and homelessness are issues that social services strive to manage day in and day out. Yet a strong sentiment among some lawmakers holds that these services promote dependence rather than serve as a safety net.

They point to the Chinese proverb about giving a man a fish versus teaching him to fish as a way to discredit efforts to expand social services.

- ◎ Pragmatically: The warrant does not address the budget shortfalls that force states to cut services across the board. Those cuts run deep and are not limited to social services. Some cuts affect services that benefit those who are not seen as valuable contributors to a state's economy. If a legislature suddenly acquires more tax revenue, thinking that they would spend it on a portion of the population that does not contribute much in taxes and is less likely to vote is naïve.
- ◆ A debating team could attack the defense of higher income tax by agreeing that many people need social services but noting that the assumption that higher income tax will help them is wrong. This argument does not deny that many people need social services; it challenges the assumption that higher taxes will actually result in helping those people.
- ◆ That is the first of three steps to flipping the warrant: Deny the connection between the evidence and the claim. The other two are to argue that the proposal will make things worse and to argue the exact opposite.



The first step to flipping the warrant is to deny the connection between the evidence and the claim.

- ◆ The real beauty of this strategy is that once the team agrees with the proponents' evidence, it is too late for them to retreat from their position. The focus of the debate shifts from the strategy that they were prepared to debate toward the area where we are most comfortable.
- ◆ It is always possible that an opponent finds a new study or a powerful statistic, and attacking that evidence without additional research may not be possible. Top level debaters focus on learning and practicing flipping the warrant precisely because it is a masterful way to account for the rare situation in which an opponent presents strong evidence that takes them by surprise.

THE STRATEGY IN PRACTICE

- ◆ In our climate change debate, the affirmative argument is as follows:
 - ⊙ The claim is that the United States federal government should implement a carbon tax on energy producers in the United States.



Some people contend that one way to combat climate change is to impose a carbon tax on energy producers.

- ⊙ The grounds are a number of studies that demonstrate that energy producers emit greenhouse gases.
- ⊙ The warrant is that a carbon tax would create an economic incentive for the energy producers to reduce their fossil fuel emissions.
- ◆ Our goal is to see if it is possible to agree with the evidence but disagree that a carbon tax would result in lower emissions and could actually result in higher emissions
 - ⊙ Step 1: Deny the connection between the evidence and the claim. In this instance, argue that the carbon tax will not produce new technologies or investments in renewable energies.
 - ⊙ The negative could attack the connection between the evidence and the claim by going deeper than the affirmative into the way the energy sector functions, arguing that a carbon tax is a negative economic incentive and that negative economic incentives do not work—they simply encourage cheating to avoid the penalty or passing off the cost to the consumer. These are persuasive arguments, but they do not yet satisfy the demands of flipping the warrant.
 - ⊙ Step 2: Demonstrate how the carbon tax could actually make emissions worse, arguing that massive energy producers now emitting tons of greenhouse gases are slowly transitioning away from fossil fuels, using money from investors to diversify their energy portfolios and find alternatives. The speed of the transition is being set by the market. As of this moment, fossil fuels are cheaper to use, but as newer and better renewable energies come online the transition will continue. Therefore, the affirmative's proposal is the worst possible approach in the current investment environment because it signals that the government is not willing to wait and let

the market transition away from fossil fuels at the pace that is set by technological innovation. Instead, investors must make a choice to either pull their money out of the energy sector altogether or buy whatever renewable technologies exist right now. Either way, the result is actually more emissions.

- ⊙ Step 3: Support the opposite. If the private investors decide to go ahead and try to meet the goal and spirit of the proposal, then they will have to make a massive investment in renewable technologies when the technology simply hasn't had enough time to develop. The result is that the energy producers end up using technologies that are good enough to avoid the tax, but not nearly as effective as if the government had stayed out of the market altogether and let the technology develop on its own. If anything, the government should provide a positive incentive such as a production tax credit to help speed up the natural transition to renewables.

- ◆ The groundwork for the strategy is all here. We followed the formula and it did, in fact, produce an argument that could be devastating to the affirmative proposal.

DEFENDING AGAINST THE STRATEGY

- ◆ The procedure to defend against the strategy is pretty much the opposite of what we just discussed, adding a bit of nuance. First, reestablish the strength of the warrant with some additional evidence designed to bolster the connection between the claim and the grounds.

- ⊙ The climate change effort needs another round of evidence that defends the theory of negative incentives and carbon taxes and substantiates that companies cannot or will not cheat. It must

demonstrate that historically, negative incentives have been successful at motivating industries to change rather than simply passing on the cost to the consumers.

- ◆ Second, along with stronger evidence to defend the original warrant, the affirmative must attack the premise of the negative's claim that industry is moving toward renewable energies now.
 - ⊙ Industry has some pet projects but has only snatched up renewable technologies to take them off the market and slow down the process of change. For an energy producer with limited resources lying in the ground, the last thing it would want to do is to transition away from that source before it is all used up. Thus, energy producers are not chomping at the bit to become renewable energy companies as suggested by the opposition.
- ◆ Third, the affirmative must attack the assertion that the proposal would actually make things worse, going after the concept that investors from the private sector are the key decision makers for the future of these energy companies.
 - ⊙ Investors have known for years that negative incentives were coming. They have already priced this cost into the market and have simply been waiting to see what form the negative incentive would take.
 - ⊙ The longer the government delays in implementing a negative incentive, the less predictability in the regulatory environment. In fact, the investors actually want a carbon tax because it would settle the regulatory environment once and for all. And given all the potential systems that could be implemented, investors love the carbon tax because it is a graduated negative incentive that gives the industry time to adjust and adapt. They like the idea that they

know right now how much the tax will be in 20 years, which creates certainty in the market.

- ◆ Finally, the affirmative must articulate a new argument explaining why the proposal fixes the problem of the status quo. This move is the key in beating the strategy to flip the warrant—making the opponents think twice about trying this strategy again.
 - ◎ The new argument says that the use of negative incentives, and the carbon tax in particular, is essential in establishing international environmental leadership for the United States. Right now the United States insists on trying out positive incentives. Other countries follow, offering massive subsidies to their own energy sectors. The result is that energy producers across the globe benefit from subsidies, thus rendering unnecessary taking seriously any transition to renewable energy sources. Leading the way with a massive negative incentive approach would give the United States the credibility to challenge the state-sponsored subsidies currently slowing down the transition to renewables across the globe.
- ◆ On the off chance that the judges are persuaded by the negative's arguments about private investors in the United States, the affirmative can default to a new even-if argument: Even if the private sector is upset about new domestic negative incentive, the carbon tax policy sets us up to challenge global energy subsidies, which would do much more to help stop global climate change.



SUGGESTED READING

Hitchcock and Verheij, *Arguing on the Toulmin Model*.

Toulmin, *The Uses of Argument*.

QUESTIONS TO CONSIDER

- 1 Why is simply attacking the warrant of an opponent's argument less strategic?
- 2 Can you think of an example of where you could flip the warrant in the controversy over physician-assisted suicide?



THE POWER OF CONCESSIONS

Almost every competitive environment includes a role for strategic concessions. In athletics, allowing your opponent a small victory can help you to win the overall game. Incredibly difficult games like chess often involve a decision to sacrifice a piece in the name of the overall strategy. Concessions in debate are equally important. The reasons for concessions are varied, and the strategies require understanding of the advantages and disadvantages of giving your opponent more argumentative ground.

FOCUS THE DEBATE

- ◆ A concession in debate allows you to change your position from your initial case. Construct the best case possible, but know what to do if even your best case isn't surviving contact with the enemy. Never walk the plank. If you can feel the debate slipping away, one of the ways to escape the plank is to make a concession. The three reasons to make a concession are to focus the debate, to escape from a tough spot, and to close a trap.

- ◆ In a debate about physician-assisted suicide, the affirmative is arguing in favor of legalizing physician-assisted suicide and has three contentions:
 - ⊙ Humans deserve to have death with dignity.

 - ⊙ No difference exists between requesting a prescription that will result in death and refusing treatment, a medical practice already considered legal.

 - ⊙ Physician-assisted suicide would greatly reduce health-care costs; many people suffer for extended periods in expensive health-care situations that they simply do not want to suffer through any longer.

- ◆ The negative focuses on the third argument. Of their eight-minute constructive speech, they dedicate six to arguing that even considering a discussion of health-care costs is immoral in a debate about physician-assisted suicide: Physician-assisted suicide is a question of the value of life; attempting to quantify the value of life could lead to the potential for so-called "death panels." They argue that physician-assisted suicide is not an ethically defensible cost-saving measure and the very idea invites the worst kind of cost-benefit analysis. After these six minutes, they realize that they have only one minute each for the other two arguments.

- ◆ Notice that none of the attacks is offensive or designed to flip the warrant and prove that physician-assisted suicide would somehow increase the costs of health care. Because the negative arguments are not designed to prove that the affirmative is a bad idea, the affirmative can concede the third contention to redirect the debate to the two more powerful contentions that received much less attention.
- ◆ This concession would be impossible if the negative had made arguments about why physician-assisted suicide is more expensive. You cannot concede an argument that says that your proposal makes things worse. That would be the equivalent of trying to flip your own warrant. In this hypothetical, the power of the concession rests on the negative team giving too much attention to the third contention.
- ◆ Refocusing the debate on your best arguments is an extremely important skill. Most cases are designed to present a variety of arguments representing different perspectives. That diversity of perspectives is very helpful for ensuring that your case can survive an attack from a variety of ideological positions. That being said, as the debate becomes more focused, some arguments lose their relevance.
 - ◎ For example, assume that the opponents spent the majority of their time trying to distinguish between the right to refuse care and the right to physician-assisted suicide. This time, of their eight minutes, they dedicate six to explaining the concept of a natural death, arguing that refusing treatment simply gets science out of the way so that a natural death can ensue. They argue that a natural death should be valued and represents a good death—a “death with dignity.” The strength of the affirmative argument now is that some people’s preference for a natural death does not give the government the right to decide for everyone.

- ◎ The affirmative can reiterate the point that the principle of a “natural” death as defined by the negative team doesn’t hold if a person has had medical interventions during life. A person who has had a surgery to prolong life has accepted scientific intervention to change what would have been the natural course of events; it is, therefore, an artificial distinction to assert that at the end of life one should choose to value the “natural” way to die over what may be a much less psychologically painful way.

- ◆ The affirmative is matching the opponent on the question of ethics and human dignity and can decide to ditch the original third contention about health-care costs because it is no longer the focus of the debate. The reason for conceding this point is not that the argument is somehow flawed or that the negative has made a devastating argument. It’s that developing the best arguments on ethics requires focus, so conceding whatever defensive argument exists on health-care costs makes sense. It allows the affirmative the strategic flexibility to determine what values matter most for the version of their case that they want to have standing at the end of the debate.



ESCAPE FROM A TOUGH SPOT

- ◆ Every argument can be described as either offense or defense in the same way that you could characterize the moves of a football game. The key is learning which arguments you can concede without getting into trouble with the rest of the debate. Not surprisingly, some basic rules apply that debaters must understand before conceding opponents' arguments.
- ◆ Rule number one is that neither side can concede an argument that falls in the category of offense. If your opponent says anything that comes close to an argument that your case actually results in the opposite of what you have said, you cannot concede the argument.
 - ◎ For example, assume that the negative attacks the proposal for legalizing physician- assisted suicide by saying that families will put pressure on patients to commit suicide in the name of preserving financial resources. The affirmative responds that coercion and family pressure exist now, but that it is worse because the pressure is for patients to forgo treatment with no way to relieve their intense suffering.
 - ◎ Furthermore, the regulations surrounding physician-assisted suicide require doctors to discuss with patients whether they feel pressured to request the prescription. In some states, several doctors must agree with the prognosis and that the patient is of sound mind and not experiencing coercion. Those intense regulations do not apply outside of physician-assisted suicide; patients are allowed to forgo medical treatment without constraints.
- ◆ Here the affirmative team is flipping the warrant. They are agreeing that coercion is bad, and they are arguing that physician-assisted suicide is the better alternative: Patients can relieve their suffering and die with dignity,

and doctors can verify that no coercion was involved. Given that all the arguments put forth by the affirmative team fit the category of offense, not much is left that the negative could concede to get out of this bind. But if the affirmative introduces a defensive claim that coercion is not a serious issue and that it occurs on an individual level apart from families, the opponents can concede the defensive claims.

- ◆ The best debaters pay very close attention to the category of arguments that their opponents make at every moment in the debate. They need to know where the potential concessions are in case they find themselves in a jam. Never commit yourself to an argument that you cannot walk away from if you feel the heat coming. The best debaters have no problems giving up a contention here or a disadvantage there when the alternative is defending the wrong side of the equation for the entire debate.

CLOSE THE TRAP

- ◆ Nothing about concession involves trying to back out of something you have said, or recast something you have said in a different light; in debate, concession means agreeing with something your opponent has said. The difference is serious: One attempts to pretend that you didn't say something you actually said. The other is conceding an argument that your opponent made and taking the risks that come with that concession.
- ◆ Assume that the negative team is trying to set a trap to win the argument that doctors cannot participate in physician-assisted suicide because it violates the Hippocratic Oath. They could set this argument up by challenging the affirmative to prove that doctors should have the authority to write prescriptions for medicines to facilitate physician-assisted suicide. They could argue that if physicians had that authority, the potential arises

that they would have no responsibility to their patients and could act against the patient's best interest.

- ① The affirmative team falls for the trap and replies, "Yes, there is something to stop them. Doctors take the Hippocratic Oath to always care about their patients' interests, and it is offensive to assume that they would violate that oath in the name of health-care costs."
- ② Because the real argument the negative wants to win is that the Hippocratic Oath expressly prohibits doctors from giving a lethal dose of medicine to someone, even if the patient requests it, they will concede that doctors are bound by the Hippocratic Oath and that the oath is essential to ensuring the integrity of the doctor-patient relationship.
- ③ The negative will argue that both teams are in agreement that the oath is the most important guarantee of a doctor putting the patient's well-being ahead of any other interest, in every single situation, including this difficult one at the end of life.



Should doctors have the authority to write prescriptions for medicines to facilitate physician-assisted suicide?

- ◆ The power of concession worked to help the negative here: It set the trap with the suggestion that nothing stood in the way of doctors' putting health-care costs above patient interest. Once the affirmative fell into the trap, they couldn't backtrack from their position that the oath was a powerful way of protecting patient rights.
- ◆ The power of a concession rests in the assumption that if a debater says something, they must be ready to defend it if the other team agrees with it. You cannot run from an argument that you have initiated when the other side concedes it.



SUGGESTED READING

Corbett, *Classical Rhetoric for the Modern Student*, Concessions.

Nordquist, “Concession.”

QUESTIONS TO CONSIDER

- 1 Why is it so dangerous to concede an argument that your opponent has initiated offense against?
- 2 Can you think of a strategic concession in the context of the climate change controversy?



CONDITIONAL ARGUMENTATION

Many branches of argumentation studies have contributed to the practice of debate. Throughout the rich history of argumentation, scholars have offered differing ideas about the potential benefits of debate, and scholars from many disciplines focus on argumentation apart from the practice of debate. Conditional argumentation is the practice of adding an antecedent condition to a debate position through the form of an if-then statement to set up an argument that you can jettison at any point in the debate.

CONDITIONAL LOGIC VERSUS “EVEN IF”

- ◆ “Even if” statements assume that the opponent was correct about something. The goal is to posit that “even if” our opponents are correct about all of their assertions, they still will not emerge victorious. “Even if” statements are powerful because they help the judge decide who won the debate based on the values offered by each team.
- ◆ Conditional argumentation is similar, but the application is much different. Here we focus on testing the propositions put forward by our opponents rather than trying to assess the final values for the judges. Our goal is to emphasize the creative intellectual maneuvering that can take place at the highest levels of the strategic thinking surrounding debate.

CONDITIONAL LOGIC

- ◆ If-then statements are powerful because the antecedent condition can vary from argument to argument. Conditional logic allows us to say if the affirmative team argues X then the negative team will argue Y.
- ◆ Although conditional logic and if-then statements are helpful for teaching and for providing examples during a lecture, in the context of debate they can provide much more powerful argumentative options. One of the ways that debate teaches decision-making skills is by positing a proposition and then using arguments on both sides to test that proposition.
- ◆ Conditional argumentation allows the participants to test the proposition by using the antecedent condition to agree with some premise that the other team has initiated, and then debating the potential implication of that premise without necessarily agreeing to it.

- ◆ For example, in the physician-assisted suicide debate, the affirmative is defending legalization. They have a variety of arguments, but the most powerful is that physician-assisted suicide should be legalized in the name of human dignity.
- ◆ The negative has attacked the proposal from three perspectives: first, that physician-assisted suicide is a violation of the Hippocratic Oath; second, that physician-assisted suicide encourages coercion of the patient by family members looking for financial gain; and third, that natural death following palliative care is the best alternative.
- ◎ The affirmative wants to respond to the argument that the Hippocratic Oath prohibits doctors from participating in physician-assisted suicide. They can use conditional argumentation to say that IF you believe that the Hippocratic Oath prohibits doctors from facilitating physician-assisted suicide, THEN that is an argument for reforming the Hippocratic Oath to adjust it to the modern medical context. The negative team wants the judge to accept the logic that because the Hippocratic Oath has value, we are obligated to follow it in its current form.



- ◆ The affirmative is using the antecedent condition to agree that the Hippocratic Oath has value, but denying the conclusion that the negative team wants to draw. They are using conditional argumentation to propose that believing in the value of the Hippocratic Oath does not require agreement with everything it says in its current form. If the Oath is important for the practice of medicine, then it should be responsive to the context of medicine as it evolves.

- ◆ Debaters can use the “if” part of the statement to posit that their opponent may have some part of the argument correct, but that they don’t have to agree with the conclusion or even with the antecedent condition. Through the word “if,” they can set up a potential argument that might be validated if the judges concur that the antecedent condition is true without having to agree to it.
 - ◎ The negative side is trying to establish that coercion robs patients of their dignity because it denies them the freedom to choose whether to live or die without pressure from others. They could argue, “IF the affirmative is correct that human dignity is the preeminent value to be protected at all costs, THEN the worst thing you could do would be to legalize physician-assisted suicide.

 - ◎ Physician-assisted suicide will rob patients of their dignity by subjecting their last decision to the coercion of others. IF you care about the dignity of those involved, THEN creating such conditions is one of the least dignified ways to approach the end of a person’s life.”

- ◆ The negative can continue to debate that the other values from their case are more important than the affirmative contentions, but they have protected themselves on the off chance that the decision maker agrees with the affirmative that we should be concerned with human dignity.

- ◆ Three scenarios in which a debater would use conditional argumentation are as follows: when you are negative and want to test the affirmative proposal from a number of positions that may come across as contradictory; when you have flipped the warrant; and as an assessment tool when you combine it with “even if” statements.

CONTRADICTIONARY POSITIONS

- ◆ Suppose we wanted to attack physician-assisted suicide by offering a counterproposal to invest more resources in palliative care. We want to argue that physician-assisted suicide would violate the doctor-patient trust that is the foundation of the medical relationship and that physician-assisted suicide is not universally available because its requirements foreclose some people with disabilities from accessing prescriptions.
- ◆ Not one ideological value structure could hold all three of those arguments at once. Therefore, what would allow all the debate arguments in the negative case at the same time? The answer is conditional argumentation:
 - ⊙ If the affirmative wins that we should care about human dignity above all else, then physician-assisted suicide is the wrong proposal because people with disabilities who cannot deliver their prescription to themselves would be unable to die with the same dignity as an able-bodied person.
 - ⊙ If the affirmative wins that we have an obligation to respect the wishes of patients, then physician-assisted suicide threatens the open and honest communication necessary to establish that respect, as it violates the trust that many patients rely on to communicate their final wishes.

- ⦿ Finally, if the affirmative wins that we should prioritize ending suffering, then rather than propose physician-assisted suicide we should invest in palliative care options that can minimize suffering as a person approaches natural death.
- ◆ It is frustrating to be affirmative when the negative invokes conditional argumentation because it forecloses most of your options. There is simply not much you can do besides dig in and start arguing against each hypothetical situation.
 - ⦿ You can't take advantage of the power of concessions; there's nothing to concede.
 - ⦿ You can't flip the warrant; they are posing potential arguments that they may have no intention of defending.
 - ⦿ You can't initiate offense in hopes of tying the negative to an argument that they didn't want to debate; their conditional argument means that they can always retreat from the antecedent condition.



- ◆ The power of conditional argumentation is that the negative can use the various arguments from the affirmative as justification for contradictory positions. The only obligation that the negative must fulfill is proving that the affirmative is a bad idea.

FLIPPED WARRANT

- ◆ If you find yourself in the strategic position of having flipped the warrant, you want to be able to use its full strategic weight. Conditional argumentation may help. For example, if the negative said that physician-assisted suicide hurt the doctor-patient relationship by violating trust, the affirmative could flip the warrant to prove that having the option of physician-assisted suicide actually enhances the relationship because it gives autonomy back to the patient.
 - ⊙ The affirmative could say, “We believe that dignity is the foremost value in today’s debate—so much so that we have shown that dignity and autonomy actually improve the relationship between a doctor and the patient. Because the negative team has agreed that the doctor-patient relationship is inviolable, then we believe the only path forward is physician-assisted suicide because it facilitates a conversation between a patient and a doctor that right now is prohibited by law. Whether the patient chooses to ask for a prescription or not, trust between the doctor and the patient can be restored as autonomy and dignity are restored to the patient.”
- ◆ The key phrase that ensures conditional argument is, “because the negative team has agreed.” In other words, because we flipped the warrant and the negative can’t escape, we believe that the parameters of the debate have changed and that the judge should evaluate whether our position produces a better relationship between doctors and patients.



IF-THEN; “EVEN IF”

- ◆ Conditional argumentation can be a useful assessment tool when combined with “even if” statements. “Even if” statements invite us to consider that our opponents might be correct, but not that they have necessarily won the debate. This combination of conditional argumentation with “even if” statements takes us to some very advanced forms of argumentation.
- ◆ Assume that we are arguing that physician-assisted suicide is necessary to providing autonomy for people at the end of their lives. The opponent suggests that autonomy is overrated and that physician-assisted suicide takes away the family’s opportunity to come together with a relative approaching natural death. They assert that physician-assisted suicide is so controversial that it will split families if they hear even a mention of their loved one’s considering it.
- ◆ The key for the affirmative is to win that individual autonomy is more important than the happiness of the family, but we can go one step further by using conditional argumentation to establish that the value of family happiness is available to the affirmative as well.
 - ⊙ Even if the negative convinces you that family is an important consideration for the policies surrounding physician-assisted suicide, the literature is overwhelming that family members come together to support decisions made by dying patients. They report having less stress when the decision is made by their loved one rather than having to wait and watch them suffer.
 - ⊙ If you decide that family happiness is more important than individual autonomy, then you should support physician-assisted suicide because it does eventually bring a family together and enhance their

closeness, as against the scenario where they have to sit by and watch their loved one suffer in pain.

- ◆ You can see the power of combining conditional argumentation with “even if” statements. Toss in a flipped warrant and you can see that a lot of power resides in advanced refutation techniques. Once you start combining the different strategies, you find that the logic that you would use in one situation can be bolstered by strategic choices from another.



SUGGESTED READING

Nute, *Topics in Conditional Logic*.

——— and Cross, “Conditional Logic.”

QUESTIONS TO CONSIDER

- 1 Do you think that it is possible for the negative to go too far with conditional argumentation?
- 2 Are you persuaded by the argument that you can maintain contradictory positions?



LINE-BY-LINE REFUTATION

Keeping track of everything that has been said during a debate can be onerous. Novice debaters are prone to losing debates on dropped arguments, meaning that they simply don't get around to answering an opponent's argument. If a debater does not address an argument, then we assume that the teams are in agreement. It is a form of concession to ignore an argument. So keeping up with what an opponent has said is a high priority for any debater. You don't want to concede a point simply because you've forgotten it was made.

THE ART OF THE FLOW

- ◆ The art of the flow is a mapping technique for keeping track of the arguments made during a debate. No one could capture speeches word for word, and even if we could, it wouldn't be helpful in distilling the actual arguments. Thus, a note-taker constructs a map of the arguments as they flow from the original case. On a legal pad, capture the original case on the far left and draw out the arguments as they develop. A good flow includes three key components: a shorthand system, a chronology, and a distillation of the key ideas.
- ◆ A shorthand system is based on the vocabulary used repeatedly in debate: the concept of solvency, for example. Because solvency is the degree to which the affirmative proposal actually resolves the problems they have identified with the status quo. Inevitably, solvency will be a common argument, so you could use an S with a circle around it.
- ◆ The key is to pick a symbol that works for you. This is your map of the debate, so all that matters is that when you look down during the speech, you can quickly interpret what you meant by a symbol.



- ◆ Like anything else, debate has its acronyms—RFD, reasons for decision, for example. As long as the audience understands what the acronym stands for, everything is great. If not, and if we're using it, we can lose the audience in the middle of the conversation. Thus, we need a system of notetaking; it's that shorthand that translates into something the audience understands.
- ◆ Your flow should keep track of the arguments in the order in which they were presented. The role of the flow is to trace the evolution of the arguments during the debate. The audience will expect that you are answering the arguments after they are presented to keep that evolution of argumentation happening.
- ◆ Most flows are designed in columns that move across the page in the order of the speeches. Thus, for example, the first column on the far left portion of the page is where the affirmative case is constructed. The next column to the right would be the negative's attacks on the affirmative's case, then the affirmative's reply to those attacks, and so forth. This chronological orientation is so important because many advanced argumentation techniques together require the audience to follow the progression of an argument.
 - ◎ For example, if we started with three good arguments for our affirmative case but decide to win the debate on the first argument, then we can concede the arguments against the other two to focus the debate. The only way that the audience is going to follow this potentially radical move is if we can coherently explain which arguments we are conceding. Doing that requires as much specificity as possible about when and where on the flow the negative made the argument we are conceding. A chronological orientation, therefore, is essential.

- ◆ Finally, a great flow distills the key ideas of an argument. This is not a transcript; it is a map that must be constructed in the moment. This task can be much harder than it sounds. It is rare that a debater will say everything that he or she wants to say on a topic in a way that makes it clear exactly what argument is being made.
- ◆ For the flow to work, you must concentrate on listening to everything the opponent has said on a particular argument and then write down the shorthand summary of the argument. If you try to write down the precise wording, you will be lost. Let's try an experiment.
- ◆ Assume that you are the affirmative and you are defending the carbon tax proposal. The defense is that this proposal is essential for helping reduce emissions, thus reducing the risk of global climate change. You have argued that global climate change has the potential to wreak havoc on our environment. See if you can flow three arguments.
- ◆ If you have a pen and paper nearby, try to flow the negative arguments. Don't fixate on exact words; see if you can distill the arguments into as short a version as possible.
 - ⊙ First, the affirmative believes that their proposal can address the problem of climate change through incentives, and that rests on the faulty assumption that the market can actually produce new and efficient technologies. The truth is that market cannot be in charge of addressing our climate change problems because the market created the problem. The faulty assumption of the affirmative dooms any potential that it will actually address the problems that they claim exists within the status quo.
 - ⊙ Second, the affirmative is worried about global climate change, but the truth is that climate change is at least 80 to 100 years away from being

a serious problem. We have plenty of time to adapt to the problems of climate change or to find different solutions that will not risk hurting our economy.

- ⊙ Third, the affirmative is offering the wrong proposal. If you do care about addressing climate change then you should support a production tax credit for renewable energy products. If you plan on using the market, then use it all the way with positive incentives. The affirmative’s proposal uses negative incentives which only encourages companies to cheat or leave.
- ◆ The first argument, you would have noted as an attack on solvency, so a shorthand version might be, “No solvency-assumes market.”
- ◆ The second argument, you noted was based on time frame. Therefore, your shorthand might be, “T/F, 80–100.”
- ◆ The third argument you saw as a counterproposal—the production tax credit. Your shorthand could CP for counterproposal and PTC for production tax credit.



- ◆ The map is never going to be a word-for-word transcript, but just enough of a mental reminder that when you look down, you see the collection of symbols that triggers enough memory to respond accurately and effectively. Learning how to flow is a skill that goes well beyond debate and will help you no matter what you are doing in life.

LINE-BY-LINE REFUTATION

- ◆ This argumentation technique requires using your flow to address the arguments from your opponent in the exact order that they were presented so that the judge or the audience can follow as you move line by line through your opponent's arguments.
- ◆ The beauty of line-by-line refutation is that it is so organized that the audience or judges know exactly what is going on at any given moment in your speech. They know where you are going and they know where you have been. If the debaters and the audience are flowing the debate, then the line-by-line makes it crystal clear what the debater just did.
- ◆ If you are the decision maker and you flow the conversation during a meeting, you can start to influence the quality and the quantity of the arguments. You will see how repetitive people really are. You will see how many arguments get tossed out and never addressed again. In short, you will improve the quality of your organization's decision making.

IDENTIFY, ATTACK, EXTEND

- ◆ First, identify the opponent's argument. Say, "My opponent's first argument was that our proposal would not solve because it rests on the faulty assumption that the market will work." Notice this restatement does

not adopt the language of the opponent, but the judge or audience flowing can see that it addresses the first argument.

- ◆ The “identify” portion of the system is crucial to keeping everyone on the same page. The audience will greatly appreciate your doing that throughout your speech. On the off chance that something or someone gets confused, correcting that confusion is much easier when the debater makes sure to identify the arguments before the next step.
- ◆ The next step is to attack the argument. Suffice it to say that we need the audience to understand why the opponent’s argument is flawed. Here you not only identify which argument you’re attacking; you number the arguments. This is often one of the clearest signs that someone has been trained in the art of debate. Numbering your arguments makes line-by-line refutation possible.
- ◆ The last step is to extend your original case position to return to the core values you are defending. If you stopped at step two, then the audience would be left wondering what they should care about. The values you are defending must be a key component of every speech you deliver. Extending your original case, therefore, means reminding the audience exactly what we care about and why.
- ◆ Now imagine an eight-minute speech where you employed those three steps for each argument your opponent had presented. Do you see how efficient you need to be? Do you see the depth of argumentation that would result? Line-by-line refutation is truly transformative for the audience and the judges. This is one of the reasons why people trained in the art of debate get bored so quickly with what we often see in public debates. We really want the depth and organization found in line-by-line refutation, but it is just not a skill that every person will have when stepping forward in a public setting.

- ◆ What the average person usually is exposed to is really just a series of rants that people have prepared well in advance. The average person never gets to feel the power of line-by-line refutation or to see how rigorous it is to examine a proposal with the depth we are discussing. The average person is never taught how to create an argument map and use it when making a decision.
- ◆ It is, after all, about the process and not the product. The process of debate can be transformative. Go forth and flow and debate using line-by-line refutation. Don't do it simply to win an argument. Do it because you now understand that having a phenomenal argument is the ultimate sign of respect for your friends, colleagues, and family. You should show that respect to other people and, now that you know better, demand it for yourself.



SUGGESTED READING

Branham, “The Debate Flowsheet.”

Hollihan and Baaske, *Arguments and Arguing*, chapter 10.

Infante et al., *Arguing Constructively*, chapter 6.

QUESTIONS TO CONSIDER

- 1 What key concepts have we studied over the course that merit a short-hand symbol for your flow sheet?
- 2 Have you ever seen a speaker “identify, attack, and extend” in a public argument? Did you find it easier to follow than the less structure alternatives?



JUDGING DEBATES: THE ART OF THE DECISION

Debate inevitably teaches you to think about your role as a decision maker. Perhaps the primary reason people fear communicating about their decisions is their belief that the more they explain, the more exposed their level of understanding becomes. Yet it's almost always better for a decision maker to explain the reasons for a decision; those affected by it will be more likely to buy into it as a result.

COMMUNICATION AND LEADERSHIP

- ◆ After a formal debate, the judges come to a decision about who won or lost and develop a reason for decision, or RFD. Crafting a well-written and well-argued RFD is essential. Decision makers must learn to be comfortable articulating a decision in the face of ambiguity. This situation creates discomfort because most people are afraid to be wrong—a natural fear that can be productive when you use a method of decision making such as debate.
- ◆ This lecture focuses on establishing a method of constructing an RFD because it can mean the difference between success and failure. The RFD is a three-step process: the thesis statement, acknowledgement, and explanation.

THESIS STATEMENT

- ◆ Often people attend the same event, yet leave with completely different interpretations of what happened. In communication scholarship, this phenomenon is called polysemy. In decision making, polysemy is a serious communication barrier. Leaders trying to show that they carefully weighed all the opinions will often start by saying that they understand the benefits of all of the sides involved. As they articulate the benefits of each position, they generate mass confusion. Everyone is frustrated because they hear the decision maker praise their side and then the other, and the conclusion does not demonstrate strength or assessment.
- ◆ The key to an effective RFD is to start with a clear announcement of the final decision—no ambiguity, no hedging, no qualifications. You will have plenty of time to explain your decision later. Many people find this situation discomfoting. They think the people who will not like the

decision will then filter all the reasoning through their anger. It is certainly possible that they will be frustrated, but experience suggests that the clear announcement at the beginning greatly reduces the risk of polysemy.

ACKNOWLEDGMENT

- ◆ Acknowledge that the decision was difficult because of the quality of the arguments involved and the dedication of the people involved. Done correctly, this step will encourage people to take the risk of stepping forward and arguing on behalf of a particular perspective. Everyone should walk away feeling that it was fair and productive so that they will be invested in doing it again. Mention the specific arguments you found persuasive and ensure that you acknowledge the quality of the research.
- ◆ Discuss how much you appreciated the process, that it is vital to the future of the organization to make the best decisions possible. Acknowledge that only time will tell just how smart it is, but that for the moment you are confident that the process has resulted in the best decision.



- ◆ The sequencing of events is key; you cannot start with acknowledgment. The people involved are waiting to find out the decision and they want you to get on with it. Starting with the announcement and then transitioning to the appreciation is important for helping move your audience through the emotional turmoil together.

EXPLANATION

- ◆ This step offers the freedom to explain how you arrived at your decision moving from summary to assessment. The clearer you are at explaining what you value as a decision maker then the better the method is going to work for you.
- ◆ In your RFD you will want to assess the strengths of the evidence put forward, the strengths of the values that each side is emphasizing, and the strengths of the debating itself. Every good RFD addresses all three so that the staff learns what to emphasize the next time.

PRACTICUM

- ◆ Assume you are the executive director of a nonprofit organization with a staff of 50. To accomplish your programming, people are out in the community on weekends and after traditional business hours. Most of your staff are committed to the cause and work these hours willingly. They are salaried employees, so you haven't kept track of their specific hours. You are a good boss and heap praise on them for their dedication to the community.
- ◆ Then comes a new federal law requiring that you keep track of all of your employees' hours and prepare to pay overtime for any above 40 a week.

Your board asks you to assess the situation and present a range of options along with your recommendation about which option to adopt.

- ◆ You sit down with your head of human resources, your accountants, and a handful of department heads. Upon review, you decide that you have three options.
 - ⊙ Option 1: Eliminate eight full-time positions to free up enough money to continue paying the rest of the employees for what they currently do. Eliminating eight positions will inevitably affect programming and increase the workload for others, but this option allows the organization to continue with its current structure and programming.
 - ⊙ Option 2: Cut programming and shift the resources to salaries. The reduction in programming has the added benefit of reducing the total amount of overtime. You have to go back to the donors who fund that programming and explain that their projects have been eliminated, but you don't have to fire anyone.
 - ⊙ Option 3: Enforce a cap on hours and make employees accountable not to exceed it. If that means they must take days off during the week to facilitate their evening and weekend work, so be it. No one gets fired. No one gets a raise. Everyone has to work harder and more efficiently.
- ◆ You assign members of the executive team to advocate for and against each of the proposals. You give them a week to prepare for a debate wherein each option receives a vigorous review. At the conclusion of the debate you come to the following assessment of the advantages and disadvantages of each option:

- ⦿ Option one will be tough, but the employees that remain will be getting overtime, and programming remains intact. The people who are motivated to help their community will continue to be invested in the goals of the organization.
- ⦿ Option two keeps the staff happy but risks alienating donors—a dangerous proposition in the nonprofit world—makes recruiting new sources of funding more difficult, and undercuts the mission. Most employees care more about the impact that they make than the potential for overtime.
- ⦿ Option three risks alienating the entire organization. People will resent the idea that the only pragmatic way to implement the policy is to contort work schedules. A more serious risk is noncompliance with the spirit of the law.



- ◆ You decide to go with option one. You know that this is going to be tough and the staff is anxious because rumors are swirling. It is always possible that the board will disagree, so you cannot make a larger statement, but the people directly involved in the process need to know what your final decision was and why.

- ◆ Thesis statement:
 - ◎ After careful review, I have decided to advocate that we eliminate eight full-time positions to meet the new federal guidelines related to overtime. I understand that this is not an easy decision and that it is likely to be a difficult and frustrating process for everyone, but based on the available options, I believe this is the best course of action for our organization.

- ◆ Transition to the process and praise the quality of the arguments:
 - ◎ I want to commend you all for your work on this decision, which required time and energy outside your normal tasks. I asked you to give each proposal the best defense possible, whether you initially liked it or not. The result was impressive arguments that led me to my decision. I was particularly impressed with the arguments related to our obligations to the employees who have been with us as we have grown this organization. Thank you for continuing to advocate for them. We all understand that this decision will have a real impact on people whom we have come to care about deeply over the years.

- ◆ Transition to assessment:
 - ◎ The long-term vision for our organization requires balancing investment in our employees, the services we provide to this community, and the donors that we rely on to make this all happen.

Option one is the best balance of our need to care for our staff while complying with the law without sacrificing our community.

- ⦿ Option two would have been an investment in our people, but it sacrificed what we can provide to our community and put our relationships with key donors at risk.
- ⦿ Option three relied on the character of our people. I am confident that if we asked them to work hard for less, the vast majority would be the first to do even more. But in the end, we have to comply with the law.
- ⦿ So in the end, I chose the option that hurts the most. Eliminating eight positions will hurt morale, and the decisions about who will leave will be difficult. Yet I believe that this option best balances our essential values. With any luck, we will once again be in a position to hire people, but as we have all agreed, that is not our current reality. Thank you all again for your help in this process.

- ◆ This is the value of debate: Every time you do it, you become both a better debater and a better decision maker, which makes you a better leader. You should be able to rely on debate to help you communicate.



SUGGESTED READING

Busch, “Communicating Decisions.”

Eikenberry, “Communicating Decisions: Seven Things to Share.”

QUESTIONS TO CONSIDER

- 1 Think about one of the most difficult decisions you have had to make. Do you think you could translate the rationale into a “reason for decision”?
- 2 Have you seen problems related to the concept of polysemy in the communication situations you encounter?



WINNING THE COCKTAIL PARTY

By its nature, formalized debate involves organization: planning, scheduling, understandings between the debaters, a judge acceptable to both parties, and so on. But informal argumentation can and does happen anywhere, anytime. This lecture is devoted to helping you “win your cocktail party,” an idea that should put a small smile on your face as you reflect on some of the choice conversations you have had in such settings over the years.

INFORMAL ARGUMENT

- ◆ Most likely, you have experienced a wide range of interactions in informal settings, ranging from fun introductions to new friends to intense discussions about the future of your organization. Although we have dedicated a substantial amount of time in this course to learning how to incorporate debate techniques into formal organizational structures, argumentation in these informal settings can be crucial for your personal and professional success.
- ◆ Informal conversations are essential to fostering innovation, creativity, and problem solving both in the business world and outside of it. For our purposes, it is important to acknowledge two things at the outset. First, informal conversations are a key component of the success of any organization. And second, because these conversations are so important, skill at how to argue effectively in informal settings is crucial.
- ◆ In this lecture we will undertake three tasks together:
 - ⦿ Diagnose what makes these informal settings unique and how the settings affect argument strategies.



- ⊙ Review potential outcomes from arguing in informal settings to establish goals for the interaction.
- ⊙ Review specific strategies for executing a winning argument in an informal setting.

THE INFORMAL ENVIRONMENT

- ◆ This course has mostly focused on more formal settings because debate itself is a formalized process: college debate competitions, board rooms, executive team meetings, and even the United States Congress or the Supreme Court. Each comes with expectations about the arguments that will be persuasive in these settings. We know what the audience expects in terms of the acceptable forms of argument.
- ◆ Informal environments are less predictable, more complicated, and more ambiguous. In short, they are messier. Still, some characteristics can help as we prepare to argue in one of these settings. One of the first questions to ask yourself is how important it is to you to turn your casual conversation into a more exhaustive argument.
- ◆ The majority of informal settings come with the communication norms and expectations surrounding interpersonal rather than formal communication exchanges. Theories of interpersonal communication can help us understand these norms.
- ◆ First, no expectation exists that the conversation will stay on one topic. In a formal debate, a broad resolution such as “Resolved: Charleston is a fantastic city” would not be terribly helpful for setting the grounds. But for a conversation in an informal setting, that same statement can be a great jumping-off point.

- ① You can imagine hearing someone talking with a colleague about upcoming vacation plans. The first person says, “We are headed to Charleston for the weekend,” which naturally leads to the other person in the conversation rendering a judgment: “That sounds fantastic, we love Charleston!” or “Wow, Charleston in July? It’s full of tourists and too hot!”
- ② Within seconds this conversation has gone from a point of information to an opportunity for an informal argument. The grounds are based on the values that a person looks for when choosing a vacation spot. Both people involved understand that the conversation has the potential to become a fierce argument.
- ③ What makes arguing in an informal setting unique is that both participants can easily decide to move on to another topic rather than letting the conversation develop into an argument. For example, the person taking the family to Charleston could simply say, “Yes, my whole family is from Charleston and that’s why we’re going. I agree that it’s hot and crowded.” The same person could then ask “Where are you headed for the holiday weekend?” In two sentences, the potential for the argument to escalate has been defused, and the topic has been shifted entirely to the other person’s vacation plans.



- ◆ Second, unlike structured debates, informal settings have no time limits. At a party, no strict rules govern how long each participant should have the floor. Over the course of our lives, we learn ways to communicate nonverbally when we want a chance to speak and when we want to get out of the conversation altogether. For example, leaning forward while another person is speaking or raising a finger are signals that that you have something to say and are looking for an opportunity to jump in.
- ◆ Finally, informal settings blur the lines between judges and participants and that can make arguing in that context risky to interpersonal relationships. In a formal setting, judges have the ultimate authority, and the participants make their arguments with the goal of persuading them. In an informal setting, each participant represents a potential opponent, a potential ally, and a potential judge.
- ◆ Arguing in an informal setting requires you to recognize at the outset that it is a messy and complicated interaction. But if you can become comfortable with that environment and think of it as an opportunity to accomplish some specific argument goals, then arguing in an informal setting can be a lot of fun.

GOALS OF INFORMAL ARGUMENT

- ◆ First, informal settings can be an opportunity to discover your position on a subject—argument as inquiry. This form of argumentation makes use of the expertise of the people around you, along with your own arguing skills, to learn something new. Think of it as an opportunity to do a seminar interaction with people you trust.
- ◆ As a general rule, argument as inquiry requires you to approach the subject and argue about it with an open mind. Although you may still

ask difficult questions, take positions against what others have said, and generally put up a fight, the end point of the interaction is that you are better informed on the subject and clearer about your thoughts on it.

- ◆ Informal settings are ideal for this kind of argument because people can and will change their minds, and you may find yourself switching positions and testing out new ideas and opinions you may not have considered before. Consistency is unnecessary because the process of arguing is helping you figure out what you believe rather than serving as a method of advocacy.
- ◆ A second goal is to build consensus or develop credibility among a group of important people. One of the reasons people enjoy informal settings is the illusion that the power differential among the people involved has been mitigated by the less formal social interaction. You may be hesitant to engage a senior executive in small talk while at work, but it is expected that you have a casual conversation in an informal setting such as a cocktail hour.
- ◆ Be aware that the power differential is still very real; the person you are having a conversation with is still a critical decision maker in your organization. You have to decide how you're going to approach the part of the conversation that will inevitably come up if this powerful person, on whose good side you want to remain, says something you disagree with.
- ◆ Assume that in the casual conversation, your boss says something about having read in the news about a proposal for allowing guns on a college campus and expresses an opinion. You know that if you want to engage, you have the option to take on this perspective in as rigorous an argument as your boss is ready to have.

- ◆ Add a level of abstraction to the argument to depersonalize the exchange by saying, “I certainly understand that, but what do you think about the argument that...” You could then pick from any of the various arguments for the restrictions on concealed carry on college campuses. Notice that you are not arguing from that position. You are demonstrating that you have knowledge of the controversy and indicating that you care about your boss’s perspective. This position enables you to appear to be seeking a new opinion without challenging your boss in a public setting.
- ◆ Many people enjoy being asked their perspective on something that they feel passionate about, and they really enjoy it when you present the arguments that they want to debate without making them feel like they are under assault. Arguing from abstraction is the ideal way to build your credibility in an informal setting when the audience is someone whom you do not want to challenge or risk alienating.
- ◆ A third goal in an informal setting may be simply to put loudmouths in their place. There are three steps to taking down a loudmouth bully in an informal setting.
 - ⦿ First, listen closely. The key to beating loudmouths is to use their exact phrases against them. You are listening for the moments when the loudmouth overextends and initiates a claim without a shred of evidence and with no warrant to back it up. Your goal is to find the exact moment when he overstates a position and will not be able to retreat.
 - ⦿ Second, once the loudmouth overextends his position, you want to step into the conversation and announce loudly enough for everyone to hear, “I’m surprised to hear you defend that position. It seems to

me that the correct position is actually the opposite.” You are flipping the warrant and you are doing it where the loudmouth doesn’t have an ounce of support for his claim.

- ◎ Third, you supply a wave of empirical data to which the audience can relate because you are not bothering with statistics or some study that you took time to research in the bathroom. Focus on arguments based on history, arguments by analogy, and arguments based on principles that you can credibly defend. Now that you’ve thrown down the gauntlet, limit yourself to two rounds of interactions. Loudmouth bullies win only if they drag you into a war of attrition.

- ◆ Just like a military endeavor, you need an exit strategy before you engage in the argument. You get out of the interaction by making a comment or quip that gets you out of the conversation while simultaneously giving you an excuse to physically remove yourself from the interaction.

- ◆ The true sign that you have learned the most important lessons of informal argumentation will be when you step into the conversation, flip the warrant to reveal that the loudmouth is all bark and no argumentative bite, and then slip back out to enjoy the evening with your friends. That is the art of debating in an informal setting.



SUGGESTED READING

Benoit and Benoit, *To Argue or Not to Argue*.

Trapp, “Interpersonal Argumentation: Conflict and Reason-giving.”

QUESTIONS TO CONSIDER

- 1 What are the risks associated with using debate techniques in an informal setting?
- 2 Have you ever been drawn into an extended argument in an informal setting? If so, did you come to any resolution?

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