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# Recovery and Reconstruction of Principles of Academic Debate as Dialectical Model: An Outline of a Procedural Model of Argumentative Rationality

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**Abstract:** Academic debate theory has developed over 125 years. According to debate theory, reasonable argumentation satisfies six obligations: (1) self-administration; (2) making *prima facie*/presumptively adequate moves; (3) clash; (4) meeting the burden of proof; (5) rejoinder/rebuttal; and (6) extension. These obligations define a kind of procedural rationality of argumentation distinct from the kinds of rationality elaborated by logical and rhetorical theories. Those obligations are grounded in the pragmatics of conversation and visible in debate practice.

**Keywords:** Argumentation, burden of proof, clash, debate, extension, presumption, *prima facie*, presumption, procedural rationality, rebuttal

## 1. The debate tradition

The emergence of departments of speech (communication) in American universities at the turn of the twentieth century was fueled by insistence on an intellectual distinction between the literary and rhetorical criticism of oratory (Wichelns, 1925) and by an "orality alliance" of academic interests focused on the spoken word (Delia, 1987, p. 78). But also crucial was promotion of debate as a distinctive argumentative activity. Well through the 1970s debate held such a central place in the discipline that it was virtually impossible to find faculty members who had not debated, coached, or judged the activity (Goodwin, 2001). Yet, despite its original importance to the educational mission of the field, debate as a source of argumentation theory has gone largely unnoticed--not just by scholars in other disciplines (e.g., informal logic in philosophy; argument studies in composition programs) or on other continents, but even within the field of communication itself, where the rhetorical tradition in argumentation studies has all but eclipsed the debate tradition.<sup>1</sup>

Numerous studies have compiled a history of debate (Braden & Brandenburg, 1955, pp. 379-380; Cowperthwaite & Baird, 1954; Faules, Rieke & Rhodes, 1976, Ch. 1; Norton, 1982; Potter, 1954). By the 1880s, American colleges began introducing debate into the curriculum after several decades of debating sponsored by student-run literary societies. The Inter-State Oratorical League, composed of student groups from Iowa, Illinois, Wisconsin, Ohio, and Indiana, conducted its first contest in 1874. The very first intercollegiate debate was held on May 5, 1881 between the Phi Alpha Society of Illinois College and the Adelphi Society of Knox College, one day before a

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<sup>1</sup> For example, in two comprehensive volumes on argumentation theory consisting of well over one-thousand pages, debate receives three and seven pages: Eemeren, et al., (1996, pp. 193-196); Eemeren, et al., (2014, pp. 427-434). These two sections on the debate tradition seem to have been written in consultation with noted American rhetorical scholar and former Northwestern University Director of Debate, David Zarefsky.

debate between the Philomathian Society of New York University and the Peitho Society of Rutgers. After the Harvard Union faced off against the Yale Union on January 14 and March 25, 1892, contest debating spread across academia. With heightened publicity, inevitable student and alumni competitiveness, financial strains on clubs, growing time demands on the debaters, and the academic prestige of colleges on the line, faculty were drawn into coaching, then into offering academic credit, writing textbooks, and finally organizing full-scale debate programs housed within departments. While debate leagues began forming at the turn of the century, the first invitational debate tournament was hosted in 1923 at Southwestern College, Winfield, Kansas. Adoption of a single, annual national debate proposition of public policy further encouraged intersectional competition.

The very early debates seem to have continued the student literary society pattern, modelled on the famous Lincoln-Douglas debates of 1858. The debates were presented before student audiences much like sporting events. There was a predetermined question, usually stated as a resolution to be affirmed and denied by two opposing sides, with sides being assigned in advance. The opposing teams would often exchange briefs a week or more in advance of the debate. If there were only single speakers, the Affirmative speaker presented a constructive speech, then a Negative speaker gave a constructive speech, followed by a closing Affirmative rebuttal. Both sides had equal speaking time in total but flexibility in allocating time to individual speeches. When there were two or three speakers for each side, Affirmative and Negative speakers alternated their constructive speeches, and then reversed order for the rebuttal speeches so that the Affirmative side was always given the closing remarks. Often, the constructive speeches were memorized completely, and sometimes even the rebuttals were wholly "canned."

While early on there was a great deal of experimentation in the design of the format, a standardization emerged in the 1920s that continues to this day. Audiences were abandoned for a single, "expert" judge in order to facilitate multi-round tournaments (Baird, 1950, p. 367; Rieke & Brock, 1975, p. 132). Each team consisted of two speakers, teams switching Affirmative and Negative sides for alternating debates against different opponents. Constructive speeches lasted ten minutes each. Rebuttal speeches were allotted five minutes each. Sometimes a brief cross-examination of the speaker followed each constructive speech as the examiners' partner prepared their remarks (cutting speech times to eight and four minutes).

Expectations for speaker duties and practice within this standardized format emerged slowly over several decades. Those expectations can be discerned from records of debates (e.g., Nichols, 1910-1928; Pearson, 1909; Phelps, 1948) and from the asides, complaints, and advice of successive textbooks. Suffice it to say here that tournament debate as practiced today would be unrecognizable to anyone participating in the early years. An outsider today would find unwatchable a round at a National Debate Association or Cross-Examination Debate Association tournament (watch Tolchinsky, 2011; or simply find one of the many tournament and practice rounds recorded on YouTube).

## **2. The debate model and practice as theoretical object**

The design of contest debate has largely been considered from a practical and pedagogical stance. Some argumentation scholars have seen educational problems of how to better prepare debaters for more "realistic" venues (read: public oratory). Most coaches and textbook authors have seen problems calling for strategic advice to help debaters "win" their rounds.

Debate, however, presents a unique perspective and model of the nature of argumentative rationality. It is a dialectical perspective, and has much in common with the view re-introduced to argumentation studies by van Eemeren and Grootendorst's (1983) Pragma-Dialectical model of critical discussion (see also Hamblin, 1970; Rescher, 1977). The model of debate, however, is distinctively American. It is adversarial, not cooperative in the sense of a discussion. While its implementations conclude with a timely decision, that is not its end. Winning and not reconciliation may be the motive of the parties, but neither is the design function of the activity. Truth-testing is the function. Truth-testing is an open-ended process that tends toward a kind of alignment without necessarily resulting in mutual agreement.

Presented in textbooks almost always in practical terms for student debaters, it is nevertheless possible to reconstruct the model as an abstract and theoretical distillation of essential properties of argumentative rationality. The debate model itself amounts to a normative description of argumentation at a pragmatic and procedural level of operation. That level can be distinguished from models of formal and substantive inference or of persuasive enactment and achievement. Drawing upon legal studies, the basic concepts and principles (burden of proof, presumption, *prima facie* case, advancing the argument, burden of rebuttal) were first systematically addressed in Alden (1900, Ch. 3). This was then elaborated and reformulated in O'Neill's revision of Laycock and Scales' (1904) practical debate textbook (O'Neill, Laycock & Scales, 1917, Ch. 3). Many of these intuitions had been noted in passing by previous scholars (e.g., MacEwan, 1899, p. 34; Thomas, 1910, pp. 29-33; see also Hill's, 1878, pp. 219-225, extensive discussion of burden of proof and presumption), and Whately's (1828/1963) treatment of burden of proof and presumption came to be standardly noted by rhetorical critics (e.g., Thonssen & Baird, 1948, pp. 139-143). The impact of O'Neill's ideas is attested to by the lifespan of the textbook through successive versions authored by O'Neill and his students (O'Neill & McBurney, 1932; McBurney, O'Neill & Mills, 1951; McBurney & Mills, 1964). The model was articulated, debated, and elaborated in other textbooks as coaches and judges progressively designed and enforced an activity that better approximated their intuitive standards of reasonable engagement through argumentation.

Today, textbooks usually treat the general model of debate as a conventional but convenient framework for training skills in reasoning and analysis, as a game-like artifact without direct bearing on argumentation theory *per se*. I want to suggest a theoretical bearing: The model of debate should be taken as a description of procedural principles of argumentative rationality in general. And, rather than seeing the format and the actual practice of debate as a rather artificial simulation of more real-world forums, I want to suggest taking an analytic rather than pedagogical orientation. See the implementation of the model in practice as a kind of controlled laboratory for making observable our normative intuitions about the dynamics of the argumentation procedure and the requirements of good practice. Rather than just seeing failures of reasonableness as a practical "problem," see the occurrence and recognition of such problems as analytic puzzles.

### **3. Background framework for the debate model**

Academic debate can be seen as a specially engineered conversational practice put into practice by implicit training in discharging more or less explicit duties and obligations. The design features of that practice are intended to build in as an intrinsic function of argumentation something like the following basic value:

**PRIME DIRECTIVE:** Determine the truth-value of any claim at issue by determining the force of the better argument, pro and con, and the force of the better argument alone.

The Prime Directive is widely held in the argumentation community as a formulation of the normative force of argument, though some might resist or wonder about the reference to truth. The notion of truth here can be understood in fairly commonsense terms. By ‘truth,’ the Prime Directive is not committed to anything deeply metaphysical. It can be taken to mean much the same as minimalist and deflationary accounts of truth (Horwich, 1998). These accounts are consistent with but not committed to realism, antirealism, objectivism, constructionism, contextualism, idealism, empiricism, correspondence theories, coherence theories, or pragmatist theories. For sure there are preferred inclinations in the debate model, but nothing required. Nor is this principle meant to restrict the range of propositions to which the terms ‘true’ or ‘false’ apply. It makes just as much sense to say that “It is false that the Pieta is beautiful” as it does to say, “It is true that the Earth has existed for only 6000 years.” Restricting considerations of truth to propositions of fact (as opposed to propositions of value or policy) creates the obvious problem of how to explain the validity of inferences in arguments like the following: Killing is wrong. Abortion is killing. Therefore, abortion is wrong. Or again: We should do what is right. It is right to praise the Lord. Therefore, we should praise the Lord. Without a notion of truth, I see no way to explain the logic of implication or reason’s injunction against contradiction--central issues in any debate.

Nor do I see how to avoid the kind of circularity that comes from substituting acceptability for truth as a satisfaction condition on assertion. Acceptance is a speech act too, and it comes into play as soon as a proposition is asserted (i.e., put forward for acceptance). What, then, is the satisfaction condition on acceptance? Assertability? This just buries the problem of truth in the conditions for assertability/acceptability. We assert propositions *as true* and accept assertions *as true*. Nor am I satisfied with the relativism that results from what amounts to turning assertive-type speech acts into group declarative-type speech acts. Everyone affirming that there is no global warming will not make it so.

Finally, just because it is tough (maybe even impossible) to tell whether or not any particular proposition is true shouldn’t be a reason for argumentation scholars to deny that the truth of propositions is central to argument analysis, evaluation, and practice. Deciding the status of propositions and the quality of arguments for and against propositions are just what debate aims to do (cf. Jacobs, 2016, p. 160.).

In any case, very early on, academic debate became identified with a kind of decision-making that emphasized truth-testing through justification in a way that relegated audience acceptability to a normatively derived consequence. The goal of "winning" was a recognized individual motivation that was allowed (even encouraged), but because it was controlled by the standards of a judge, it could be placed in the service of finding truth and exposing falsehood. Discussions of the proper roles of *conviction* and *persuasion* in debate reflected the tension between the dialectical and rhetorical impulses that animated early contest debating (cf., Baker, 1895, p. 1; Gardiner, 1912, p. 2; Ketcham, 1928, p. 94; O’Neill, et al., 1917, pp. 3-7; Perry, 1906, p. 6; see also O’Keefe, 2012). While most authors called for a balance of functions, audience acceptability (persuasion) soon became a secondary concern, then at best an incidental consequence.

The decades following the introduction of expert judges saw debate eventually drop any pretense of an interest in promoting norms of public oratory for a general audience, and judges dropped a "public speaking" model of decision with any emphasis on delivery (Kleinau, 1982, p. 227). Debates were to be decided on technical considerations of argument quality and issue

engagement. By the time of the crisis of the 1970s, debate coaches widely viewed oral communication as a matter of convenience, incidental to the internal dynamics of debate itself. Judges were seen less as proxies for a public audience and more as "objective" if fallible calculators of the status of the issues during and at the end of the debate. The alienation of debate programs from rhetorical scholarship was widely bemoaned, though few recognized its fundamental intellectual basis. Most critics of academic debate continued to see it as an unrealistic (failed) simulation of practical forums rather than as a real (controlled) activity that served as a laboratory for discovering the essential properties of the dialectical pursuit of justified belief (see the discussions in McBath, 1975).<sup>2</sup>

Satisfaction of the Prime Directive of argumentation and debate can be elaborated in three different directions, and can be stated as different but interrelated evaluation principles. The thing to see is that each principle provides a distinctive sense of argumentative rationality or reasonableness.

**INFERENCE ADEQUACY PRINCIPLE:** Arguments should be evaluated in terms of their probative force, i.e., their value in establishing the truth-value of the claims at issue. The claims at issue should be evaluated in terms of the probative force of the arguments that justify or refute those claims.

**SITUATIONAL ADEQUACY PRINCIPLE:** Claims and arguments should be evaluated in terms of how well they are adjusted to their relevant audiences and to the situations in which those audiences are engaged. Good claims and arguments should be presented in ways that maximally satisfy the competing demands of the situation.

**PROCEDURAL ADEQUACY PRINCIPLE:** Claims and arguments should be evaluated in terms of the degree to which the procedures for testing those claims and arguments maximize full, open, and careful discovery and consideration of the quality of those claims and arguments.

Argumentation theory in the tradition of logic and informal logic has been predominantly concerned with elaborating models and standards of good argument in the sense of inferential adequacy. Rhetorical theory has long insisted that good arguments navigate the tension between persuasive effectiveness and reasoned conviction so as to satisfy the demands of the situation, the audience being a crucial element of that situation (see Bitzer's, 1968, classic statement). It has been the unique contribution of dialectical models like debate to spell out in principle the kinds of

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<sup>2</sup> Hagood (1975, pp. 101-102) quotes without any sense of approval the following statement by the director of the team winning the 1974 National Debate Tournament, Mark Arnold:

I gather from past critiques of this final round that it is customary to deliver a Philippic upon the rapid-fire delivery of the debaters and upon the general concept of the spread. It is a custom I choose to ignore because, in my view, such condemnations mistake the fundamental nature of modern academic debate. They assume that debate is a speech activity, at least one important aim of which is the persuasion of the audience. In fact, debate is an intellectual game which employs speech communication merely as a convenience. It is far easier and quicker to conduct a twelve round tournament employing verbal communication [sic] than to utilize written interchanges. But the speech is peripheral rather than essential, and the location of debate programs under the aegis of speech or communication departments is largely an historical accident. The essence of debate is the intellectual clash between two teams.

procedures by which the quality of arguments can be decided (Inferential Adequacy) and by which audiences can be enabled to properly make decisions (Situational Adequacy).

This is not to say that debate textbooks from the earliest publications were overlooking the insights of logic and rhetoric. In fact, the vast bulk of attention of any textbook was and continues to be devoted to case and brief construction, tests of evidence, patterns of reasoning, fallacies, strategies of refutation and rebuttal, qualities of delivery and oratorical style, and audience adaptation--all the standard topics also found in textbooks on critical thinking, composition, or public speaking. Baker's (1895), *The Principles of Argumentation* and many subsequent early textbooks for debaters (Covington, 1918; Denney, Duncan & McKinney, 1910; Foster, 1904; Gardiner, 1912; Ketcham, 1914) had virtually no systematic discussion of the principles and rationale for debate procedure, usually not even a mention. Their focus was on the substance of briefs and individual speeches. Nevertheless, O'Neill's principle obligations and requirements of debate conduct were widely cited by the 1950s and, by the 1970s, formulation of the basic principles and requirements for debating were fairly standard (cf. Dick, 1972: Ch. 2; Freeley, 1961, pp. 16-19; Smith & Hunsaker, 1972, pp. 139-142, pp. 149-151; Wood, 1968, pp. 15-17).

Still, the model of debate being formulated in this paper reflects an analytic move characteristic of dialectical theory. To see the importance of the Principle of Procedural Adequacy, consider what is involved in satisfying the Principle of Inferential Adequacy. Inferential adequacy is the problem of how do we know when our claims are true (or false), or at least, when should we accept a claim as true (or false)? The dominant answer in argumentation theory has gone something like this: We should accept a claim as true (or false) when it has been supported (or refuted) by good arguments. And then argumentation theory gives some general account of what a good argument is or provides specific types of good arguments. Johnson and Blair's (1994) well-known standards of premise acceptability, relevance, and sufficiency illustrate the former sort of account. Models of syllogistic reasoning or tests of argument from expert opinion or authority (e.g., Walton, 1996) are examples of the latter sort of account.<sup>3</sup> So, if an argument meets these standards or conforms to these models, it is a good one and we should accept its conclusion. If it doesn't meet these standards, we should reject it.

Now, the problem with this kind of answer has always been that application of these standards or model forms of reasoning is notoriously difficult. How, exactly, do we decide that an argument is a strong one or that the premises are acceptable? How do we decide that the critical tests for argument from expert opinion have been satisfied? Or how can we be sure that the model form applies to this particular case? And what do we do if no clear model seems to apply? Even more importantly, how do people involved in the argumentation decide this? When can they be said to have made a reasonable judgment?

If we cannot easily answer the question of how to assess the quality of an argument or a case as a whole or cannot give an altogether clear answer to the question as to when it is reasonable to accept or reject a position, one thing to do is to ask a different question. Ask instead, are the procedures reasonable by which these judgments are made? To what degree do we have reason to trust the decision-making process?

In a sense, debate models kick inferential problems upstairs to the meta-level. They try to design formats and spell out procedural obligations by which claims and arguments can be tested.

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<sup>3</sup> Notice that critical questions are less than the dialectical image of debate in two ways. First, they are questions, not the open-ended set of objections and counterarguments that debate envisions. Second, testing through critical questions promotes monological argument expansion of supporting substructure, and not the dialogical argument extension produced in the back and forth of refutation, rebuttal, counter-rebuttal, and on.

On this account, the best arguments and most secure standpoints are those that have been subjected to the most critical scrutiny, that have taken into account the most comprehensive body of information, that have been considered against the broadest range of alternatives, that have answered the most determined objections, that have faced and overcome the most skeptical resistance (Jacobs, 2003). Put another way, to the degree that debaters have been put into a position to adequately test opposing positions, secure claims and good arguments will be those that withstand objections (Cooper, 1989, Ch. 6).

#### **4. Principles of the debate model**

The debate model spells out the procedural requirements for properly putting claims and arguments to the test. Those requirements amount to duties and obligations incumbent on debaters. Putting to the test the truth of claims and the probative force of arguments involves one principle obligation and five subordinate obligations.

**1. OBLIGATION OF SELF-ADMINISTRATION:** Parties to a debate are responsible for holding themselves and others to discharging all duties and obligations.

**2. OBLIGATION TO MAKE *PRIMA FACIE* ADEQUATE MOVES.** Parties are obligated to make their contributions ones that are presumptively satisfactory.

**3. OBLIGATION TO CLASH.** Parties are obligated to challenge all moves that they find presumptively unacceptable.

**4. OBLIGATION TO MEET THE BURDEN OF PROOF:** Parties are obligated to put forward arguments when challenging presumptions.

**5. OBLIGATION TO MEET THE BURDEN OF REBUTTAL:** Parties are obligated to answer any *prima facie* challenge of acceptability with argument sufficient to regain the presumption.

**6. OBLIGATION TO MEET THE BURDEN OF EXTENSION:** Parties must advance their arguments so as to maintain their presumption.

These six obligations operate as a system. The first obligation (self-administration) is primary because it operates as an animating principle by which all the other obligations are enforced and activated. The second (*prima facie* presumption) and third (clash) obligations create the internal dynamic that drives debate. The last three obligations follow from the others. Collectively, the obligations provide for all the features that debate theorists characteristically identify as the qualities of good argumentation: the emergence of controversy, the identification and crystallization of issues, the back and forth shifts of presumption, the development of cases and lines of argument, and the overall sense of movement in debate.



## 5. Obligation of self-administration.

The implementation of argumentation theory's Prime Directive through debate can be usefully seen as a specialized version of the participant administration found in conversational organization (Sacks, Schegloff & Jefferson, 1974), albeit one in which debaters must maintain the roles of adversarial opponents. The Obligation of Self-Administration is fundamental, but is recognized only obliquely in debate textbooks. Still, it is crucial to the way all the other duties and obligations of debate are activated, interpreted and interact. This obligation has two consequences of note.

First, the Obligation of Self-Administration serves as a presupposed background to the interpretation of all other obligations: Unless the debaters themselves hold their opponents to account for failing to discharge their duties, opponents are presumed to have satisfactorily done so. This is why the role of the judge to a debate is not really the same as the role of an audience in a debate. The conception of judge as an object of persuasion has evolved over the decades into a conception of the judge as an evaluator of skill in play of the game. The judge stands outside the debate itself as a kind of meta-critic whose evaluations take on a decidedly non-substantive flavor. The judge's decisions are always supposed to be based on the merits of the arguments made in the debate, and not on arguments that could or should have been made but were not.<sup>4</sup> Judges do not debate for or with the debaters (O'Neill, et al., 1917, p. 373). Nor are judges single person substitutes for public audiences.<sup>5</sup> They are called on to invoke a "reasonable person" standard for judging argument quality insofar as this is needed to implement a kind of scorekeeper's role in determining the status of the debate as it unfolds across the flowsheet.<sup>6</sup>

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<sup>4</sup> This is what Ewbank & Auer (1951) have in mind when distinguishing "the merits of the debate" versus "the merits of the question." They note:

Judges in the first intercollegiate debates were instructed to "decide upon the merits of the debate, without regard to the merits of the question." With the exception of occasions where such devices as the shift-of-opinion ballot are used, the same instructions are given today. It has always been understood that these instructions represent the ideal rather than the attainable. . . . A primary qualification of the debate judge, however, is that he be relatively free from prejudice on the question and have some skill in distinguishing between the strength of an argument and the manner of its presentation. (p. 473).

<sup>5</sup> To the degree that the debate judge still exercises substantive judgment (and to some degree they always must), it is in something like the role of a "reasonable person" (Perella, 1986, pp. 17-26) who embodies a standard of rationality, something akin to Mead's (1932) "generalized other" or Perelman and Olbrechts-Tyteca's (1969) "universal audience" (see Jacobs & Jackson, 1982, pp. 214-218). Ehninger and Brockriede (1963, pp. 7-11) take a contrary, rhetorical view, seeing the contrast between debate and dialectic as a contrast between "external" decision-making (by the judge) and "internal" decision-making (by the participants) which, as a matter of empirical practice, is certainly the case.

<sup>6</sup> The shift in conception stands behind the concern voiced by Reynolds (1975, p. 112-114. see also Klopff & Cambra, 1979, p. 98):

Regardless of form, academic debate must operate within a more or less closed system, governed by its own rules and procedures. Given these factors, competitive debate must presume reasonableness on the part of the audience (critic or judge). It must create a reality of its own in which the judge is preeminently rational, not only capable of suspending his or her own real-life prejudices and predilections but willing to reach a decision guided only by the arguments he or she hears in the course of the contest. . . . Definitions of reasonableness in judging present competitive debating with a dilemma of the first magnitude. If judges computerize themselves so that their decisions reflect only the response and counterresponse that occurs in the debate, they tend to sanction the abuses described above [squirrels, spread arguments, substandard communication]. . . . [Many judges] have conformed to a style of computerized decision making in which they permit themselves to be programmed by the flowsheet. Some rationalize their conformity in the name of fairness and impartiality; others conform out of fear of being branded old fashioned or being excommunicated by the group.

Second, the Obligation of Self-Administration is a paradoxical requirement given the enforced roles of adversarial engagement. For their side to 'win', debaters *must* find at least some fault in their opponents' execution of duties, and they must not concede crucial lapses in their own conduct. The requirement to maintain role, and the need for timely decision closure, is why there must be an external judge who renders a decision in any real-world debate if a decision is to be had. But, like Peirce's (1940) vision of truth as the asymptotically approached limit of inquiry, debaters in an ideal system, given sufficient competence, motivation, and time, would deploy argumentative principle and procedure to push the debate to the point of genuine exhaustion (as opposed to contingent exhaustion). The enforcement of adversarial roles pushes this process to its limits at the risk of exposure of non-answer or apparent absurdity of answer. The flowsheet of such a debate, like the tape in a Turing Machine, wouldn't lie.

## 6. The obligation to make *prima facie* adequate moves

Parties are obligated to make their contributions ones that are presumptively satisfactory, i.e., *prima facie* adequate. This obligation is based on the relationship between two concepts fundamental to the dynamics of debate. They are invariably discussed in debate textbooks in the context of the burden of proof, and almost always with regard to the demands of argument placed on the initiation of debate with the 1<sup>st</sup> Affirmative Constructive speech. As we shall see, that is liable to confuse matters. These two concepts need separate attention because they set out the geography of the grounds and locations in which the burden of proof need and need not apply.

The first concept is *prima facie*, which means "on the face of it," or "on first appearance" or "on first makings." To say that a move must be *prima facie* adequate is only to say that any contribution to a debate must meet a demand to appear satisfactory. Any move must sound plausible, seem sensible, appear reasonable in order to lay claim to a presumptive standing. This is always a tentative, provisional standing. Such contributions enjoy presumptive acceptability in the sense of acceptability until further notice. In debate, *prima facie* cases are ones that would be acceptable to a reasonable judge in the absence of refutation. In other words, if left unanswered, they would stand (cf., Behr, 1953, p. 248; O'Neill, et al., 1917, p. 35). But the term applies more generally to claims, arguments, explanations, objections--to all discourse moves in a debate. Taken as a procedural requirement, this obligation makes no assumption about what kinds of claims, arguments, or other moves *should* count, in practice or in principle, as *prima facie* adequate or *should* enjoy presumptive standing. The debate model is agnostic on that matter. And during a debate, whether or not any move does enjoy such standing is a matter that is self-administered by the debaters.

The second concept is that of *presumption*. Presumptions amount to debate moves, or conversational contributions more generally, that are in effect or take effect without need of justification. Presumptions amount to formulations of the "given" or "taken-for granted" ground of inference and decision-making. Debate can be thought of as the means of creating, maintaining, denying, and removing this presumptive status from the propositions at issue by means of deploying (through assertion, argument, objection, answer) propositions that do enjoy such status. Crucially, once in effect, propositions that enjoy presumptive grounding can only be removed from that ground by argument, creating the burden of proof. But those arguments (refutations, objections, rebuttals) must themselves be moves that enjoy presumptive status.

Because debate is a self-administered system, this Obligation of *Prima Facie* Adequacy works in tandem with the Obligation to Clash. The two obligations work to create for any unargued

assertion, any baldly presented move, a presumption of its own satisfaction. Any substantive move in a debate *purports* or presumes, i.e., makes claim to, its own adequacy. Whether or not that claim to adequacy is ultimately cashed in and takes effect depends on what follows in the debate.

## 7. The obligation to clash

In debate, parties are obligated to challenge all moves that they find presumptively unacceptable. This obligation in effect sets out The Duty to Debate. The need for sustained, pointed disagreement and clear objection and refutation--and not just construction of supporting arguments or passive posing of critical questions--is one of the key insights of debate coaches watching early student debates and puzzling over how to better promote idea testing and critical decision-making.

Clash has long distinguished debate from other argument formats. Both sides bear this obligation to clash (Edwards, 2008, pp. 153). Debaters must do more than simply build constructive cases in support of the proposition on their side of the resolution. They must answer and refute the claims and arguments of their opponents. Refutation is essential, not optional. And it can only be productively carried out if each side makes clear where they disagree, how, and why. Through clash issues are identified and developed.

The need to spell out this obligation and to create formats in which a structure of opposition could be made out more clearly was one of the early practical problems for debate directors and coaches. At least during the early decades of contest debating, speeches too often came off as an alternating set of arguments in support of the competing pro and con formulations of the resolution. For example, Thomas (1910, p. 161) complained of the "desultory" effect whereby "there is scarcely a single logical contest wherein both sides are engaged, the one in sustaining, the other in overthrowing, the same proposition." Arguing that "the Clash of Opinion will reveal the issues of the proposition" (p. 49), Foster (1911) saw a similar problem.<sup>7</sup> Interestingly, both authors thought that pages displaying in parallel array outlines of Affirmative and Negative cases for constructive speeches would be a corrective. Some decades later, in discussing the need for the clash that "comes from adapting one's prepared material to that of the opposition," Crocker (1944, p. 182) dryly noted: "A debate which is like two parallel lines that meet only at infinity is about the deadliest performance imaginable."

Progress over the decades toward more extemporaneous speaking in successive speeches reflects the increasing insistence by coaches and judges that opposing sides exhibit clash in their arguments over the issues at stake (Cowperthwaite & Baird, 1954, pp. 266-267). By the 1970s, with the adoption of flowsheets that map out the lines of argument and counterargument across speeches, the distinction between "constructive" speeches and rebuttals had effectively disappeared. All but the 1<sup>st</sup> Affirmative Constructive speech became "constructive" in name only, subsequent speeches being devoted primarily to refutation and rebuttal of prior arguments.

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<sup>7</sup> Foster (1911, pp. 184-185) laid the problem at the feet of elocutionists, blaming "the memorized speeches which render impossible that effective adaptation to opposing speakers, that running rebuttal, that one feature which distinguishes the real debater from the elocutionist." He called for

a more sensible kind of instruction in speaking. The formalism, the unreality, the difficulty of producing a "head-on collision," which are complained of in present debating, are due in part to the traditional elocution which nine tenths of our institutions regard as training for debate. Yet none of the essentials of refutation, which is the life of debate is possessed by those who regard debating as the recitation of memorized speeches consisting for the most part of strings of quotations, delivered in supreme disregard of the equally automatic declamations of the "opposing" speakers. Such performances should not parade under the name of debating. They are not even preparation for debating. (p. 185)

The Obligation to Clash (the Duty to Debate) may seem built-in to debate by binding assignment of opposing roles. But, given the overarching goal of idea testing, the obligation can be seen as a natural consequence of an even more fundamental principle of conversational organization: the preference for agreement (Jackson & Jacobs, 1980). Any speech act that is entered into a conversation carries with it a presumption of its own *prima facie* acceptability, and that presumption stands unless challenged. Agreement or acceptance is therefore taken for granted. In a self-administered system like debate, that means that silence counts as tacit consent. This makes dissent not merely a right or a matter of political liberty; it makes it a duty, an obligation incumbent on any party who wishes not to accept the binding force of an opponent's claims and arguments.

## 8. The obligation to meet the burden of proof

Parties to a debate are obligated to put forward arguments when challenging presumptions. This obligation can be seen as the Duty to Argue, and it sets out the conditions under which arguments must be put forward. It follows from the Obligation to Make *Prima Facie* Adequate Moves and the Obligation to Clash together with the assumptions that (1) to gain the presumption for moves that are not in themselves presumptively (*prima facie*) acceptable, those moves must be grounded in good reason, and also (2) to remove the presumption enjoyed by a contradicting *prima facie* acceptable move, the removal must be grounded in good reason. Not all moves need be argued for. For much of debate, as with ordinary conversation, the strength of the presumption of adequacy carried by any move is, in itself, good enough. Most moves face no presumption against them and can take effect on the strength of their own making.<sup>8</sup>

This is not the way that the Obligation to Meet the Burden of Proof is ordinarily explained in debate textbooks, but it is in fact the way that it has been applied in practice by coaches, debaters, and judges. So, explanation is in order. Historically, because debate resolutions have been designed to award the presumption to the Negative side of a policy resolution, textbooks have generally confounded the idea of the obligation to put forward a *prima facie* case with the obligation to meet the burden of proof, and often with the idea that a *prima facie* case needs to spell out a set of arguments on "stock issues" in the Affirmative Constructive speeches (e.g., Perella, 1986, p. 197). This is traditionally explained by the old-fashioned dictum, "He who asserts must prove" (e.g., MacEwan, 1898, p. 34). That may be true for asserting the debate resolution, but it doesn't follow for all assertions.<sup>9</sup>

The confusion persists in the literature because of the peculiar standing of the 1<sup>st</sup> Affirmative Constructive speech. No Affirmative debater expects to be able to assert the policy resolution without forwarding argument sufficient to justify that resolution (i.e., a *prima facie* case). But this is not because of a general obligation to prove what they assert. It is because the Affirmative side, by design of the resolution, is cast into the role of challenging the presumptive status of the Negative side of the resolution.

While closely aligned, the gap between the Obligation to Make *Prima Facie* Adequate Moves and the Obligation to Meet the Burden of Proof can be seen in a strategy of gamesmanship noticed very early in the development of contest debating, what is sometimes today called "sandbagging."

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<sup>8</sup> There are cases where contrary propositions both face a presumption against them, in which case, both sides must be argued for.

<sup>9</sup> Arguments for assertions, after all, also consist of assertions, and the arguments for those assertions will also consist of assertions, and on. There simply aren't enough turtles to provide the kind of grounding called for.

This is the practice of making a claim but providing no or only minimal backing for the claim. Apparently, sandbagging was a noticeable problem in early debate formats where both sides were merely allotted an overall time limit but no particular time limit on any individual speech. Affirmative debaters would make minimal constructive speeches, then overwhelm the Negative response in rebuttal. At least by the 1920s the practice had become annoying enough that debate format was changed to impose time limits on individual speeches, thus reducing the incentive and ability of debaters to deploy the tactic. Adding additional speaking slots for team debate rather than using the three speech Lincoln-Douglas format no doubt also helped.

A similar tactic commonplace in more contemporary debating is for an Affirmative team to address some but not all of the allegedly necessarily relevant stock issues in their initial constructive speech.<sup>10</sup> Partly this is because for any particular case or plan it is recognized to be unnecessary to make the argument, e.g., it is obvious to everyone that the plan is feasible and, if enacted, would "work" to solve the alleged problem; or it is obvious that some state of affairs, if it existed as alleged, would constitute a serious problem. Partly this is because for most cases it is not possible to anticipate the nature of Negative objections on the issue, e.g., the kinds of disadvantages that might be alleged to accrue from the plan; or why the Negative might contend that the Affirmative plan or case failed to be topical. And sometimes an issue isn't covered because the Affirmative team would rather insinuate *prima facie* adequacy hoping the issue will be taken for granted and not challenged by the Negative side. Nobody anymore expects Affirmative debaters to establish all this ground (if any judge ever did).

The underlying strategy in both sandbagging and stock issue management is one of making a *prima facie* case by implicating presumptive adequacy without argument. The Affirmative debaters haven't met the burden of proof in the strong sense sometimes laid out in debate textbooks ("He who asserts must prove"; argue for all the necessary stock issues) because there is no countervailing presumption on those issues. And if there is a countervailing presumption, that is something the Negative debaters will have to invoke with their arguments in response.

## 9. The obligation to meet the burden of rebuttal

Parties are obligated to answer any *prima facie* challenge to the acceptability of a move with argument sufficient to regain the presumption. Textbooks sometimes call this *a* burden of proof to distinguish it from *the* burden of proof traditionally assigned to the Affirmative side of the resolution. Most have settled on the phrase used here, else they call it the burden of rejoinder. And everyone agrees that this burden shifts back and forth with the ebb and flow of argument and counterargument, objection and answer. By the logic of the previous obligations, any claims, arguments, and cases that have been met with a *prima facie* adequate challenge have lost their presumptive status. Even the weakest challenge cannot go unanswered. It must at least be pointed out to lack *prima facie* adequacy. If the Obligation to Clash in a self-administered system means that silence amounts to tacit consent, then any move by an opponent that purports to refute a move cannot be dropped. It will stand if unanswered. As Edwards (2008) explains:

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<sup>10</sup> Lists of stock issues for policy resolutions commonly include: The Affirmative plan and case meets the resolution (Topicality). There is a need for change (Significance). The status quo is inherently unable to achieve that change (Uniqueness/Inherency). The Affirmative plan would achieve that change (Solvency/Workability). The change would come without overriding disadvantages (Cost). Lists and terminology varies (cf. Ehniger & Brockriede, 1963, pp. 217-228; Freeley, 1961, pp. 32-35; Goodwin, 1982, pp. 72-85; Hill & Leeman, 1997, pp. 161-199). The issues analysis is drawn from the concept of *stasis* (Dieter, 1950) and finds a contemporary analogue in the speech act theory of felicity conditions (Kline, 1979).

[The burden of rejoinder] means an argument made by one team is assumed by the judge to be true unless and until the other team answers the argument. . . . In the language of a debater, the negative team has *dropped* or *granted* the argument by failing to respond to it. It is because of the burden of rejoinder that the flowsheet is so important in policy debate. Everyone in the debate round--all four debaters and the judge--keep careful track of the arguments in the order they have been made. (pp. 78-79)<sup>11</sup>

This obligation to answer is implicated in both debate's most powerful property--the relentless probing brought on by extended clash--and its most vexing abuse--"spreading." Spreads would not be possible were it not for the Obligation to Meet the Burden of Rebuttal.

Like its cousin, sandbagging, the spread exploits the artificial time limits on speaker turns and takes advantage of the specialized competence of the expert judges who were installed as contest debating shed its disciplinary association with rhetorical oratory for a public audience. Increasingly, debaters were allowed to speak as rapidly as possible, use acronyms, abbreviations, technical terms and stock phrases, and read off flowsheets that mapped the arguments up to that point in the debate. Judges allowed it because they kept their own flowsheets and they were practiced in listening to debates and had already heard the same or similar arguments in countless tournaments and practice rounds throughout the school year. So the debaters are speaking clearly and intelligibly to the judge's ear even though every word spoken may be completely unintelligible to an ordinary hearer.<sup>12</sup> This is a perfectly predictable development in response to the pressures to maximize the arguments and evidence said within the time allowed, given the increased channel capacity of the technical judge and the fluency of the debater.

The debater who uses the spread tactic lodges as many objections and counterarguments to the opponent's arguments as they can possibly get out of their mouth. The idea is to raise so many arguments that the opponent cannot possibly hope to answer them all. Then, in follow-up, the debater selects for rebuttal the weak, limited answers or simply pulls through and extends those objections and arguments that received no answer at all. Almost no one really likes the spread tactic. Everybody recognizes that it is exacerbated by the machine gun speed of delivery. And taken simply as an argumentation tactic, it is widely seen as promoting a kind of cheap, knee-jerk and superficial level of argument that runs contrary to the educational goal of encouraging the critical and reflective depth of analysis that the Principle of Procedural Adequacy would seem to call for. And nobody has designed a good way to "solve" the problem.

But, taking contest debate as an analytic laboratory, the logic of the spread tactic reveals the operation of the Burden of Rebuttal. The thing to see is that while no one much likes the spread, everyone sees that it is, in principle, a legitimate tactic. Debaters win with it because they invoke principles of argumentation as a rational activity. Debaters lose against it because they are under an obligation to answer any and all arguments and objections that are *prima facie* adequate. And given the internal dynamics of debate--a self-administered system wherein *prima facie* validity of

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<sup>11</sup> In the Glossary of Debate Terms, Edwards (2008) puts it this way:

**burden of rebuttal** Debaters have the responsibility to respond to the arguments made in the previous speech; if the debater offers no response, the judge has the right to assume that the argument is accepted as true. (p. 331)

<sup>12</sup> Kleinau in 1982 complained, "The average judge is unable to comprehend delivery at the level of 275 words-per-minute" (p. 260). Tolchinsky (2011) claimed to record debaters speaking at a rate of 500 words-per-minute. But see also fnte 2, this paper.

moves are presumptively achieved (i.e., until answered)--the slow talking debater is left speechless, and defenseless.

## 10. The obligation to meet the burden of extension

Parties in a debate are not only required to regain lost presumptions by rebutting counterargument, they must also maintain the presumptions they possess by continuing to advance their arguments throughout the debate. As many authors put it, there is a burden to "advance the argument," to create "movement" through the flow of the debate. At its best, both sides in a debate will be elaborating, building, and expanding the depth of proof, the range of evidence, and the acuity of their analysis.<sup>13</sup>

Part of this obligation already follows from those already mentioned: Debaters must not merely repeat themselves in answering an opponent's arguments and objections. At best, repetition of an argument in response to an objection risks a stand-off that goes nowhere, and if the objection is *prima facie* adequate, the repetition has not regained what it has already lost in the face of that objection. The presumption will not shift back. And at worst, the repetition openly acknowledges the need to respond but also indicates that the arguer has nothing to say in defense.

This phenomenon could be analyzed as part of the Burden of Rebuttal, as a kind of "drop." A related phenomena, however, cannot: That is the double drop. When a debater asks the judge to "extend" an argument, they are really just saying that the opponent did not answer the argument and they are asking the judge to take note of the argument and not to forget it (Edwards, 2008, p. 331). When a debater does not do this, there has been a double drop. Sometimes this goes on through several columns of the debate flowsheet, depending on when the first drop occurred.

And the evaluative problem for the judge is telling. If everyone has forgotten an argument, does it count or not? Is its force still active, or has it been inactivated by virtue of neglect? Is the side that initially made the argument simply presuming its active status and relevance to the overall standing of the debate? Does the opposing side simply presume the argument is now inactive? Or has everyone just lost track of that line of argument and no longer takes it to have force? This is particularly problematic when the dropped argument had particular force as refutation or special strength in support of a crucial claim. Debate textbooks provide no clear answer to this problem.

But taken as an analytic puzzle, and not just as a practical problem of rendering a decision by a judge, the phenomenon reveals the operation of the Burden of Extension. It is a problem because neither opponent has met their obligation (neither rebuttal nor extension), and neither has held the opposing party accountable. Like digressions and lapses for ordinary conversationalists, only self-

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<sup>13</sup> While considering common errors of refutation, Faules, Rieke & Rhodes (1976) list:

*Lack of Movement.* When debaters are following the trend of the debate they are expected to do more than summarize. A good debate has movement, and crucial arguments evolve that must be reinforced or destroyed. The areas of agreement and disagreement ought to be made clear in the rebuttal period. Arguments are not established merely by repeating them. (p. 184)

Likewise Kleinau (1982) comments:

The debaters should advance the argument. The most exciting time in a debate should be the rebuttal stage. It is then that you will extend the arguments advanced in the four constructive speeches. To extend means to advance the argument. Ideally that extension will include new evidence, a more detailed explanation, or perhaps a simple comparison of advantages espoused by the opposing teams on various issues. . . . If you only repeat or rehash the materials or explanations offered in the first speech, you will have failed to help the judge understand how one position is superior to the other. (p. 229)

administration can resolve the conundrum. Without any internal corrective, judges and their flowsheets are like sailors left at sea without a map to guide them.

## 11. Conclusion

The debate tradition is as old as the discipline of communication. It represents a genuinely dialectical perspective that is distinct from its rhetorical and logical counterparts in argumentation studies.

The attempt to explicitly articulate the obligations and duties of debaters amounts to an effort to represent the rational basis for argumentation at the procedural level. The principles are themselves grounded in the pragmatics of discourse and the natural organization of conversation adjusted to the project of putting the truth of claims to the test. As such, the articulated model is as much discovery as construction, and the efforts of debate scholars to design workable formats that cultivate reasonable debate practice are as much an analytic project as a pedagogical one. Contest debating is a laboratory for training good practice in argumentation, but also for observing the principles of good argumentation in practice. Pedagogical problems in conduct are also analytic puzzles for intuitions and theory.

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