A SITUATIONALLY-GUIDED PERSPECTIVE FOR
PROPOSITIONS OF JUDGEMENT

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Academic debate is usually evaluated by a strange combination of rule-guided
and situationally-guided standards. By rule-guided standards, I am referring to
rules which debate coaches consider wise for pragmatic or pedagogical reason.
Situationally-guided standards refer to guidelines which are derived from real-
world argumentative situations. I believe that a combination of rule-guided and
situationally-guided standards inherently leads to confusion. Confusion also
results when guidelines are derived from a variety of argumentative situations
rather than a single situation. In this essay I will attempt to show how such
confusion has occurred in our theories of arguing about propositions of policy and
recommend a different course of action for formulating theories concerning proposi-
tions of judgement.

Situationally-guided standards derive from an analogy between policy debate
and policy-making. This analogy is not a radical or difficult one to accept. One
of the more traditional textbooks on argumentation states that:

If there is any analogy between academic debate and other kinds,
it is between debate and that carried on in expert administrative
and legislative government committees, before those whose train-
ing and specialized experience gives them superiority in technical
aspects of the problem.¹

The value of applying real argumentative situations to academic debate is that it
emphasizes sound reason giving. Griffin and Linkugel wrote that:

In the tournament debate situation we are training future junior
executives, sales managers, High school superintendents, etc., to
be able to go before their boards of directors, school boards, or
whatever their decision-making group may be, and effectively
advocate a proposal. Such policy forming groups are much more
interested in solid reasons backed up by specific evidence than
they are by a boyish smile, human interest stories, after-dinner
jokes, or dramatic innuendoes.²

In a similar vein, Wayne C. Booth has written that "We need scholars of rhetoric
who are willing to dirty their hands in actual controversy."³ The concept of an
intelligent and well-informed audience was also endorsed by philosopher Chaim
Perlman stating that "we have no wish to limit the study of argumentation to a
public ignoramuses."⁴

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December 2, 1977.
That the analogy between policy argument and policy-making is a reasonable one is evidenced by a growing body of literature. From the point of view of academic debate as a simulation of policy-making, Lichtman and Rohrer offer an extended analysis of decision rules used to replace the traditional concepts of presumption and burden of proof. Their article cites a body of literature in the area of public policy-making to refute the traditional viewpoints concerning presumption and burden of proof. Another rather detailed analysis of comparative advantages debate in the framework of policy making is presented by Bernard L. Brock, et al. In addition to these works, several other papers and articles explore general systems theory as applied to current academic debate practices. Recent textbooks in argumentation also consider general systems theory as one method of public policy analysis.

Further evidence supports the acceptance of this analogy by a majority of debate judges. At the 1974 National Debate Tournament at the United States Air Force Academy, a Booklet of Judges was distributed for use of N. D. T. participants. One of the questions asked was "Do you see yourself as a chooser of policy systems, as a judge of 'who did the better debating,' or in some other role as judge?" A total of eighty-four coaches and guest judges published their judging philosophies in this booklet. One compilation of these philosophies indicates the "The predominant (42.9 percent) orientation viewed the debate process essentially as a 'comparison of alternate policy systems' and the judge as one who makes a policy decision."

That most judges accept the analogy of policy argument and policy-making does not prove that they share a common point of view concerning guidelines which derive from this situation. Balthrop argues that the citizen, the legislator, and the bureaucrat function differently as evaluators of policy. Specifically he writes that:

To identify one as a 'policy-maker', however, is insufficient since the characteristic behaviors associated with such a description are so vague and all-inclusive as to be virtually meaningless. Only by creating a more specific role model predicated upon policy-making within the political system -- for such is the realm of public policy-maker -- can the debate judge define boundaries and guidelines for appropriate behavior.

As a matter of fact, one could probably make the case that there are as many different descriptions of the "rational policy-maker" as of debate judges. Within the general paradigm of argument as policy-making, there is still a need to determine more specific guidelines which are appropriate to specific types of policy-making situations.

Implicit in the analogy of policy-making and policy argument is the notion that the judge in policy debate performs a role similar to that of the policy-maker. It is important to emphasize that this does not in any way imply that the debate judge is a policy-maker. References to the debate judge as a "rational policy-maker" are but figures of speech. Balthrop eloquently summarized this position arguing that:
Debate judges are not policy makers and it is absurd to caricature their profession by envisioning themselves as such. Instead, debate judges are participants in a process, a system if one prefers, which has as its purpose educating students in the understanding and use of argument.\textsuperscript{13}

The policy-making paradigm is useful because it transforms debate judges into something which they are not, but because it provides a look at a realistic argumentative situation from which guidelines from argument can be drawn. Standards of argument which are derived from this situation typify a situationally-guided perspective for argument. In order to determine proper guidelines for debating propositions of judgement, one alternative would be to derive such guidelines from realistic argumentative situations in which propositions of judgement are debated.

Our second alternative is to consider academic debate to be a "closed system" and allow our argumentative standards to be rule-guided. The rule-guided approach was explained by Charles Willard writing that:

Academic debate is a "game" in the most rigorous sense of that term. Competing teams seek favorable decisions from neutral judges through the use of oral argument. The argumentation occurs in an artificial context which is defined by certain rules and traditions which are designed to enhance the educational benefits of the game. In theory, the game teaches research skills, rhetorical criticism, resource evaluation, and oral delivery skills. These skills are theoretically sharpened as the disputants are forced to operate within the parameters of the game's rules—rules which are brought into practical application by the critic.\textsuperscript{14}

Sanders has stated his desire to see a set of codified rules determine the outcome of academic debate in even more forceful language. He said:

Earlier I mentioned argumentation was a rule-guided process. Perhaps that phrase should be modified to make argumentation a rule-bound process. Then debate would not become a surprise package or a grab bag where we reward the team with the most radical approach.\textsuperscript{15}

A variety of arguments are advanced to support the rule-guided perspective. First, argumentation is inherently guided by a set of agreed upon rules. This is the position taken by Sanders in his response to Lichtman and Rohrer writing that:

To begin with, argumentation is a ruled-guided process. Indeed, the very concept of a theory implies that codifiable rules are available and capable of being discerned and utilized. Consequently, competitive debate, the practical arena of argumentation theory, has certain rules and burdens which are accepted by all parties before argument begins.\textsuperscript{16}
That the analogy between policy argument and policy-making is a reasonable one is evidenced by a growing body of literature. From the point of view of academic debate as a simulation of policy-making, Lichtman and Rohrer offer an extended analysis of decision rules used to replace the traditional concepts of presumption and burden of proof. Their article cites a body of literature in the area of public policy-making to refute the traditional viewpoints concerning presumption and burden of proof. Another rather detailed analysis of comparative advantages debate in the framework of policy making is presented by Bernard L. Brock, et al. In addition to these works, several other papers and articles explore general systems theory as applied to current academic debate practices. Recent textbooks in argumentation also consider general systems theory as one method of public policy analysis.

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The flaws in this position are numerous. In the first place, rules are not necessary in order to have productive argumentation. Rules derive from argumentative situations, rather than being a necessary precondition for argument. Notions such as presumption and inherency need not be viewed as hard and fast rules, but concepts derived from argumentation in decision-making situations. Certainly argument occurs in many realistic situations without the use of a set of codified rules. In the second place, there is not to my knowledge, a set of codified "rules of debate." The examples that Sanders selected are cases in point. He writes that:

Areas as simple as "reasonable" definition of the resolution and as complex and sophisticated as "inherency" are concepts which, in theory, are well discussed and which, in practice, are bound by rules agreed upon by all.17

While these areas are indeed well discussed, numerous articles and papers testify to the considerable disagreement on the issue of topicality or "reasonable definition of the proposition."12 In November of 1975, Professors W. Scott Nobles and Lucy M. Keele participated in an informal debate entitled "The Spirit of the Proposition: Alive or Dead" at the W.S.C.A. Convention in Seattle. Those who listened to that event were convinced that the issue of "reasonable" definition is neither simple nor agreed upon by all. Similarly, with the issue of inherency, the numerous articles on this subject should indicate that this is an area which is not governed by rules.19

A second argument used to support the rule-guided perspective is that it is demanded by the format and time constraints of academic debate. This argument concludes that in order to adapt what would normally be lengthy and complex arguments to the format and time constraints of academic debate, certain compromises with reality must be endured. Professor William Reynolds wrote at the time of the National Development Conference on Forensics that:

For obvious reasons, academic debate never can perfectly duplicate the environment in which argumentation occurs in the real world of people and affairs. Ultimately, its time limits and formats must be constructed and set artificially; severe limitations must be accepted in the composition and behavior of audiences; and the motivational factors that excite the student advocate must remain quite different from those that stimulate advocacy in the real world. Regardless of form, academic debate must operate within a more or less closed system, governed by its own rules and procedures.20

While this argument seems more compelling than the previous one, it too seems flawed. First, argumentation theory should not be distorted by the type of tradition involved in preserving a particular debate format. Has the debate format become so sacrosanct that it dictates the type of arguments that are and are not valid? If real world argument cannot be made to fit into our debate format, perhaps we should consider changes in the format so that it will accommodate "real world" argument rather than distort argumentation to fit our
tidy format. Secondly, it is not proven that rules have been devised which can maximize the effective use of the time and format. One of the more common rules imposed by some judges is that each team is limited to the defense of one and only one policy system. James J. Under of Georgetown University wrote in his judging philosophy that:

I say that I am concerned with only "two" policy systems for an essentially pragmatic reason. If we are to be restricted to one hour and twelve minutes for our discussion, then surely the most intelligent use of that period can be made by limiting the parameters under discussion. Arguments about legislative models or searches for truth seem to me to be irrelevant within the fixed time periods reality imposes. Thus I will permit the teams involved one policy system apiece—no alternative plans or hypothetical counterparts please.21

While the intention of such rules may be admirable, they are easily circumvented by a clever debater who presents a single proposal, plank one of which calls for sending grain abroad to save the starving millions. The clever negative defends a single policy system consisting of maintaining the present food distribution and calling for state and local governments to remove booby traps from our highways. While there may be some real differences in these strategies and the "alternative plans" and "hypothetical counterplans," I fail to see how one makes more intelligent and efficient use of the one hour and twelve minutes than the other.

Another frequently imposed rule, particularly in years past, was that the first affirmative rebuttal speaker must cover all objections to the case and plan. Is it conceivable that this well-intentioned rule was one of the factors that lead to the practice of packing a great number of arguments into the first affirmative rebuttal to put pressure on that speaker. The literature is replete with attacks on the "spread." Reynolds for example claims that:

Violence has been done to the communicative process itself. Clarity, precision, and impressiveness in style have given way to jargon—for example, the use of such words as spread, squirrel, P.O.'s, disads, PMW's, to mention only a few—wordiness and involuted syntax. Rate in delivery has surpassed the phenomenal, destroying in the process the unique dimension of meaning that is conveyed only through the oral expression of ideas.22

Not only has the rule-guided perspective not made more efficient use of time and format, in some cases, rules can be used to garner an advantage from the format at the expense of the quality of the argumentation.

A third argument that is forwarded to support the rule-guided perspective is that it is pedagogically most sound. Sanders wrote that "if the arena of competitive intercollegiate debate is to function as a training ground for future advocates, then fundamental rules must be learned and followed."23 However, in the very next sentence he states that "the competitive debate round
must be made to represent real situations as closely as possible. 24 It seems to this writer that the best way to insure that debate resembles real argumentative situations is to model the contest as closely as possible to the argumentative situation rather than to arbitrary, albeit well intentioned, rules of a closed system defined by the nation's debate coaches.

While sufficient arguments have not been forwarded to justify the rule-guided perspective to the satisfaction of at least this writer, there are several arguments which would warrant its rejection. In the first place, there is not to my knowledge a set of codified rules that are accepted by all or most critics. Given this, are we to allow each judge to determine the rules for each debate? Is s/he to be required to post the rules or somehow inform each team of his or her rules prior to each contest? Is s/her to be allowed to make up the rules as the debate, the debate season, or his or her judging career progresses? This, of course, would invite abuse of a large magnitude. Critics would be able to dismiss arguments or strategies that did not appeal to him or her as "against the rules." If this seems too exaggerated to be persuasive, one of the objections to Lichtman and Rhorer's notion that a negative team presenting a counterplan might be able to claim advantages in a problem area unrelated to that of the affirmative 25 was met by the challenge that:

Not only is it not founded in any rational theory, but its practice would result in a confusion of the issues. There would be no standard by which a thoughtful critic could reach a decision. The example used by Lichtman and Rhorer demonstrates this point. On what basis would a critic determine the advantage over stemming the balance of payments cost and stemming Soviet aggression? 26

His charge that their counterproposition is not founded in any rational theory may be debatable, but if there is no way to weight arguments concerning the balance of payments against the possibility of Soviet aggression, how would we ever be able to debate withdrawing U.S. troops from Western Europe? Are the President and his foreign policy advisors forced to use intuition to decide this issue? Should a judge be allowed to dismiss a counterproposition because it is "confusing" and hence "against the rules"? Many other issues are "confusing" and nevertheless legitimate. Would we say an inflation argument presented in opposition to a national health insurance proposal is illegitimate since it is difficult to compare health care with inflation? These are "confusing" questions which must nevertheless be dealt with in real argumentative situations.

In addition to the fact that the rule-guided perspective might lead to abuse since there is not, at present, a sufficient body of rules this perspective would stifle innovation and experimentation in argumentation theory. It is my position that innovations in argumentation theory result from the willingness of debaters to experiment with new ideas concerning theory. Certainly the rigorous atmosphere of an intercollegiate debate should provide an excellent laboratory for the testing of such theories. If the theories are inadequate, they will not survive these challenges. Rules, however, discourage such
experimentation by punishing those who would violate the established order. Debaters should be allowed to show how a particular concept is used in a realistic argumentative encounter and argue that it should function similarly in the world of academic debate. Sanders has argued on the other hand that:

While new approaches have recently been employed by debater, these approaches have been primarily in method and not necessarily in violation of established theory. The body of information which constitutes the field of argumentation has been modified only on a methodological basis and not on a theoretic one.27

To the contrary, examples such as Zarefsky's notions of "The Role of Causal Analysis in Policy Controversies"28 and "Argument as Hypothesis-testing"29 were revolutionary, certainly not a part of "established theory", and well tested by Northwestern debaters before they were put into print.

In summary, the rule-guided perspective would be one potential way to establish guidelines for arguing about propositions of judgement. Since it is not justified by arguments advanced to support it, and it risks abuse by critics and stifling the innovation in the development of argumentation theory, it is not an advisable alternative.

Our guidelines for debating propositions of policy have unfortunately been derived from some combination of rule-guided and situationally-guided standards. Quite clearly, some of the standards of judgement used by most debate judges are guidelines that they have gleaned from their knowledge of argumentation in policy-making situations while others are rules that are established quite apart from reliance on these situations. Questions concerning argumentation theory are answered differently in various argumentative situations.30 What might be an entirely appropriate answer for an argumentative encounter in a legislative body might be different or even exactly the opposite in a scientific or philosophical encounter. Rather than developing a complex of ideas about counter propositions from argumentative situations, we have sought to justify our answers to single questions by pointing to these situations. As a result, we have produced a hodgepodge of ideas which, since they may have derived from a variety of different argumentative situations, do not fit together into any coherent whole.

One example of such confusion concerns our guidelines for counterpropositions.31 The argument concerning the effect a counter proposition on the burden of proof in a case in point. McBurney and Mills point to the law as a model to justify their position that the negative has the burden of proof when presenting a counter proposition yet they later point out that there are "differences which are worth noting" in the use of a counter proposition is argued. Thompson points to civil proceedings and to parliamentary procedure to justify his conclusion that a tie debate involving a counter-proposition should be awarded to the affirmative whereas Mills points to the situation of a criminal trial to justify his conclusion that the affirmative continues to have the burden of proof on the main proposition.35

Some writings on the subject of the counterproposition are an exception to this rule in that they attempt to derive their guidelines from a single
argumentative situation. An article by Thompson attempted to determine the relationship of presumption to counterpropositions from the law as applied in civil proceedings.\textsuperscript{36} Allan J. Lichtman and Daniel Rohrer authored a recent controversial article in which they attempt to describe competitive and non-competitive counter propositions assuming argument which occurs in a policy-making paradigm.\textsuperscript{37} Works of this type are a good start, but even those essays only provide answers to single questions. Combining Thompson's answer to the question of presumption with Lichtman and Rohrer's answer to the question of competitiveness would produce confusion of a large magnitude since the answers were derived from different argumentative situations. What we should have done with respect to propositions to policy, and what we should now do with respect to propositions of judgement is to attempt to unravel the entire picture of argumentation from the perspective of the same argumentative situation. To do otherwise risks extending our confusion surrounding policy argument into the arena of non-policy argument.

Since guidelines for policy debate have been derived from the policy-making situation, guidelines for non-policy debate could probably be derived from examining other argumentative situations which normally involve propositions of judgement. One such situation concerns the role of argument in rhetoric, science, and philosophy. Although the analogy between rhetoric, science, and philosophy is not as well known or accepted as the analogy between policy argument and policy-making, it is just as reasonable. While directors of forensics, normally perceive arguments as occurring in the courtroom, the legislature, and other policy-making groups, we could just as well conceive of argument more broadly as it is involved in rhetoric, science and philosophy. This argumentative situation is very similar, if not identical, to what Zarefsky has called hypothesis testing.\textsuperscript{38}

That science and philosophy are counterparts in the search for reliable knowledge is probably not very controversial. As a "way of knowing" science observes selected data and infers that what is true of the observed data is probably true of some similar but unobserved data. Philosophy reflects on claims in order to determine which are most consistent and reliable. That rhetoric performs a function similar to that of science and philosophy has not, until recently, been granted wide acceptance. As a matter of fact, many less than positive attitudes characteristically associated with rhetoric probably derive from a belief that rhetoric has nothing to do with the truth. Perelman wrote that "among the ancients, rhetoric appeared as the study of a technique for use by the common man impatient to arrive rapidly at conclusions, or to form an opinion, without first of all taking the trouble of a preliminary serious investigation."\textsuperscript{39} Plato had Socrates state that "the rhetorician need not know the truth about things; he has only to discover some way of persuading the ignorant that he has more knowledge than those who know."\textsuperscript{40} Rhetoric actually lost favor because it was not perceived as concerned with the truth.

Recently, however, scholars have come to view rhetoric as a "way of knowing." As early as 1967, Scott wrote that rhetoric "is a way of knowing; it is epistemic."\textsuperscript{41} He argued that rhetorical knowledge is "socially constructed."\textsuperscript{42} Rhetoric determines what is true for particular communities at particular times.

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How are we able to accept the notion of "socially constructed" knowledge? After all, demagogues such as Hitler were able to "create acualities" for particular audiences at particular times. Does the acceptance of rhetorical knowledge imply acceptance of these ideas as knowledge? Questions such as these raise the practical disadvantages of accepting the notion of rhetorical knowledge. This position fails to take at least two arguments into account. First, no "way of knowing" is infallible. What today may be an accepted "scientific fact" may be refuted tomorrow. Through the first half of the 1970's, it was an established scientific fact that only one planet in the solar system--Saturn--had rings. Today we know this to be false. Do we reject science because it does not produce knowledge which lasts forever? Of course not. Similarly we should not reject rhetoric for those reasons. Secondly, any "way of knowing" may be misused. It is quite clear that Hitler misused rhetoric, but, even science can be misused. It has been reliably documented, for instance, that the late Sir Cyril Burt, "faked the data in support of his theories about the relative importance of genetic as opposed to environmental factors in determining intelligence. He may have even invented fictitious collaborators to support his contention that 85 percent of an individual's performance in IQ tests was attributable to inherited characteristics." Does this example prove that science is an unreliable "way of knowing"? Of course not. Just as the misuse of science is not a sign that it is not reliable, neither does the misuse of rhetoric prove that rhetoric is an unreliable "way of knowing."

In the case above we were lured into the acceptance of a false claim. Science employs rigorous procedures in order to reduce the chance of accepting such a false claim. Scientists must reveal their methods, employ the null hypothesis philosophy, along with a variety of other rigorous procedures in order to give their hypothesis a fair chance of being rejected. Brockriede has argued that "science may be viewed not as a way of determining the truth of statements or the validity of claims, but as an elaborate process of arguments that provides a more-or-less reliable adequate basis for making more-or-less reliable choices." Similarly, philosophy employs rigor to avoid accepting a false claim. Once a philosopher advances a claim, s/he is expected to defend the claim against all arguments raised against it. In other words, they must welcome criticism of their position, and must defend it openly. This rigorous process of dialectic serves to prevent the acceptance of a false claim. In Johnston's language "there is, for instance, no philosophical way of advocating a philosophical doctrine except to produce arguments in its favor. And when arguments are brought to bear against a doctrine, if the proponents of the doctrine wish to continue to maintain it as a philosophical doctrine, they have no recourse except to argue in its defense." If philosophy and science provide rigorous procedures in order to prevent the acceptance of a false claim, can similar procedures be discovered for rhetoric? Zarefsky answers that the argumentative perspective provides a counterpart in rhetoric for the rigors of science. When rhetoric is viewed through the perspective of argument, the rhetor must risk confrontation. As in philosophy, the claim of the rhetor must be subjected to criticism. If the claim survives, we may consider it to be tentatively reliable. Darnell recognizes the tentative nature of the claim writing that "I would grant the status of knowledge to a proposition that has survived some confrontation, recognizing that it may not survive future attacks and assuming that confidence increases with every test survived." Just as
scientific knowledge becomes more reliable, a scientist's experimental processes are replicated, rhetorical knowledge becomes more reliable as it is repeatedly subjected to the risk confrontation. Darnell wrote that "whatever degree of validation (confirmation) a claim may receive from formal confrontation, however small, and so acquires over time an increasing value."50 Additional rigor is provided through the argumentative perspective as presumption is stipulated to lie against the specific proposition being argued51 rather than naturally lying with the present system as in policy argument.52 These rigors, inherent in the argumentative perspective, provide a method that rhetoric might avoid accepting a false claim. In fact, the rigors of science and philosophy may derive from the inherent use of argument in science and philosophy. Indeed Johnson has said that "argument would seem, then, to be ubiquitous in both philosophy and science."53

In this essay I have argued that guidelines for academic debate ought to be derived from argumentative situations. I have argued that this approach is superior to the rule-guided approach or to the approach which would combine arbitrary rules with situationally-derived guidelines. Hypothesis-testing has been examined as an example of real-world argumentative situation. Rhetoric, science, and philosophy examine propositions of judgement in a rigorous manner in order to determine the probably truth of claims. Academic debate could do worse than to model itself after such argumentative paradigms.

What we now need to do is to determine guidelines for debating propositions of judgement that can be derived from this argumentative situation. These guidelines ought to include but not be limited to the nature of presumption and burden of proof, the nature of inherency, the role of evidence, required levels of proof, the nature and function of the counterproposition, and the role of definitions. This is a monumental task which is beyond the scope of this paper.
NOTES


Balthrop, p. 5.

Balthrop, p. 24.


Sanders, p. 224.

Sanders, p. 224.


22Reynolds, p. 111.

23Sanders, p. 227.

24Sanders, p. 227.


26Sanders, p. 227.

27Sanders, p. 224.

28Zarefsky, "The Role of Causal Argument . . ."


30Ziegelmueller and Dause, pp. 144-145.


33McBurney and Mills, p. 199.


David Zarefsky, "Hypothesis-Testing....."

Perelman, p. 7.


Zarefsky, "Hypothesis-testing.....", pp. 4-5

Darnell and Brockriede, pp. 107-108. Brockriede argues that the risk of confrontation is one of the characteristics of argument.

Darnell and Brockriede, p. 48.

Darnell and Brockriede, p. 46


Johnstone, p. 22.