Response to Questions

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1a) In your OSSA 2020 Paper, you argue that debate models cannot do without the notion of (propositional) truth. You write that "deciding the status of propositions and the quality of arguments for and against propositions are just what debate aims to do" and warn against the "circularity that comes from substituting acceptability for truth as a satisfaction condition on assertion". In the following pages, though, you insist on the dialectical procedure for testing the status of propositions. All the six obligations you identify have to do with the process between parties competing to maintain the contested presumptions. It thus seems as if the truth of a proposition relies on its acceptability created by one of the parties on the other side. With that said, can you elaborate on the problem you see with acceptability in debate models?

I am perfectly satisfied with the idea that what we do/should take as true will be a function of how we (should) tell if something is true. That's what procedural principles give us—procedures for how to tell. I don't think humans can do better than that. And under ideal conditions, procedures for how to tell would converge on what is, in fact, true. I think that is Peirce's vision, and I agree with it. But what something <u>is</u> should not be equated with <u>how we tell</u> what something is. So, I do not want to equate truth with acceptability, even without consideration of the contingent conditions by which truth is/can be determined.

My comments on truth and acceptability in my OSSA paper were motivated by what I take to be a rather widespread fear in the argumentation community of the very notion of truth and the widely held idea that acceptability dodges the problem. This is especially true of approaches like pragma-dialectics which shifts theory to a speech act level or some informal logic approaches that still talk about premise acceptability but not premise truth. I'm sympathetic to both approaches, but I don't think it dodges having to at least acknowledge the idea of truth or having to acknowledge that epistemic values are part (but not all) of the constitutive qualities that make something an argument in the first place. I get that there are all kinds of gnarly issues and conceptual tangles surrounding the concept. And maybe something like Brandom's pragmatics shows the way out—but I just can't follow it deeply enough to see how his approach works to do that. So, in the meantime, I like something like Horwich's deflationary/minimalist approach because it seems to leave open all the philosophical issues and I even welcome the implication that philosophers of language will have to find something other than Davidson's truth-conditional theory of meaning as an account of meaning. I think argumentation theory can (and ultimately does) work with a commonsense notion of truth articulated by Horwich and others, and so I put it into my "Prime Directive" because I think that's really what most argumentation theory is trying to flesh out.

Let me spell out a little what I take to be the problems of acceptability. On the one hand, if "acceptability" of an assertion or proposition means acceptability of the truth of the assertion or proposition, that's fine. Now we can acknowledge that an assertion/proposition should be accepted as true only if it's true or only if we have good reason to think that it's true or only if we have some good reason to treat it as true or take whatever qualification you need for the kind of disagreement you have. You still will be working with a notion of truth somewhere in your formulation of what counts as proper acceptability. On the other hand, if "acceptability" doesn't mean that in some way you "take" the assertion/proposition to be true, then I don't see why argument has any special normative place in a theory of decision-making, inquiry, disagreement resolution, or reasoned persuasion. And I don't see how appeal to notions like reasoned inference or justification can do the job without again smuggling in some notion of truth, if only at the meta-level or in some qualified way.

My own puzzlement over the problematic status of the notion of truth comes from my interest in the pragmatics of argumentation, quite independently of my noticing that truth is absent in so many informal logic discussions of good reasoning. Take pragma-dialectics. Nowhere in the rules or in the specification of the felicity conditions for the speech act of making an argument is there a mention of truth. Why assertives (which Searle defines as undertakings to represent the truth of a proposition) should enjoy any special place in the argumentation stage comes off as a real mystery. And the replacement of truth for acceptability to the proponent and opponent begs the question of what are the felicity conditions for acceptance.

Now, truth is not a sufficient condition for the assertion or acceptance of a proposition, but at least in the context of debate, it is necessary for most arguables. And for all arguables and arguments for and against them, the truth of their felicity conditions has to be satisfied even if they are mutually "accepted." Acceptance per se doesn't make something true or their felicity conditions true, and even whether or not a standpoint or argument is <u>properly</u> accepted will depend on whether or not it is true that the procedures for determining proper acceptability were properly followed and were proper in the first place.

Maybe all of this is a convoluted way of saying that a procedural theory of debate principles is fallible. As far as I can see, the fallibility appears in three ways. First, the principles themselves may be wrong and better articulated by some other theory. For example, I think early conceptions of presumption and burden of proof were confused, and I think my distinctions better articulate the real basis for the procedural rationality that debate coaches and judges were intuitively recognizing over the history of debate. Maybe the very notion of presumption should be replaced by a different idea in a different theory. Second, the principles can always be misapplied. In any particular debate, it can <u>look like</u> the debaters have properly satisfied their

obligations (even to the expert judge) but in fact something went awry, and everybody missed it. That happened all the time before the use of flowsheets, and it still happens. There is always some degree to which principles are not self-explanatory and cannot be mechanically implemented. Judgment is always somewhat indeterminate and what, for example, counts as "sufficient to regain the presumption" must be worked out in each particular case of argument, refutation, and rebuttal. Third, the principles of debate procedure are incomplete and depend upon informed and competent debaters and judges. Since they are procedural principles, the debate model principles presuppose substantive and inferential competencies. For example, I recently judged a debate on abortion where the Affirmative team argued that in two thirds of the American states, poor women are forced into onerous expenses because Medicaid in those states did not fund abortion. The Negative team argued that such women could always take a bus to a nearby state whose Medicaid did fund abortion and they could get an abortion there. The argument was left unanswered and pushed by the Negative through the debate. By internal standards, the Negative won the argument. The trouble is that neither team apparently knew that Medicaid requires residency, so women from another state would not be funded. Procedures don't help when you don't know what you are talking about (truth counts). Similarly, there are all sorts of failures in debate having to do with inadequate expression and misinterpretation of what is being asserted and argued. If there are communication principles for charity, they are a different sort than those for debate procedure.

1b) Since "debate models kick inferential problems upstairs to the meta-level", is it not at this level that also the truth/acceptability of the propositions tested? If so, at this upstairs level, how would you consider the notion of "concerns" of each party as constitutive of the intersubjective process, especially in the policy debate? Can "concerns" be useful to replace notions such as truth and/or intentions?

I am not sure what is meant by "concerns" as constitutive of the intersubjective process. Do you mean something like "wants" or "interests"? Certainly, concerns can be either the object of argument or part of the framework for it. That latter possibility is why, for example, mediators commonly deploy negotiation or bargaining models of rational discussion. It is often a lot easier to try to work out agreements by identifying what disputants want, claim as their interests, and are willing or unwilling to accept. A proposal for joint action then becomes a matter of finding where in a "zone of agreement" both party's interests are best satisfied.

But taking concerns for granted and treating them as immutable isn't the only way to go. Disputants can always ask and debate what interests are legitimate, what a party's interest actually are or should be, and whether the willingness of a party to open to critique their claims of interest is legitimate. Mediators often avoid such tough discussions because it's harder than just working with the face-value willingness of the disputants to make concessions and accept proposals that approach what they want. Bargaining also allows mediators to find mutually acceptable settlements without having to resolve whose claims are true and whose are false when the disputants disagree on some matter. Lots of so-called deep disagreements seem to emerge from the inability or unwillingness of disputants to submit their concerns to the kind of critique that would prove their positions wrong. Bargaining may be the best procedure in many such cases.

2) What can be solutions to 'spreading' (Jacobs, 2020, p. 13) and the 'double drop' (p. 14) problems that you discuss in your OSSA 2020 paper? While this is an open-ended question, we would like to reiterate our proposal: as discussed in our Zoom meeting, a design may limit the debaters not by time but by the number of moves. What would be the benefits and drawbacks of move-limitation as a guiding principle?

To find "solutions" to the "problem" of spreading and double drops in academic debate, we need to keep clear our purposes with respect to the design of debate. First, there are pedagogical purposes—to teach debaters, for example, the techniques and principles of argument and extension or the skills of public address in contexts of controversy. Those are somewhat different purposes, and they were and continue to be the basis for the split between dialectically- and rhetorically-oriented argumentation coaches. Second, there are practical purposes having to do with "scaling up" the design of academic debate in such a way that it might serve as a real-life format for actually making reasonable decisions on matters of public or institutional interest. I think that is what rhetorically-oriented academics actually have in mind with their dissatisfaction with academic debate, although I don't know much about what has actually been offered by such critics in the way of workable designs. The old Chautauqua circuit in early 20th-century America is probably what they have in mind. Modern televised political election debates are at best examples of how not to do this. They have their own problems brought on by pressures to cover numerous topics within a tolerable time period for an audience of ordinary voters. Third, there are analytic purposes—to uncover and articulate principles of rational decision-making by reflecting on intuitions about how such pedagogical and practical designs work. That's been the purpose in my current work studying academic debate.

Academic debate is an artificial construction with constraints imposed for the practical purpose of conducting enough debates to hold a tournament over a weekend during the school year. Limitations on the time and number of turns are further practical constraints imposed for this purpose. And this makes the speed of oral delivery without losing fluency a constraint that varies among individual debaters. Spreading would not be a problem if there were no time constraints or if all debaters were equally fluent.

If one didn't care about holding tournaments, the time for any speech could be extended indefinitely, just as the number of speeches in the back and forth of debate could be left open-ended. One might think that the amount of argument and the length of back-and-forth extension would be limited by fading memory—which is why flowsheets were introduced in the 1960s to allow extensions to be tracked over the course of an eight turn, hour long debate. But flowsheets could be augmented or replaced with written submissions as is done with court briefs or journal articles and books. The point to see, from an analytic perspective, is that matters of time, fluency,

and memory are practical contingencies that are not intrinsic to the procedural rationality of debate.

Of course, the practical problem of spreading could also be solved by taking advantage of the fundamental motive of tournament debaters—to win. Judges could simply tell debaters to slow down or they lose, to fully spell out and explain their arguments or they lose, not to spread or they lose. Interestingly, debaters in audience judged formats rarely spread, and when they do, they learn quickly that they lose. They also extend arguments much less consistently, no doubt because an audience without a flowsheet cannot keep track of the arguments.

The suggestion of limiting debate speeches to a fixed number of moves would be another way to avoid spreads—assuming one could define, identify, and keep track of single units. Especially if the number of moves were small, this would allow for extension of arguments over a stretch of exchanges much greater than what is provided in current academic debate formats. This would look a lot like a format suggested by Paget in 1931 during the early experimentation with academic debate formats. He suggested a series of two-minute exchanges to promote direct clash. The idea is now a common practice technique in the form of single quick arguments that end when one or the other debater repeats themselves, stumbles or otherwise fails to provide a substantive refutation. The practical pedagogical purpose is to prepare debaters ahead of time so that they don't stumble in a debate just because they don't think of what to say during the short transition time between speeches and so they can move down their flowsheets during the debate and at least have a ready-at-hand response. But from an analytic perspective, the technique zeroes in on the requirement for rebuttal and extension, showing just how far this process can go in debate. The technique, almost by definition, stops spreads. It also eliminates the problem of double drops since the debate ends when the extension of that line of argument ends.

So, what's the downside of using quantity of moves rather than quantity of time as a solution to the problem of spreads? Two problems seem to me to lurk. First, such a limitation is going to restrict the exploration of possible weaknesses in an argument. If the procedural logic of the debate model is correct in principle, then we can't really know which, if any, of a range of objections and counterarguments are telling until they are made and answered. Since, at a practical level, unit restriction is just a proxy for time restriction, we wind up substituting depth for breadth of inquiry (think search algorithms in computer science). The trick is to find the balance.

Second, I suspect that, like any other practical constraint (time of speech, number of turns at speaking, fluency of speaker), debaters would find a way to exploit it to their advantage in a way that is not conducive to the ideal purpose of debate (informed decision making). For example, unless one can define moves in a practical way, the motive to expand argument content remains. Anybody can stuff into a single argument a substructure complex

enough to gum up any working system of argumentation. The debater then pushes forward that part of the argument that received the weakest response or no response at all.

It is also worth noting that such problems as spreading and double drops are only problems assuming the restricted context of single debates. Even for any particular team of debaters, these debates occur multiple times in a single tournament, and there are several dozen tournaments during the school year. Add to that the practice rounds during the week and the discussions by debaters outside any round, and the picture changes. Cases and counterarguments evolve and get elaborated. New arguments and evidence emerge. Over the course of the school year, debaters in effect create giant tree-structures of back-and-forth arguments that anticipate various possibilities all of which go far beyond the three- and seven-turn columns on the contemporary flowsheets of an actual debate. Debaters "pull forward" into actual debate material advantageous lines of argument that might otherwise not get made, they pare down and avoid responses that they see leading to losing lines of argument, they sharpen and reformulate how an argument is stated, and they revise their cases so as to "spike" and make inapplicable objections that would otherwise prove to be defeaters. Most of what happens in debate happens outside any actual event and is never seen outside of this anticipatory and revisionist preparation for the next debate. I suspect this is why coaches and judges put up with spreading during actual rounds. It is certainly why acronyms and short-hand labels are tolerated during actual rounds and why judges and the debaters themselves tolerate and can flow and comprehend the otherwise unintelligible speed at which competitive debaters speak.

3- What procedural innovations would better encourage the critical and reflective depth of arguments? If you were to change the three things (or any most important things) in the American tournament debate procedure, what would they be?

The most obvious innovations to better encourage critical and reflective depth of argument would be to loosen the time constraints placed on single rounds of debate or to move to the medium of writing rather than speaking, but that would mean the end of tournaments. So, I don't think that is advisable. At a pedagogical level where the goal is to train debaters to anticipate and respond to extended lines of argument and counterargument, the current format does pretty well, especially when all the outside practice and preparation is taken into consideration. I am not sure what needs to be done to adjust debate to public audiences or to the modern systems of public dispersal of political arguments. I think that third-party mediation is pretty much absent for the latter contexts and is really needed. Peer review and editorial boards sort of do this kind of work for academic debate. How to do it with Facebook, televised news, and partisan print outlets is a real problem for which I have no real answers.

As for the context of academic tournament debate, one recent innovation that seems promising is the requirement that all teams submit in advance all their affirmative cases to the competing teams. This really reduces the element of surprise and the on-the-spot kinds of adjustments that encourage all manner of superficial and trick moves in contest debating. It would be a good idea to extend this preview requirement to counterplans as well.

Another change could be to require all evidence that is used in a debate be submitted to a common pool. Open discovery is required for much of criminal court cases, at least for the prosecution side. Something like that in academic debate would encourage deeper analysis of the evidence cited in actual debates. Academic debate is notorious for its passive acceptance of the authority and relevance of quoted evidence.

But at the procedural level, I think two things ought to be done. First, debaters need to be better coached in a burden of synthesis. This goes beyond the burden of extension, and it may actually be what so many textbooks are talking about with the need to advance the debate or to move the debate forward. This applies especially to the closing turns of each side in a debate and is more of a meta-level of argument where debaters should show the overall balance of the arguments (e.g., how the Negative disadvantages of the Affirmative plan stand in balance to the claimed benefits or harm reduction of the Affirmative plan, how the likelihood that the Affirmative plan will solve the problem weighs into considerations of the benefits it is designed to achieve). The demands to respond to all the individual lines of argument too

often leaves debaters unable to see the forest for the trees. If I were to redo my paper, I would add this as a final obligation.

Second, Kritiks should simply be outlawed. These are arguments the negative team makes attacking the very Resolution itself. It is a kind of meta-argument that prevents actual discussion of the resolution itself and is a strategy developed in debate so that negative teams would never have to face a plan or a case for which they were unprepared to debate. It's a tactical countermove to trick cases—but that can be handled with prior submission and open discovery of evidence requirements. In principle, Kritiks should be allowed in debate. Meta-arguments attacking the presuppositions of proposition are part of what we think of as the rational powers of argumentative procedure. And analytically, Kritiks reveal this reflexive property of rational argument. But at the practical level, Kritiks defeat the purpose of exploring the substantive merits of a policy proposition. That's their built-in function. But the risks of abuse generally outweigh the benefits of their deployment.