

October 2016

Should a Dropped Argument Always be Treated as a Conceded Argument?

Ryan K. Clark
Black Hills State University

Follow this and additional works at: <https://openprairie.sdstate.edu/discoursejournal>



Part of the [Communication Commons](#), and the [Rhetoric Commons](#)

Recommended Citation

Clark, Ryan K. (2016) "Should a Dropped Argument Always be Treated as a Conceded Argument?," *Discourse: The Journal of the SCASD*: Vol. 3 , Article 3.

Available at: <https://openprairie.sdstate.edu/discoursejournal/vol3/iss1/3>

This Invited Article is brought to you for free and open access by Open PRAIRIE: Open Public Research Access Institutional Repository and Information Exchange. It has been accepted for inclusion in Discourse: The Journal of the SCASD by an authorized editor of Open PRAIRIE: Open Public Research Access Institutional Repository and Information Exchange. For more information, please contact michael.biondo@sdstate.edu.

*Invited Article***Should a Dropped Argument Always be Treated as a Conceded Argument?****Ryan K. Clark, PhD**Associate Professor
Black Hills State University
Ryan.Clark@bhsu.edu

In this brief essay, I shall argue that the answer to this question is “No.” The notion that “dropped equals conceded” reflects a well-intentioned norm against intervention which is embodied in the tabula rasa metaphor of adjudication. However, accepted as an absolute rule, it favors quantity over quality (i.e., speed), reduces debate to “ink on the flow” instead of arguments weighed in the mind, and distorts our understanding of what actually happens in debates. In its place, I propose a norm which proceeds from an alternative formulation of adjudication. It is only when an uncontested argument passes *prima facie* tests that it should be considered conceded. The new norm I propose extends McGee's (1998) stance of “least intervention” into the terrain of *prima facie* intervention.

To establish *prima facie* intervention, this essay proceeds in four sections. First, “silence is consent” is positioned as a well-intentioned but problematic norm. Second, this norm is connected to the tabula rasa metaphor of adjudication. Third, Brian McGee’s “least intervention” is considered as an improvement over tabula rasa. Fourth, *prima facie* intervention is suggested as new metaparadigm allowing for the overturning of the present unfortunate convention regarding dropped arguments.

The Norm

Our question is not, “*Is a dropped argument a conceded argument?*”, because we are not speaking of a matter of logical necessity or official fiat rules of debate organizations. The seeming unquestionability of the notion that “dropped equals conceded” loses its air of apparent axiomatic authority when it is recognized for what it is, a norm. The official rules of debating organizations are sparse and make no pronouncements on such matters. Outside the debating chamber there are many contexts where this norm has no force. In most substantive debates, judges of an argument will not simply accede to it merely because it was unopposed by the opposition. An argument must be sound to command assent, regardless of opposition.

The norm is intuitively appealing in the context of educational debate, in which it is widely recognized that the goal is to determine which side did the better job of debating and not the actual truth-value of the proposition. This sentiment is repeated in North American debate textbooks over the last century. O’Neill, Laycock, and Scales (1917) remark, “the decision should go always on the skill of the debaters, never on the strength of the case (except in so far as this is indicative of the skill of the debaters)” (p. 53). Freeley (1961) states that, “in educational debate the judge is instructed to disregard the merits of the proposition and to render the decision on the merits of the debate and-the purpose of the debate is to provide educational opportunities for the participants” (p. 293).

Although the educational commitments of North American academic debate are longstanding, it is difficult to state with any precision when a strong norm regarding dropped arguments surfaced in the collective consciousness of the debate community. On face, failing to

Ryan K. Clark (PhD, University of Memphis) is an Associate Professor of Rhetoric and Director of Forensics at Black Hills State University. He began coaching debate more than twenty years ago and has authored research in the field of debate that has been presented at conferences and published in scholarly journals.

address arguments made by the opposition is not good practice, but it is not clear when this obvious truism reduced to a bumper-sticker-style normative equation (e.g., “dropped equals conceded,” “silence means consent”). There is certainly talk of dropped arguments in the 1960s. The third edition of Freeley’s (1971) *Argumentation and Debate*, for example, features a final round transcript of a debate on the 1967 NDT proposition in which the debaters frequently refer to arguments dropped by the other team:

Secondly, we say it fails to integrate them into our economy. The gentlemen dropped the argument. Finally, in terms of efficiency, we told you we were comparing in kind with cash. The gentlemen dropped that argument as well. The important point is they never discussed that.

(p. 485)

Move forward in time and one finds characterizations of dropped arguments to be more along the lines of a rule. The twelfth edition of *Argumentation and Debate* offers a transcript of the 1995 CEDA final round where it is apparent that arguments about dropped arguments now fall under the “silence mean consent” convention:

The NMFS is part of the executive branch and I read the specific link evidence in the 2NC that says that executive [ONE AND A HALF] branch rule-making empirically has angered Congress. He doesn’t answer this. Also, the whole story about the current compromise on executive rule-making is dropped. Conceded. The 2AR can’t talk about it. (Freeley & Steinberg, 2009, p. 436)

The strong norm about dropped arguments, of course, entered the picture before the 1995 final CEDA round. Leef (2008) claims that the convention emerged in the late 1970s, which would be roughly the same time as the rise of the tabula rasa paradigm, to which we now turn.

Tabula Rasa

Between the longstanding goal of education and the more recent norm of “dropped is conceded” stands an image which connects the two, the judge as a blank slate waiting to be written upon. The judge under this ideal image does not bring in any personal prejudice, beliefs, or knowledge into the round. Imagined as a purely passive entity, the judge is merely there to report who won the debate, to bear witness to self-evident events.

About a half-century ago, Drum (1968) invoked another metaphor to complain that the expectation that a judge must dutifully take notes of all the proceedings of a round was dehumanizing:

The American debater is trained to look upon the debate judge as a machine, a machine which copies down every bit of evidence and then, much in the manner of Eniac or Univac, ticks forth a deductive decision. And be it noted that, like the mechanical computer, the judge is supposed to have no emotions, no biases, no feelings, on the matter, and, in fact, no memory. (pp. 348-349)

Under the tabula rasa metaphor, however, matters are worse than that of judge-as-computer; *slates do not even perform computations*. The tabula rasa metaphor is not computational, implying arguments somehow sort themselves out interpretively and evaluatively in the process of being inscribed.

Indeed, given the idealized passivity of the judge in this metaphor, it is more appropriate to describe the debate as happening on “the flow.” The “blank slate” is really the legal pad or computer screen. Anything in the judge’s head is out-of-bounds and the judge should compliantly

mediate translating speech into writing. The judge is not a person to be persuaded, but merely a planchette or stenographer.

Although many textbooks refer to *tabula rasa* as a ground-level paradigm on all fours alongside other paradigms such as “policy-maker” and “hypothesis testing” (e.g., Freeley & Steinberg, 2009; Hanes, 2015), I agree with Berube, Snider, and Pray that “*tabula rasa*” is properly classified at a higher level of abstraction. Berube, Snider, and Pray (1994) position *tabula rasa* and judge intervention as two foundationally opposed metaparadigms which are compatible with various paradigmatic metaphors of judging. One can, for example, claim to be both *tabula rasan* and a hypothesis tester. This conceptual distinction is supported by Dudzak and Day’s (1990) empirical study of judging paradigms which found that *tabula rasa* “merged with all other paradigms except Stock Issues on five of seven discriminants” (p. 22).

This finding is not surprising, given the widespread rejection of intervention. West’s (2007) textbook on parliamentary debate, for example, offers a familiar denunciation: “The debaters have to debate each other; they should not have to debate their judge” (p. 14). Berube, Snider, and Pray’s conceptualization of *tabula rasa* and intervention as metaparadigms offers a stark either/or choice, making *tabula rasa* appear to be the only respectable choice.

The rub is that while *tabula rasa* offers as a simple idealization of the judge, it is quite impossible to achieve in actual practice. Champions of the *tabula rasa* perspective (e.g., Ulrich, 1992; West, 2007) acknowledge that it is an unachievable ideal, but still advocate for it as a goal, in much the same way that journalists are supposed to strive for objectivity: “Obviously, it is not always possible to keep one’s beliefs separate from a decision, but judges have an obligation to debaters to try” (West, 2007, p. 14). McGee (1998) remarks, “In one way or another, *tabula rasa* proponents always have reverted to defending *less* rather than *more* intervention in the decision-making process, rather than defending some unattainable state of absolute non-intervention” (p. 47).

Even so, a blank slate is still more appealing than the image of the interventionist judge. If the blank slate is the unreachable asymptote of adjudicator virtue, intervention would seem to the bottomless abyss of adjudicator tyranny. Arguing for intervention would seem to be like arguing for cancer or heart disease. A similar trouble besets the study of ethics. Given the choice between moral relativism or unyielding absolutism, it seems better to be a relativist. If, however, objectivism is seen as a choice lying between the two, one can pass through the horns of the dilemma.

Least Intervention

It is along these lines, that McGee would argue that we should let go of the metaphor of the blank slate and commit to a middle position he describes as “least intervention.” In his essay, McGee (1998) builds off of prior criticism of the *tabula rasa* paradigm, notably by Bunch (1994), and articulates three varieties of judge intervention. Sense-making intervention is that of the judge using outside beliefs and information to give meaning to utterances made by debaters: “Judges must make sense of the debates in which they participate, and their attempts to do so are a kind of ‘intervention’ into the debate” (McGee, 1998, p. 43). Evaluative intervention is that of assessing the quality of arguments in terms of the judge’s understanding of argument theory, even if quality of argument is not raised by the competitors. Where evaluative intervention is formal, content-based intervention is substantive. Curiously, McGee (1998) contends that this not only involves the judge’s position on evidence in the round, but also their “skepticism about

specific argument types” (p. 46).

Simply put, McGee’s position is what it sounds like; the judge should only intervene as much as is necessary to make adjudication of the round possible. Sense-making intervention is acceptable, but evaluative and content-based intervention are only allowable in the rarest of circumstances. In articulating a middle-ground position between fictional erasure of the critic and the total imposition of the judge into the round “least intervention” was an important step forward.

There are, however, limitations to the position. First, the notion that there is a clear delineation between sense-making and evaluation is unrealistic. The interpretive process is also an evaluative one. The interpretive “Principle of Charity,” for example, involves reading speakers’ statements in a way that makes them rational and puts them in the strongest possible light. Doing this requires the evaluation of better and worse, stronger and weaker. As much as *tabula rasa* is an unrealistic metaphor of adjudication, so too is the notion that judges might intervene only to make sense of arguments. In truth, we’re always “intervening” in making sense out of and assessing the world we find around us.

More importantly, I contend that least intervention attempts to limit the role of the judge too much. McGee flinches in approaching the middle ground for fear of sliding down a slippery slope. In a footnote answering a reviewer’s question regarding intervention to reject hate speech McGee (1998) attempts to reassure his reader that least intervention, “places a heavy presumption against evaluative and content-based intervention” and does not “open the door” for activist judges (p. 51). Unfortunately, least intervention, as McGee articulates it, allows for student competitors to game normative predispositions against intervention with bad arguments that must stand as good unless and until the other side addresses them. If the judge still has to pretend to be a fool with no good judgment in the face of bad arguments, they effectively are still handcuffed to the *tabula rasa* metaparadigm.

Prima Facie

I propose extending least intervention to more realistically reflect what actually happens in debate rounds and to free debate rounds from the ridiculous convention that silence on any argument in a debate is a concession of that argument. What I am calling for amounts to using the same standard we apply to the affirmative case to individual arguments in the round. Specifically, uncontested arguments should be subjected to a minimal *prima facie* test read under the principle of charitable reading to determine if that argument should be included in adjudication. If the argument is included after passing the *prima facie* test, the judge should then refrain, as much as possible, from further intervention on that issue.

Consider that the requirement that the affirmative offer a *prima facie* case *already* requires judge intervention by longstanding convention. Kruger (1960) a clear and typical reading of the *prima facie* requirement:

In debate, failure by the affirmative to prove the debate resolution (to be probably true) obliges a judge to vote for the negative. Because of the initial presumption favoring the negative, the affirmative must initially present what is known as a *prima facie* case, that is, a case which on the face of it proves, or appears to prove, the resolution (to be probably true). The negative then has the obligation of showing, by one means or another, that the affirmative has failed to prove the resolution (to be probably true). (p. 127)

The requirement that the resolution be proved “on the face of it” requires a preliminary

evaluation by the critic before the negative even speaks. Moreover, a case is made up of individual arguments, which means that the critic must evaluate the constituent arguments of the case before the negative offers their advocacy. If all of this is already acceptable, then so too should be the notion that judges would engage in an initial evaluative intervention of an argument to determine if it would stand without refutation.

Prima facie intervention does not replace least intervention, so much as it redefines it. I offer no call here for either for reckless intrusion into the round or pious denial of judge's actual participation in the event. If an argument passes the prima facie test, then like the prima facie case, it becomes the responsibility of the opposition to refute it. The judge properly has no further stake in the matter.

Moreover, uncontested arguments should be read under the principle of charity. Judges should actively interpret the argument so as to render it as rational and persuasive. The enthymematic nature of argument makes this charity complicated. Should a judge assume a suppressed or implied warrant if one is not explicitly mentioned? If someone says, for example, "I had a look outside and you should take your umbrella" it seems natural to assume precipitation is likely or occurring and that taking the umbrella is being encouraged as protection against the elements. This might be wrong. There might be an umbrella collector paying top dollar. We should note in this example the assumed supplemental information springs naturally to mind and requires no strain. A competent user of the English language under normal circumstances and no additional information would arrive at the same conclusion. So too should it go for uncontested arguments. Judges should infer suppressed premises when reasonable. There is no simple mechanistic rule for how to do this, which is precisely why we turn to human judges in the first place.

Perhaps this is where I flinch, erring on the side of caution and allowing the occasional bad argument to stand because of an over-charitable reading. Prima facie intervention is, however, more realistic and more of a corrective than least intervention. It stands within preexisting conventional parameters of prima facie requirements, so it is less radical than it might initially sound. It allows us to acknowledge the educational goals of debate without cashing out for impossible metaphors of emptiness, but also provides a mean by which we may transcend the thudding convention that "silence means consent."

References

- Berube, D. M., Snider, A.C., & Pray, K. (1994). *Non-policy Debating*. Lanham, MD: University Press of America.
- Bunch, A. (1994). Beyond tabula rasa. *Argumentation and Advocacy*, 30, 174-181.
- Drum, D. D. (1968). The debate judge as a machine. In A. N. Kruger (Ed.), *Counterpoint: Debates about debate* (pp. 345-356). Metuchen, NJ: The Scarecrow Press.
- Dudczak, C. A., & Day, D. (1990, November). *The impact of paradigm consistency on taxonomic boundaries in CEDA debate*. Paper presented at the 76th Annual Meeting of the Speech Communication Association, Chicago, IL. <http://eric.ed.gov/?id=ED328925>
- Freeley, A. J. (1961). *Argumentation and debate: Rational decision making*. San Francisco, CA: Wadsworth.
- Freeley, A. J. (1971). *Argumentation and debate: Rational decision making* (3rd ed.). San Francisco, CA: Wadsworth.
- Freeley, A. J., & Steinberg, D. L. (2009). *Argumentation and debate: Critical thinking for reasoned decision making*. Boston, MA: Wadsworth.

- Hanes, T. R. (2015). *The “how to” of debate: Skills and theories for policy debate*. Raleigh, NC: Lulu.
- Kruger, A. N. (1960). *Modern debate: Its logic and strategy*. New York, NY: McGraw Hill.
- Leef, G. (2008). College debate ain't what it used to be. Retrieved from <http://www.popecenter.org/2008/12/college-debate-aint-what-it-used-to-be/>
- McGee, B.R. (1998). Judgment after tabula rasa: Defending “Least Intervention.” *Contemporary Argumentation and Debate*, 19, 40-57.
- O’Neill, J. M., Laycock, C., & Scales, R.K. (1917). *Argumentation and debate*. New York, NY: MacMillan.
- Urlich, W. (1992). In search of tabula rasa. In D. A. Thomas and J. P. Hart (Eds.), *Advanced debate: Readings in the theory, practice, & teaching* (pp. 310-318). Chicago, IL: National Textbook Company.
- West, K. (2007). *Parliamentary debate*. New York, NY: Rosen.