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2018 STRATEGIES FOR REFUTATION**

BY REBECCA STEINER

## GETTING OUT OF THE CARDS AND INTO THE ARGUMENTS: 2018 STRATEGIES FOR REFUTATION

BY REBECCA STEINER\*

\*Assistant debate coach and PhD candidate in the Department of Communication Studies at the University of Georgia. She can be reached at [Becca.Steiner@uga.edu](mailto:Becca.Steiner@uga.edu).

### INTRODUCTION

In 2007, the Wake Forest University Annual *Debaters Research Guide* (“DRG”), a preeminent annual debate handbook, was discontinued. The DRG was printed and distributed annually every year since 1978 to coaches in the United States and students who attended the Wake Forest University high school summer debate institute. The articles were later scanned and published online. The DRG was edited each year by a prominent high school or college debate coach. The editor would solicit articles from other debate coaches across the country with insights on the current year’s high school policy debate topic, contemporary trends in competitive policy debate, or perspectives on the historical evolution of arguments or trends within competitive policy debate. Sample “cards” or evidence was provided in the back of the DRG.

In the final edition of the DRG, Clarion debate coach Jim Lyle lamented that debaters were losing the ability to effectively refute the opposing teams’ arguments without relying on additional evidence. Lyle explained that too often debaters get caught up in thinking that argument comparisons are things that only need to take place in a brief overview at the beginning of the final two rebuttals. His essay sought to provide ways to think about the structure of arguments and then offer specific strategies that would allow for better refutation of arguments. His essay considered argumentation scholar Stephen Toulmin’s model of argument, Walter Fisher’s concept of narrative, and basic risk assessment.

A large percentage of debate coaches have taken up Stephen Toulmin’s “Toulmin Model” in curriculum when teaching debate courses to novice high school competitors. The Toulmin model is a staple in competitive debate textbooks and journal articles about competitive debate. Toulmin is a major name in argumentation theory, argument probability, and argument strength. However, despite the widespread use of Toulmin in teaching competitive debate formats, equally famous argumentation scholar Chaim Perelman is only featured occasionally in texts on the pedagogy of competitive debate. In this paper, I review the ways in which Perelman and Olbrechts-Tytecas’s *The New Rhetoric* have or have not been used or modified by contemporary, competitive policy debate coaches and scholars. I also offer recommendations for future uses of this text in

the context of coaching competitive policy debate, to build on Jim Lyle's call for debaters to get better at refutation without relying strictly on "more evidence."

#### LITERATURE REVIEW

After the discontinuation of the Wake DRG, a large number of online resources have become available to high school students looking for coaches' perspectives on the high school topic, current argument trends, and the historical evolution of competitive debate theory. For example, in 2009 high school debate coach Bill Batterman of Woodward Academy created the *3NR*, a blog devoted to all things high school policy debate. *HSImpact* is another website run by Josh Clark of Montgomery Bell Academy, Aaron Kall of the University of Michigan, and Scott Phillips of The Meadows School that provides blog posts and podcasts about arguments, strategies, and trends in competitive debate. These websites occasionally consider the relevance and use of the Toulmin Model in competitive debate formats, but have no content related to argumentation scholar Chaim Perelman. Websites devoted to the open access of evidence and other teaching resources for high school debaters and coaches such as *Debate-Central.ncpa.org* and *PlanetDebate.com* contain no posts related to Toulmin or Perelman. However, some recent sites such as *Learn Policy Debate* do have pages exclusively devoted to types of proof for arguments by Chaim Perelman, such as Perelman's techniques of liaison, dissociation, argument by example, argument by illustration, argument by model, and analogy.

Beyond online resources, debate coaches in academia have considered whether or not Perelman's concept of the universal audience can act as a valuable tool to participants and critics in various formats of competitive debate. Kuper (1985) made a call for further research that would focus on the practical application of the universal audience, and to investigate the consequences of its use in Cross Examination Debate Association (CEDA) debate rounds. Swift (2013) offered a harsh critique of how Perelman's universal audiences and particular audiences are contributing to negative trends in lazy debating geared towards particular judges in college parliamentary debate (NDPA) and college policy debate (NDT, CEDA style). Swift's research concludes that coaches and debaters alike could benefit from revisiting Perelman (Swift, 2013).

Are current scholars and debaters writing or reading debate textbooks to revisit Perelman? The most recently written and commonly available textbooks on the teaching of competitive policy debate include Steinberg and Freeley's *Argumentation and Debate* (2008), Bellon and Williams' *The Policy Debate Manual: A Comprehensive Introduction to the Theory and Practice of Competitive Debate* (2008), Hahn, Hahn, and Hobeika's *Finding Your Voice: A Comprehensive Guide to College Policy Debate* (2013), and Briscoe's *Policy Debate: A Guide for High School and College Debaters* (2016). After reading these texts, it is clear most are not making any use of Perelman to help teach competitive debate.

Steinberg and Freeley (2008) apply Perelman to describe the long-standing concern of philosophers and political leaders with debate as an instrument of dealing with society's problems. The textbook emphasizes that individuals benefit from knowing the principles of argumentation and debate from being able to apply these principles in making decisions and influencing the decisions of others. In the bibliography of this book, the authors stress that Perelman and Olbrechts-Tyteca's *The New Rhetoric* along with Toulmin's *Uses of Argument* "should be familiar to all serious students of argumentation and debate," but yet, Perelman is only quoted once in the first chapter of the book. However, Stephen Toulmin is featured throughout the book in a variety of contexts such as the structure of practical reasoning, refutation, argument fields, argument fallacies, degree of cogency of argument, uses of argument in a debate round, and uses of argument outside of a debate round. Steinberg and Freeley clearly acknowledged the significance of Perelman, but isolate a much clearer understanding of how Toulmin's ideas can help students win a debate.

Bellon and Williams (2008) make no mention of Perelman at all, but offer a page devoted to the Toulmin Model parts Data, Warrant, and Claim. The authors note there are probably hundreds of models of a good argument that have been developed over the years by different theorists, but one of the most influential of these models was originally published by Stephen Toulmin in his book *The Uses of Argument* (2003). Bellon and Williams modify Toulmin's model to discuss only the parts of claim, data, and warrant, purposely leaving out rebuttal, backing, and qualifier. Bellon insults Toulmin's writing style as being inaccessible to debaters, but paraphrases the content. Hahn, Hahn, and Hobeika (2013) make no mentions of Perelman or any mentions of Toulmin. Briscoe (2016)'s textbook *Policy Debate: A Guide for High School and College Debaters* similarly offers no mentions of Perelman or Toulmin.

#### APPLICATION

After investigating the most recent competitive debate textbooks and online resources, I now turn to how debaters and coaches might consider revisiting Perelman and Olbrechts-Tyteca's *The New Rhetoric* to create refutation strategies in a competitive policy debate context. First, Chapter Five of *The New Rhetoric* is about the interaction and strength of arguments. The authors explain "argument interaction" includes interaction between various arguments put forward, and interaction between the arguments and the overall argumentative situation; between arguments and their conclusion; and finally, between arguments occurring in the discourse and those that are about the discourse (Perelman and Olbrechts-Tyteca, 460).

This section of the text could beneficially be applied to how any given debate has many moving parts. One strategy in refutation, without relying on bringing in new evidence (as Lyle asks us to think about) is to make a strategic

concession based on how one argument interacts with any of the other various arguments on the flow. For example, in the second affirmative constructive (2ac) it may be necessary for an affirmative team to, without reading new evidence, look at the interaction between a piece of the negative teams' case-defense evidence and the negative teams' disadvantage (DA) impact evidence. Perhaps the negative team had read evidence on the case that suggests diseases will burnout before causing human extinction but on the disadvantage read an impact about disease pandemic preparedness. Without reading new evidence, Perelman's text might provide the affirmative team reasons to consider how those arguments interact and come to the conclusion that they should concede the case defense and cross-apply it to the disadvantage impact. As long as the affirmative team still has another advantage area not dependent on the disease impact, this would provide an acceptable basis for refutation of the DA without using additional evidence.

Beyond argument interaction, in chapter five Perelman and Olbrechts-Tyteca discuss the concept of "argument strength." They hypothesize that argument strength is appraised by application of the rule of justice: that which was capable of convincing in a specific situation will appear to be convincing in a similar or analogous situation (Perelman and Olbrechts-Tyteca, 464). This may be helpful when debaters and coaches consider the difference between "research/evidence" and "support." Lyle's complaints in the DRG were about the rush to simply read "more evidence." Debaters may be able to refute an argument (diminish the strength of their opponent's argument and/or prove the strength of their own arguments in comparison) without a rush to more "cards" but instead draw on background knowledge of historical or current event news examples. For example, why read five cards on "political capital theory is false for Obama," or "environmental policies are historically popular with Congress," when you could simply spend time before the tournament finding a few historical examples that are similar/analogous when the President of the United States did not lose political capital after passing an ambitious environmental policy?

Another suggested method to establish argument strength without relying on "more evidence" is Perelman and Olbrechts-Tyteca's technique of "deliberate over-estimation." The authors claim that deliberate over-estimation by the speaker tends to increase the strength of the argument the speaker advances (Perelman and Olbrechts-Tyteca, 465). Debaters and coaches already rely on modifying Aristotle's concept of "ethos" to suggest debaters exert a large amount of confidence to create character and personality that will make themselves memorable to a judge. Perelman and Olbrechts-Tyteca's technique of deliberate over-estimation is rather similar: the speaker should put forward a conclusion as more certain than they themselves consider it to be (465). The authors claim this adds an extra argument to the argument that was already advanced.

Perelman and Olbrechts-Tyteca could add to debate coaches' discussion of ethos in a positive way. Ethos is a concept to make debaters memorable and seem confident about their chances of winning a debate round broadly, but Perelman and Olbrechts-Tyteca's intervention is that debaters should deliberately choose and overestimate their chances of winning/strengthening adherence for particular arguments. For example, debate coach Jarrod Atchison (Wake Forest University) modified the concept of "ethos" from Aristotle's *Rhetoric* for competitive debate into a phrase he coined called an "ethos moment." An "ethos moment" is a debater's defining moment in their final rebuttal that they want the judge to remember above all else. When Atchison's modification comes into contact with Perelman's concept of deliberate over-estimation, it could meaningfully add to conversations about the most effective ways to establish confidence and "ethos moments" in a competitive debate format rebuttal, without needing a litany of new evidence/research.

A further element in Perelman and Olbrechts-Tyteca's assessment of the strength of arguments can be used to revisit cross-examination periods in policy debates. The authors suggest one way to over-value the strength of an argument is for the speaker to extend specific agreements reached in the course of discussion without their interlocutor's having given their explicit adherence (Perelman and Olbrechts-Tyteca, 466). For example, let's say two debaters are in a cross-examination period after the second affirmative constructive (2ac). A debater from the negative side begins to ask a series of questions about why the affirmative policy proposal of a carbon tax would stop all greenhouse gas emissions in the United States and the rest of the world. A debater from the affirmative side describes why the carbon tax proposal would meaningfully create a dent in the United States' emissions and why other countries model US environmental policies. After this cross-examination period, the negative block begins and the negative team reads a vast of evidence that says the modelling effect is extremely unlikely and China is a much larger emitter than the United States. Lyle would probably say the average high school or college debaters' gut response during preparation time for the first affirmative rebuttal (1ar) would be to locate all of their prepared evidence on the question of the modelling effect and any evidence that compared emission rates of the United States and China.

However, a possibility Perelman and Olbrechts-Tyteca invite debaters and coaches to revisit is to consider specific agreements reached without the interlocutor's explicit adherence. A possible 1ar strategy that does not require digging into the expando folders and stacked, blue Rubbermaid tubs of Lyle's time or Dropbox files of today's debaters might be to point out that the negative team has seemingly agreed that global warming is real, anthropogenic, and will cause the billions of deaths if unchecked. This is an agreement that the interlocutor has not explicitly agreed upon verbally in the cross-examination period, but because all of the negative arguments simply question the affirmative teams' ability to stop global warming, this means the affirmative team can characterize both sides as agreeing

to the causes and devastating effects of global warming. Then, the affirmative team might frame their affirmative (as often debaters do) by suggesting it is “Try or Die” for the affirmative case. You can either “try” to use a carbon tax to stop global warming, or you can “die” because you don’t take a departure from the status quo and unchecked global warming will kill billions in a matter of time.

Another strategy for using Perelman and Olbrechts-Tyteca’s ideas in refutation styles without relying on new evidence is to consider the opponent’s behavior during the conversation (or in our case, debate). The authors suggest the opponent’s behavior may be used for inferring the strength of the speaker’s own arguments (Perelman and Olbrechts-Tyteca, 470). For example, the authors note if the opponent gets angry it may be a sign they find themselves cornered in the cross-examination period (Perelman and Olbrechts-Tyteca, 470). The authors also state the opponent might resort to diversions in the cross-examination if the strength of their belief or confidence in their argument is low (Perelman and Olbrechts-Tyteca, 470). A final example the authors give is if the opponent refuses to answer a question asked by the opposing team (or instead of answering replies with a counter-question) it may be a sign that one can assign lower strength to the argument in question (Perelman and Olbrechts-Tyteca, 470). Debaters and coaches should revisit the ways they can teach their students to allude to these reactions of their opponents as a way of emphasizing, increasing, or decreasing the strength of their own arguments or their opponent’s arguments.

For example, say the negative team reads a robust first negative constructive (1nc) full of disadvantages and counterplans. Perhaps the affirmative team has answers to all of the disadvantages except one. Lyle might say the second affirmative speaker (2a) will begin to panic because they have no evidence prepared to refute this disadvantage. Instead of panicking immediately and losing control of the situation, debaters should practice thinking critically about how to analytically defeat the disadvantage and that begins by asking cross-examination questions about the various parts (uniqueness, link, internal link, and impact). By investing a significant amount of time on the disadvantage in the cross-examination period, the affirmative team might begin to realize the negative team starts to evade questions about the link-level of the disadvantage, but seems perfectly calm and collected when describing the terminal impact-level of the disadvantage. This should be a red flag to the affirmative team that the strength of the link to this disadvantage is lower than expected and evidence may not be needed to refute the disadvantage by way of establishing a “no link” argument in the 2ac.

If this cross-examination period went especially poorly for the negative team, the affirmative team might consider revisiting Perelman and Olbrechts-Tyteca’s concept of “amplitude” in argument. The authors suggest amplitude is a method of repetition of an important argument from your side of a given controversy (Perelman and Olbrechts-Tyteca, 478). Amplitude may take the form of exact reproduction of the same argument/s (Perelman and Olbrechts-Tyteca,



478). The authors explain the purpose of this insistence is to make the arguments more present (Perelman and Olbrechts-Tyteca, 478). As a strategy to help refutation without relying on more evidence, this could be applied in debates by making reference to how poorly the cross-examination went for the opponents. This may help the judge remember pivotal moments in the debate when strength was established for one team and not the other. Debaters often say “Cross-ex was devastating on this issue!” but Perelman and Olbrechts-Tyteca’s analysis suggests debaters shouldn’t stop there, but instead should remind the judge what the exact argument was.

Another consideration for refutation without evidence that Perelman and Olbrechts-Tyteca discuss in *The New Rhetoric* is in Chapter One on Quasi-Logical Arguments. The authors offer a section on “The Ridiculous and its Role in Argumentation.” The authors define “the ridiculous” as “what deserves to be greeted by laughter, that laughter which has been designated as ‘exclusive laughter,’” (Perelman and Olbrechts-Tyteca, 205). Too often young debaters worry about not having a piece of evidence or multiple pieces of evidence to debunk or refute an outright ridiculous claim.

For example, at least once during the season in any given debaters’ career, an opposing team will read evidence suggesting something incredibly unlikely such as an asteroid’s chances of coming to hit the earth is increasing, an alien takeover is coming, economic downturn is a good thing, or that nuclear war is a good thing (known affectionately in debate circles as “spark”). Instead of pouting or panicking because of a lack of evidence, debaters should consider revisiting what Perelman and Olbrechts-Tyteca have to say on how to approach refuting a ridiculous argument. In some cases, it is alright for debaters to consider laughing at an opponents’ argument if it is assessed to be ridiculous. Further, it can certainly be addressed without evidence. Too often debaters get bogged down in the assumption they need evidence that they forget that smart analytic arguments can defeat ridiculous but “carded” evidence with “research” to support the argument.

### CONCLUSION

As I write, Wake Forest University has revived their summer debate institute and rebranded as the “Ross K. Smith Debate Workshops at Wake Forest University.” The Wake Forest Debate staff is toying with the idea of reviving the *Debater’s Research Guide*. Debate coaches have been making steady progress with publishing of an abundance of new textbooks and creating new online resources to help students learn the skills of high school and college policy debate. However, Jim Lyle’s concern with debaters racing to find the most evidence to win debates is still a concern in 2018. My review of the available literature suggests debate coach educators have so far not utilized a lot of argumentation scholar Chaim Perelman’s texts into the realm of competitive debate, and yet *The New Rhetoric* may have a lot to offer these individuals for revisiting strategies for argument

refutation. In fact, one of the best features of this text is that the authors have not merely described kinds of argument used in persuasive discourse, but have constantly shown how arguments can be countered.

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