A second, and probably superior view of the resolution, suggests that the resolution is analogous to the title of a piece of legislation. The subject of the resolution would indicate the audience that is being addressed (or what level of government the judge can control), and the predicate would suggest the title of a proposed bill. There are a great deal of court cases detailing the functions of the title of a piece of legislation, [21] and the title serves a similar purpose as a debate topic. The title provides warning to others about the content of the bill [22] and it also limits the content of the bill. [23] This view of the resolution would also eliminate counterwarrants (since all potential forms of the bill are not adopted, only the one voted on), and it would provide a clear standard for topicality arguments.

2. *Presumption*. There are two potential views of presumption drawn from legal reasoning. In a criminal court, the prosecution must overcome a substantial presumption of innocence in order to win its case. In the civil courts, a more lenient "preponderance of proof" standard is used. These presumptions were developed, not because of any abstract sense of the nature of presumption, but because the goals of the judicial system required such a presumption. [24] The presumption of innocence, for example, is based upon society's view that it is better to let guilty people free than to convict innocent people. Other judicial systems that value liberty less might reverse this presumption, arguing that any risk of guilt is enough to convict a person. The implication is that legal presumptions are based either upon values that should be protected, or due to procedures that require the presuming of a fact to be true, In debate, these justifications for arbitrarily assigning presumption are not compelling, while there is a strong desire for the judge to be impartial; i.e., the debate community assumes the judge should not favor one team more than the other. While either team could argue that it should have presumption based upon risk analysis or other considerations, without presenting such an argument in the debate, neither team should be assigned presumption by the judge. Furthermore, even when a side establishes presumption, the presumption "vanishes when positive evidence to the contrary is introduced." [25] Thus presumption largely serves as a tie breaker.

3. *The role of the advocates*. The legal system is an advocacy system, and many of the guidelines outlined by Strange in his paper on an advocacy model of debate [26] apply to the litigants. Each side is expected to defend its own position as rigorously as possible. In addition, each team is limited to one consistent policy. A defense attorney who simultaneously argued that there was no crime, that his client was elsewhere at the time, that his client acted in self defense, and that his client was forced to commit the crime, besides risking purjury, would not be very successful. Instead, each side is expected to defend one position. While truth may be a goal of the legal system (and some argue it is not), the means to this end is an adversary system that requires each side to defend a singular position. While all positions can be considered prior to advocacy (and some may be argued for other clients in other trials), once the advocacy begins, only one position is allowed per advocate.

4. *Decision rules*. Unlike other paradigms, only in a legal setting does the actual construction of a ballot become an important part of the process. It is not enough for a court to render a decision, it must articulate the reasons for its decisions. These decisions help both guide future litigants and they also act as a check on the court. [27] The decision of the judge is exposed to criticism by the litigants and any other individual that examines the decision, thus requiring the judge to devote a great deal of energy to the decision.

The judge also should recognize that any decision rendered by the court has implications, not only on the immediate case, but on future cases. Any decision may create a precedent for future action. [28] While the argument that a plan may create a

dangerous precedent has been argued frequently in debate, it really should have an impact only in a judicial paradigm. A legislative body does not claim to base its decisions on earlier decisions; in fact, a new legislator may very well be elected on a platform to alter the way past legislators have acted. The thesis of incrementalism is that small changes are made and, if they turn out to be harmful, future changes in that direction are not made. A judge, however, realizes that a decision may create a precedent for future action and, at a minimum, the judge realizes that he/she should base a decision on neutral principles that transcend the immediate case. This orientation makes the argument from precedent a very effective position.

5. *Fiat power.* For a judicial decision maker, fiat is not an external power, but rather is a power of the court itself. The court fiats into existence a new decision or a new interpretation of the law. It is not an artificial concept, but rather the idea of fiat is an act over which the court exercises control. The fiat power is limited, however, to those actions in the court's jurisdiction. While the court can dictate that an individual or a government perform an action, the action comes about through a court mandate, not through an independent action of the agent involved. Thus a court can prevent an individual from saying something, but the court does this by issuing an edict; the result does not come about by having the individual act without court action.

6. *The judicial attitude.* Traditional discussion of debate paradigms has emphasized the mechanical rules that a judge should apply to a given debate round. While these rules are important, a portion of the judging philosophy involves more abstract qualities that cannot be easily defined. Some of these characteristics include personal characteristics, and others involve the attitude that a judge takes toward a decision. These characteristics are important for a judge to understand. A judge needs to create the impression in both parties that they have an opportunity to win a decision; the judge should be impartial. [29] This requires that the judge be objective in hearing a case; otherwise the judge should decline to hear a case. In addition, the judge should be open to new viewpoints and should be receptive to new ideas rather than dismissing outright views that, at first glance, seem to be unreasonable. All ideas should have their chance to be heard in the court. [30]

7. *Ethics.*. In the post-Watergate environment, the legal profession has become more and more interested in the ethical implications of advocacy. Many of the guidelines developed by the legal professions (prohibitions against lying, for example) can be applied directly to debate, and many of the issues of advocacy (defending a guilty client, for example) have their counterparts in the ethical issues facing debaters. In addition, just as judges in law are bound by ethical codes, so are debate judges bound by codes such as the AFA and NFL ethic codes. While there may be a temptation of some to evade these rules (or, as one coach indicated, to be thankful that the AFA is not enforcing its rules), the nullification of these rules by judges creates a dangerous environment in which people pick and choose those guidelines that they like and ignore all other rules. The ethical rules should play a more important function for the field. The codes outline the rules for the forum. While we can question the wisdom of these regulations, once they are adopted they become binding on members of the community; if we do not like the regulations we can either repeal these rules or we can create alternate forums. These rules no more violate academic freedom or freedom of speech than rules governing football restrict freedom of movement. Coaches and debaters are free to do as they wish on their own time and at their own campus. When they come to compete with other schools, however, there must be a common set of regulations or there can be no basis for competition, and the ethics code creates this framework.

There are other implications of legal

reasoning for a theory of debate, but most of these implications can be reached by examining the ways that courts react to arguments, as well as by examining the limitations that the debate forum places on the advoctes. Debate can never create a universal theory of argumentation, but it can allow us to study the nature of argumentation in an advocacy situation, as well as the way that a highly developed method of reasoning - legal reasoning - works. This paper has attempted to illustrate how such a paradigm for the evaluation of debate arguments might be structured and developed.

ENDNOTES

1 See "Special Forum: Debate Paradigms," *Journal of the American Forensic Association*, 18 (1982), 133-160.

2 Austin J. Freeley, "Judging Paradigms: The Impact of the Critic on Argument," in *Dimensions of Argument: Proceedings of the Second Summer Conference on Argumentation*, George Ziegelmueller and Jack Rhodes, ed. (Annandale, Virginia: Speech Commication Association, 1981), pp. 437-438.

3 See David Zarefsky, "Argument as Hypothesis Testing," in *Advanced Debate: Reading in Theory and Practice*, David A. Thomas, ed. (Skokie, Illinois: National Texybook Company, 1979), pp.427-437; Allen J. Lichtman and Daniel Rohrer, "The Logic of Policy Dispute," *Journal of the American Forensic Association*, 16 (1980), 236-247; Bill Balthrop, "Citizen, Legislator, and Bureaucrat as Evaluators of 'Competing Policy Systems'," in *Advanced Debate*, pp. 402-418; and Kenneth M. Strange, "An Advocacy Paradigm of Debate," paper presented at the Speech Communication Association Convention, November 13, 1981.

4 Robert C. Rowland, "Standards for Paradigm Evaluation," *Journal of the American Forensic Association*, 18 (1982), 139-140.

5 David Zarefsky, "The Perils of Assessing Paradigms," *Journal of the American Forensic Association,* 18 (1982), 141.

6 Zarefsky, "Argument as Hypothesis Testing," p. 436.

7 See Stephen Toulmin, *Uses of Argument* (Cambridge: Cambridge University Press, 1958), Stephen Toulmin, *Human Understanding* (Princeton: Princeton University Press, 1972), and Stephen Toulmin, Richard Rieke and Allen Janik, *An introduction to Reasoning* (New York: Macmillan Publishing Co., Inc., 1979).

8 Walter Ulrich, "A Model of Argument," unpublished paper, University of Alabama, 1981.

9 See Robert Rowland, "Argument Fields," in *Dimensions of Argument*, pp. 56-79.

10 Toulmin, Rieke and Janik, pp. 7-9; 14-16

11 Zarefsky, "Perils of Assessing Paradigms," p. 142.

12 Strange, pp. 4-7.

13 Charles T. McCormick, Frank W. Elliot, and John F. Sutton, Jr. eds., *Evidence: Cases and Materials*, fourth edition (St. Paul, Minnesota: West Publishing Co., 1971). See also Wayne Thompson, *Modern Argumentation and Debate* (New York: Harper & Row, Publishers, 1971), pp. 90-91.

14 See Horace E. Read, John W. MacDonald, Jefferson B. Fordham, and William J. Pierce, *Materials on Legislation*, 3rd. ed. (Mineola, New York: Foundation Press, Inc., 1973).

15 Many debaters draw from legal sources such as *Black's Law Dictionary* and *Words and Phrases* to define terms.

16 See Arthur Kantrowitz, "Controlling Technology Decocratically," *American Scientist*, 63 (1975), 505-509; Task Force of the Presidential Group on Anticipated Advances in Science and Technology, "The Science Court: An Interim Report," *Science* 193 (1976), 653-656; Arthur Kantrowitz, "Proposal for an Institution for Scientific Judgement," *Science*, 156 (1967), 763-764; " 'Science Court' Idea: Toward a Test," *Science News*, 115 (1976), 198-199; Albert R. Matheny and Bruce A Williams, "Scientific Disputes and Adversary Procedures in Policy Making: An Evaluation of the

Science Court," *Law and policy Quarterly*, 3 (1981), 341-346; and Arthur Kantrowitz, "A Response to Matheny and Williams," *Law and Policy Quarterly*, 3 (1981), 365-368.

17 See Walter A. Ulrich, "The Implications of Legal Reasoning for a system of Argumentation," unpublished Ph. D. dissertation, University of Kansas, 1980, pp. 9-14.

18 George C. Christie, *Jurisprudence: Text and Readings on the Philosophy of Law* (St. Paul, Minnesota: West Publishing Co., 1973), p. 833.

19 R.M. Dworkin, ed., *The Philosophy of Law* (Oxford: Oxford University Press, 1977), p. 1.

20 There are other reasons from drawing from law for a paradigm to evaluate debates. Since many debaters plan to attend law school, for example, it makes sense to orient them to some of the issues in legal reasoning.

21 C.J.S. 219, pp. 364-380.

22 *Ibid.*, pp. 365-370.

23 *Ibid.*, p. 373.

24 E.M. Morgan, "Presumptions," *Washington Law Review*, 12 (1937), 255-258.

25 McCormick, Elliot and Sutton, p. 269.

26 Strange, pp. 1-12.

27 Robert A. Leflar, "Some Observations Concerning Judicial Opinions," *Columbia Law Review*, 61 (1961), 810: Herbert Wechsler, "Toward Neutral Principles of Constitutional Law," *Harvard Law Review*, 73 (1959), 15-22; and G. Edward White, "The Evolution of Reasoned Elaboration: Jurisprudential Criticism and Social Change," *Virginia Law Review*, 59 (1973), 290.

28 Wechsler, pp. 1-32.. See also Richard Wasserstrom, *The Judicial Decision: Toward a Theory of Legal Justification* (Palo Alto, California: Stanford University Press, 1961).

29 George C. Christie, "Objectivity in the Law," *Yale Law Journal*, 78 (1969), 1329-1330; American Bar Association Project on Standards for Criminal Justice, *The Prosecution Function and the Defense Function* (New York: Institute of Judicaial Administration, 1971), p. 4; Wechsler, pp. 1-32; and Edward H. Levi, *An Introduction to Legal Reasoning* (Chicago: University of Chicago Press, 1949), pp. 5-6.

30 Levi, pp. 5-6.

Debate Paradigms:

An Analysis as They Apply to CEDA Debate

Tammy Sweet
University of Wyoming

With the emergence of CEDA debate as an alternate debate form, many questions concerning the rules of the game have arisen. Because NDT was our "standard" form of debate, CEDA debaters have tried to adapt NDT's rules. However, the difference between the resolution forms debated makes transference of policy evaluation techniques to value evaluation techniques difficult if not impossible in some cases. What I wish to establish are some commonly used evaluative standards, or paradigms, explain their functions, and evaluate their merits and applicability to CEDA debate.

The paradigms I will deal with are: stock issues, hypothesis testing, policy making, and persuasion and communication skills. What follows will be a brief explanation of each paradigm which should point out the paradigm's main tenents. Next, I will offer an evaluation of each of these paradigms through the use of a criteria. From this, I shall make evaluative judgements regarding the worth of the paradigm as applied to CEDA or value debate.

To evaluate each of the paradigms, I would like to present the following criteria. The criteria that I will be using was developed by Robert Rowland of the University of Kansas for paradigm evalua-

tion. Rowland's criteria has five evaluative standards which must be met. First, paradigms must be clear and consistent. Because paradigms are a standard of evaluation, if the standard is unclear or ambiguous, then the evaluation becomes unclear and the decision becomes difficult to make. In the end, an inconsistent evaluation will be made, thus denying the purpose of the paradigm. Second, a paradigm must be fair. This means the negative and the affirmative team is still on equal footing after the debate paradigm has been implimented. Third, the paradigm should establish the important issues in the debate, and should allow for evaluation of those valid questions under consideration. Fourth, the paradigm should be applicable to the form of debate for which it is being used. A paradigm may be clear and consistent and valid in theory; however, if it does not allow for critical evaluation of the topic because of other constraints specific to academic debate (i.e., time limits), then it is not a useful tool for judging debate resolutions. Rowland's final criteria is the promotion of clash and the encouragement of good argumentation techniques. Since teaching argumentation is one of the goals of debate, if the paradigm does not facilitate this objective, then it does not belong in academic debating. [1] Let us now examine the paradigms.

Stock Issue Analysis Paradigm

The stock issues which are considered when this particular paradigm is used in policy debate are: harm, or significance of harm; inherency; solvency, or plan meet need and disadvantages. [2] Primarily, this paradigm establishes a "checklist of objectives" which the affirmative must fulfill to win the debate. [3] If the affirmative proves each of the five issues above, then they have demonstrated the resolution to be true, and the vote goes to the affirmative team.

Before we can evaluate the stock issues paradigm, we must take a look at value debate itself. Are there stock issues in value debate? According to David Thomas and Maridell Fryar that question is still unanswered. "We did not ask, 'What are the stock issues in a value resolution?', but rather "Are there any stock issues?' At this stage of our theory and practice in value debating, we would have to indicate that the question is still an open one." [4] The authors go on to say there are not stock issues which apply in every case because there are different types of value propositions. The propositions which are "subjective assertion, with no factual components" [5] are those without specific issues. Thus, in order to have stock issues, we must formulate value propositions so there are facts which can be proved. Clive Beck, as quoted by Thomas and Fryar concludes: "value is empirically determinable; value statements, that is, statements which either state or imply that something is valuable, are statements of fact, in a broad but legitimate since of 'fact'." [6]

Beck establishes that value statements can be factual, therefore stock issues can exist. Our next question then: "What are those stock issues?" Thomas and Fryar offer Smith and Hunsaker's three stock issues for value debate. [7] First, the value which is being presented must be identified. For example, if the resolution were "that scientific discoveries were economically unfeasible," the ultimate value to be proven would be money. After determining the basic value, the stock issue of criteria is established. How would you prove the value of money? In the example presented, a standard of economic gain of experiments versus the cost of the scientific experiments might be a criteria.

The final stock issue is whether the facts presented support the established criteria. Ronald J. Malton seems to agree with Smith and Hunsaker's stock issues, however Malton isolates only two issues. As Malton tells us: "There is considerable support for the development of two stock issues for propositions of value. They are most often called the "definitive issue" and the "designative issue." The first issue poses

this question: "Are certain specific definitions or criteria available to justify the judgement claimed in the propositions?" [8] Here, value standard(s) are made explicit. These standards come from the ethical systems noted in the first section of this paper. The second issue poses this question: "Do the beliefs, values, or facts in the proposition conform to the definitions or criteria?" Here, the characteristics of the person, object, event, etc. must fulfill the conditions for the assignment of the value standard(s)." Again the idea of criteria, and support for that criteria are established.

When stock issues have been established for value debate, does the paradigm still work when applying it to value debate? By applying the criteria established for paradigms, we can make that evaluation.

Initially it seems the "stock issues" for value debate are not as definitive as they are for policy debate, thus leading you to believe the paradigm would become unclear when applied to value debate. However, I believe that because the criteria is flexible, and is established in each affirmative case, the paradigm becomes clearer for each round. Rather than having to find an inherent barrier and proving its existence, the affirmative establishes criteria specific to the case and then presents the arguments which meet that criteria.

The next criteria, that of fairness, seems to be inherently favorable to the affirmative because the affirmative establishes the criteria. The affirmative has the opportunity to narrow negative ground; however, the affirmative still is held responsible for meeting the criteria by a preponderance of evidence: "they/debaters/must recognize that the challenger/affirmative/ must maintain a preponderance of proof on any question that is at issue in the debate, however narrow that question may be . . . (sic)" [9]

Next, in value debate, the negative has the option of refuting the criteria if it is unreasonable, and establishing a new criteria or a new stock issue to judge the round. These options once again put the two sides on equal footing.

The stock issues paradigm, when presented correctly, should establish definitely the debatable issues, since this is an issues oriented paradigm, thereby meeting the third paradigm criteria.

This paradigm seems to be more applicable to the resolution of value than to the resolution of policy. Because NDT stock issues are so concretely defined; the debate may become centered on unrealistic and unimportant issues. As Rowland points out: "The third major problem with the stock issues perspective is that it obscures the complexity of real policy evaluation and consequently leads to bad argument. The stock issues judge opposes probabilistic solutions based upon complex constellations of casual relationships. He wants debaters to identify a single cause which can be eliminated and with it the problem solved." [10] Because the stock issues presented in CEDA are flexible, depending upon the criteria presented, ideally, a more realistic explanation of the resolution should be expressed.

With the stock issues paradigm, the standards for clash in a debate seems to be strengthened. This is primarily because of the criteria limiting the issues, and the direction of the focus of the debate toward areas of clash. Each criteria in itself is debatable, thus providing clash. In addition, the extra step taken, that of support through analysis and evidence should result in clash and the presentation of strong arguments.

Stock Issue Analysis, as a debate paradigm, should be used in value debate. But, it must not be forgotten, the resolution must be a value proposition of "fact" to provide for the development of stock issues. When this is true, the paradigm criteria is met and debate is enhanced.

Hypothesis Testing Paradigm

The hypothesis testing model was developed primarily by David Zarefsky of Northwestern University. Zarefsky suggests "that the debate resolution should be treated as a scientific hypothesis to be

verified." [11] Thus, debate must meet the same standards of objectivity as science. Under this assumption, the resolution, as a whole, is what is being proven. Therefore, the burdens as suggested by Zarefsky are that: "the affirmative should have the burden to prove that no alternative to the resolution could solve the problem under discussion. The negative, on the other hand, should have no burden but to negate the resolution in any way that they choose." [12]

In addition, the affirmative must disprove all of the options the negative presents. What this paradigm hopes to achieve is the identification of a problem and policies which change the status quo through solving the problem. This emphasis on the problem makes debate policies more realistic. Through the affirmative requirement of defeating all negative alternatives, the policy which is voted for in the end should be truely one which will solve the identified problem.

The idea of making debate more realistic and forcing arguments to meet standards of science is valid in theory, but with practical application even more problems result.

The first problem, as isolated by rowland, is clarity. Rowland tells us: "The first major problem with the hypothesis testing model is that it is unclear. Zarefsky's suggestion that the model should be considered a figurative rather than literal analogy illustrates the uncertainty about how judges should apply the paradigm. What does it mean for the model to be a figurative analogy? What points in the model, if any, should be taken literally? There are no clear answers to these problems." [13]
Not having a clear paradigm, the purpose of a paradigm is debated by the judge who still is unsure of the standard for judgement.

The most obvious problem with Hypothesis Testing is that of fairness. The affirmative is required to defeat every proposal or system which negative presents. The negative may present six or seven alternatives to the affirmative case yet only prove one of them and win the debate. The burden upon the affirmative becomes even larger in that negatives may focus upon alternative in rebuttals, but the affirmative never knows which aspect the negative will attack, and therefore must attempt to defeat all issues raised. Only after the negative isolates one specific issue may the affirmative change their strategy and attack the isolated case. However, the negative may not choose to isolate their proposal until after the last rebuttal, thereby making it difficult for the affirmative to adequately refute the proposal without bringing in new arguments in rebuttals. Rowland argues this paradigm is false in its interpretation of scientific rigor. He suggests that in actual scientific research not all alternatives must be disproven as the hypothesis testing paradigm seems to advocate. As Rowland states: "Real scientists reject as illegitimate and unfair the requirements that the proponent of a theory disprove all alternative theories." [14]
Therefore, it seems unreasonable to place an unfair burden on the affirmative through the guise of scientific rigor when scientists seldom meet this standard.

Establishment of issues, our third paradigm criteria, is clearly disregarded. Because so many options are presented by the negative and then disregarded, the issues in the debate are constantly shifting. The negative options presented in the first negative may not be among the options which the negative supports in the last rebuttal. Also, the negative can avoid totally the affirmative case and simply present enough arguments to outweigh the affirmative. This means any issue which the affirmative may be presenting may not even be dealt with by the negative.

The next problem is that of applying a scientific paradigm which has no limits to an academic debate round where time and research boundries limit argumentation. If the goal is to present all policies so that the best may be chosen, and the format does not allow a debater to establish this, then what purpose does the paradigm serve? Obviously none.

When we evaluate the criteria of clash and argumentation, we can see many problems.

First, the negative can totally avoid clash with the affirmative case by presenting their own options which attempt to outweigh the affirmative case. This idea was explained in the discussion of issue establishment. Second, with the negative perogative to present as many options as they like comes the disadvantage of having a limited amount of analysis which can be presented for each of these options. The negative can simply play devils advocate and throw out ideas which may establish doubt with regard to the affirmative's case. Yet, none of these options has to be well conceived or thoroughly analysed in the initial presentation. Third, with the added advantage to the negative of being able to drop all options except one, the argumentation process becomes a game of hot potato. The affirmative applies a little bit of "heat" or offers a little bit of superficial analysis to defeat each of the negative options. Then the negative picks the option or potato which is the "coolest", or least attacked, runs with it and drops the rest of the arguments like hot potatoes. This teaches "argumentation irresponsibility," as Rowland tells us. He continues with his explanation by saying: "The perspective allows the negative to drop their hypothetical counterplans, disadvantages, and motive arguments as they choose, without harming their overall strategic position. This can occur because the negative team is not held responsible for all of the arguments which they present, but only for those arguments which strategic exigencies lead them to defend." [15]

Debate, and the paradigms used in the debate process, should teach individuals to be responsible for what they say. This paradigm obviously does not promote that type of behavior. As an end result, hypothesis testing promotes superficial analysis in the presentation of negative options, which in turn encourages isolated attacks toward those options by the affirmative team, and urges the avoidance of clash by the negative through the ability to drop arguments.

Hypothesis testing, in its desire to promote the rigor of scientific analization in academic debate, therby has served only to destroy some of the basic tenents of debate, clarity, fairness, and most importantly, clash and argumentation. Because the goal of hypothesis testing is not being met, its place in debate seems negligible.

Policy Making Paradigm

The next paradigm is the Policy Making paradigm. According to Rowland, this paradigm is the dominate one in the academic debate arena. [16] This paradigm as established by the debate community is that "debate should involve the comparison of an affirmative system (plan plus advantage) against a system or systems defended by the negative." [17] The policy making paradigm establishes a comparison between at least two systems. The sysyems are analyzed through advantages and disadvantages which are presented to all of the systems. When the debate ends, the decision is made through a summation of positive and negative factors. The system with the greatest positive factors should be the one receiving the favorable ballot.

Because of the name, you might automatically assume that policy making paradigm has no place in value debate. This may be true, but not because value has no policy. Once again, NDT ideals have infiltrated the CEDA realm, and debates between values and value objections or counter values have emerged for the "policy making judge." These so-called values, value objections, and counter values are really nothing more than renamed advantages and disadvantages which may be either qualitative or quantitative in nature, or with a little more structure, counter plans and counter warrants. A clear line between the value oriented arguments and policy oriented arguments of this nature is almost impossible to draw. Here, the judge has the opportunity to "weigh" the two or more systems and decide which value or value system is "heavier," and thereby award the win.

The policy making paradigm has some initial problems; problems which do not disappear when it is applied to value debate. First, and most importantly, the negative option of defending one or more policies or systems is never clear. Negatives may present many systems to the judge. Or, as Lichtman and Rohrer point out in Rowland's article: "Debate then can profitably be viewed as an attempt to select the best policy system from a selection of competing options. If the process of policy comparison results in the affirmative of the debate resolution judges should vote for the affirmative case. If not, they should vote negative. This process inherently requires a comparison of two or more policy systems to determine their relative merits." [18]
One of the biggest problems with Lichtman and Rohrer's view is the distinction between policy making and hypothesis testing. And, again the disadvantages accrue with the paradigm which resulted with hypothesis testing previously discussed.

The Advocacy Paradigm, a modification of the Policy Making paradigm, seems to solve for this problem. As presented by Kenneth A. Strange of Dartmouth College, the advocacy paradigm's main premise is "the necessity of policy choice being made through bilateral comparison of alternative policies." [19] Strange continues his analysis of the paradigm by explaining that bilateral comparison is only two systems. "That is, comparison, by nature, is limited to two alternatives at a time." [20]

Even with the advocacy paradigm modification, additional problems exist. Unfortunately, with the emphasis on harms, many of the arguments become unrealistic. The emphasis on quantitative measure becomes important as Lichtman and Rohrer point out: "Policy analysis generally strive to express the net benefits of policy systems in numerical terms by quantifying both the value of policy outcomes and the probabilities that these outcomes will be achieved. Whenever possible, debaters should also strive to express their policy judgements and factual predictions as precisely as possible." [21]

However, this quantification is not always realistic due to the weight placed upon the numerical value of the benefits and harms. So many times disadvantages develop which have signification, but the probability of them occuring is very small. Take for example, the infamous NDT Beef D.A. with an impact of nuclear war. Granted the quantification of death from a nuke war could greatly outnumber the lives saved by providing the beef to feed the starving masses, yet the probability of the impact of the disadvantage being reality is so insignificant that the quantification of death is irrelevant. In addition, these types of arguments are presented in the debate to add weight, even when they don't apply. As Rowland suggests: "The assumptions of the policy model encourages debaters to present catastrophic impact arguments. The problem is not that such arguments are always fallacious. There are a number of environmental problems which may threaten life as we know it. Rather, the problem is that the model encourages debaters to present these catastrophic impact arguments even when they do not apply. This occurs because the model assumes that all arguments contain some truth." [22]

The policy model is also one which does not fit the academic form of debate. Because of time constraints, comparisons of two systems may not take place to the extent which they should. As Rowland states: "Clearly, this view of policy making places an insuperable burden on the debate process. There is not time in the one hour of debate to compare the affirmative plan and case against a wide variety of alternatives. In fact there is often not enough time to adequately compare the affirmative system to the present system. Allowing the negative (sic) to present a number of alternative policies only makes things worse." [23]
Thus, analysis could be missing or, when present, be superficial.

In addition to superficial analysis, the policy maker's paradigm allows for the "two-ships passing in the night" syndrome.

Because the policy makers weigh the end results debaters don't necessarily have to clash, they simply must outweigh their opponents. Specific to value debate is the problem of providing weight to qualitative harms, a direct result of this syndrome. Take for example the question, "What is more important, democracy or capitalism?" You cannot compare these two unquantifiable variables without an established standard for measurement. Since the harms and benefits cannot be compared, the result is argumentation that is unclear and debates which become muddled.

Because of the flaws of this paradigm as presented through Rowland's criteria for paradigms, I don't feel that this paradigm is inadequate for use in CEDA debate rounds.

Communication and Persuasion Skill Paradigm

The next paradigm, as described by Ray E. Weisenborn, is one which seems to be on the other end of the continuum as compared to previously mentioned paradigms. This paradigm is based on the assumption that debate is an "exhibition, utilization, and application of communication skills employed in persuasion." [24] Weisenborn goes on to explain his rationale for the paradigm with the statement: "Debate should encourage judges to place confidence in debaters' credibility and enhance the degree of force attributed to their arguments. When we realize that formal debate must, of necessity, involve the individual, I believe that there are two skills which the debater must perfect. They are concomitants: one is communication skill, the other is persuasive skill." [25] With the presentation of this explanation, Weisenborn offers four criteria, or questions, which the judge should use as a guide for his decision making. These four criteria are as follows: "(1) Which advocates have given the most credible arguments, and the strongest degree of force for those arguments, through the exhibition of persuasive skills? (2) Which of the advocates have most successfully, within the parameters of formal debate, persuaded the acceptance of their thesis? (3) Which advocates are the more proficient individual communicators as they present their topic analysis (4) Which advoctes have exhibited enough communicative and persuasive skills and methodologies to warrant the superior comparative position?" [26] Primarily, Weisenborn's criteria is a presentation of the thesis of the paradigm. Idealistically, the paradigm has some very strong qualities it attempts to develop in debaters. However, its uses as paradigm become questionable when the initial paradigm criteria is evaluated.

The first criteria, clarity, is one which Weisenborn addresses. He claims the criteria he has established is quite clear. In his own words: "Thus, the requirements for judging within this paradigm are quite explicit: Judges should be aware of degrees of communicative skills; they should be aware of degrees of effectiveness of employed persuasive skills; they should know the principles of formal debate; and ultimately, they should be aware of the fact that the debate environment is a persuasive one." [27] However, the assumptions which Weisenborn makes in this statement and carries through his paradigm are the assumptions which make the clarity of his paradigm questionable. Weisenborn speaks of degrees of communicative skill, principles of debate and persuasive environment. However, he never delineates those degrees. What are the communication skills or debate principles which are necessary? They could be the use of humor, evidence as support, or just good eye contact. He does not tell you which communication skills you must evaluate, and he does not present a hierarchy for those skills. Are we to assume then eye contact is just as important as the formation of a persuasive argument? He simply assumes all judges have a knowledge of the elements presented in the criteria and that their evaluation of these principles correspond to his.

This particular paradigm does have the advantage of being extremely fair. Since the