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Missing

Theory, Application, and Pragmatism: Ethical Issues for Directors of Forensics and National Parliamentary Debate (NPDA)

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Abstract: This article is a position paper on ethics as they pertain to forensics. It begins with continental ethical theory as defined by Nietzsche, Heidegger, Levinas, and Derrida. Next, Dewey's pragmatism is applied to forensics. Finally, implications are drawn. There are three theoretical and three pragmatic implications outlined for debaters and directors of forensics to take into consideration regarding ethical practices.

The question of ethics in forensics became interesting to me my first year of forensic competition at Palomar Community College, when I consistently overheard remarks such as, "It is unethical to use a visual aid in persuasive speaking" or, "It is against the rules to use a case brief in National Parliamentary Debate Association (NPDA) debate." To me, these statements were clearly and obviously empirically denied. I saw no moral implications to the use of posters in persuasion, or lack thereof, and I knew for certain that the written NPDA rules did not actually ban case briefs. As I came to learn, though, the aforementioned statements describe opinions; they are important, deep-seeded opinions which describe norms of the respective events. Hence, I was lead to my thesis research, where I tested the conflation of the concepts of rules, norms, and ethics particularly in individual events. I naively thought that coaches and students alike simply did not realize the conceptual errors they were making and would want to correct them. As it turned out, I was wrong. The conceptual conflations occurred, but in short, no one cared. The forensic community, as a whole, seems concerned with recognizing violations of expectations, regardless of their conceptual roots; however, there is an overwhelming concern in the community for exploring and understanding ethics. Hence, much of my scholarly pursuits have been spent studying this concept as it applies to the theorizing about, training, and the practice of forensics. This position paper begins with a philosophical exploration and grounding regarding ethics. Next, Dewey's pragmatism and how that applies to forensics specifically is presented. Finally, implications are offered.

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Philosophical Ethical Grounding

While continental ethics may seem an odd place to begin when attempting to uncover what it is that we should do, what constitutes ethical behavior in forensics, it is actually an apropos place to start. In NPDA debate in particular, many of the following philosophers are cited or at least appealed to when determining a paradigm for judgment. Hence, many debaters and directors of forensics alike look toward continental ethics for a theoretical grounding when determining which behaviors to condemn and which to condone.

Nietzsche and the Four Great Errors

Nietzsche is mischaracterized by many as a nihilist; however, it is not the case that he rejects values, but instead he re-conceptualizes traditional Christian values. Nietzsche's work centers on a need to ground values in what he considers life-affirming rather than those which he considers life negating. He showed that there are four great errors which have been made by traditional philosophers. These "four great errors," as Nietzsche called them, are errors first, because they are untrue, and second, because people actually believe in them as if they are true. He posited that everything in life is nothing more than an interpretation; therefore, giving anything more credence than simply being an interpretation is in fact a misinterpretation and an error. Projection of constructs and objectivity simply perpetuates the problem. Specifically, Nietzsche named the four great errors as follows: 1) confusing cause and effect; 2) false cause; 3) imaginary causes; and 4) free will. For NPDA, these four great errors can be useful. I will define each and show how it can be positively and negatively used in NPDA debate training.

First, Nietzsche explains that what humanity calls cause and effect are actually simply events that run parallel to each other. "There is no error more dangerous than *confusing the effect with the cause*: I call it the genuine corruption of reason" (Nietzsche, 1997, p. 30). This is his foundation for critiquing theology, and clearly a violation of positing something as true—rather than as simply an interpretation—and proceeding as if other things may follow from it. Nietzsche argued that life is essentially chaos and events simply occur without clear cause. In NPDA debate, because of its extemporaneous nature, debaters are at a great risk of drawing causes from insufficient or even untrue examples. Particularly in the harms section of policy rounds of NPDA, it is essential that NPDA debaters be well-informed on the issues about which they are debating so that the warrants they claim exist actually do exist.

Second, Nietzsche explained that false cause (or the fallacy of post hoc ergo propter hoc) originates in the belief in the inalienable truth of the "I." When people believe in the truth of the "I," they unquestioningly assume that there is internal causality to every action or event. "In every age we have believed that we know what a cause is: but where did we get our knowledge about this? From the realm of the

famous 'internal facts,' none of which has been up to now been proved to be factual" (Nietzsche, 1997, p. 31). He showed that we, as human beings, have given too much credence to our faith in what we believe to be inherently internal. Nietzsche countered that, in fact, the self is simply another interpretation, another part of this chaotic life without any cause. Unfortunately, due to the lack of print evidence presented in rounds of NPDA debate, it is easy for debaters to draw false causes. Instead of ethics charges being made by debaters when it seems the other team has committed an argument of false cause, these decisions are usually left to the adjudicator, which tends to perpetuate belief in misinformation.

Third, Nietzsche argued that humans imagine causes. "Most of our general feelings—every sort of inhibition, pressure, tension, explosion in the play and counter play of organs, and in particular the state of the *nervous sympatheticus* [sympathetic nervous system]—arouse our drive to find causes: we want to have a *reason* for feeling that we're in *such and such* a state—a bad state or a good state" (Nietzsche, 1997, p. 33). Humans would rather have the wrong cause than no cause at all. This need for reason is felt by debaters when they are trying to understand why they have won or lost a particular round. Whether given in an oral critique or written on the ballot, unsatisfactory Reasons for Decision (RFD) leave debaters in a state of confusion and frustration.

Fourth and finally, Nietzsche argued that free will is a great error. He said that free will was invented by theologians in order to have a means to hold humanity responsible for their actions. This mentality comes from a desire and need to punish:

Today we have no sympathy anymore for the concept of 'free will': we know only too well what it is—the most disreputable of all theologians' tricks, designed to make humanity 'responsible' in the theologians' sense, that is, *to make it dependent on them*. . . Here I am simply offering the psychology of all making-responsible.—Wherever responsibilities are sought, what tends to be doing the seeking is the instinct of *wanting to punish and rule*. (Nietzsche, 1997, p. 35)

This passage illustrates Nietzsche's desire for people to remove the inherent need to punish that many feel, and than to re-conceptualize events in the world as chaotic and simply interpretations. When an unsatisfactory RFD is given, NPDA debaters tend to become confrontational and make snap judgments regarding the judge who rendered the decision and, at times, their debate partner or coach.

Further on his final error, Nietzsche developed his own take on responsibility and accountability. He defied what the church sets forth. This argument is three-fold: 1) he critiqued accountability, 2) he posited unaccountability, and 3) he provided a new sense of responsibility.

First, Nietzsche critiqued the traditional sense of accountability. He claimed that there is no transcendence:

One may conjecture that a spirit in whom the type 'free spirit' will one day become ripe and sweet to the point of perfection has had its decisive experience in a *great liberation* and that previously it was all more a fettered spirit and seemed to be chained for ever [sic] to its pillar and corner. (Nietzsche, 1977, p. 43)

Because there is no transcendence, according to Nietzsche, as well as no causality, people cannot truly be held accountable for their actions in the traditional sense. NPDA debate is an embodiment of non-transcendence. Other, more traditional formats of debate, such as CEDA, NDT, LD, and Oxford debate, use the same topic for debate all season long; hence, there is a continuity to those forms of debate. Because NPDA uses a different topic for every round of debate, and these topics are not uniform in any sense, NPDA exists in a world of fragmentation. There is absolutely no transcendence in the content of NPDA debate rounds; however, there is arguably transcendence in theory.

Second, Nietzsche showed that there is really no accountability from the traditional notions. He argued that power actually comes from the oppressed. No one is in power without those without power giving away the power. "First of all, one calls individual actions good or bad quite irrespective of their motives but solely on account of their useful or harmful consequences" (Nietzsche, 1977, p. 71). Things in life simply occur rather than being good or bad. In NPDA debate rounds there is rarely a level of reflexivity from debaters on a level of moral right or wrong. Instead, debaters learn the good or bad of their actions based on the utility of their arguments winning or losing them the ballot. If debate coaches want to instill a moral right and wrong within their debaters, coaches must actively work against this notion of irresponsibility, as posited by Nietzsche.

Third and finally, Nietzsche set forth a new responsibility. The only responsibility humans have is to live life: "The good conscience has as a preliminary stage the bad conscience—the latter is not the opposite: for everything good was once new, consequently unfamiliar, contrary to custom, immoral, and gnawed at the heart of its fortunate inventor like a worm" (Nietzsche, 1977, p. 82). He created a distinction between actions which are life affirming and those actions which are life negating. Any action or belief that perpetuates guilt is life negating. For NPDA debate, norms evolve based on what is rewarded and not rewarded in competition. In essence, actions are evaluated by debaters in terms of win affirming and win negating.

In the end, Nietzsche is most concerned with denying traditional accounts of life, responsibility, and reality in general. Nietzsche maintained that life is simply a series of chaotic events, without cause or good and evil. There are simply events that enhance life and those that do not. One's goal ought to be, then, to enhance one's own life as much as possible. For NPDA debate, because it exists in such a state of fragmentation, debaters' goals tend to be to continue to engage in behaviors that win them rounds and not to engage in behaviors that lose those rounds. Of course, this becomes problematic because each

round of debate is so separated from the last in this particular forum. In each round, there is a different topic, a different opponent, and a different critic. This, in particular, is why the role of the NPDA debate coach becomes paramount. The coach is the one who must provide guidance, regardless of the frustrations that NPDA debate provides.

Heidegger and Dasein

While Nietzsche's philosophy is helpful in understanding the philosophical underpinnings behind behavior in NPDA debate rounds themselves, Heidegger's work speaks much more toward the relationship between coach and student as well as the principles behind behaviors (as opposed to the particulars of behaviors within each instance). In his work, Heidegger was primarily concerned with the ontology and existentialism of Dasein. His ethics deal mostly with the authenticity (or inauthenticity) of the existence of Dasein. "Dasein" literally means "being there." Heidegger explained that there is a distinction essentially between human beings and other beings. Dasein is a being which is concerned about its being. "Da-sein is a being that does not simply occur among other beings. Rather it is ontically distinguished by the fact that in its being this being is concerned about its very being" (Heidegger, 1996, p. 10). This being has an understanding of his or her being. Dasein is human. Debate coaches are faced with training human beings, people with the capacity to understand the implications of their actions, or at the very least, that their actions do, in fact, have implications.

Heidegger stated that beings (as nouns) show themselves while their being (as a verb) has been forgotten. Dasein is different than any other being, because of the level of understanding and questioning of its being, and is always unsettled. For Heidegger, ethics are located in Dasein's concern with his or her being. Heidegger agreed with Nietzsche in the sense that everything is an interpretation and there is hence no inherent reality. Heidegger maintained that everything must question itself because the senses rest upon ontology. Dasein can question things because our being is in question:

If the interpretation of the meaning of being is to become a task, Da-sein is not only the primary being to be interrogated; in addition to this it is the being that always already in its being is related to *what is sought* in this question. (Heidegger, 1997, p. 12)

We do not question simply because we can. Heidegger was all about the process, especially the process of questioning being. In NPDA debate, for coaches to have the most effect on their students' character, they too must be process-oriented. There is a constant need for interpretation, re-interpretation, and reflexivity on the part of debate coaches when training their NPDA debaters.

Authenticity, for Heidegger, lies in questioning our being. "Not only does an understanding of being belong to Da-sein, but this understanding also develops or decays according to the actual man-

ner of being of Da-sein at any given time; for this reason it has a wealth of interpretations at its disposal" (Heidegger, 1996, p. 14). We have the choice whether or not we fully question and interpret our being. We do not necessarily gain answers, but the process of questioning is essential to our authenticity. In Heideggerian terms, traditionally, there has been far too much emphasis on beings rather than on being. This is primarily because beings are visible while their existence is invisible. Hence, Heidegger's focus was on this fundamental level of existence:

But what remains *concealed* in an exceptional sense, or what falls back and is *covered up* again, or shows itself only in a *distorted* way, is not this or that being but rather, as we have shown in our foregoing observation, the *being* of beings. (p. 31)

Essentially, Heidegger called for a re-emphasis on the being of beings rather than on beings themselves. This re-evaluation encourages us to be concerned with our being, which is authentic and inherently ethical. Likewise, in NPDA debate, ethical debate coaches will focus on their students as people, rather than simply as tools for winning rounds.

Levinas and Our Ethical Obligation to the Other

Along Heideggerian lines, Levinas (1998) was concerned with the process and the being of people. His focus shifts us to the relational aspect of ethics. Because there are so many people involved in NPDA debate, the relational aspect of ethics is essential to incorporate in debate training. Levinas brought to light the importance of relationships between people as they apply to philosophy. He laid out a four-fold argument along this vein: 1) ontology is the most important concept in philosophy, 2) the way ontology is studied by his contemporaries is flawed, 3) the relationship with the Other is an active relationship, and 4) our ethical responsibility lies in the way in which we relate with the Other.

First, Levinas (1998) posited that ontology is the most important concept in philosophy: The Primacy of ontology among the branches of knowledge would appear to rest on the clearest evidence, for all knowledge of relations connecting or opposing being to one another implies an understanding of the fact that these beings and relations exist. (p. 1)

In order to understand anything at all in the world, we must understand and agree that there is existence. Levinas stated it is the understanding that there is being in a temporal manner that constitutes our existence. The negotiation that man deals with on a daily basis regarding his existence accomplishes ontology. It is a constant, not-winnable battle. Ontology is not just intellectualism or consciousness, but in fact the totality of the human experience, including behavior. Being is a truth, and intelligible; this is why there is humanity. Humanity did not cause truth or being. The understanding of the

ontology of self and Other is a constant negotiation during NPDA debate training, for coaches and students alike.

Second, an error often made is the conflation of life and philosophy, which confounds the motivations of our studies. "When philosophy and life are confused, we no longer know whether we are interested in philosophy because it is life, or whether we care about life because it is philosophy" (Levinas, 1998, p. 3). Like Heidegger, Levinas argued that the core of being is to understand that there is being. Beings are concerned about their being. All acts have a level of awkwardness. Too much awkwardness in an act is bad. When the means interfere with the ends, it is problematic. No matter what our intentions, the ends of our act are still within our realm of responsibility. When we are open to being, we understand more clearly that we do in fact exist. It is this shift for coaches to process-orientation, rather than results-orientation, which will aid in fostering democratic citizens from NPDA debaters rather than simply fostering winning debaters.

Third, Levinas established that our relation with the Other is active. To understand the being of the self, one must go outside of the self to the very edge of being. Freely letting oneself be is the way to understand one's being. With the Other, however, this level of understanding is not possible. One can only gain understanding of the Other while simultaneously engaging in discourse with the Other. One cannot first understand the Other then interact with that person. One can grasp the concept of being while engaging the Other beyond his own understanding. This can only be accomplished while talking to the Other, however. At the same time one begins to understand the Other, one cannot help but reveal an understanding of the Other to the Other. When training NPDA debaters, it is essential that coaches require debaters to treat their debate partners with a high level of respect, as if it is an obligation.

Finally Levinas' impact is that ethics lie with the Other. When we deny the fact that the Other lies beyond our control, we are partially negating the being of Others, and therefore committing a violent act. No matter what the nature of our interaction with the Other is, we cannot ever completely possess him or her. "The relationship to the face, an event of collectivity—speech—is a relationship to a being itself, as a pure being" (Levinas, 1998, p. 10). When we reflect on our being, we are simultaneously returning to and fleeing from ourselves; this is our inherent paradox. Through this argument, Levinas set a new precedent in philosophy. Because the Other has a face, we all have an obligation. This obligation is one that NPDA coaches already likely understand that they have to their students; however, it is an important obligation for NPDA debaters to understand that they have to their partner.

Derrida and Responsibility

Derrida's (1995, 2001) philosophy regarding ethics applies directly

to the way in which directors of forensics can productively conceptualize ethics for themselves and for their teams. Derrida established through deconstruction that ethics are aporetic. From Derrida's perspective, traditional discourse on ethics and responsibility simply mask true ethics, which lie within the gap in the aporia (defined as a philosophical puzzle or state of puzzlement, or a rhetorically useful expression of doubt). Continuing to deny the gap is inherently unethical because this is not dealing with the gap and calls for deconstruction. In true Levinasian fashion, Derrida suggested the ways in which we as individuals and as societies can operate ethically within the aporia: through hospitality and forgiveness. Directors of forensics are constantly in situations where they are forced to be hospitable and grant forgiveness to their students.

First, Derrida (2001) posited that true hospitality occurs when the host is continually open to the foreigner. Hospitality for Derrida is not a question among questions, but the question. The heart of the matter of ethics and being human is hospitality. One is exposed to an event of Otherness, affecting one's threshold to others. Derrida's goal was to further develop Levinasian hospitality. Hospitality is the welcome of the Other; the host becomes the guest and hostage to the Other. Derrida radicalized this notion, and he grappled with the issue of who the foreigner is:

Isn't the question of the foreigner [*l'étranger*] a foreigner's question? Coming from the foreigner, from abroad [*l'étranger*]? Before we say the question of the foreigner, perhaps we should also specify: the question of the foreigner. How should we understand the difference of [emphasis]? There is, we were saying, a question of the foreigner. It is urgent to embark on it as such. (p. 3)

Derrida's question is not explicitly answered; however, implicitly, it turns out that we are all foreigners. The political context involved stems from issues of immigration. The status of immigrants and those without homes and issues of homelessness are of the utmost concern to Derrida. Victimization and violence against those who are displaced shape our understanding of nations. Hence, Derrida offers that we need an ethical conversion toward hospitality. Hospitality is an ethical response to violence. Because of the nature of NPDA debate, directors of forensics are able to freely welcome any and all students to take part in it, without making these students feel like foreigners.

We have an ethical duty to welcome the Other. This duty to the Other is infinite, unconditional, and hyperbolic. Derrida (2001) defined the "Great Law of Hospitality" as "an unconditional Law, both singular and universal, which ordered that the borders be open to each and every one, to every other, to all who might come" (p. 1). Derrida points out that hospitality and ethics cannot be contained in a law because though laws protect hospitality, they also limit hospitality. Likewise, the ethical practices engaged in by directors of forensics cannot be contained in written rules.