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Ethics in Public Debate

Introduction

Debate, like all other types of communication, places ethical burdens on an individual. As Freeley notes, “Because we use debate as a means of influencing human behavior, the mature, responsible advocate will be concerned with ethical standards for debate” (p. 31). Yet, the pressure to win often tempts debaters to compromise their ethical standards (Chandler and Hobbs, p. 389). This behavior is counterproductive because, ultimately, unethical behavior decreases our ability to influence others. Aristotle argues: Persuasion is achieved by the speaker’s personal character when the speech is so spoken as to make us think him [sic] credible. We believe good men [sic] more fully and readily than others: this is true generally whatever the question is, and absolutely true where exact certainty is impossible and opinions are divided. . . . (H)is [sic] character may almost be called the most effective means of persuasion he [sic] possesses. (p. 25)

The purpose of this essay is to help clarify ethical behaviors in International Public Association Debate. This essay will proceed by discussing the ethical standards for communication developed by Olbricht and by Brockriede, proceed to explain how these standards must be viewed in a slightly different light when applied to advocacy situations, highlight the implications of these ethical standards for public debate, and, finally propose three solutions for the ethical problems cited.

Ethics in Communication

Olbricht, in “The Self as a Philosophical Ground of Rhetoric,” posits that ethical communication must be grounded in genuine concern for the self of the receiver. The self constitutes or creates itself through choice. In other words, people determine who they are by the choices they make. For example, choosing to debate greatly affects those who make that choice. Likewise, choosing not to debate affects those individuals who make that choice. The point is that it is an individual’s choice to debate or not to debate. Either choice says something about who one will become. Olbricht adds that we must offer individuals authentic choices if we are to be truly ethical. Authentic choice making means that the individual has been given enough information to make an informed choice. The information must not be false or misleading. The individual makes the choice they would make “given all the facts.” This view towards “right speech” is part of Buddhism’s Noble Eightfold Path “Right speech concerns your intention. Are you using speech because you’re trying to manipulate the world and other people? Or are you speaking in order to help yourself and others wake up” (Hagen, p. 79)? Thus, unethical communicators deny individuals choice and/or relevant information. Worse yet, they provide individuals with false information. The goal of rhetoric changes in Olbricht’s view. We are to be more concerned with providing authentic choices than we are to be with persuading the receiver to accept our view of the world. When we provide the ability to make informed choices, we have provided a service to an individual

because we have helped him or her make a choice about who he or she will be. According to Olbricht: Persuasion in this case has succeeded equally as well when the auditor has understood an argument and has decided to reject it, as when he [sic] is moved and accepts it. Selfhood is enhanced both in rejection and acceptance, when what is at stake is understood. (p. 33)

Similarly, Brockriede, in "Arguers as Lovers," believes that ethical communication respects the humanness of the receiver. We must treat others as humans to be ethical. One treats another as a human by allowing him or her to act like a human. What do humans do? They make informed choices. So, any communication that denies an individual the ability to make a choice and/or to correctly process information is unethical. Brockriede says there are three stances an arguer can take: arguer as rapist, arguer as seducer, and arguer as lover. The arguer as rapist denies choice. He or she forces his or her opinion on the other person. Brockriede thinks intercollegiate debaters are rapists: Another place to find the rapist's attitudes and intentions in the adversary situation is the intercollegiate debate. The language is symptomatic: "We killed them last round." "We destroyed them." "We cut them down." In all such situations the rapist's attitude toward coarguers is contempt, his [sic] intent is to victimize, and the act itself, given one other ingredient (a victim), is rape. (p. 3)

The arguer as seducer denies authentic choice making because the receiver's decision is based on false or misleading information. The receiver is tricked into accepting a position. The arguer as lover treats the other individual as a human by providing him or her with information and allowing him or her to make a choice. Another important characteristic of the lover is that self is risked. Self is risked because love involves a dialogue between the lover and the receiver. In this dialogue, the lover tries to honestly see the other person's point of view. The self is risked because in truly seeing the other person's point of view, the lover may see that he or she needs to change—to make another choice. Rapists and seducers do not risk self; their communication is unilateral in nature.

Is it possible for a debater to live up to the ethical standards provided by Olbricht and by Brockriede? Should a debater admit he or she is wrong? Should a debater present information on both sides of the issue to the judge? These questions will be answered in the next section of this essay.

Ethics in Advocacy Situations

In the above views on communication ethics, one must provide the receiver with complete information and allow him or her to make a choice. The ethical arguer risks self in that in the process of arguing one realizes he or she is wrong and needs to change. Debate, and other adversarial advocacy systems of argument such as the courtroom, work against love and ethical behavior because competition is emphasized--a win and a loss are recorded.

So, is debate inherently unethical? It doesn't have to be. However, one needs to shift one's perspective to see how Olbricht's and Brockriede's systems of ethics could work in a debate. The adversaries as a whole, both the affirmative and the negative together, must be viewed as the "arguer." Complete information is given to the judge (or audience) only with both sides fulfill their assigned duties and the judge is given the freedom to choose the winner of the contest.

In fact, such an advocacy system would become unethical in nature, if one side were to forsake its assigned position. Hobbs and Wilkins note:

. . . (A)cademic debate is designed to teach advocacy skills. An advocate, in this context, is one who speaks on behalf of an assigned position—for example, lawyers in a courtroom. The prosecution is assigned to speak on behalf of the state in favor of guilt. The defense is assigned to speak on behalf of the defendant in favor of innocence. A defense lawyer is not rewarded for finding a better way to convict his or her client than was discovered by the prosecution. Similarly, the affirmative is assigned to advocate a resolitional position. The negative is assigned to advocate a nonresolitional position. Why should the negative be rewarded for finding a better way to advocate the resolution than the affirmative? They would not be fulfilling their roles as advocates—they would be forsaking their "client." (p. 124)

Of course, advocates are not allowed to perjure themselves in defense of their assigned position. False or misleading information is unethical in a debate.

Ethics in Public Debate

While there are many applications of the above principles which could be made to public debate, this essay will focus on two: the habit of some affirmatives to define the resolution in a way which takes the negative's ground and the tendency of some debaters to lie. This is not a unique observation on this essay's part, Spadley (p. 55) comments, "Experiencing a competitor misrepresenting IPDA rules to a lay judge or manipulating terms in the resolution to fit case files is infuriating, but unfortunately, these phenomena are all too familiar to debaters."

It is the strategy of some affirmatives to define the resolution in such a way that obvious, expected, and reasonable negative ground becomes affirmative ground. This is an instance of forsaking one's assigned position (or client). In observing debates at International Public Debate Association tournaments, it can be puzzling as to why so many affirmatives agree to topics which are obviously lopsided in favor of the negative. This "puzzle" is quickly solved as one watches the affirmative define the resolution in such a way that they take the negative's expected ground. Black became white and white became black. For instance, in a debate over the resolution "the traditional concept of marriage is outdated," the affirmative case consisted of explaining that the concept of one man married to one woman for a lifetime was a wonderful idea. "Outdated" was defined as being viewed incorrectly by society.

The International Public Debate Association practices make this forsaking of assigned ground easy to accomplish. According to the Bylaws of the IPDA Constitution, Article 1, J:

Affirmative's are allowed to define resolutions pretty much as they see fit.

However, Affirmative interpretations and definitions must leave Negatives fair ground for the debate. If an Affirmative's case is too lopsided and/or tautological (used to define itself as winning by definition), this opens the door for the Negative to provide an alternate set of definitions. But the Negative can only redefine terms if the Affirmative has abused its prerogative. If the Affirmative can demonstrate adequate Negative ground when challenged, then Affirmative definitions will have presumption.

Currently, it is up to debaters to police how they interpret topics themselves. A strict reading of the constitution makes how one defines words a non-issue—as long as ground is supplied. IPDA debaters should not give into the temptation of saying that the important thing is winning and that defining a topic to mean its opposite is simply a strategy, or part of the game, that works with lay judges. According to Hill and Leeman, "Part of the problem, of course, arises from the model of professional sports (which debaters often adopt). There, winning is often paramount and breaking rules is 'acceptable' as long as the umpire or referee doesn't catch you" (p. 18). Unfortunately, unethical behavior can lead to unfair advantages. As Ulrich points out, "If unethical choices did not often result in a competitive edge for the individuals that violated the code, there would be no need for articulating these violations" (p. 104). Debaters need to learn to defend their assigned ground.

It is also surprising to discover that many debaters feel free to lie in public debate rounds. Some debaters lie about facts. Debaters, for example, have claimed in rounds that Republicans are liberal and Democrats are conservative and that going without sleep for long periods of time has no affect on a person (and she should know because she is a psychology major). There is no way to prove that these assertions are lies because published documentation is not allowed. One does not have to produce the facts from a reliable source, and one cannot disprove the facts from a reliable source. It is one debater's word against another. The use of lay judges compounds this problem because they often do not have the knowledge or expertise to recognize which side is telling the truth. The temptation to lie and make unfounded assertions to win the debate is tremendous. Debaters also lie about debate theory and rules—sometimes creating false rules in an attempt to "force" lay judges to vote for them. For example, one second affirmative rebuttal said it was perfectly within the rules of debate to allow her to answer a disadvantage she had dropped in her first rebuttal. Saying that new arguments are allowed in rebuttals is a lie. Again, evidence cannot be read by either debater to prove the rule, and the use of lay judges means they will not know the rules. Again, the temptation to lie in order to win the debate is enormous. Debaters must resist the temptation to perjure themselves. Solutions

First, debaters should choose to be ethical on their own. Choosing to be ethical is the correct choice. I am reminded of Bartanen and Frank's plea for ethical behavior in debate. They write:

We hope that you will aspire to achieve higher ethical standards. Such aspirations are particularly timely in light of the unethical behaviors exhibited by some public officials, athletes, and business people. The forensic activity exists, in part, to foster the best and most ethical rhetorical behavior. We hope you will do

your best to enhance the integrity of the forensic activity by actively promoting and exhibiting ethical debate practices. (p. 198)

Hollihan and Baaske add: Set high standards for yourself as an arguer and treat others with respect and dignity, and we believe that the people who interact with you will be more likely to treat you in the same way. In the process, the argumentative marketplace will become a more civilized and valuable place for the free exchange of ideas, and for the pursuit of policies and programs that will improve all our lives. (pp. 11-12)

Hobbs notes:

. . . (D)ecide to be honest and ethical in your attempts to secure the ballot. Be fair and be honest. If you are not sure about a fact, don't use it. If you are in rebuttals, don't bring up new arguments. Never lie. To paraphrase the golden rule, make the kind of arguments you want others to present to you when you are faced with an important decision. If you were buying a car, would you want the salesperson to make up "facts" about the car's safety, reliability, and gas mileage? (p. 30).

Second, IPDA should consider holding experimental tournaments which use two judges in each round. One judge would be a lay judge and assigned the task of making the decision of who won. The second judge would be trained in debate and assigned the task of enforcing the rules. For example, the trained judge would point out any misrepresentation of the rules made by debaters and any new arguments made in rebuttals. This system would be analogous to the United States jury system where a judge enforces the rules of the justice system on lawyers so that jurors can reach a fair decision.

Third, IPDA should consider changing the constitution to allow for debaters to challenge not just the lack of ground, but the ground taken by the affirmative. Debaters should be able to challenge whether or not the affirmative is truly representing the assigned "client."

Fourth, debaters should be given a formal way to address any lies and misrepresentations made by their opponents in a round. Two-person policy debate formats, such as NDT and CEDA, have a long standing tradition of allowing debaters to stop a round on the basis of falsified evidence. A debater may challenge the opposing team's evidence as fabricated. The round stops and the challenger must prove that the evidence is fabricated. The challenged team is given a chance to authenticate the evidence. If the evidence is found to be fabricated, the team that falsified the evidence is given zero speaker points and a loss. If the evidence is found to be authentic, the challenging team is given zero speaker points and a loss. IPDA should develop a similar structure.

Conclusion

This essay has reviewed Olbricht's and Brockreide's theories concerning communication ethics in which ethical communicators allow the receiver to make authentic and informed choices. In debate, and other assigned advocacy situations, the opposing sides form a whole which should be considered the rhetor. Informed and authentic choices are possible in such situations when both sides are honest and argue to the best of their abilities their assigned sides. Public debaters need to flee both the temptation to define the resolution in such a way that they do not defend the ground assigned to them in the resolution and the temptation to lie about facts or debate theory. One's arguments must be worthy of acceptance, not just effective.

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