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William D. Harpine

University of South Carolina - Aiken, williamh@usca.edu

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Universalism in Policy Debate: Utilitarianism, Stock Issues, and the Rhetorical Audience

William D. Harpine

Introduction

Argumentation theory often includes a system of stock issues for propositions of policy. Some seem to arise from the ancient Greek theory of *stasis* or other concepts of ancient rhetorical theory (Thompson; Parker 12-15; Hultzen). Others appear to have developed independently (Gough; Pelsma, "Contest;" Pelsma, "Difficulty Problem"). Stock issues are held to be useful for analysis in debate. Often enough, they are also believed to give useful criteria for decision-making: an argument for change that meets the stock issues' requirements may be worthy of belief. Examining the latter of these two claims, this paper maintains that stock issues analysis can be improved by incorporating the principles of utilitarianism. In particular, stock issues analysis is more valid if it *looks beyond the advantages and disadvantages of the speaker's audience and considers the preferences of larger, even universal groups.*

This essay concentrates on the ethical dimensions of the decision criteria that the stock issues imply. As Swift points, out, "from the birth of rhetorical study, as evidenced by Aristotle's works, ethics in relation to rhetoric has been highly valued and constantly studied" (46). A comparison between stock issues and the ethical theory known as utilitarianism shows how those criteria can be refined and clarified. In particular, utilitarianism implies that one has duties toward persons who are not members of one's in-group, family, or nation. Stock issues analysis, in contrast, may tacitly endorse an amoral kind of thinking. To put the point in rhetorical terms, utilitarianism requires decision-making to consider the welfare of all who are affected by the decision, whereas stock issues analysis often tempts a speaker, and an immediate audience, to consider only the benefits that might accrue to the immediate audience. Concerning Levinas' theory of ethics, Arnett writes that "Levinas's argument is that we miss the phenomenological reality of human life when we begin with self. He begins with ethics and attends to the Other" (42). Although this takes a broader perspective than this essay, the idea is similar: to broaden the reach to which the "should" of a proposition of policy applies.

The purpose of this essay is to look beyond the current formulations of stock issues. The idea is to make use of the insights from previous theories and accounts of stock issues to create a theory of analysis that is better grounded and that therefore offers a more reasonable way to conduct argumentative analysis. The essay shows how utilitarian theory parallels the concept behind stock issues analysis, proposes the importance of ethics for argumentative analysis, differentiates approaches to utilitarianism, and concludes by examining the implications of utilitarianism for argumentation.

Stock Issues and Utilitarian Philosophy

To begin, the decision-making criteria that stock issues imply bear a striking resemblance to the criteria of the ethical theory known as utilitarianism. Roughly speaking, utilitarianism judges an action or social practice to be right if it yields desirable consequences. Utilitarianism is a theory of morals, and not necessarily a decision-making procedure (Eggleston 451, 461; see also Louise). Nonetheless, the argument below shows how utilitarian principles can enlighten argumentative analysis. The distinction is a close one: utilitarianism argues for what is right, which may differ from what people know, believe, or say. It is, however, reasonable to hope that utilitarianism's criteria, if followed accurately, will lead people to make right decisions. By finding a foundation for the stock issues in ethical theory, this essay undertakes to elevate the level of stock issues analysis. Not proposing to find fault in previous theories of stock issues, this essay does employ methodological principles that differ from some previous theories:

A theory of stock issues for policy debate should be based on a theory of ethics. This is because a proposition of policy advocates what *should* be done, not what *will* be done (see, e.g., Freeley and Steinberg 58-59). Moral issues predominate in debate, however implicitly, for ethics is the study of what people should do. This does not imply that debaters and their audiences always have moral issues in mind. All the same, debates on public policy surely encounter moral issues early in the game. One could not reasonably think that the most ethical argument will always be the most persuasive. Thus, perhaps the objective of stock issues analysis ought to be to find the most reasonable arguments, not necessarily those most likely to be effective.

A theory of stock issues should apply generally. Indeed, the concept of stock issues—the very word “stock”—implies generality. Applying a theory of ethics to the stock issues implies generality in an even broader and more important sense. In any case, many previous writers about stock issues suggest that they apply universally; consider Ziegelmueller and Kay's discussion of stock issues as “certain specific obligations” that “exist in the advocacy of any specific change of policy” (Ziegelmueller and Kay 172).

Many systems of stock issues imply a criterion that the policy judged to be most advantageous is the best. If a proposed policy seems likely to have a greater weight of advantages than disadvantages, then the audience should be moved to adopt that policy. For example, Ziegelmueller and Kay's argumentation textbook reviews the five stock issues of jurisdiction, ill, blame, cure, and cost. The authors term the stock issues to “identify the inherent responsibilities of the advocate.” They also state that “the case for a proposed course of action can be lost if the cost of that action is as significant, or more significant, than the ill it is

designed to cure” (Ziegelmueller and Kay 172-178). Freeley explains that his slightly different stock issues for a proposition of policy imply several questions. Two of these are: “will the plan achieve the claimed *advantages*?” and “will the plan produce no disadvantages as great as or greater than those existing in the status quo?” (64). Similarly, in their discussion of the stock issues, Rieke and Sillars ask, “Is the proposed change desirable? (Will its advantages outweigh its disadvantages?)” (62). None of these, however, clearly states advantages to *whom*. They leave open the question of the audience.

One cannot help but to be struck by the similarity of these systems to the basic principle of utilitarianism. Thus, maybe utilitarian concepts can help to flesh out the theory of stock issues. The basic idea behind all the different versions of utilitarianism is to maximize goods while minimizing harms. Bentham’s original formulation of the principle of utility was “that every action is right or wrong—worthy or unworthy—deserving approbation or disapprobation, in proportion to its tendency to contribute to, or to diminish the amount of public happiness” (24). Bentham’s formulation receives little sympathy from modern philosophers, who generally doubt that any single good, such as happiness, can be the basis of morality. A similar criticism could be levied against Mill’s dictum that the “creed” of “Utility . . . holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness.” Mill then defines happiness as “intended pleasure, and the absence of pain” (169). Richard Hare’s version of utilitarianism, to which this essay turns in a moment, is currently the most respected.

Historically, there are two major versions of utilitarianism. Some authorities (Bentham, for example) advocate *act*-utilitarianism, holding that the most just action is that which maximizes good. Others, such as Toulmin, take the view that the most just action is that which accords with societal *rules* (Toulmin 144-147; Rawls, “Two Concepts”). (Wenzel has applied Toulmin’s rule-utilitarianism to argumentation theory, with results much different from the stock issues). The fundamentally conservative argument behind rule-utilitarian theories is that following societal rules of morality is likely to maximize good results. Hare’s updating of this theory combines some of the best features of act- and rule-utilitarianism. Hare argues that, for most of our moral thinking, we refer to rules that we learned during our upbringing. He assumes that following these rules will tend to produce, on balance, a more orderly and beneficial society. Hare also believes that, when two moral rules fall into conflict, we engage in moral reasoning in which we evaluate the likely consequences of the act itself (Hare, *Moral* 44-64; see Scanlon 129). Hare does not believe that any one good, such as happiness or pleasure, is the goal of the principle of utility. Instead, Hare advocates the position that ethical beings try to maximize persons’ rational preferences (*Moral* 140-146).

Now, utilitarians are generally interested in considering the benefits to society as a whole. Rhetoricians are sometimes only interested in persuading a particular audience. This stand does not necessarily lead to ethical argument. The interests of a particular audience could conflict with the audience’s moral obligations.

The Audience and Ethical Obligations

Argumentation is more ethical, at least from a utilitarian perspective, when it considers a more general audience. Aristotle pointed out that, when they consider deliberative policy, people choose to do what they believed would be advantageous (Aristotle 1358b). That usually meant doing what was to the benefit of the polis, the city-state. Athenian speakers sometimes showed a concern for the welfare of other city-states only when they faced a common enemy. Thus, Aristotle comments that “deliberative speakers often grant other factors, but they would never admit that they are advising things that are not advantageous [to the audience] from what is beneficial; and often they do not insist that it is not unjust to enslave neighbors or those who have done no wrong” (bracketed expressions are the translator’s) (Aristotle 1358b).

Poulakos argues that Isocrates built “a conception of rhetoric as a citizenly instrument meant to promote actions for the benefit of the polis.” He interprets Isocrates’ view as “to the extent that students of rhetoric would learn to understand themselves as citizens, they would never put oratory to evil use; for, by definition, they would use the art in a citizenly manner.” This implies the welfare of the polis as the aim of rhetoric. Speakers in the Athenian assembly were expected to advocate the benefit of the entire polis, and not merely of the citizens gathered at the Athenian Pnyx for a particular debate (Poulakos 24-25). (Given the structure of the Athenian democracy, one might question how often speakers thought about the preferences of non-assembly members, slaves for example, which complicates the story a bit.)

Getting back to modern times, a more general level of analysis will often produce more ethically reasonable conclusions. To understand why, consider these scenarios in increasing level of generality:

Advocacy of the immediate audience. A debater speaks to an audience of college students. Her wish is to persuade them that import tariffs should be imposed. In her communication with the audience, she stresses that import tariffs will benefit the students in the room. She says that they will have more spending money and a better prospect for employment if a tariff is passed. The debater does not mention any benefits or harms that may occur for any other group of people. This is a very specific level of analysis, and by no stretch of the imagination does it address anything that we could consider to address issues of ethics or morals. The only interest of the speaker is to persuade the audience that the proposed policy will benefit the audience themselves. It is, indeed, possible for such a speaker to advocate unethical behavior. Such a speech might, one fears, be quite persuasive.

In the Lincoln-Douglas debate at Freeport, Stephen Douglas sank to this level of argument during his conclusion. He made some racist remarks about Republicans and those who advised the Republicans. He then commented, in an acerbic manner, that “those of you who believe that the negro is your equal and ought to be on an equality with you socially, politically, and legally, have a right

to entertain these opinions, and, of course, will vote for Mr. Lincoln” (Douglas 424). This argument showed no concern with the welfare of anyone except those voters who would be prone to vote for Douglas. Its immorality, and unacceptability, lay in Douglas’ apathy towards the rights of those who were living their lives in bondage.

Advocacy of a larger audience. A debater speaks to an audience of college students. This debater, however, tries to persuade them that his proposed import tariffs will benefit not only the immediate audience, but also most college students. The immediate audience becomes a stand-in for a larger group. In this modest step up in generality, the rhetor asks the audience to consider the needs or preferences of other persons, but only to the extent that the immediate audience is part of a larger group, and will thus have a share in the benefits that accrue to the larger group.

Advocacy of the community. Speaking to an audience of college students, a debater maintains that import tariffs will produce an overall net benefit to the entire nation. She does not address the issue of whether the audience members in particular will benefit from the tariffs or not. Thus, she asks the audience to reify their level of judgment to a larger degree than in the first two scenarios. She asks the audience to consider the net advantage not so much for themselves, but, in general, for their fellow-citizens. This might roughly compare to Isocrates’ level of discourse.

Student Alex Lennon, debating for Harvard University at an intercollegiate contest, advocated a plan to stabilize the planning for civilian nuclear reactors. One of his arguments was that this plan would reduce the danger of nuclear proliferation and nuclear war, which, if true, would obviously benefit all humanity. However, the specifics of his argument pointed up a benefit to the greater influence that America would, he claimed, have over Japan’s nuclear power program. Thus, this particular argument appeared to focus on the benefit that his proposal would bring to his own nation (“1990 National Debate,” 148).

The Kennedy-Nixon debates offer a number of examples of such arguments. For instance, in their third debate, Vice-President Richard Nixon suggested that “the first thing we have to do is to continue to keep confidence abroad in the American dollar.” Continuing, he advocated a balanced budget “because at the moment that we have loss of confidence in our own fiscal policies at home, it results in gold flowing out” (“Third Debate” 406). This argument arose from a concept of good citizenship; he did not ask for the benefit of any particular United States group, but for the benefit of the entire nation.

Advocacy of the Greater Good. A debater advocates the argument that import tariffs adopted by our country will yield a net advantage of good versus harm, not just for our own country, but also for all persons. Thinking in utilitarian terms, this does not imply that every person in every country will gain a benefit from the import tariffs, but rather that the proposed policy, taking everything and everyone into account, will have net good results.

An interesting argument of this type occurred in a 1991 Lincoln-Douglas college debate championship. Kevin Minch, debating for Wayne State University, spoke in favor of a closed Congressional hearing session for nominees for United States Supreme Court Justices. After reviewing the problems with the current process and stating the advantage of the one he proposed, Minch concluded that “everyone will benefit from my proposal and . . . the problem will be significantly reduced under my plan” (Minch 91). Minch’s analysis may or may not have been correct, a matter to be decided by the debate judges (who awarded him the victory) but he implied a universal ethical criterion for his proposal. He did not address the benefits of his proposal to any one group of persons. A utilitarian would approve of the criterion that Minch implied.

The first and second scenarios look much like a conventional stock issues analysis of a policy question. The third scenario, on the other hand, seems more utilitarian. The fourth is very utilitarian, in that it considers the greatest good for all persons, not just for the immediate audience.

Each of these scenarios has ethical implications. Suppose that a proposed policy would indeed benefit one’s own group, but at the cost of harming someone outside the group. This might be a very great harm. For example, a debater argues that college students should become interested in politics and press for war against another country. This war is to be fought not for national defense, but to colonize the other nation. The net result might be quite beneficial for the audience’s own country. The country to be attacked is weak, let us say, and has few allies. The conquest would gain a great economic benefit for the conqueror at minimal cost.

Given the suffering that results from war and conquest, this proposed action would probably produce a net harm, considering everything. Therefore, a utilitarian could not approve. However, if most of the harms are likely to accrue to the conquered nation, not to the conqueror, a stock issues analysis—something akin to any of the first three scenarios above—might well lead one to approve of such an action.

Thus, the big difference between a conventional stock issues analysis of a controversial question and a utilitarian analysis of those questions is that the utilitarian analysis counts everyone the same. A stock issues analysis is likely to consider the benefit of the policy for the immediate audience, at worst, or the civic benefits of the policy, at best. A utilitarian analysis is concerned with the same basic issue, which is whether the proposed policy would produce more good than harm, but considers the benefits and harms to everyone, not just a group identified in some way with the speaker’s target audience. Utilitarianism might not approve of the most persuasive argument, but to follow utilitarian principles might uplift the moral quality of argument.

As Hare points out, “the principle often accepted by utilitarians, ‘Everybody to count for one, nobody for more than one’ can . . . be justified by the appeal to the demand for universalizability” (*Freedom* 118). The idea, according to Hare’s analysis, is that a utilitarian considers the “substantial inclinations and interests that people actually have,” plus a requirement that people be willing to univer-

salize their moral judgments (Hare, *Freedom* 118). Hare further requires that a moral actor must be able to consider not just one's own inclinations, but rather also to imagine being in another person's shoes and to envision what that person's inclinations and desires might be (*Freedom* 113; see also Hare, *Moral* 107 ff.). Thus, while theories of stock issues imply generality, utilitarianism implies even great generality.

From a utilitarian standpoint, the good and harm that occur to every individual count the same as that to every other individual. Thus, the benefits to one's immediate audience are no more important than those to strangers, foreigners, or members of any out-group.

Two Approaches to Utilitarianism

Hare argues that we routinely engage in moral thinking on two different levels. First, we operate by various rules and principles that we have learned from our upbringing. If one has been well nurtured, Hare suggests, such rules include a dictum to tell the truth, a rule not to murder other people, a requirement to pay one's debts, and so forth. These rules may be as general or specific as necessary, but regardless of how general they are, they must be universal. That is, one must be willing to see the same rules applied in any similar case, and in particular, one must be willing to see them applied *to* yourself, not just *by* yourself. In this respect, Hare consciously echoes Kant's categorical imperative ("Act only according to that maxim by which you can at the same time will that it should become a universal law," Kant 80). Hare points out that if one is well brought up, one will follow rules that, if followed consistently, will produce a net balance of greater good for society as a whole. Thus, these rules have a utilitarian impact.

However, two rules will often come into conflict with one another. The rule to tell the truth and the rule to protect innocent lives may come into conflict if a pederast knocks at the door and asks to see your children. In such cases, one engages in moral thinking at the second level. According to Hare, in these cases one can no longer rely on the rules. One weighs the likely good and bad consequences of the acts before deciding which is more moral to do (Hare, *Moral* 25 ff.). In these cases, one chooses among between the acts specified by the conflicting rules, and not from the universe of all possible actions. This procedure tends to produce judgments more in line with conventional moral thinking than many older versions of act-utilitarianism (Scanlon 129).

This model suggests several ways in which utilitarian theory can better inform argumentative analysis. First, it is important to consider the needs of all persons equally. Conventional rhetorical analysis often ignores the distinction between producing a policy that is to the advantage of the audience, or to some community of which the audience is a part, as opposed to the good of humankind as a whole, or to the good of all living things, or to some other large group. Utilitarian theory thus insists on a larger concept of the public and, thus, implies an enlarged conception of the audience.

Second, Hare's version of utilitarianism clearly states that any moral rules must apply universally. A speaker must be willing to apply the rule reflexively, back to the speaker. This universality must also consider that other persons may

have desires that are different from those of the speaker, such that persons who are acted upon are entitled to freedom in choosing what good things they desire. This choice must still be rational, so that Hare would not approve of a drug user choosing to become addicted to heroin. Rather, Hare would endorse the addict's freedom to choose to pursue goods. Applying Hare's insights to argumentation and debate, debaters might place more importance on conventional ethical standards.

Utilitarianism's Contribution to Argumentation Theory

Stock issues analysis, bears a clear relationship to utilitarian principles. Applying utilitarian analysis to the stock issues can aid in the formulation of better decision-making criteria for debaters. Concepts from Hare's theory illustrate this. Other utilitarian theories, as well as non-utilitarian ethical theories, may be equally, or better, suited.

If one seeks an ethical principle to assist debate analysis, one can choose from any number of theories. Presumably, any ethical theory that suggests standards for human conduct, especially in the realm of social behavior, might provide the germinal material for an analytical system useful to debaters. This essay applies utilitarian theory for pragmatic reasons: utilitarianism is a well-respected ethical theory, and its principles resemble the stock issues. Thus, to ground the analysis of propositions of policy in stock issues allows for a more conservative theoretical adjustment than would, for instance, a system of argumentative analysis based on Rawls' principles of justice (see his two principles of justice, Rawls, *Theory* 60-65). Further research could examine the import that various ethical theories have for argumentative analysis.

This is not an essay of rhetorical criticism. However, one suspects that a utilitarian view would lead one to disapprove of many of the arguments presented in political campaign debating. However, a utilitarian conception of the stock issues may accord with many of the common practices of present-day high school and college academic debate more closely than do the conventional stock issues. Awareness of the relationship between stock issues and theories of ethics can significantly clarify the quality of argumentative analysis. More generally, given rhetorical theorists' centuries-long efforts to overcome the calumny that rhetoric too easily engender sophistry, an ethical grounding for argumentation should beget guidance and encouragement.

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William D. Harpine, Ph.D., Department of Communications, University of South Carolina Aiken, Aiken, South Carolina.