

we would rather live in a society that presumes innocence rather than guilt, we are willing to extend this presumption even to those persons who we think *really* are guilty.

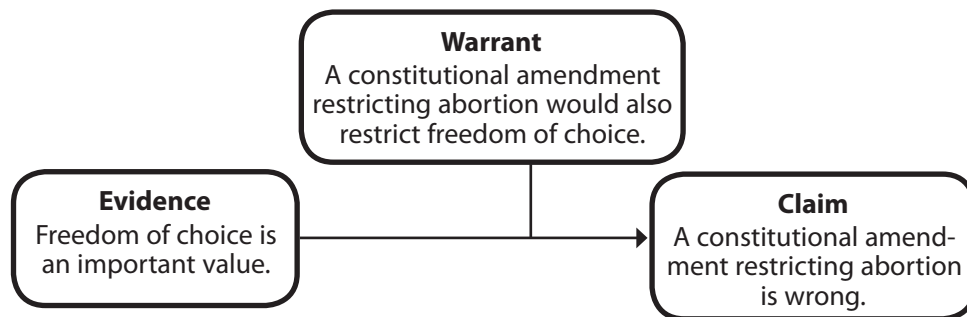
Another example of a presumption that blurs the distinction between reality and preference is the “rebuttable presumption of joint custody.”¹⁴ This presumption can be offered as evidence in a divorce case where a man and a woman are arguing over custody of their child. The presumption is used as evidence that, all other things being equal, the couple should share custody rather than custody being given to one parent or the other. The reason this presumption blurs the distinction between reality and preferences is that it says we value a child being raised by two parents rather than one even when those two parents are not living together.

Presumptions provide good examples that the division between evidence pertaining to reality and evidence pertaining to preference is a blurry distinction. The next three categories, however, provide examples of evidence that falls squarely in the category of evidence pertaining to preference.

VALUES

Values are statements that provide evaluations of objects, persons, ideas, institutions, etc. Any statement that expresses something other than indifference about an object is a statement that contains values. By their nature, values are abstract. However, values become more concrete and less abstract when an arguer connects a value to an object to be evaluated. To argue that Maarja is pretty or Boriss is handsome is to attach a value of beauty to a human object. Although we ordinarily conceive evidence as factual, values also serve as evidence in argument.

We see the most obvious examples of debaters using values as evidence in arguments about life and death issues. For instance, the debate in the United States about abortion is generally argued with respect to the values of “life” and “choice.” Those against abortion are deemed “pro-life” or “anti-abortion” and those in favor of legalized abortion are labeled “pro-choice.” Because we do not ordinarily think of values as evidence in argumentation, perhaps returning to the Toulmin Model of argument can more clearly illustrate this function:



In this example, the claim is that a constitutional amendment restricting abortion rights is wrong. The evidence for the claim involves the value of freedom of choice, a value that the debater must assume the audience shares. The warrant that connects the evidence to the claim is the statement that “a constitutional amendment restricting abortion would also restrict freedom of choice.” In this example, the evidence