THE UNDERMINING OF COMPETITIVE FORENSICS

BY DAN CERQUITELLA

Every year the activity of forensics changes. Sometimes these changes are overt. Other times, these changes sneak up on us, and catch us unaware. Some we have control over, some we don't. And some we should have control over, but unfortunately, we fail to exercise our influence, and before we know it, forensics has changed for the worse. At tournaments both local and national, I have observed areas of concern that threaten to undermine competitive forensics.

Affirmative Disclosure

The growing trend of disclosure warrants a closer examination. For those unfamiliar, the affirmative team reveals their case area and advantages to the negative team, and in return the negative team reveals their strategy, specifically revealing their key arguments. Traditionally negative teams find out what the affirmative is running at the same time the judge does, with the reading of the 1AC. Teams that have hit prior, or have been doing a good job scouting might have a heads up as to what the affirmative is running, but there were no guarantees that an affirmative team wasn't switching cases.

Disclosure seems to be blatantly counter-intuitive to the very nature of debate on several levels. First, it has the effect of nullifying the affirmative advantage given them to balance out presumption. As an advocate for change, the affirmative is presupposed to have a tougher job than the negative. The affirmative must prove just cause for change, whereas the negative must only disprove. A tie goes to the negative based on presumption. Because of this advantage, the affirmative may select their topic, and keep it under wraps until the debating begins. Judges, of course, allow latitude for negatives forced to argue exceedingly abusive cases, but basically, negatives must be prepared to argue the affirmative in different ways. They must prepare for as many specific case areas as possible, but also may prepare generics to argue against various policies that the resolution implies. Disclosure serves to lessen one of the few advantages affirmatives have. I fear what comes next. Disclose your affirmative with your tournament registration? List affirmatives on posting sheets?

Advocates for disclosure also argue that disclosing makes for better debate, the argument being that if both sides are aware of what arguments will be run, we will see a better examination of the relevant issues. This argumentation is faulty on face. The object of competition is to win. Plain and simple. After all, we give out trophies at these events and have odd numbers of judges in out rounds. (It is not the purpose of this paper to ignore, or examine the many fine ancillary benefits of competition. Whole books can be written on the life skills competitive debate develops and fosters. Those issues are not denied, nor are they relevant here.) Indeed, why should disclosure be limited to only debate. Perhaps football teams should disclose. The offense could tell the defense that the next play will be a pass down the right sideline. That way the defense can adapt before the play, and we can have the best possible football game imaginable. How about a pitcher telling the batter what's coming? "The next one will be straight down the middle, that way we can have the best possible ball game." It just doesn't make sense.

I might be more amenable to a discussion of the merits of disclosure if I had ever been witness to any actual merits. How many times have we judged debates where the affirmative discloses, and the negative, now in possession of this vital information that can be used to increase the educative value of their activity, opt to run a Clinton DA and a Kritiq? This is what disclosure is for? Generics? I have sat and waited while a negative team huddles, discusses the affirmative case, and announces "Anarchy Counter-Plan, and Eco-Fem."

I am afraid that disclosure has become an ego boost for senior kids, and that the novices have begun to mimic this nonsensical practice. I think disclosure probably originated with a few students who were so good that to them it didn't matter if anyone knew what case they were running. They were that good. And now it has morphed into this semi-institution in parts of the country. I even sat on a three judge panel in Octo-finals at a tournament a few years ago where a judge weighed in. Before the round started the negative asked the affirmative to disclose, and the affirmative refused. The negative pleaded to the judges for help. I said sorry, they don't have to disclose. Another judge however berated the affirmative for such cheap tactics, and threatened to sign her ballot right there for the negative if the affirmative did not disclose that instant. Amazing. And, what was the strategy the negative came up with in response to the disclosure? You guessed it, Clinton and a Kritiq.

Another argument against disclosure is the lack of effective redress. If either side does not follow their disclosed strategy, what recourse does a team have? I've seen debates where affirmatives complain after a negative springs an undisclosed argument on them, and the negative replies that they thought of it after the debate started. This leaves the affirmative feeling wronged. But there is nothing that can be done because they have engaged in practices outside prescribed rules. And how can we address teams who out and out lie about their case and/or arguments? I can't as a judge hold a team accountable if they have a conversation before the round and one team misleads the other. I am there to adjudicate the round itself, not behavior outside the round. The argument might be made that a team that would mislead is unethical, and I would agree, but since no mechanism is in place to deal with that type of abuse, all the more reason to discourage the practice of disclosure in the first place.

Part of what makes this activity so special is the necessity for students to learn to think on their feet, to adapt. To initially hear the first affirmative along with the rest of us. To make strategic decisions and commit to a game plan as the 1AC unfolds. Conversely, affirmatives wait for hints of what the negative has in store in the initial cross-examination period, and then see what the negative unfurls in the first negative constructive. Disclosure diminishes this competitive atmosphere. Consequently, our debaters lose an edge. They don't have to be as sharp as they would have to otherwise. Debate is a showdown between minds. Disclosure takes away part of what is unique about this fine activity.

The Interventionist Judge

Of growing concern are judges who unfairly and inappropriately intervene in the debate round itself, through the pre-round discussion of judging philosophy. Coaches

usually encourage their students to ask the judge before the round what their paradigm is, or what their judging philosophy is. Another idea that sounds good in practice but is fraught with danger.

An area that won't be examined in depth here deals with students not understanding the answers to these questions. I am sure you have expounded on your particular paradigm, only to have it across the board ignored by all participants. Try this: next time a debater asks you what your paradigm is, ask them what paradigm it should be or even better, what is a paradigm? You'll be surprised at some of the answers you receive. I've asked that question about 10 times this year, and only received a correct answer once. The answers ranged from "I don't know, but we're supposed to ask" to my favorite "A paradigm? That's where you want us to be nice to each other." All too often we as coaches give the students the questions, but not the knowledge to process the answers.

Rather, lets look at how judges unfairly enter the realm of debate. The common axiom is everything is debatable. While I won't debate that idea, I would argue that it is the students job to debate, not the judges job to enter the round and affect argumentation and issue selection. And this is happening on a routine basis.

Longer and longer answers are becoming commonplace. Judges go on at length on their ideas, likes, dislikes, past experience and debate prejudices (Last year I watched a judge explain his judging philosophy prior to judging a round of novice impromptu). While a certain amount of information is desirable, often helpful, judges undermine the activity when they cross the line of impartial judge, and affect the direction of the argumentation. Let's look at some examples. The judge who says they dislike topicality. The judge who says they won't vote on inherency. The judge who won't consider generics. These judges, by expressing their opinions, are entering the round by affecting the issue selection of the debaters. The judge is narrowing the field of choices that a team may decide to argue. In a court of law, the judge would be deemed to be handicapping one side. In debate, we unfortunately accept this transgression. When a judge says that they won't vote on, say, inherency, they are taking away one possible avenue of argumentation, because of their own preconceived notions. They are saying that they disagree with the bulk of the work done in the area of debate theory that says inherency can and should be considered. By saying you don't vote on inherency, you are saying that there is a barest minimum standard you refuse to hold the affirmative to, that no matter how egregious the infraction, it is a moot point. All judges have different standards and thresholds that must be met before they vote on arguments, but to say you steadfastly refuse to consider and weigh certain arguments means, as a critic, you are an active interventionist. And that is unfair to the competitors.

Judges must remember, must be taught, that they are there to judge the participants. To evaluate their performance. Not to direct their choices in the round. They are there to evaluate, not influence. To use a football analogy, referees don't tell the players prior to game time "All right, I don't like fake punts, or going for it on fourth down." Imagine a baseball umpire saying "No stealing bases. I don't like sneaky playing tactics." That would be wrong. And so is letting our personal bias affect and direct the argumentation in a round we are judging. If we don't like kritiqs, we should note on the ballot when we find that argumentation ineffective and not overly persuasive. If we don't like topicality, we should still listen with an open mind, but we can use the ballot for suggestions and recommendations. We must remember that the judge should be an impartial critic, not a biased spectator.

When discussing expectations before a round, perhaps brevity should be the order of the day. Let the students know that you're experienced, perhaps tell them how many rounds you've judged that year. Tell them you're open to all argumentation, and you'll vote for the team that displays superior strategy and demonstrates superior argumentation. All coaches at one time or another have had to instruct new judges in how to best judge and evaluate a debate round. A new judge is always told not to let their own personal feelings, or preconceived ideas affect their decision. Yet for some reason we accept regular judges entering the realm of the debate, we allow them through our passivity to shape argumentation, to direct the course of the debate, rather than insisting the debate be allowed to proceed on its own. Tournaments should direct judges to be brief. Perhaps even give some short instruction on how to explain yourself before a round. Does a judge need to tell the debaters more than their level of experience, how they feel about speed, whether they flow or not and that they will impartially weigh all arguments presented on the merits of the argumentation, and the debaters persuasiveness? The answer is simply **no.**

There will always be the judge who feels that a resume of their debate achievements is relevant to the teams prior to a debate. There are always going to be judges who want to hear themselves talk about debate theory, and who will unfairly interject themselves into a debate. But coaches can affect debate as well. By training new judges on what is proper to say, by vocally supporting non-interventionist judging, coaches can begin a process of reclaiming impartiality in the judging pool.

Oral Critiques

Coaches, rightly, try to control the information that is going into their debaters heads. We have all had to attempt to establish good work habits in our debaters, and break bad habits. Debate is an activity that has many and varied interpretations of how it is to be done, when done correctly. And yet we are allowing our coaching to be undermined by allowing and encouraging the practice of judges giving oral critiques after debate rounds.

Let me qualify my feelings here first. I would be unconditionally in favor of oral critiques if they were going to be given with care, the criticism within the critique being constructive in nature. I have met a great number of coaches and judges with whom I would have no problem having them talk debate with my students. Unfortunately, the judge who critiques conscientiously, with the best interests of the debaters, and the activity in mind, seem to be in the minority.

I'm not the first to suggest that egos in debate sometimes threaten to spin out of control. A shining example of this is the oral critique. It seems over the years I have noticed many judges who debate the round themselves, and use the critique as a platform to display their knowledge of debate. Many times this takes the form of the judge berating the participants. I judged a novice out round this year, and the negative ran a counter plan. It became quickly apparent that the negative had a copy of their senior teams CP file, but had no idea how to run it, and the affirmative had essentially no idea what a CP was. These are problems a judge should point out on a ballot, so the coach can see what needs to be addressed. However, in this round, as soon as the decision

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was rendered, one of the judges immediately tore into the competitors, spewing debate jargon and theory a mile a minute. Unfortunately, the debaters looked like deer caught in headlights. Their knowledge of CPs was so lacking that they had no idea what this judge was talking about, not to mention why there were being verbally lashed. This does nothing positive for the competitors.

An even better example took place this past fall. The tournament we were attending requested no disclosures or critiques, with the caveat that if a judge feels they must say something, to keep it to a five minute minimum. Sounds simple enough. But there was one judge who cut all speeches by a minute, so he would have more time to give a critique at the end.

The problem with critiques is that we are placing our students in the hands of anyone who wants to hold them after the round and talk to them. And we as coaches can not be privy to what is said. Right after a debate is not always the best time to critique students. Defenders of the critique will argue that it is best to critique while the round is fresh in everyone's mind. But again, this ignores the bigger picture. Perhaps students have to go to an IE round, or there's a bus with the rest of their team waiting. How about when a judge says "You lost" then launches into a twenty minute critique of the debaters skills. These kids are only human, and perhaps criticizing them right after disclosing they lost is not the best time if you truly want the student to benefit. I've talked with students who have been crushed by critiques, by judges saying "You should know better". What those judges don't know is that some students may not have the best coaching, or support from their schools, and their limited ability at the time of the round is the best they are capable of at that time, and they should be congratulated for striving in the face of adversity, not chastised for being inadequate. Plus, think of how tournaments can run late because of critiques. How many of us have been unable to finish tabbing a round, and pairing up the next one because one ballot is missing, the ballot of a judge engaged in a marathon dissemination of their unique debate knowledge. At a recent tournament, a coach who was judging kept students for a half hour critiques at 11 o'clock at night, while parents who had graciously agreed to house out of town students waited. From a practical standpoint, do you think those parents will be as likely to volunteer to house students next year? Why does common sense seem to go completely out the window when oral critique time comes?

How many times have we as coaches had to correct the things a judge has said after a round. Our students ask us if something is correct, and we have to go over why what this person said was wrong. Or worse, misinterpreted. If we have the hard copy on a ballot, we can decipher what the judge meant, but asking students who may or may not have a command of the fundamentals is fraught with peril. Here are some things my students have told me over the years judges have said to them in oral critiques; You can't respond to Disads run in 2NC in 1AR because that would be a new argument; It doesn't matter if you take out a link if there is still an impact on the flow; no new evidence in rebuttals; (in LD) no matter how thoroughly a negative clashes and with the disproves the affirmative without a pre-written negative case the negative loses; (again in LD) you have it backwards, your value allows you to achieve your criteria; Add your favorite comment from an oral critique here. What damage have errant comments done your team that you are unaware of, because your debater hasn't brought it up?

When a judge fills out a ballot, they show how much they truly care about the activity. A competent judge takes time to thoughtfully transcribe their comments, knowing that by doing so, they create a recorded defense of their decision, and allow a coach and the debaters to return to the ballot as many times as needed to address various issues. We all know how frustrating it is to look over your teams ballots and see the phrases "oral critique" or "in round". This cheats us of observations into how our students did and how they could do better. It cheats our students from going over the ballots and addressing different issues at different times. It comes down to this; if a judge truly cares about explaining their decision and making the students better debaters, then they will take the time to completely fill out a ballot. Northing else is acceptable. It bears repeating. A judge who truly cares takes the time to fill out a ballot. Those who do this should be encouraged to continue judge. Those who don't should be urged to do so, or move to the bottom of the judging pool.

Perhaps ballot tables should not accept ballots from judges who only write "Oral". Take the top copy with the decision and send the judge away, to return with a completed ballot. If they don't, then remove them from the judging list. And it is not enough to simply say not to give an oral critique. Tournaments should work to enforce the rule. Remind judges not to do it, walk the halls, and make sure things are going as planned. Perhaps tournaments could request only certain individuals may give oral critiques. Do we want high school students giving other high school students long lengthy oral critiques? Perhaps students one year out should be asked not to give oral critiques unless specifically allowed. I am sure that there are many, many one year outs who give exemplary oral critiques. But I know of a one year out who began her critique to the losing team by saying "Why did you waste money to come to this tournament?" The actions of these judges should not be overlooked because their actions are so detrimental to the students being critiqued. We cannot and should not ignore these judges. It may be hard to control, and there is no perfect answer, but we do our students a disservice to throw up our hands and say "What can be done?"

Quiz your own students, and others. Ask them to relate the oral critiques they have had that stand out in their minds. Chances are, a number of students will tell you stories of judges angrily chastising them, denigrating their ability, debating the round after the fact, and more. When weighing the benefits of critiques, we have to realize that while there are those that can handle this responsibility, there are a great many who cannot. These individuals subvert us as coaches, do not have the students best interests at heart, and in the end, like to hear themselves talk. They ruin it for the rest of us. If you do not wish to completely eliminate oral critiques at your tournament, at least attempt to shape them so that when done they are constructive. Ban certain individuals from giving critiques. Give a short session on what an oral critique should include. Start a shaping process that will result in the end of petty, vindictive, and non-constructive critiques. Until we can control to some extend how critiques are administered, perhaps we should place the absolute emphasis judges filling out their ballots, putting all of their comments in writing. Nothing else should be acceptable. Anything else undermines our activity.

New Arguments in 2NC

Perhaps the most disturbing recent trend in competitive debate is the discouragement of new argumentation by the negative team in the second negative constructive. The argument here is that to allow the negative to run with new arguments in 2NC is patently unfair to the affirmative, and specifically, the 1AR. Judges and coaches assert that the negative position should be asserted and defined in 1NC, and to present fresh arguments in 2NC is the very definition of abusive. It unfairly hinders the 1AR by forcing 1AR to respond to numerous arguments. This line of reasoning is contradictory and stacks the deck in favor of the affirmative. It is the definition of the word abusive.

The 2NC is a constructive. Simply put, constructives are meant for the origination and advancement of new argumentation. The 2NC is not an 8 minute rebuttal. To place any sort of restraint on 2NCs with respect to whether they are allowed to argue new issues unfairly binds the negative's hands. The affirmative has the luxury of fully researching a case area, preparing a front line presentation of the pertinent issues, and blocking out potential areas of negative argumentation. Many affirmative teams stick with the same case for an extended period of time, allowing them to hone and refine responses, and sharpen the application of their critical thinking skills. To say that in the face of this advantage, the negative is limited to only 8 minutes of original argumentation unfairly tips the scales in favor of the affirmative.

In essence, not allowing the advancement of new arguments by the 2NC coddles 1ARs. It sends the message that because some 1ARs have been ineffective at covering the negative block, that all 1ARs must be ineffective. And this is most definitely not true. I wonder if the original advancers of this practice were 1ARs themselves who had a hard time covering, and who now are interventionist judges who blame a lack of success not on their own abilities, but rather on 2NCs unfairly treating the 2NC as a constructive and forwarding new argumentation.

Looking at the abuse issue specifically, why is it viewed that new arguments put unfair pressure on the 1AR? Is it any less abusive to spread 8 minutes worth of Disad answers and turns, and read numerous blocks relating to 1NCs kritiq shells? I would argue no. I think I am abused as a judge when I have to watch two teams revolve the debate around a generic DA and a barely applicable kritiq. The 1AR still has to respond to everything said in 2NC and 1NR, in some fashion. Whether new or old, there are still numerous arguments and lines of analysis, on the flow that must be adjudicated. The affirmatives (hopeful) familiarity with their own case area should prepare them to answer any and all arguments in as concise, and precise, way as possible.

Are 1ARs capable of answering a well constructed negative block? That seems to be an issue that the coach should address and not one that relies on interventionist judges to assist the affirmative. How often have we seen 2ACs or 1ARs take 2 minutes to respond to a DA that should only take 20 seconds to answer? Or see the affirmative spend an exorbitant amount of time reading impact takeouts and brink evidence when there is a card in 1AC that takes out the whole DA? These are matters for coaches and students. These are not matters for judges to resolve by limiting the negatives argumentative ability.

To pre-empt an argument sure to be coming, speed is not a factor. A superior critical thinker who happens not to speak as fast as their opponents cannot be spread out of the round. The thinker will adapt, and argue, finding their opponents weaknesses and exploiting them. Because many debaters are not at this level is not just warrant to handicap the negative team. But it is just warrant to teach debaters how to debate, how to address varied negative attacks.

The 2NC is the right and proper place for the advancement of new argumentation. Affirmatives are free to then argue abuse. Affirmatives can spike their plan, saying for fairness sake, all procedurals must be put forth in 1NC. Then the burden is on the negative to argue in favor of their strategy. And whoever puts forth the most compelling and well developed argumentation wins. The point is that this should rightly be left for the debaters to debate. It is not within the justifiable scope of a judges power to make these arguments, to place these constraints on argumentation, before the round starts. A judge should make a decision based upon what the debaters have to say.

Debaters face obstacles throughout their careers. A coach once commented that he found it amazing anyone won consistently, given the wide range of factors that can affect judging. Debaters do not need an unjustifiable obstacle put in their way, such as a refusal to allow new negative argumentation in the 2NC. Negatives should be penalized if they cannot come up with 16 minutes of new argumentation, just as affirmatives should be penalized if their response to a legitimate argument is it is unfair because of the constructive the negative chose to place it in. 1ARs should be encouraged to be clear and concise; to go to the heart of the negative's argumentation. Affirmatives should be held accountable. They chose their case, they did the research. They should be expected to defend against all arguments presented in any speech labeled a constructive. And we as coaches and judges should advocate issue argumentation, not issue limitation.

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