CONSTRUCTIVE THEORY
by John Durkee

Since the introduction of the argumentative belief which suggested a topicality challenge may only be raised in the first negative constructive, limits upon the nature of arguments permitted in constructive speeches in team debate is practiced by nearly all in the debate community. Today, practice restricts the presentation of all constructive arguments to first affirmative and negative constructives. Restrictions are most noticeable in the judging practice of punishing negatives for placing new disadvantages in the second negative. This essay visits the theory of the constructive and will argue that the nature of a constructive speech permits all constructive arguments in any constructive speech.

Let me begin with the greatest heresy. A topicality argument placed in the last thirty seconds of second negative constructive has the same legitimacy and weight as one placed at the beginning of first negative constructive. Arguments traditionally fall into two major categories, constructive and rebuttal. A constructive argument presents and supports part of the case, and a rebuttal seeks to answer opposing arguments and to reinforce ones own. These definitions come from the 1941 edition of *Discussion and Debate* by Ewbank and Auer, admittedly an old reference by two authors who are not quoted today. Practice and theory are much different from that age in which all four constructives were pre-written canned speeches. Yet, no recent book or article on debate offers a substantially different definition or challenges the validity of these venerable definitions. The theory of the constructive has remained the same for more than the fifty years separating us from that pre-World War Two book. A constructive speech, although its purpose may be to destroy an opponent's argument, presents the evidence and argument supporting one part of his/her team's case. Nevertheless, current practice requires that first constructives are the only proper home to constructive arguments, second constructives and all rebuttals are the home of rebuttal arguments. Why is this so?

The primary arguments for current practice are fairness and burden of proof. First affirmative must fully lay the complete affirmative position into the round. First negative must place all negative arguments of probative validity; topicality, counter positions, and consequences; into this speech for similar reasons of fair debate. In Lincoln-Douglas debating this expectation is a fair division. Affirmative receives two rebuttals to rejoin arguments, while Negative takes all of the Negative rebuttal for rejoinder and rebuttal. In team debate, current practice limits second constructive from building further the affirmative or negative cases except through extension, in spite of the fact that the second speech is called a constructive.

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Constructives should present and support part of the case. These limits on the process and the debaters, limit the range of independent reasons used in decision making, instead of creating constructive growth during the round. If the speeches were renamed, calling second constructives first rejoinders for instance, these speeches would clearly be placed within the beliefs of current practice. But, they have not been renamed. Instead, the name constructive remains attached to a more limited range of argumentative options.

Pity poor first affirmative rebuttal if new arguments of major consequence come back into last constructive, right? Actually, wrong. Recently, a minute was added to each rebuttal speech in order to enable greater depth and breadth of response. First affirmative gained this additional minute at the same time negative was deprived the weight of eight minutes of new constructive arguments in second constructive, a rather unusual response to added time.

This shifting away from con- structive arguments came at a time when the debate community began to trivialize the consequences of a debate round. The first move in the shift came when the affirmative plan was placed into first affirmative. Soon, what was a tactic inaugurating comparative advantage cases, became the required norm. Teams were punished if they read plans in second constructive, because of the perceived unfairness withholding this information caused the negative. The next major shift came under the guise of *hypothesis testing* and the even latter *games playing*. For the first time, debaters freely practiced a debate style leveled as the severest criticism of debating. Debaters, it was charged, care nothing for the search for Truth, they only seek to gain any advantage in order to win. With *hypothesis testing*, debate reached the heights of argument as a search for Truth. Constructive speeches offered no boundaries. Any argument was fair game. Then *games players* introduced the concept that Truth was irrelevant: Popular mock rock and roll style was all. Affirmatives liberally reinvented the round in last rebuttal. Truth yielded to cleverness, while newer and better theory advanced the procedures of the round. Today, belief in the *Critique* and the budding influence of *narrative*, while eliminating any concept of constructive argument, impose a more tightened sense of what is permissible. Theory articles supported all of the evolutionary changes made, but have never challenged the meaning of constructive.

What began as a tactical innovation should not be allowed to fossilize practice. When disadvantages were first introduced into first negative constructive, the tactical advantages of surprise warranted this innovation. Negatives forced the affirmative into a position by provoking responses to the disadvantage thesis before negative had to commit to the exact line of argumentation and consequence of the disadvantage. This ability of the negative placed the affirmative into a difficult argumentative position which was initially answered by flexible affirmative positions.

Like the negative disadvantage, affirmative expansion shifted through the course of the debate. Implementation of interactive positions requires sophistication of argumentive skills. The ability to place selective disadvantages into the first constructive, thereby freezing the affirmative position, and then cementing winning positions in later speeches is difficult. Only mature debaters, or debaters with a coach who purchases or writes debater positions, are capable of sustaining the expansion of the debate from speech to speech; in order that what appears to be the negative (or affirmative) position after first constructive is actually very different from the team position after first rebuttal.

However, many teams do not have the sophistication to extend arguments. For them, the requirement to introduce all new arguments into first constructive means that all later speeches are just a re-hash of first constructives. When these debaters try to extend arguments in second constructives, the language they use or the arguments they present convince their inexperienced judge that these are "new" positions. The judge hammers the debaters for being so poor, and they, poor things, end up repeating and rereading arguments for the rest of their debate careers, as a consequence of early humiliation. And of course when these humiliated debaters become judges themselves, they pass on the lessons of their experience.

There are sound arguments that the major premises of the affirmative and negative cases must be presented upon first opportunity. Negatives are disadvantaged if affirmative creates new justifications in second constructive. This is especially abusive if an entirely new affirmative case theory and plan adjustments enter only in second affirmative constructive. Similarly, if negative enters its core or key arguments in the last negative constructive, time constraints limit full affirmative responses. What has distorted the current view of what is permissible to second negative is the weight now given to the disadvantage argument. At the time of the publication of the definitions used in this article, case side arguments carried the round, disadvantages held about the same

weight that inherency holds today. This shift in emphasis necessitates a change in practice, but does not warrant a restriction upon second speaker from presenting part of the case. First negative should present the core element of the negative case, disadvantages, while second negative presents the other important, yet independent, components of the negative case. Second negative could, for instance, present the case objections. Topicality would ideally fit second negative as the topicality argument is rarely seen by judges as important to adjudication. What is fair and what has been practiced in most of the years of debate from the end of World War I is that the core case is defined by first speaker, while independent corollary arguments are presented

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by the second speaker. Both constructives constitute that team's case.

The greatest need for new argument creation in second constructive is in early season rounds while the topic is evolving, where a better position occurs to the negative team only once second affirmative constructive clarifies the affirmative case. In these debates, debaters should introduce arguments based upon this new understanding. Only by allowing second negative the opportunity for constructive arguments can topic discussion deepen. Many debaters make "generic" arguments when confronted with a case which may take some time to understand and respond to adequately. Unfortunately, many judges encourage bland responses in preference to allowing negative to reflect and then develop positions in later constructives.

Practical concerns do not deny the validity of what ought to be constructive arguments. Two-thirds of the debating time is intended for case creation, one-third given to rebuttal. Contemporary practice reverses this time allotment, eight minutes of constructive against

eighteen minutes of responses. But, of course, current practice reestablishes the balance by "shelling" affirmative and negative arguments so that clever debaters do create new positions in second constructives adapted to opposing argumentation. Our dishonesty does not acknowledge this practice as abusive. Instead, we sham outrage at the teams which directly and honestly present new advantages in second affirmative or disadvantage or topicality in second negative; applauding the skillful who trap the opposition into error before shell exploding responses.

It is not fairness, but tactical gain masquerading as fairness which imposes limits upon the use of the constructive. Practitioners took the language of fairness and combined it with the pseudo-erudition of the valueless post-modernist and imposed a rigid doctrine upon hapless debaters. While maintaining no standard or values apply, because there is no truth, these denizens of the new age punish those who fall outside their narrow vision of fairness. Policy making can not be subsumed into a world of hypothetical truth on the one hand, while maintaining the firm certainty of rules violations.

What is meant here? If the high school debate community accepts that team debate is no longer a question of comparative policies, where balanced advocacy forms the core of our norms of practice, then to impose any rules upon the obligations of the debaters is counterproductive to the operative argumentative theory. For instance, if the affirmative chooses to use narrative as its organizational structure, how can a disadvantage raised even in rebuttal be outside the scope of the discussion? After all, it is merely negative narrative. It is the negative story. A judge disturbs the validity of narrative by telling the debater that s/he can not tell the negative story in the negative manner. Just as no *chic* judge would ever think of dissembling against an up-to-date affirmative, faddish judges should not presume an authority in the round, if recent practice has any truth to it. The judge, intervening, violates the precepts which the judge pretends to practice.

If there are no accepted standards, then what do students need

to learn in order to practice debate as it ought to be done? A choice over who establishes the boundaries of debate in a world of self-defining rules needs to be made. These are the choices we have: The debate community, The judge in the round, The debaters, Nobody, our current method.

Probably, it ought to be the debate community who decides what constitutes good debate, but we may never know exactly who composes this group of rule making decision creators. Sometimes small groups of this community gather, make up some rule, make fun of those who believe in different rules, and such, but we never all join in willing response as a total community. Even when a national convention is invoked, significant parts of the debate community are absent; whether consequent absences stem from important conflicts or moments of pique does not matter, for even in advance of decision creation, some parts of our community prejudge with scorn any subsequent convention recommendations. What matters is that the debate community has no authoritative forum to undertake the task of reaching mutually agreed upon standards. Authors, debate authors that is, no longer hold authority. Even textbooks sold this year as new do but skate the edge of precedence demanded from imperious ever innovating judges. The rest of us fight battles two decades old, slow or fast - communication or argument - tomorrow or yesterday. But, nobody cares. The old battles are not relevant to contemporary practice, we have gone so far.

Previously, I have argued the boundary definer ought to be the judge, if by judge we mean an impartial arbitrator who comes to the round with few prescriptive methods of making decisions. If we trusted reasonable citizens with making an informed decision, we could return to the real world model of decision making which I formerly advocated. Being in the minority on this issue in a community of debate coaches who think judges ought to know something before becoming capable of making decisions, I have moved to a different position. A position which is well supported by the traditions of debate and by current practice.

Personally, I favor allowing the debaters to establish and debate this very question of fair use of constructives. The debaters should decide in the round what ought to be practiced. Coaches should provide a range of decision making options in lessons and student practice. Students will take the responsibility of making arguments in regard to their opponent's theory of case and theory of the use of constructives. Judges will render decision upon what is argued in the round, and not based upon methods practiced as former debaters.

Allowing debaters to make these decisions has three practical benefits. 1. Debate theory will continue to evolve as a question of practice. 2. All students will be armed with the tools to take control of their own theory. No sub-community will dictate practice to others

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though the beliefs of their judges. 3. As a larger community, we will move closer to mending the divisions which sometime rock our small world.

This necessitates the potential of a new practice. Debaters must be given a rule which allows them to protest the decision of a round where the judge used his/her own preconceptions of what the debaters ought to have done rather than deciding upon what actually occurred. The rule would be simple, if debaters believe judges have intervened in establishing the criteria of theory resolution, and can prove with verbal statements or written statements from the judge that such was the case, the judge's decision is rendered void and the judge is expelled from further judging at sanctioned tournaments.

At first, implementation of this new rule will be ugly. District committees and the National Council will need to sit in long hearings testing each debater's protest. Rounds will be re-run. Judge shortages will abound as harassed judges realize how easy it is to get out of judging further rounds. Time schedules will balloon for a year or two, at most a decade, until the current

crop of young judges are replaced by debaters who have grown up in the practice of letting the debaters set the terms. When that day comes, soon, debate will be restored to a place where practice and theory are once more in accord. Only what is consistent with the affirmative or negative theory will enter the room.

A great shame is that the possibilities for innovation have been severely restricted by contemporary practice. When Emory switched the disadvantages into first constructive, this radical shift caused wonder, discussion as to desirability, and imitation, but it still left open other innovations, which have happened. Today, that window of innovation is tightly limited. Not only do new practices not arise from high school debate, but the imitative practices imported from college circles model only shallowness. Imitation is not flattery. Innovation degenerates. With only eight minutes of constructive argument little more can be expected.

In rounds, debaters may prove that the theory of the constructive advocated in this essay is unwarranted. That will be fine. At least they will not have imposed upon their innocent practice arbitrary rules from an all-powerful judge. However, debaters will find reasons for constructive arguments in the third and forth speeches and successfully argue that equal constructives are the core of advocacy. The debaters will want to build. When they are released from the artificial constraints of today, and once again use second constructive to advocate their own cases, argument and advocacy will return to the center of policy debate.

Don't limit debaters with the artificial constraints of your own beliefs, instead allow them to explore the dimensions of constructive thought, even if that means voting on an argument raised in the last thirty seconds of second negative constructive; or find the book which overturns the timeless 1941 definition which requires each constructive to present and support part of the team's total case.

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