TO DISCLOSE OR NOT TO DISCLOSE?

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This paper argues that judges function as educators and should always reveal their decision and the reasons for their decisions (hereafter RFD) immediately after debate rounds because the action is justified on pedagogical, and subsequently, ethical grounds.

ETHICAL CONSIDERATIONS: JUDGES AS EDUCATORS. The justifications for revealing decisions immediately after debate rounds stem from the assumption that judges are teachers within the educational activity of intercollegiate debate. There are at least two reasons why judges are educators.

First of all, students perceive and desire judges to be teachers. There is little doubt that debaters debate to develop their intellectual capacity rather than their social lives; there are much better ways than debate to do the latter (sans paper cuts, too!). CEDA debate, by being a co-curricular learning activity, gives students the opportunity to learn a new topic each semester while developing their abilities as effective researchers, critical thinkers, and persuasive speakers (Colbert & Biggers, 1985, p. 237). While many of the benefits derived from debate are accrued in preparing for tournaments, the tournaments themselves also serve an educational purpose. Tournament debate rounds provide students with an experimental laboratory for testing new ideas as arguments. Debate rounds allow the ideas and learning garnered by students before the tournament to be applied and tested in a competitive setting. In many ways, debate rounds function as a complementary laboratory for argumentation instruction in the same way that experimental laboratories in anatomy complement biology instruction. The debate round and anatomy laboratory serve the same educational function by allowing students to apply argumentative (scientific) techniques, learned in the debate team room (lecture hall) in a practical, hands on manner; a manner which is unavailable in most other settings. The only difference is subject material and methodology. Consequently, the function of debate judges is analogous to that of a science laboratory instructor.

Second, according to the 1990 CEDA Aspirational Code of Ethics, "CEDA debate is primarily an educational activity, [and] forensic educators should emphasize learning before competitive success and should try to pass on this view to their students" (CEDA, 1990, p. 5). Also, "Judges are important to the debate activity. In addition to supplying decisions as judges, they educate the student participants through their reasons for decisions and suggestions for improvement" (CEDA, 1990, p. 6). While the Aspirational Code failed to pass, the segments cited here pertaining to CEDA's educational goals and judging practices encountered no opposition when discussed at the National CEDA Business meeting, held during the 1990 Championships at Southwest Missouri State University. If, as it appears, the CEDA community considers itself to be composed of "forensic educators", its foremost goal as coaches and judges should be to guarantee the best educating environment for debate students. One way to do this may be to encourage the immediate post-round disclosure of decisions and the RFD.

CONSENSUAL ETHICS: Ethics involves the assigning of values relating to human conduct, with respect to the rightness and wrongness of certain actions. Hence, if an action is wrong it is unethical. Since judges function as laboratory instructors, who should fulfill the obligations associated with assuming that role, and since there seems to be a consensus within CEDA that "forensic educators should emphasize learning", and that "judges" are an intricate part of that same process, it follows that any action undermining these tenets may be ethically unjustifiable according to the principles of the proposed "Aspirational Code".

PEDAGOGICAL CONSIDERATIONS: DISCLOSURE MAXIMIZES LEARNING. Students learn better by learning decisions and the RFD immediately after rounds for four reasons.

First, when judges withhold the decision and RFD they inhibit the debaters' learning. Since the students do not know which arguments or strategies worked and why, although they can try to guess by noticing when the judge smiled or scratched her nose, learning becomes problematic. Walker explained how causing the learning process to become a guessing game impairs learning.

> Realism is the key to effective performance. If one can accept internal and external reality, know one's self and one's world, one can learn. To the extent that the truth remains hidden, to whatever extent any truth remains hidden, learning is impaired (1980, p. 261).

Second, by allowing debater-judge oral interaction, debaters can develop their own Socratic method of attaining knowledge. Since the Socratic method does not create absolute conclusions, but is a method for arriving at them, the validity of the judge's opinions regarding the round do not have to be either sound or sophisticated to be educational. The purpose of Socratic inquiry is not merely to replace false ideas with correct ones, but to help the respondent or debater see why her ideas are false, and to put herself in a better position to find truth. Debaters can be voted for or against by the judge and still formulate a higher level of understanding regarding the topic by being allowed to ask the judge about her decision. The dialogue associated with the decision causes reflection upon the debate by both the debaters and the judge, creating an optimal situation for successful inquiry and discovery (Seeskin, 1987, p. 23). Although the judge provides her opinion, it is up to the debaters to decide whether to accept the opinion as being valid or not. This, coupled with their own view of the round, helps the debate students discover their own version of truth in terms of which team debated better and why. Since all

the debaters and the judge are in the same room formulating their own conclusions about the issues at hand immediately after the round, it logically follows that the best time to commence a post-round discussion is immediately after the round: otherwise the people, along with their perceptions and thoughts, necessary for a full-fledged dialogue will be unavailable.

Third, social science studies prove that in order to maximize student's learning, feedback from teachers should be provided as soon after completing a task as possible. Generally, research has shown that immediate feedback is more helpful and educational for the student than delayed feedback (Van Houten, 1980, p. 76). In addition, every speech text agrees that feedback which is spontaneous and timely is best integrated into a speaker's field of experience. These feedback conclusions are directly transferable to the competitive debate setting. The reason why immediate feedback allows for the most effective learning comes from the relationship between time and memory loss. Discussions held immediately at the end of the round help prevent debaters and judges from forgetting the round, in whole or in part. As time passes after a round, more memory loss occurs (Underwood, 1982, pp. 34 & 44). In the period immediately after a round, all five people have just experienced the competition and are more likely to lucidly remember each speech and each issue. There is less opportunity for the judge's and debaters' memory processes to breakdown. Even if they do suffer from a recall lapse, each person has their flow sheets sitting in front of them for quick reference. The ready access to flow sheets is another reason why disclosure should occur immediately. The greater the time period between the round and the decision means the greater the propensity for lost or discarded flow sheets which can be an essential tool for discussing rounds. Hence, when the judge discusses the round immediately after it ends, the opportunity for the students to learn is greater.

Fourth, disclosing the decision and RFD at the end of the round exposes students to more perspectives on the topic. Once intercollegiate debate accepts that dialogues between judges and debaters are a valid method for achieving improved education, everyone benefits. For example, debaters can learn far more about a judge's paradigm or philosophy by discussing with her how she applied her philosophy to the substantive issues disputed in the round, rather than just glancing over her philosophy before the round. When end of round discussions are absent, debater-judge interaction regarding the round is impossible, and with it this benefit.

On the other hand, when the round ends and the decision is revealed, debaters can gain valuable knowledge from the judge regarding debate tactics and arguments by listening to the critique and asking questions about the decision. The opinions of the judge may enlighten the debaters on new perspectives and ideas, about the topic or the round, which they may not have considered.

THE PREEMPTION: THE WRITTEN BALLOT QUESTION. A genre of arguments against immediate post-round disclosure stem from the feeling that debaters can learn just as much from written ballots either by reading them or by having their coaches interpret them. This claim fails in several ways.

First, since debaters don't have access to ballots until the tournament is concluded, they may continue to make the same flawed arguments in later rounds that they made in earlier rounds. Allowing students to entrench bad habits or faulty positions during a tournament is unfair and educationally suspect, especially when there seems to be no reason why the delay should be preferred over the immediate disclosure when the goal is constructive criticism.

Second, written ballots are vague. No matter how precise the wording or length of the written critique, potential questions by the debaters are not always answered. Anyone who has read even the best of ballots knows the frustration of having several questions regarding the RFD while in a van driving to Vermont, when the judge is in an airplane flying to South Carolina. Whether it is because the handwriting is illegible or the judge's comments seem to be about another debate round, written ballots often create more questions than they answer. It is mostly inevitable that by the time the ballots find their way into the debaters' hands, the judge is unavailable for comment, has forgotten the round, or is unable to invest the time needed for clarification. The post-debate in-round setting seems ideal, especially when one of the alternatives for judges and debaters is pacing college classroom building hallways between tournament tabulations.

When the decision is revealed in the round, debaters can ask questions pertaining to any argument in which they are interested as well as the weighing mechanism used to decide the round. Ballots fail to perform as effectively because judges can't possibly know how the debaters perceived the round which prevents them from predicting debaters questions. Post-round disclosure allows debaters to return home from the tournament with a fuller understanding of their successes and failures which can only expedite the students' learning.

Third, debate helps students improve themselves as oral communicators and critical thinkers (Colbert & Biggers, 1985, p. 237). This, coupled with the fact that most judges are former debaters, makes verbal disclosure the best way to reveal decisions. It is senseless to have such highly talented oral communicators observe, and participate in, a round but then not take advantage of their abilities in a post-round discussion.

THE PREEMPTION: DEBATERS' EGOS. Some advocates of non-disclosure substantiate their claim on the grounds that revealing the decision immediately after the round would precipitate a slippery slope effect by the losing debate team, whereby they would feel depressed over the decision, and would subsequently debate even worse in later rounds. Ignoring the justifications for immediate disclosure described earlier, which would probably outweigh minor abrasions to a student's ego, there are two reasons

why this position fails to prove that judges should remain mute after rounds. First, debate is a competitive activity. Inherent in all competitive activities is the risk of losing. There is no doubt that debaters realize this to be true long before they set foot in their team's van for the tournament. Debaters may not enjoy losing, they may even hate losing, but that is not a sufficient reason to prevent the benefits, inherent with immediate feedback, from accruing. Also, it is best for the students to face the reality of losing. The refusal to disclose decisions because losing debaters' egos will be bruised only coddles the students from reality. Walker explained that confronting the "real" is a necessary condition for becoming competent in any activity.

> Most of what is hidden is concealed deliberately, to protect the ego from pain. To the extent that it is necessary to resort to incompetence in control (sic). For many, competence is forever out of reach, the way to it barred by the inability to accept reality (1980, p. 261).

THE ADD-ON: IMPROVED JUDGING. Some judges do not want to reveal their decision because they are insecure, fear retribution, or worst, are unable to articulate their RFDs. It is unfortunate that these judges fail to disclose decisions because they may also be the same ones who write the most vague ballots, ballots which have little educational value. Mandatory disclosure may improve CEDA judging because the very process of verbally explaining their decision would allow judges to learn from their mistakes. Judges and debaters make mistakes. Unfortunately, while debaters can learn about their errors from their record, the most prevalent way judges learn about their mistakes is by discovering it for themselves. Often the realization of error never occurs because constructive substantive criticism of the judge's decisions is absent. First, while articulating their perceptions of the round to the debaters, judges may achieve a better understanding of their own decision-making process. This explanatory process allows the judges themselves to hear whether or not their rationale for the decision rendered is coherent. Secondly, the reaction of the debaters to the decision and RFD may also provide hints to how judges can improve. For example, while discussing a decision after a round where the judge voted affirmative, a negative debater may ask her why she did not accept a group of negative arguments proving the affirmative case unjustified. The judge, upon reviewing her notes, realizes that she failed to account for those negative arguments when making her decision because she forgot to turn a page of her flow pad. Had she turned the page of her flow pad, she probably would have voted negative. She realizes that it was her carelessness that caused her to ignore the negative arguments, hence erroneously voting affirmative. This hypothetical example illustrates three ways in which a post-round discussion improves judging and the debate process. First, the discussion gives the judge an option to change her decision if she feels it is warranted. This can never be done without disclosure because, as in this situation, most judges would have turned in their ballot without a second thought. Second, even if she does not change her decision, she could learn from her mistake and make a positive effort to not repeat the error in the future. Third, the post-round finding might reduce misinformation from developing because had the debaters only read the RFD after the tournament then all parties would be misinformed. The negative debaters might mistakenly perceive that their arguments, ignored by the judge, were not cogent and would stop using them. The affirmative, realizing that they did not lose to the negative arguments, might perceive that they are not quality arguments which need to be dealt with thoroughly. Also, the judge, who made the erroneous or at least hasty decision, by not considering all the round's pertinent issues, would have no evidence to believe that she is an inadequate judge and, in turn, might continue to ignore pages of her flow in the future.

CONCLUSION: As long as directors of forensic programs continue to tell their academic deans and department chairpersons that academic debate is an excellent educational activity, they must support what is best to educate their students. Students participating in CEDA are helped most when they are immediately exposed to the judge's decision and RFD after each debate round. This creates an unique synergy because debaters are able to discuss, and thereby come to a greater understanding of each round.

Although education should be paramount in guiding CEDA procedures, we should also remember that even if the educational benefits are small and the judge's reservations are substantial, it may still be the right action to take because the judge is ethically obligated to try to educate. And, even if this entire argument is suspect, there is no reason that non-disclosure should be presumptive. If there is a case to be made, it should be done with support beyond personal preference, hypothetical scenarios, and individual foibles. Given the arguments presented in this paper, if judges do not disclose decisions at the end of the round in the future they should begin to justify their non- actions. Judges who refuse to consider disclosing decisions may now find the burden of proof resting against their practices since revealing both the decision and the RFD seems to be justified both ethically and educationally. To conclude, this is a field ripe for quantitative research and rebuttal, and this article was written to provoke just such a response.

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