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Normative Expectations and Codified Rules: Problems in Judging Academic/Competitive Debate

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From time to time, the academic debate community has sought to codify a set of rules to govern the activity. An early example of debate rules is found in George Musgrave's *Competitive Debate*, first published in 1945 and last printed in 1965. In his book, Musgrave codified the entire process of debate into a set of fifty rules. These rules included dictums on the teams, speeches, topics, positions of the teams, proof, cross-examination, direct questions, refutation and rebuttal, judging and violations.

Although Musgrave's dream of codified debate failed, the quest continues. Some authors write as if rules of debate not only exist but are known by everyone. Ulrich, for example, writing on the subject of increased judge intervention, states "I would propose that the debate community modify the rules of debate in order to give the individual judge powers analogous to that of a referee" (40). Ulrich may have been referring to the traditions of debate, or what will be referred to in this essay as normative expectations, rather than any codified rules of debate. In any event, Ulrich leaves us in the dark about the specific "rules" that would need to be changed to accomplish his recommendations.

Debate organizations commonly develop rules that govern the organization, but occasionally they also develop rules that impact directly on the processes of debate. The more directly a rule affects the practices allowed or not allowed in a debate round, the greater the controversy over the rules. The recent clash concerning the rules of the American Debate Association (ADA) is a clear example. The ADA has developed a set of rules designed to establish "prior agreement on what is, and is not, permissible in a given round of debate" (Morello and Soenksen 11). For example, ADA rules speak to the form, but not the substance, of plans and counterplans; to the format; to identifying topicality as a voting issue; to an expectation for comprehensible delivery and to the possibility of judges reading evidence after the round. Morello and Soenksen offer a three-point rationale for the ADA rules: "(1) rules are a reasonable response by debate governing bodies to problems confronting policy debate; (2) rules address some of the

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principle factors undermining participation in policy debate; and (3) rules improve debate program accountability to outside audiences" (11).

Not everyone agrees, however. Herbeck and Katsulas criticize the existence of rules that would influence the processes or manner in which a debate is conducted. They argue, for example, that the ADA's evidence-reading rule restricts the judge's ability to render "better decisions" (238). They argue that the ADA rule concerning better definitions is counterproductive to debate. Finally, Herbeck and Katsulas argue that such debate rules reflect an incorrect pedagogy. Morello and Soenksen disagree. From their perspective, the rules are "a reasonable response by governing bodies to problems confronting policy debate. . . . Policy debate is sick and reversing this crisis will require bold initiatives . . . clarifying and enforcing rules may be the only remaining option capable of returning policy debate to good health" (20).

The Cross Examination Debate Association (CEDA) has rules that govern sanctioned activities. For example, CEDA has a rule that defines "novice debaters," although no corresponding rule defines "junior-varsity debaters." Rules also determine the awarding of national sweepstakes points to teams winning debate rounds at sanctioned tournaments. None of the CEDA rules, however, reflect the specificity of the ADA rules concerning practices within rounds. Despite this, Coburn-Palo probably is not alone in believing "CEDA rules" affect the process of debate. In his judging philosophy statement for the 1992 National CEDA Tournament, Coburn-Palo notes "I do not like . . . people who appeal to 'rules' in CEDA." Nichelson's judging philosophy reflects a vastly different view of rules in CEDA debate: "One of the best things about CEDA debate is the lack of rules and conventions binding debaters and judges to 'traditional' forms of argument." Unger, on the other hand, invokes "rules" in his 1992 judging philosophy to ward off tag-team cross-examination: "I believe the rules specify who is to interrogate whom (one on one)." The body politic of CEDA is not of one voice on whether rules exist or to what extent practices or traditions are to be treated as rule-like. Advocating that CEDA coaches and judges be of one voice may be counterproductive and is not the focus of this essay, which instead is concerned with the interface between the traditions of debate and the rules of debate. As such, this analysis is not directed exclusively to those involved in CEDA debate but has application to all forms of academic/competitive debate. Specifically, this essay examines the problems that exist when judges of academic/competitive debate confuse the normative expectations of debate with codified rules of debate. Three specific areas are examined, including speaker duties, procedural arguments and evidence standards.

Organizational Rules

Some rules or procedures of debate that apply to the practice of debate are within the jurisdiction of specific organizations and even individual tournaments. As such, these organizational rules reflect that organization's paradigm of what is fair and practical competition, and these rules usually are distinct from "norms" or "traditions" of debate that frequently are treated as rule-like. "The debate activity is bound by rules governing speaker duties, time constraints, speaking order, rebuttal limitations, etc. The contestant is taught to follow and expect the enforcement of these rules" (Gotcher and Greene 91). With my concern over the phrase "rules governing speaker duties" set aside for a few paragraphs, organizational rules seem proper and necessary from a pragmatic perspective. A debate tournament cannot be administered without the issuance of a topic, the assignment of sides, and decisions about the number of contestants constituting a team, how long and in what order each person will speak, how the round is to be judged (how many judges, the use of lay judges, and so on), how long the tournament will last and how the winners will be determined.

Judge Expectations

An assumption underlying this analysis is that debaters will be responsive to judge expectations. As judges, we generally get back from debaters what we expect of them. This assumption speaks to the enormous power judges have to shape the activity if those expectations are made known to the debaters. Pfau, Thomas and Ulrich explain audience adaptation in debate: "If debaters can learn to anticipate the expectations that different judges have of what makes for 'the better job of debating,' then they can practice the art of adapting to them" (296). They argue that debaters first must be aware of the judge's criteria for decision and then adapt to that criteria. Not everyone agrees that debate is an audience-centered activity, however. Mahoney issues a blunt assessment of this assumption in his judging philosophy from the 1992 National CEDA Tournament:

> There are few things I enjoy more--since I can no longer debate--than sitting on a panel and seeing a "slow" judge ignored and spewed out of the round. I like to see people [judges] reminded that this is not their activity, they can no longer participate--it is yours [the debaters] and you should be able to do what you want.

Morello and Soenksen would see Mahoney's position as allowing the tail to wag the dog and argue that, without clear judge expectations to the contrary (in the form of a rule for ADA), coaches will not be able to "leash the beast" (12). If a debater believes that debate is a communication event, then audience adaptation would be a central tenet. If, on the other hand, a debater believes in the gaming approach, then judge adaptation represents just one more strategy to winning. Either way, judges could actively influence the kind of debate they hear.

Speaker Duties

Speaker duties seem particularly prone to the confusion implicit with tradition versus rules. Gotcher and Greene place speaker duties within the "rules of debate" (91). Even Branham, who seems much more circumspect of "rules," includes duties "assigned to the opening and closing speakers" as "necessities" (215).

The first affirmative constructive speech is an obvious example. A quarter century ago, affirmative teams commonly used both constructive speeches as legitimate opportunities to present an affirmative prima facie case that collectively warrants the adoption of the resolution. The first affirmative usually analyzed the problem, while the plan and benefits were presented in the second constructive. "Many of us may have forgotten that when we began debating or coaching that plans were not presented until Second Affirmative," (Gotcher and Biggers 41). Little, if any, complaint was heard that prima facie obligations were violated by waiting until the end of constructives to finish constructing a case. With the passage of time, this affirmative practice became not only unacceptable but an issue of serious strategic and ethical concern. Presenting a prima facie case in the first affirmative constructive (1AC) became the norm. Not to do so subjects the affirmative team to charges of prima facie and/or ethical violations. "Add-on" arguments commonly are introduced in the second affirmative constructive (2AC), but even the name for this practice reflects the change in the tradition, which is now treated as rule. Cox, in his judging philosophy for the 1992 CEDA National Tournament, illustrates the point: "I believe both constructive speeches are constructives and therefore am open to new material being added to the case in 2AC." The fact that Cox felt the need to specifically signal to debaters that new material was acceptable in the 2AC speaks to the notion that some expect the prima facie obligation to be met in the 1AC. Has theory evolved? Has a previously undetected and unethical practice been unmasked? This is doubtful. A shift in traditions based on the theoretical notion of being prima facie occurred. The duty to present a prima facie case is a legitimate element of argumentation theory that applies to debate (Wood and DeWitt 51-63; Brey

71-73). However, to treat one interpretation of prima facie as absolute or to treat the notion of this burden as absolute unnecessarily constricts debate.

Rather than taking the current tradition of prima facie coverage in the 1AC, the relationship between concepts of constructive arguments and the prima facie burden need to be balanced. If, for example, 2AC speakers are not permitted to construct arguments that are part of the affirmative prima facie obligation, then reconceptualizing and renaming these speeches would make sense.

Ancillary to this discussion on constructive arguments is the use of off-case arguments. Since expectations during the last quarter century have placed the burden of constructing prima facie arguments on the first affirmative speech exclusively, realigning the negative constructive arguments may be in order. Therefore, plan objections or off-case arguments are as logically placed in the first negative constructive as they are in the second negative constructive. Ironically, some judges still write on ballots that the Emory Switch (or negative switch or non-traditional approach) is an inflammatory practice to be at least avoided if not outright condemned. Several judges expressed their disapproval of the Emory Switch in the *1992 CEDA Judging Philosophy Booklet*: "I am not particularly fond of 'Emory switches' unless it's a total squirrel" (Jaich); "I do not like things like emory switches. Gimmicks are just that--gimmicks. It usually means that you are unable to address case in the prep time allotted" (Jones); "I'm not a fan of Emory switches" (Mooney); "Emory switches are bad for the same reason a spread is bad" (Roper).

Central to the issues of speaker duties is coverage: what arguments can or cannot be covered in any given speech? Are these issues of theory or convention? Clearly, the practice ought to be derived from the theory. The first affirmative rebuttal is another example of coverage problems due to tradition-as-rule. A comment from a ballot reveals the problem: "Never drop an argument, no matter how unimportant" (Wood 56). The worst manifestation of this problem is in the 1AR, where coverage of both on- and off-case arguments is expected. Not to have on- and off-case coverage in the 1AR is to risk losing the debate. "The First Affirmative rebuttalist is forced to cover all the new attacks against case and then must refute the First Negative rebuttal extensions of off-case," (Gotcher and Biggers 43). Nelson, in his judging philosophy for the 1992 CEDA National Tournament, succinctly summarized this expectation: "Cover or die (especially in 1AR)." For judges to expect every point in the negative block to be responded to specifically by the 1AR seems an irrational but entrenched expectation that needs to be addressed.

Frankly, coverage of all on- and all off-case in the 1AR strains reasonableness. The expectation does not appear to be rooted in any codified rules or in argumentation theory and exacerbates many of the problems associated with this speech (Wood 52-57).

Even Branham treats the 1AR in rule-like fashion when he states that the first affirmative rebuttalist "must respond to the arguments of two consecutive previous speakers for the opposition" (214).

Missing from Branham's analysis, as is missing from all the other authors on this point, is the rationale for total coverage. In spite of CEDA tournaments generally moving to five-minute rebuttals, and in spite of excellent word economy by some debaters, the first affirmative rebuttal remains what Rybacki and Rybacki call the "fire drill speech" (211).

The most common argument against selected coverage in the 1AR is that any substantive responses left to the 2AR cannot be responded to by the negative. Indeed, the negative does not have a third rebuttal speech, but that is not a compelling rationale for total coverage in the 1AR. The affirmative and the negative should have an opportunity to build arguments (constructives), an opportunity for rejoinder (refutation) and an opportunity for rebuilding arguments (rebuttal). The codified rules assigning the number of speeches per team allow for an equal opportunity to build, refute and rebut arguments. The normative rules, however, impose a significant burden on the first affirmative rebuttal speaker and restrict the second affirmative rebuttal speaker. The normative standards on 1AR coverage, not codified rules or debate theory, ends substantive debate for the affirmative with the first affirmative rebuttal.

The format of academic/competitive debate creates off-setting advantages: the affirmative has the advantage of the first and last speeches; the negative has the advantage of the negative block. The affirmative advantage is compromised, at least partially, if the negative block must be responded to fully by the 1AR. The affirmative advantage is more balanced if the 1AR had the option of restricting her or his remarks to the second negative constructive (2NC) and leave the first negative rebuttal (1NR) and second negative rebuttal (2NR) comments for the 2AR. Current norms demand that the 1AR respond to thirteen minutes of negative argumentation in five minutes. The second option, not currently practiced for fear of losing a decision, would allow the 1AR to respond to eight minutes of negative argumentation in five minutes and his or her partner (2AR) would respond to ten minutes of negative rebuttal arguments in five minutes, creating a more equitable distribution of responsibilities.

Before leaving the discussion of speaker duties, consider briefly a few other areas of possible confusion between codified rules and normative expectations in academic debate. Traditionally, cross-examination is handled by the speaker not speaking next. Theoretically, there is no known reason why a debater could not cross-examine just before he or she speaks. Strategically, a debater may want to use the extra prep time by having her or his partner cross-examine, but this is a strategic choice. Yet, if this seemingly harmless deviation from the norm was used in a competitive round, that team

would run a significant risk of confusing or irritating both the opponents and the judge. The judge and opponents might conclude that the team in question simply did not know what they were supposed to do. In an informal interview of fourteen debaters from seven states, none had ever deviated from the traditional order of cross-examination, and only one reported that it was even theoretically possible to change the order of who cross-examines whom. Further research needs to be conducted that would specifically ascertain how rigid the cross-examination expectations are.

The use of prep time is another example of confusing normative expectations and codified rules. Suppose a team used prep time before a cross examination? Would any of us be surprised if a judge in such a round either would not allow it, penalized a team for abusing prep time, or assumed the team varying from the norm was incompetent?

The point remains sound. When we, as coaches or judges, confuse debate practice or normative expectations (traditions) with codified rules, then we do a disservice to the students trying to apply argumentation concepts in the experiential world of debate.

Procedural Arguments

Procedural arguments are arguments raised in opposition to the form rather than the substance of the points raised by the opposition. Standard procedural arguments in academic/competitive debate include such fundamental long-standing issues as topicality and the prima facie obligation to newer manifestations such as jurisdiction and parametrics. Such arguments often include the use of evidence from debate authorities for support. Several problems arise from both how procedural arguments are presented by debaters and how they are responded to by judges (Brey 70-74).

Importantly, however, some procedural arguments, like presumption, are treated by judges from a rules-perspective rather than as a theoretical construct. An examination of the debate literature reveals a debaters' backfile delight of quotable quotations. These sources empower the debaters to argue that presumption belongs exclusively to the negative, or that it is a debatable issue and either the affirmative or negative can claim presumption, or that the status quo is where the presumption should lie, or that the status quo is only one of many possible locations for presumption. For every quotation the negative can read saying presumption belongs to the negative, the affirmative can read a quotation saying that they have a right to claim presumption, (Vasilius; Brey; Wood and DeWitt).

The *1992 CEDA National Tournament Judging Philosophy Booklet* provides us with a sample of the diverse interpretations of presumption. Stratman links his interpretation to the rules of debate: "Reiterating the rules of debate and in lieu of procedural due process, presumption lies with the negative on substantive issues." For some critics,

presumption is a negative prerogative: "Negative can win on presumption if they beat the affirmative case" (Boydston); "I feel that presumption is a negative advantage" (Crain-Mena); "Presumption does belong to the negative" (Peterman). For other critics, presumption is a debatable procedural issue: "Presumption rests with the negative team, unless the affirmative team successfully argues otherwise" (Corcoran); "Presumption starts with the Negative, but can shift as debated" (Maltzie); and "I have no preset notions where presumption lies. I welcome presumption theory arguments" (Springston). Still other critics see presumption as something else: "Presumption--In the event of a tie . . . I will vote for the team that I like best" (Ah Yun); "I believe that whoever asserts must prove not the reverse! Therefore, in CEDA presumption . . . is against whoever asserts anything, and is equal for both sides" (Cox); "I don't think there is any [presumption] in a CEDA round, but it can be argued in the round" (Roper); "[Presumption] lies with the team associated with the least amount of risk of harm" (Semmens); and "Presumption plays a role only if policy implications are involved" (Taylor).

Debate ballots reveal that some judges drop any affirmative team bold enough to argue that presumption on a given topic rests with the affirmative. This is a classic example of confusing debate norms and rules. Debate does not define presumption; presumption is a concept that helps define the nature of debate. The confusion is easy to understand. Policy topics traditionally, and intentionally, phrase the resolution so that the affirmative team advocates change, and the negative defends the status quo. Hence, normative expectations in debate, when predicated on how policy topics are worded, assigns status quo presumption to the negative. However, even this norm is based on the assumption that presumption is assigned to the status quo. Thus, if one believes that presumption rests with the status quo (a popular but not universally accepted position), then the affirmative initially must assume the burden of proof to overcome that presumption. Over the years, then, the assumption is that all debate resolutions automatically place presumption on the negative side. This simply is not supported by the literature. First, a topic may be worded in such a way as to cloud the automatic assignment of presumption to the negative. Some CEDA topics in which presumption might arguably rest with the affirmative include:

Resolved: That the American Judicial System Has Overemphasized the Rights of the Accused.

Resolved: That Individual Rights of Privacy Are More Important than Any Other Constitutional Right.

Resolved: That the United States Is Justified in Providing Military Support to Nondemocratic Governments.

The advantage of arguing that presumption rests with the affirmative may be of questionable or obvious merit depending on your point of view. I am not advocating a shift from the traditional perspective of presumption. Rather, I am suggesting that judges should not elevate the normative expectations concerning presumption to rule-like status.[1]

In academic/competitive debate, the possession of presumption does not abrogate the burden of proof. It may, at best, shift the emphasis of the burdens of proof. Judges who automatically declare that presumption belongs to the negative and the negative exclusively confuse normative expectations with rules.

Evidence Standards

Judges weigh evidence offered in support of argumentative claims. As such, evidence is a crucial element in academic/competitive debate. Yet the use of evidence in debate has become an area of significant concern. As educators, we want our students to understand the function of evidence. We like to teach them the persuasive weight of a claim well documented. We like to impart our knowledge of persuasion theory. Why, then, do we hear evidence presented in debate rounds cited only by the last name and year, such as, "Smith in '88"? The use of evidence may well be a normative expectation that is too restrictive but also too lax.

Why do we hear debaters, who are already pushing the envelope of delivery rate, read evidence even faster than the preceding or following analysis? Because judge expectations allow for both practices; it is the norm. Roskoski indicates that evidence is important but that full citations need not be read: "I always break ties in favor of evidence. . . . You don't have to read full cites 'cos I'm not a Californiasaurus" . I am not sure what a Californiasaurus is, but I suspect it is someone like Fraleigh, since he believes that "evidence, and the quality thereof, are essential to my decision. Read qualifications whenever you have them" . I feel confident the Californiasaurus indictment would extend to non-Californians such as Frank: "Evidence is very important to me; please qualify your sources"; and Nobles: "An opinion card which does not provide reasons why the 'authority' is credible and reliable is poor." But for every

[1] Presumption rooted in the status quo is one view of presumption. Presumption can be assigned or "stipulated"; presumption also can be psychologically located in the audience. That is, any given audience has its own presumption or presumptions which may or may not be consistent with the status quo. A group united by a desire to change an existing condition has a very different set of presumptions than the group united by a desire to maintain the status quo (Burnett; Sproule; Hill; Whately).

Californiasaurus in the *1992 CEDA National Tournament Judging Booklet*, there are approximately five judges who affiliate with Dierks' position that "full citations are not necessary unless the card becomes a major issue in the round."

The gap between norms, tradition and theory is disturbingly wide in the treatment of evidence. From a communication-theorist perspective, judges who passively accept the poor use of evidence breach their inherent educational responsibilities as judges. First, debaters should realize that a reasonably complete citation is a fundamental rather than ornamental part of the credibility of evidence, as indicated by Branham (76-84) or, for that matter, virtually any standard text on argumentation and debate. "Smith in '88" is not only incomplete but provides no reason for the audience or judge to believe the evidence. Yet, only thirteen percent of the judges in the Pettus study required full citations.

A related problem with evidence is the delivery of evidence in many rounds. Some debaters treat evidence as crucial to proving a point and deliver it with emphasis, care and analysis. Others, however, deliver evidence like it is some kind of "problematic goo" that can be disposed of only by talking extraordinarily fast. Some judges allow, indeed encourage, this type of evidence abuse; for much of the CEDA community, it has become the norm. To allow the presentation of evidence in such non-persuasive ways demeans the role of evidence as a fundamental, and in debate, a critical, part of argumentation.

Conclusion

I cannot end this analysis without noting that the vast majority of the thousands of ballots and hundreds of judging philosophies I have read in the last thirty years have been positive and educational. On the other hand, there is a steady stream of ballots and judging philosophies that clearly reflect a confusion of normative expectations, rules and theories of debate and argumentation. I look forward to the day when we can read ballots for any given season without reading that, for example, new evidence is not allowed in rebuttals.

The confusion of debate norms and rules specifically affects speaker duties, procedural arguments and the use of evidence. Each of these areas has been examined briefly in this analysis, not with the intent of achieving universal agreement, but with the intent of raising important issues to be considered by the debate community. Branham notes that "Debate is the only form of contest in which most 'rules' and procedures are subject to negotiation and revision" (232). I agree with Branham, but suggest that the debate community needs to distinguish more carefully and critically among the rules,

normative expectations of debate and the larger concerns of communication and argumentation theory.

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