

## IT'S TIME FOR OPEN SEASON ON SQUIRRELS!

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Of all the beasts in the jungle we call intercollegiate debate, the squirrel is perhaps the deadliest. Years ago those of us who were active in forensics did a disservice to debate when we countenanced the use of the name of this sprightly, innocuous, lovable, little animal as designation for a vicious practice that helped undermine NDT debate fifteen years ago and today is doing its best to give the same treatment to CEDA. We should have insisted that the practice of misinterpreting a debate resolution be termed a rhinoceros, a gila monster, a cobra or some other reptile. Unfortunately, the term "squirrel case" has now passed beyond mere debaters' slang and has been dignified by inclusion in recent texts.<sup>1</sup>

This presentation will address the problem of "squirrels" through three questions. First, how do squirrel cases arise? Second, what is the harm of them? Third, what can be done about them?

Unfortunately, no one has preserved a record of when the first debater strayed so far from the proposition that the affirmative offering could be called a squirrel — it may well have been someone debating in the schools of ancient Athens — but essentially debate squirrelery is a modern phenomenon. The author cannot recall being plagued by such cases when he was himself debating although they may have been encountered occasionally, nor as a judge did he become seriously aware of them until the mid-1960's. The incidence of squirrels and the changing nature of our national debate propositions went hand in hand. As topics became broader and affirmative teams found them of virtually unmanageable proportions, the desire on the part of affirmatives to restrict their burden of proof by narrowing the topic became overpowering. And once it was discovered that debates could be won by cases so severely limited that the negative teams were unready for them, then the process fed on itself. One could understand, and sympathize with, affirmative desires to restrict and limit the 1964-65 proposition "Resolved: that law-enforcement agencies in the United States should be given greater freedom in the investigation and prosecution of crime;" one has less understanding of, and little sympathy with, affirmative teams that were still running squirrels on the 1972-73 proposition: "Resolved: that the Federal Government should provide a program of comprehensive medical care for all citizens." And one can recall the school whose teams during the 1970's ran the same basic marijuana case for several years, even though the national resolution shifted from control of land use to guaranteeing consumer product safety to law enforcement.

There would appear to be two explanations for affirmative teams who stray badly from the essential meaning of the debate proposition: one is that the teams through inadequate research and faulty understanding of the terms in the resolution made an honest error in judgment, the second is that the teams knew precisely what they were doing and were seeking to win the debate, the "win" being the only item of importance to them, by tricking their opponents and hoping to catch them off-guard. Little can be done about debaters in this latter category. They are in the same class with debaters who fabricate evidence or grossly distort what their opponents have said despite all our ethical strictures against such conduct. In the best code of debate ethics with which the author is acquainted, the code of the Texas High School Activities Association, it was prescribed years ago that "There is no place in academic debate for trickery. Debaters should avoid 'trick cases ...'"<sup>2</sup> Certainly, debate judges should try to clip the wings of unscrupulous teams, but all of us have surely had the unpleasant task of voting in favor of an affirmative case we totally deplored because of the ineptness of the negative opposition. Even in that instance though, our ballots can at least reflect our distaste for the affirmative's interpretation of the topic. The author is cynical enough (and thirty-five years of directing forensics does imbue a certain cynicism) to realize, however, that the true tricksters of the debate world will probably continue to rely on trickery rather than their genuine talents as the key to success, and that most likely there is nothing that educational debate can do to correct them. They are the debaters who, as graduates, will apply the lessons they have "learned" from debate to their careers until ultimately stopped, as lawyers by disbarment or as businessmen by jail sentences.

Let us concern ourselves, then, with those debaters who misguidedly produce squirrel cases as a result of poor analysis of the proposition being debated. Through the 1950's and into the 1960's, it was customary for the First Affirmative's constructive speech to commence with a background of the debate resolution, an historic evaluation of the forces that had produced the problem about to be discussed. Anywhere from one to two or three minutes might be spent on this aspect of the speech and no one felt it was time wasted. The audience or the judge, if this person served in lieu of one, felt better able to understand the subsequent debate because of this preface. The introduction of broader topics with far more ramifications to be covered, the increasing emphasis on the use of evidence to support every point no matter how seemingly obvious it might be, and the shift in debate theory to the position that the

entirety of the affirmative case must be presented in the opening stand on the floor rather than be divided between the two affirmative constructive speeches all conspired to prompt First Affirmative speakers to forego historical backgrounds to the topic, and, indeed, any introductions at all to their speeches. As might be expected, when debaters were no longer planning to use the historic background of the topic in their speeches, then they also ceased to study it in detail, or for that matter, at all.

Yet, an appreciation of why the debate resolution is being considered at this time is the very key to avoidance of unintentional squirrel cases. Every debater should be aware of a process of analysis through which preparation for a debate, or a term paper, or the solution to any problem should pass, but too few debaters are given training along these lines. From the author's point of view, the best of the patterns for analysis with which he is acquainted was set forth by Russel Windes and Arthur Hastings in their book Argumentation and Advocacy in 1965.<sup>3</sup> The seven steps they suggest include relating the proposition to its milieu.

As Windes and Hastings describe this fourth step in their analytical pattern:

As the philosopher G.W.F. Hegel reminds us, no proposition can be fully understood save as it is seen in its relations to everything else.... The advocate...must relate the proposition to the broader issues which engulf it, placing it in its milieu or setting. This placing in perspective involves associating the proposition with its historical context, determining its genesis and following its evolution from anxiety to problem to proposition. It entails associating the proposition with whatever social, economic, political and ethical problems or issues to which it might be indigenous.<sup>4</sup>

What Windes and Hastings are suggesting is that debaters should make a serious effort to understand why a particular resolution is being offered to them for debate. They should not commence their work by searching for strained, obscure or obsolete definitions for terms in an attempt to limit their obligations under the topic. And they should not compound this error by narrow research that ignores what the press, experts, and laymen alike consider to be the main thrust of the topic. It is as rare as a white elephant that any national debate proposition has all, or even a great preponderance, of "truth" on one side, and the debaters' lament that a winning case cannot be found for the affirmative without resorting to a "squirrel" rings hollow to the judge who every weekend is conferring both affirmative and negative victories on the ballots he writes.

Authors of other textbooks also stress the importance of placing the proposition in its proper setting as a method of avoiding squirrely approaches.

The Capps were enjoining their readers as far back as 1965:

The immediate reasons for debating any proposition arise from the circumstances that gave it current interest. An understanding of these circumstances makes clear what the proposition involves, how recent developments have changed its significance, and how the immediate attention of the audience can be secured.<sup>5</sup>

In 1972, Colburn lamented: "Unfortunately, too many debaters ignore the background study needed to understand the debate proposition.... Careful and thorough examination of important historical events relevant to the question to be debated is vital to good educational debate.... For debate, the question 'Why this topic, at time time?' is especially relevant."<sup>6</sup> Austin Freeley comments:

In choosing a problem for educational debate, directors of forensics seek not only a well-phrased proposition but one that will provide an opportunity for exploring a significant problem of current interest to students, judges and audiences. Since the topic should be one on which information is readily available, national debate propositions deal with matters of current national and international concern.<sup>7</sup>

To summarize the positions stated in this paragraph, let us turn to Glen Mills:

When anyone originates a proposition, he presumably intends to communicate about it. In order to accomplish this, he tries to make his proposition convey his intent to those whom he addresses. If on the other hand, an advocate is assigned a proposition, he has an obligation to interpret the intent of its source.... Some persons who claim expertise in argumentation say that an affirmative spokesman may interpret a proposition however he wishes. One objection to this permissive doctrine is the likelihood of resultant futility in a deliberation on 'Alice in Wonderland' language. Even if an advocate likes to practice intentional ambiguity, which is a fallacious strategem, he has an obligation to use language which facilitates understanding.<sup>8</sup>

Perhaps the attitude which the author of this article espouses in conjunction with the forensic authorities in the preceding paragraph may seem passe. He has heard colleagues defend the use of squirrel cases because they offer more opportunities for the debaters to be imaginative, but he has always wondered if the same colleague, confronted with an examination paper of one of his/her students who had totally misinterpreted the question, equally rewarded inventiveness and imagination. Patterson and Zarefsky in Contemporary Debate actually seem to be encouraging the use of squirrel cases and after a page of justifying squirrels produce only a slight, cautionary, slap on the wrist for the squirrel-users: "Anticipating the possibility of...resistance from the judge, debaters should consider whether the squirrel case is really their best option."<sup>9</sup> The judge in an instance of substantive debate would not be so considerate, however, if the lawyer's brief dealt with a "peripheral case" rather than one lying in the "center of the topic," and the lawyer's client would suffer for this lack of judgment. Why should we encourage debaters to hunt for the "narrow view" or the "unusual interpretation" as Patterson and

Zarefsky call the squirrel approaches<sup>10</sup> when such training will only do them a disservice in their subsequent careers?

How then do squirrel cases arise? They are the result either of faulty analysis of what the topic is supposed to concern or they stem from a deliberate intention to trick the opposing team. The first state of affairs is indicative of poorly trained debaters and can be corrected by taking into account conditions that gave rise to debate on the particular proposition; the second is reprehensible and should receive the full condemnation of our ethical standards.

In addressing the origin of squirrel cases, the question "What is the harm of them?" has in part been answered already. To the author, the greatest harm in squirrel cases lies in the enhancement among debaters of the feeling that trickery is fundamental to successful debating and that a sound approach to the debate proposition is not only unnecessary but may even be unproductive. Pessimistic though it sounds, the author feels we are becoming a nation of trimmers and inveiglers who seek ways under or around the obstacle course rather than over or through it, and contemporary debate must accept some responsibility for this shifting of national attitudes. Teams that win squirrel cases not only produce frustration in their opponents who may have worked long hours to get ready for what they assumed would be the subject of the debate, but even worse, may lead these opponents to imitate the squirrel team's "winning ways" in the future.

Beyond the harm done to individual debaters, however, is the harm done by the squirrel approach to debate in general. All the CEDA topics since its inception in 1971 have been occasioned by current controversy of major proportions. For instance, CEDA debated the draft in the early 1970's when the question of its continuance was prominent in the minds of college students, it debated human rights as an aspect of American foreign policy at the time the Carter administration was trying to promote this, and last fall, CEDA debated presidential elections in the very semester in which one was being conducted. CEDA has sought to demonstrate that college students are capable of sensible exploration of vital problems and can contribute effectively to national discussions on major issues. Perhaps the NDT's track record in this respect may not have been as good as CEDA's (for example, "land use" was scarcely a raging national controversy when the NDT elected to debate it in 1975) but over the years, the national propositions NDT has selected also reflect the chief issues of their times. Both groups have certainly striven to conform to the American Forensic Association's statement of principles, one of which is: "We believe

that forensic activity should create opportunities for intensive investigation of significant contemporary problems.\*11

All of us currently in forensics are surely interested in having audiences hear our debaters and welcome the occasional visitors, usually parents of debaters, who attend our tournaments; yet, how can we expect audience attendance if the subject for debate appears from the topic to be significant and timely but what the audience actually hears from the affirmative is obscure and trivial? An audience member may have wandered into one debate by chance or through family connections, but would he ever care to return to hear another? How long could a theatre last which advertised Shakespeare and actually presented contemporary one acts? Would you soon return to a movie house that had the latest James Bond opus on the marquee but was actually showing a Three Stooges comedy? Debaters using squirrel cases fail to meet the legitimate expectations of the opponents, judges and audiences and so weaken the entire fabric of intercollegiate debate.

Finally, what can be done about squirrel cases? First, as directors of debate, all of us should require our debaters to understand the controversy that gave rise to the debate proposition and to acquire the background knowledge of the problem that will enable them to keep their cases within the context of the resolution. We should do our best to discourage our debaters from devising cases that are subject to valid topicality attacks. After all, when a debate resolves itself into a battle over topicality, it merely means that no debate on the resolution has occurred at all. (The audience is informed when the curtain rises that all the actors have gone on strike and they will have to be content with watching the stage hands take down the set.) Second, as judges, we must be far more active in discouraging squirrel cases than we have been. Squirrels contributed to the undermining of NDT years ago and there is now an infestation of them in CEDA. Action must be taken before CEDA suffers a similar fate as NDT, and the judges are the ones who must take it. As the author has said so repeatedly that it has become a hallmark with him, it is we who judge who determine the course that American debating will take, for the debaters provide us with whatever we reward.

It is easy to be unconcerned about squirrel cases. As with other evils in American society, there are directors of forensics who feel they are wrong but in attempting to be tolerant, end by condoning them. Others give them such cavalier treatment that the practitioners of squirrel cases feel they have really met with the judge's approval even though the decision went against them. Again, it is comforting to assume that "just because there may not be a

wealth of negative evidence does not mean that the affirmative arguments (in a squirrel case) are strong." As the authors of this statement, Patterson and Zarefsky, continue: "On the contrary, they may be so weak that the negative is able to defeat them with little or no evidence, whether by arguing that they are not topical, by exposing their analytical flaws, or by other approaches."<sup>12</sup> Regrettably for the weight of this optimistic statement, all of us can probably recall ballots where our teams lost to some weird interpretation of the topic because they did not have the evidence with which to refute it, despite what they attempted to do by way of analysis or "other approaches." Horatio Alger may have believed that "Right makes Might" but we have come a long ways since his time. We must face the facts that many of our judges are attuned to evidence, and to evidence only, and for them the greatest logic in the world will not equate with the testimony of some unknown professor at Southern North Dakota Technical College.

Squirrel cases are detrimental to debate and to the training of those debaters who use and succeed with them. We who direct debate should always remember, as Theodore Sheckels of Randolph-Macon College recently reminded us, that debate is "educating for citizenship."<sup>13</sup> The citizens we are educating should be ones capable of, and willing to, explore the main issues of a problem and not the peripheral ones.

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#### NOTES

<sup>1</sup>J.W. Patterson and David Zarefsky, Contemporary Debate (Boston: Houghton Mifflin Co., 1983), p. 160.

<sup>2</sup>J. Rex Wier, "Debaters Code of Ethics," Interscholastic Leaguer, XLVIII, 5 (Austin, TX, Jan 1964), 1.

<sup>3</sup>Russel R. Windes and Arthur Hastings, Argumentation and Advocacy (New York: Random House, 1965), pp. 64-89.

<sup>4</sup>Ibid., pp. 68-69.

<sup>5</sup>Glenn R. Capp and Thelma Robuck Capp, Principles of Argumentation and Debate (Englewood Cliffs, NJ: Prentice-Hall Inc., 1965), p. 89.

<sup>6</sup>C. William Colburn, Strategies for Educational Debate (Boston: Holbrook Press, 1972), p. 25.

<sup>7</sup>Austin J. Freeley, Argumentation and Debate, 5th ed. (Belmont, CA: Wadsworth Publishing Co., 1981), p. 30.

<sup>8</sup>Glen E. Mills, Reason in Controversy, 2nd ed. (Boston: Allyn and Bacon, Inc., 1968), pp. 91-92.

<sup>9</sup>Patterson and Zarefsky, p. 161.

<sup>10</sup>Ibid., p. 160.

<sup>11</sup>Freeley, p. 20.

<sup>12</sup>Patterson and Zarefsky, p. 161.

<sup>13</sup>Zoe Ingalls, "Resolved: that Competition in College Debate is as Fierce as in a Basketball Playoff Game," The Chronicle of Higher Education, XXX, 10 (Washington, DC, May 8, 1985), 14.