

NATIONAL JOURNAL OF SPEECH & DEBATE

VOLUME I

THE FORENSICS FILES'S

# THE NATIONAL JOURNAL OF SPEECH & DEBATE

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## INTRODUCTION

BY MICHAEL J. RITTER, ESQ.\*

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The Forensics Files (TFF) introduces the first issue of the first volume of the National Journal Speech & Debate. The Journal, as this first issue exemplifies, will contain articles, written by members of the speech and debate community, that address current issues in speech and debate. TFF will publish the Journal periodically throughout the school year. NJSD will be the only periodical that is dedicated to publishing such scholarly and academic articles on high school and college speech and debate issues.

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In October 2010, the National Forensics League (NFL) resolved to publish a public forum debate topic on whether “[a]n Islamic cultural center should be built near Ground Zero.” Due to the lodging of several complaints that the topic might require students to debate sensitive religious issues, the NFL substituted a “meta-resolution”: whether “[h]igh school Public Forum Debate resolutions should not confront sensitive religious issues.”

This switcheroo was surprising for several reasons. It was the first time in a while (possibly ever) that the NFL withdrew a topic because of complaints from the speech and debate community. Second, it has been the only topic that required students to debate “debate theory,” what should or should not be argued or discussed in high school debate rounds.

As a national league dedicated to promoting forensics activities—activities that are designed to encourage students to research and present argument based on that research—what did the NFL expect students to research to prove their points on this meta-topic (essentially, a resolution about another resolution)? Old issues of the NFL Rostrum were one of the primary sources relied upon for evidence of the purposes of Public Forum Debate, and debaters used those articles to argue why or why not Public Forum Debate was good venue for arguing sensitive religious issues.

But ironically, it was, at the latest, November 2010 (but likely much earlier) that the NFL decided to cease publishing “theory” articles discussing and debating current contentious topics of speech and debate. Since then, these discussions have been relegated to the blogosphere and web forums. Seeing the need for a

forum for a more scholarly discussion of current issues in the speech and debate community, TFF has opened a new venue for academic debate on these issues.

TFF founded NSJD to (1) encourage academic discussion about current trends in the various speech and debate events; (2) provide a forum in which current issues involving competitive practices can be analyzed and debated; (3) update and prepare coaches for recommending rule and policy proposals and changes at district meetings and organizational conferences; and (4) for debate events, prepare students for arguing issues of debate theory.

The Forensics Files welcomes you to submit your articles to NJSD for publication. Publishing scholarly articles may, for coaches, count toward professional development and raise one's profile in the community. For students and judges, publishing articles can also enhance one's ability to get admitted into college and graduate school and qualify for scholarships.

The Journal's editors have editorial experience on academic journals including the Texas Law Review, the Review of Litigation, and the McGeorge Law Review. The editors also have published articles in several academic journals and in the NFL Rostrum, and have a combined twenty years of experience in the speech and debate community. Our articles undergo some peer-review and cite-checking, if applicable, by the editors.

## BURDENS, PRESUMPTIONS & VALUE RESOLUTIONS IN LD DEBATE: A MEDITATION ON THE NFL RULES

PROFESSOR JAMES W. PAULSEN\*

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By way of introduction and explanation, I was a fair to middling policy debater in the mid-1970s. After a brief stint as an assistant college coach, I went into law. Three decades down the road and now a law teacher, I reconnected with the activity the same way many ex-debaters do: My children began to show troubling signs of interest in public speaking, and I got snookered into some volunteer high school judging.

At my first tournament, I was introduced to Lincoln-Douglas debate, and two unlucky debaters were introduced to the judge from hell. (Note to new judges: Never respond to the question, “Do you have a paradigm?” with “I don’t have a pair of dimes, but I do have a quarter.” They are not amused.) Anyway, I decided the students might appreciate it if I actually read the instructions printed on the ballot before I cast my vote. I’d gotten only a little way into the numbered list when I was brought up short by the sentence, “Each debater has the burden to prove his or her side of the resolution more valid as a general principle.”

As an appellate lawyer, I’ve argued presumption and burden of proof issues before my state’s high court. I also touch on the subject when I teach first-year law students the basics of trial procedure. So I knew exactly what was going on, and just what to do about it. After turning in my ballot, I informed the nice young man at the judges’ table that the ballot form contained a serious typographical error. He listened politely and promised to pass on my concerns to the tournament administration.

After a year or so, during which more misprinted ballots continued to pop up just often enough to irritate me, I concluded my public-spirited correction had gone astray. Then, while doing some semi-random Googling, I discovered the oddball ballot language actually is not a mistake, at least in the purely typographical sense. Rather, the ballot almost word-for-word restates an actual NFL rule, to wit: “Each debater has the equal burden to prove the validity of his/her side of the resolution as a general principle. As an LD resolution is a statement of value, there is no presumption for either side.”<sup>1</sup>

I was gobsmacked. The notion of abolishing a burden of proof by edict seems akin to repealing the law of gravity or forcing Galileo to recant heliocentrism. I know that argument isn't a science, and that proof burdens can be tweaked for public policy reasons. Still, the analogy isn't half bad. Newton's First Law of Motion says, "An object at rest tends to stay at rest, until acted on by an outside force." That sounds a lot like the "Let sleeping dogs lie" justification for a status quo-favoring presumption. Likewise, the tendency of negative LD debaters to claim—and affirmative LD debaters to concede—an initial presumption against an LD resolution (NFL rules notwithstanding), brings to mind the comment Galileo supposedly muttered *sotto voce* after abjuring his heresy: "And yet it moves."

On the bright side, the NFL does provide a straightforward reason for the "no burdens, be happy" anti-presumption rule in LD debate: It's just how value resolutions work. That's simple enough. But doubts still lingered.

I was suffering through debates on the January–February 2011 LD resolution when I ran across the NFL rule. So I decided to work out my angst in the context of that resolution. (No offense meant by the "suffering" comment, but long-term multi-variate studies confirm that the back and wrist pain caused by flowing debates is aggravated by the mental distress inflicted upon a judge who knows far more about specific deterrence and due process than do the debaters. *Tabula rasa* can be an acutely painful judging philosophy.)

I know the 2011 LD juvenile justice resolution is a value proposition. The NFL rules say it is, and that's good enough for me. Still, there's a little CX devil who sits on my shoulder, whispering, "It's just a policy resolution without a plan."

I reject this demon and all his wiles. But the dark side of the Force is strong. "Resolved: In the United States, juveniles charged with violent felonies ought to be treated as adults in the criminal justice system," looks like every policy resolution I ever debated. Of course, this one says "ought" and policy resolutions say "should." I'm told the distinction is meaningful, but I don't quite get it, probably because I never learned philosophy at a summer debate workshop. Some courts and dictionaries don't get it, either. For example, the U.S. Tenth Circuit recently quoted *Webster's Third* for the proposition that "should be" means the same thing as "ought to be."<sup>2</sup> Now there's three federal judges who will be barred from judging LD, no matter how pitiful they sound when they beg to do so.

All this is meaningless nitpicking, though. The NFL rules say “Lincoln-Douglas debate centers on a proposition of value.” So the January–February 2011 resolution must be a proposition of value; Q.E.D. But again the CX demon whispers, reminding me that when Honest Abe went head-to-head with the Little Giant in the original Lincoln-Douglas debates, Lincoln told Douglas that “calling a tail a leg doesn’t make it a leg.” On the other hand, Abe never joined the NFL, unless he’s recently been granted emeritus status.

Perhaps I’m straying from the point. Like I said, I will assume the juvenile justice resolution is a value proposition because the NFL says so. That’s no problem for me. As a lawyer, I’m used to assuming something is true, especially when that thing is utterly ridiculous. In law, we sometimes call this an irrebuttable presumption, though in deference to the NFL’s “no presumption” rule for LD debate, I am trying to think of a new tag line.

Anyway, the NFL rules say value propositions can’t have presumptions. This is a self-evident truth, so self-evident that I can identify no actual reason why it’s true. To the contrary, I am plagued by strange and disturbing thoughts, temptations set before me by the CX devil to lure me off the straight and narrow path of value debate.

For example, I have examined Eric Barnes’ *Philosophy in Practice: Understanding Value Debate*,<sup>3</sup> as well as Polk, English and Walker’s (a/k/a “the Baylor Briefs”) *Value Debate Handbook*.<sup>4</sup> I chose these particular sources for in-depth study because they are widely acknowledged to be the best in the field. (Actually, these were the only books my son’s coach would let me borrow overnight. And he looked at me funny when I asked.)

The Baylor and Barnes books present starkly contrasting views of the role burdens of proof and presumption play in value debate. If NFL rules are holy writ, then the Baylor handbook is utter blasphemy. This pejorative is not just a deliciously naughty way to describe the product of a Southern Baptist institution, though I certainly enjoyed writing the sentence. Rather, dear reader, I speak the unvarnished truth. Not only does the Baylor product explicitly refer to burden of proof and presumption; it shamelessly repeats these words time and time again, sometimes even in boldfaced type. This book should be kept on a high shelf, where curious novices cannot reach it.

Eric Barnes’ *Philosophy in Practice* is more suitable for a general audience. Barnes has a real degree in philosophy, not one of those Ph.Ds that just throw in the word “philosophy” to sound classy. He talks about deontology like he

actually knows what it means, and his discussion of Nietzsche beats Baylor hands-down. The book's title is a bit jarring, though. Despite Professor Barnes' best efforts, I still have a visceral problem accepting the words "philosophy" and "practice" as parts of the same sentence. To me, the phrase "Philosophy in Practice" sounds suspiciously like, well, policy.

This little stylistic problem aside, Barnes shows far more sensitivity to the needs of the LD faithful than do the crypto-policy cultists in Waco. Professor Barnes even bans "burden of proof" and "presumption" from his appendix of "Useful Definitions." Of course, he ultimately must address the distasteful subject of presumption directly, just as abstinence-centered health textbooks must mention you-know-what. However, for the most part, Barnes simply comforts readers by assuring them *C* with italics for emphasis *C* that "*There are no prescribed or predetermined burdens in L-D*" and "*there is no presumption in L-D.*"<sup>5</sup> In a thinly veiled reference to Baylor and its degenerate fellow travelers, Barnes adds:

Some people will cite handbooks which claim that there are burdens on the affirmative that the negative does not share. These books are not authoritative. What is more authoritative is the instructions to judges on the official NFL (National Forensics League) ballot, which says: "There are no prescribed burdens in L-D debate." You can cite this in a round, if necessary.<sup>6</sup>

At first, I thought I would have to pick between the Baylor heresy of presumption as a so-called "stock issue" in value debate, and Barnes' stout-hearted denial of the very concept. As a social conservative, I naturally favor NFL inerrancy. But I also have fond memories of repeated severe psychological abuse at the hands of Baylor lead author Lee Polk, abuse he cynically referred to at the time as "oral critiques."

Fortunately, I was not forced to choose between a nemesis of my youth and an acclaimed LD philosopher. On careful parsing of the text, I found that while Professor Barnes vigorously rejects presumption because it "is just another way to get burdens into L-D where they clearly do not belong," he does believe in something called "balance arguments."<sup>7</sup>

Before reading further, it is vital to understand that a balance argument absolutely is not, in any way whatsoever, even faintly related to things like "burden of proof" and "presumption." Otherwise, the LD faithful might be misled by the uncanny resemblance a value debate balance argument bears to a presumption-based burden argument. Like presumption, a balance argument is "one advantage that the negative typically does enjoy." And like presumption, a balance argument "is



based on a common feature of how resolutions are worded.” Accordingly, the typical LD affirmative has a burden (sorry, Barnes calls it a “need”) to show the resolution is true, and the typical LD negative ought to win ties. In sum, an LD balance argument is just like presumption and burden of proof, only different.

I browsed a few other sources and have arrived at only one firm conclusion: No one who writes about argumentative burdens and presumptions will be taken seriously unless at least one random reference to Archbishop Whately’s 1828 *Elements of Rhetoric* is worked in. Having done so, I must warn that the literature of general argumentation is strewn with snares for the unwary. For example, Professor Douglas Walton of the University of Windsor says “burden of proof is an important requirement in all persuasive reasoned dialogue.”<sup>8</sup> Now, Professor Walton may have published fifty books and 200-plus articles on logic and argument. He’s also Canadian and therefore presumably neutral in the CX-LD wars. But if Professor Walton is right, then (a) there’s a burden of proof hiding somewhere in every LD resolution, or (b) LD debate isn’t “persuasive reasoned dialogue.” Clearly, the NFL can teach Professor Walton (and a passel of deluded academicians just like him) a thing or two about basic argumentation.

Well, maybe just one more point—a constructive suggestion, really. Since there’s no presumptions or burdens in LD debate, the NFL should get rid of that pesky word, “Resolved,” together with words like “ought” that seem to express preference or approval. Otherwise, the occasional lay judge or LD newbie might be fooled into thinking we’re actually debating “resolutions”—you know, those things everybody from local civic clubs to the United Nations debate on occasion. Then they’ll start thinking about how tie votes on resolutions go to the negative in every other context. They might even check a dictionary and discover that “resolved” means something like “to reach a firm decision about.”<sup>9</sup> That could lead to speculation as to whether, in an effort to protect the educational value of LD debate from the creeping menace of CX speed and jargon, the NFL has made a far more serious educational error. A few more “innocent” thoughts like these, and you’re sliding down the slippery slope to policy perdition. No, “Resolved” must go.

A closing note: My spouse agreed to proofread in exchange for my commitment to perform some unpleasant household chores. She advises that it’s not altogether clear whether I really support the NFL rule, or if I’m just trying to be cute. So in conclusion, let me make one thing perfectly clear: A rule is a rule is a rule. If the NFL must legislate fundamental elements of argumentative discourse out of existence for the greater good of LD debate, it should (or ought) not hesitate to do

so. To suggest otherwise is to undermine the very foundations of majority rule on questions of logic. That's something I never would do.

And yet it moves.

#### ENDNOTES

1. National Forensic League, Competition Events Guide: Fall 2011-12 Edition (Version #: 2.0.1) (Sep. 15, 2011), at 9.
2. See *United States v. Tisdale*, 248 F.3d 964, 977 (10th Cir. 2001) (“The phrase ‘should be’ is defined as something ‘that ought to be.’ Webster’s Third New Int’l Dictionary 2104 (1st ed. 1993)).
3. R. Eric Barnes, *Philosophy In Practice: Understanding Value Debate* (Clark Publishing Co., Topeka, Kansas 1996).
4. Lee R. Polk, William B. English, Erik Walker, *The Value Debate Handbook* (Baylor Briefs, Waco, 6th ed. 2000).
5. Barnes, at 35, 36.
6. *Id.*
7. *Id.* at 36.
8. Douglas N. Walton, *Burden of Proof, Argumentation 2* (1988) 233-254, at 245.
9. <http://www.merriam-webster.com/dictionary/resolve?show=0&t=1297037508>.

**ENSURING GEOGRAPHIC AND SKILL-LEVEL MIXING AT NATIONALS**

BY T. RUSSELL HANES\*

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I would like to start by thanking the people who run the N.F.L. National Tournament for what they do. It is an extraordinary task to organize so many people, rooms, and schedules; I can only imagine how many no-shows, locked rooms, and other logistical nightmares occur. This article is in no way a criticism of the tactical management of the tournament. This article is a suggestion about how to improve the pre-tournament pairing procedure to increase its accuracy and fairness.

This article is in two parts: a philosophical discussion about what accuracy and fairness means for pairing procedures, and a description of an algorithm to achieve these goals.

**PHILOSOPHY**

The National Tournament represents a unique opportunity for teams to debate opponents from across the country and at different skill levels. In fact, the fourth debate pairing priority listed in the Manual is to avoid pairing teams from the same state.<sup>1</sup> However, the National Tournament procedures otherwise leaves geographic mixing to chance. The skill level of opponents is not considered at all. This is a missed opportunity. One purpose of the National Tournament is to expose competitors to a diverse array of opponents and to mix circuits, styles, and experience levels together that do not normally mix. The first subsection makes the case for the importance of geographic mixing, and the second subsection the case for a skill-level mixing.

***Geographic Mixing***

Some teams qualifying for the National Tournament have significant “national” invitational tournament experience. Some teams have significant “regional” invitational tournament experience. For many teams, the National Tournament is

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<sup>1</sup> Available at

[http://www.nflonline.org/uploads/AboutNFL/National\\_Tournament\\_Operations\\_Manual\\_2-1-0.pdf](http://www.nflonline.org/uploads/AboutNFL/National_Tournament_Operations_Manual_2-1-0.pdf).

their only out-of-state tournament or one of a very few. The importance of geographic mixing at the National Tournament is that the students on an in-state-only team deserve the most exposure to debaters from across the country possible.

Even today, there can be significant differences between the state/local circuits. There are differences in speaking style, from the acceptability of speed to the importance of line-by-line clarity. There are differences in the acceptability of different theories, from conditional plan-inclusive counterplans to critiques to topicality. There are even differences in the arguments teams chose to run, where certain issues are more popular in some state/local circuits than in others. Therefore, there can be an enormous benefit to geographic mixing: debaters are exposed to new ideas and new ways to play the game.

To a certain extent, national debate camps exert a homogenizing force on the various state/local circuits: the same ideas and methods get dispersed across the country. Students on a national circuit team are likely to be doubly exposed to new ideas: at a national debate camp and at national invitational tournaments. However, students on the in-state-only teams are the least likely to attend a national debate camp. This is a matter of fairness and equity. Debaters for whom the National Tournament is their one out-of-state tournament should get the best experience possible, and that means exposure to as many different circuits as possible.

Finally, there is the issue of accuracy. The National champion is supposed to be the best all-around debater: the most able to adapt to different styles of debate and the most knowledgeable about lots of different arguments and theory. Therefore, the National Tournament should be paired in order to ensure that every competitor debates a broad cross-section of opponents.

### ***Skill-Level Mixing***

No consideration is given to the skill level of debaters as preliminary rounds are currently paired at the National Tournament. This makes the National Tournament unusual. Invitational tournaments are all power-matched. The first round at an invitational tournament is randomly assigned; in later rounds, debaters are paired against an opponent with the same win-loss record. This power-matching method is, in essence, a sorting algorithm. I have written about the limitations of this method and do not advocate it for the National Tournament. The short version of the criticism is that, by definition, power matching means that each debater competes against similarly skilled opponents throughout the tournament. I believe the reason the National Tournament does not power match

preliminary rounds is to avoid this homogenizing effect; I infer that the National Tournament wants each debater to compete against opponents representing a broad cross-section of skill levels. However, there is no method in place to explicitly guarantee this mixing; skill-level mixing is left to random chance. I support this goal and advocate a specific method to guarantee this outcome.

If the sample size were larger, leaving skill-level mixing to chance would not create problems. However, each debater competes against only six preliminary opponents at the National Tournament. This sample size is too small to entrust chance. As a binomial probability problem, 1.6% of debaters will be randomly assigned six above-average opponents; 9.4% of debaters will be randomly assigned five above-average opponents. This means that 11% of debaters at the National Tournament have preliminary matches that are much harder than a representative cross-section (between four to two above-average opponents). The same probabilities apply to debaters who are randomly assigned six below-average or five below-average opponents. Therefore, 22% of debaters—one-fifth of those at the National Tournament—have preliminary matches that are much harder or much easier than a representative cross-section. For some subset of these debaters, this harder-than-average or easier-than-average schedule of matches will not make in difference in getting to the elimination rounds. But for a significant subset of these debaters, it can make a big difference. Therefore, this is an issue both of fairness to all competitors and of accuracy in finding a National champion.

Fortunately, unlike invitational tournaments, the National Tournament has at its disposal a key measure of debaters' skill level that it can use to ensure mixing: N.F.L. points. This information could be used, alongside geographic data, to pair all the preliminary rounds in advance of the tournament to ensure every debater competes against a representative cross-section of the country and of the skill-level pool. The next section describes the algorithm to do these pairings.

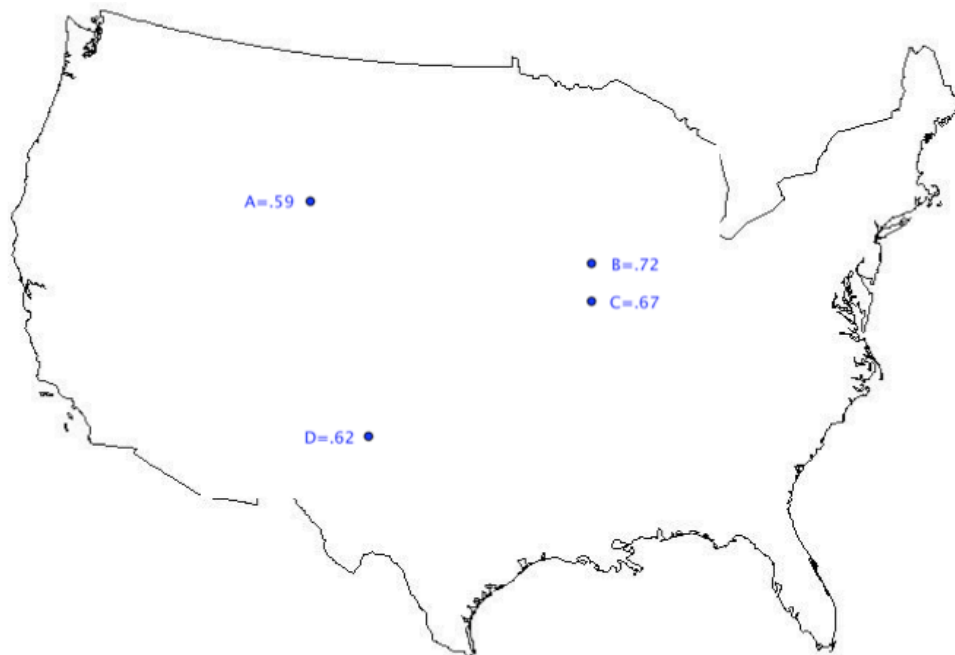
#### ALGORITHM

My goal in describing the algorithm is to do so in as straightforward a manner as possible, without excessive detail but with enough information that the reader can form an educated opinion. I am happy to provide further detail upon request. For the purposes of clarity, a match is a proposed or actual round between two debaters; a pairing is the complete list, proposed or actual, of all the matches for a round. A correct pairing should list every debater in exactly one match, with possibly one bye.

### *Current Algorithms*

The key idea that must be understood is that current algorithms for pairing, whether done by hand on note cards or by a computer program, are sequential not simultaneous. For example, in one current version of a power-matching algorithm, debaters are ranked from top to bottom, then the debaters are matched together two-by-two: first place debates second, third debates fourth, and so on. If a match is prohibited by tournament rules—for example, the first and second place debaters are from the same school—then the next debater is picked, and first place debates third. I recommend Dr. Brusckke's clearly written reference document for those interested in further details of current algorithms.<sup>2</sup>

Every current algorithm uses some kind of sequential process. The limitation is that only one variable can be considered, even if that one variable is often composed of several different measures. For example, a debater's place in the tournament is a variable, which might be composed of the measures win-loss record, speaker points, opponent wins, etc. It is impossible for a sequential algorithm to balance two variables at once, such as geography and skill level. All a sequential algorithm can do is occasionally strike a potential match for violating one criterion or another, e.g. eliminating a match because the two debaters are from the same state. Here is a simple example:



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<sup>2</sup> Available at <http://commweb.fullerton.edu/jbrusckke/Web/how%20to%20tab%20text.doc>.

A, B, C, and D are four debaters. Their geographic positions are shown, as is their relative skill-level on a 0 to 1 scale. A “high-high” power-matching algorithm, as described above, would match debater B against C and debater A against D (pairing 1). If B and C were in the same state, this pairing might be struck down, and the algorithm would next try matching debater B against D and debater A against C (pairing 2). The latter pairing is better because it is almost as good on matching the skill levels together but is much better on mixing geographically. It is important to clearly, explicitly note that a sequential algorithm (such as any currently used algorithm) cannot make trade-off considerations like this. A pairing is created; if it does not violate any conditions, it is chosen. There is no comparison between different pairings. There is no way to optimize two or more variables at once.

### *New Algorithm*

A simultaneous algorithm can optimize several variables at once. The basic outline of such an algorithm is simple to describe: step 1 is to assign a point value, based on as many variables as desired, to every possible match; step 2 is to pick the pairing that has the highest average point value per match. Step 2 is a well-known and solved problem in computer science (see Hungarian algorithm). Therefore, the only problem the National Tournament would have to answer is how to assign a point value to every match. I have spent considerable time testing different formulas, and I believe I have found one that is accurate, fair, and simple. However, the formula could be altered to include other variables or to give different weight to each variable.

For example, one formula I have tried uses two variables: it assigns half the points for geographic mixing, based the distance between the debaters, and half the points for skill-level mixing. A match of two debaters geographically adjacent to each other receive 0 points; two debaters distant from each other receive 5 points. A match of two debaters at the same skill level receive 0 points; two debaters at different skill levels receive an additional 5 points. Thus, the best possible matches are given a 10 point value because the teams are far apart and also at different skill levels.

Here is what the matrix of point values for potential matches could look like for the simple example given above:

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>A</b>	-	4.82 + 5.00	5.00 + 3.08	4.05 + 1.15
<b>B</b>		-	0.63 + 1.92	4.73 + 3.85
<b>C</b>			-	4.37 + 1.92
<b>D</b>				-

The first number is the point value for geographic mixing: the match of debater A versus C gets the full 5 points, since they are the farthest apart; every other match receives a percentage of 5 points based on the percentage of its distance to the distance of AC. The second number is the point value for skill-level mixing: the match of debater A versus B gets the full 5 points, since they are the most different in skill level; every other match receives a percentage of 5 points. Please note that “percent value of the maximum” is a simplification of the formula I developed, but the resulting assignments of point value are essentially the same. Here are the total point values:

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>A</b>	-	9.82	8.08	5.20
<b>B</b>		-	2.55	8.58
<b>C</b>			-	6.29
<b>D</b>				-

The average point value for a match is 6.75, so three matches are above average: A versus B, A versus C, and B versus D. There are three possible pairings: {AB, CD}, {AC, BD}, and {AD, BC}. The total point values for each pairing, found by adding the points for each match, are 16.11, 16.66, and 7.75. The best overall pairing, which mixes geographic regions and skill levels is debater A versus C and debater B versus D. It is worth noting that the best pairing does not include the single best match, A versus B, but it does include both of the other two above-average matches. The point-value system creates transparency: the formula can be explained to coaches and competitors, and the point values themselves can always be double checked to ensure that the best matches are being chosen. The algorithm is not a mystery box.



***Blocks***

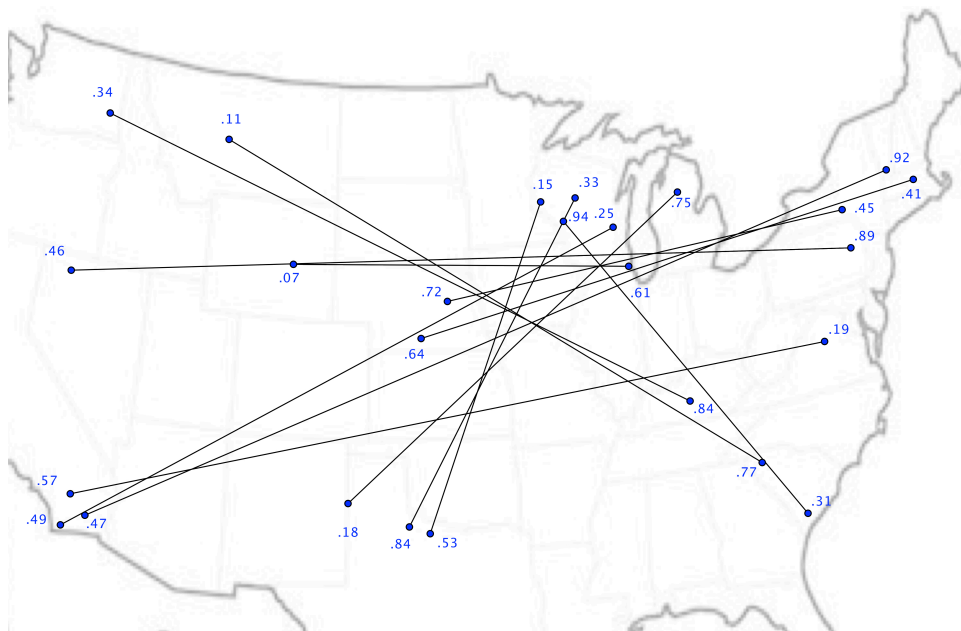
There are two reasons debaters are normally blocked from competing against each other: they are from the same school, or they have already debated each other. The solution is simple: whenever two debaters are blocked from competing against each other, reassign the point value of the match to zero. This match will not be chosen in the final pairing.

***Side Constraints***

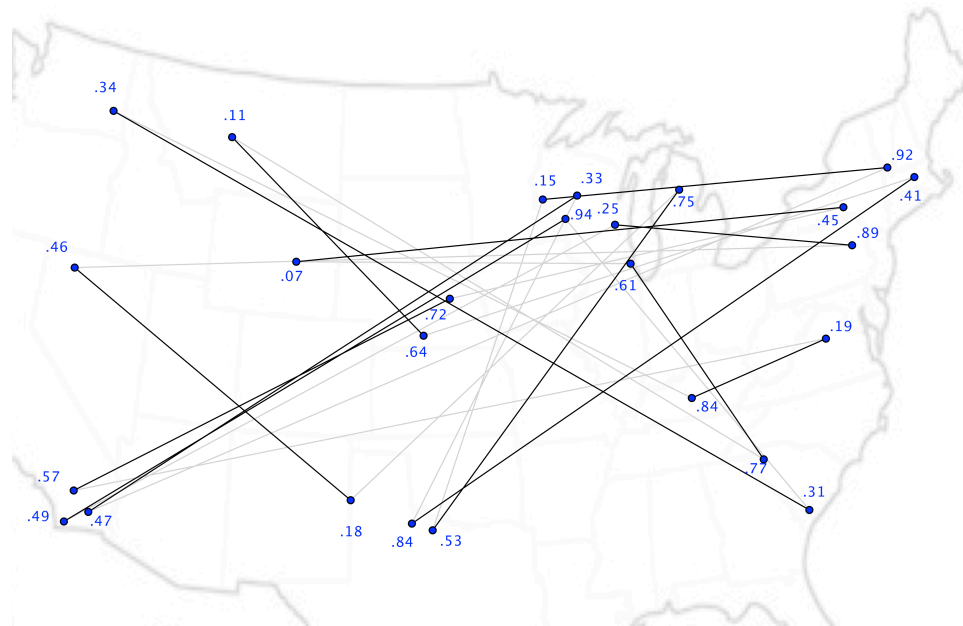
The above example could represent an odd round where there are no side constraints and all matches are possible. In an even round, the matrix is limited to matches that do not violate side constraints. In essence, the matches that violate side constraints are given a point value of zero and blocked.

***Larger Example***

The following section provides an example of what pairings generated by the new algorithm could look like on a slightly larger scale. Each point represents one of 26 fictitious teams; each line represents one match of the round one pairing.



The algorithm assigns each debater an opponent from across the country and at a different skill level. Every match chosen in this pairing has a point value above the average point value of all possible matches. As additional rounds are paired, the algorithm continues to expose each debater to opponents from different parts of the country and at different skill levels. As mentioned before, the formula I developed is slightly more complicated than the percent value of the maximum, because for the second round, it must begin to factor in previous rounds' opponents as well as the potential next opponent. The formula must begin to account for geographic spread of three debaters, not just the geographic distance between two. However, the formula I developed operates in a predictable, understandable way: there is a filling in process, so that the second-round opponents are from a different region and a different skill level than the first-round opponents.



The round one pairings are gray; the round two pairings are black. No debater has a round two opponent from the same part of the country or at the same experience level as its round one opponent. By the end of the preliminary rounds, each debater will have seen opponents from a substantial cross-section of the country and across the spectrum of skill level.

***Sensitivity to Initial Conditions***

A reader might raise the concern that this pairing algorithm—an optimization algorithm—will yield similar pairings year after year. It is true at a broad level:

pairs of regions geographically distant will usually compete against each other in round one. However, at the school-level, it would be unusual for two teams to compete against each other in two subsequent years. The reason is that the algorithm is sensitive to initial conditions, and the skill level of each school's debaters would vary from year to year. However, to ensure mixing, it might be a good idea to block two schools from competing if their debaters had met at the National Tournament the previous year. This would be easy to add these blocks.

### ***Implementation***

There is no technical difficulty to implementation: the algorithm is easy to code into a computer program. This could be written as a stand-alone program for the National Tournament, and the pairings could be entered into the current tabulation program. The tournament could then be run from the current tabulation program.

### ***Other Applications***

The same method, with a modified formula, could be used for judge assignment. Judges' preferences for speed and different theory arguments and the judges' geographic region could be factored in to assign each debater a diverse set of judges. The same method could also be used for individual speech events and the assignment of panels. For example, region, skill level, and speech topic could be factored in to ensure each panel is diverse.

## **CONCLUSION**

What is the National Tournament supposed to accomplish? Of course, the key goal is to crown a National champion, but I believe a very important secondary goal is to have each debater see a diverse set of opponents. I think this is an important enough goal not to leave to random chance, at least not with a sample size of six rounds. For some debaters, these may be their only six rounds of national competition in a year. We can and should ensure that their six rounds expose them to the most diverse set of opponents possible.

## THE TRUTH-TESTING PARADIGM AS A STRAW MAN

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In his excellent book Attacking Faulty Reasoning, T. Edward Damer, describes the fallacy of attacking a straw man as follows, “misrepresenting an opponent’s position or argument, usually for the purpose of making it easier to attack.” Damer continues, “A *straw man* is a metaphor used to describe the caricature of an opponent’s argument that the faulty arguer substitutes for the flesh and blood original version.” I contend in this essay that the description of the ‘truth-testing’ judge is precisely one of these caricatures that unjustly misrepresents judges who actually possess or have possessed a much different paradigm, the *tabula rasa* paradigm, a paradigm I will also describe and defend in the course of this essay. The *tabula rasa* paradigm, the paradigm I believe the ‘truth-testing’ label is meant to impugn, is still a very valid and productive way of evaluating debate rounds and should be embraced by more in the community. If I am correct that the ‘truth-testing’ label is actually a straw man argument, then it is logical that the *tabula rasa* paradigm would still be valid because as Damer explains, “a successful attack on a strawlike substitute is not a successful attack on the actual argument.”

I have coached LD debate rather intensely for fifteen years, judged on every level including UIL, TFA, TOC, and NFL tournaments, and my debaters have experienced varying degrees of success on each of these levels. I judged most intensely during perhaps the heyday of the supposed truth-testing paradigm and what is more, since the term ‘truth-tester’ has begun being used, I have reluctantly called myself a ‘truth-tester.’ Prior to the use of this ‘truth-testing’ description; however, I never viewed myself thusly. I viewed myself as *tabula rasa* meaning either ‘a clean slate’ or ‘without prejudice.’ This was called ‘tab’ in debate slang. I reluctantly accepted the label of truth-tester because I thought that I did prefer to vote on what was true in rounds (meaning successfully extended), but I was never comfortable with the term. I was never clear exactly what it meant.

The first clue to the truth-testing label being a straw man argument is the vagueness of the term. It cannot possibly mean that those possessing alternative paradigms reject truth claims. Were that the case, then evidence would become irrelevant. In other words, it would not matter if a debater presented evidence of an impending nuclear attack if there is a change to the status quo because the pending attack could only matter if the debater is winning that the argument of a pending attack was, in fact true (again, meaning successfully extended). In fact, the in-depth analysis in modern LD rounds of the various methodologies upon

which empirical evidence is based suggests truth is still an extremely relevant issue. So, the truth-testing label could be applied to a comparative-world judge. It can just as easily be applied to the offense/defense judge as an abuse argument that argued the affirmative skewed negative offensive ground would only matter if the affirmative truthfully skewed negative offense ground. However, the label ‘truth-tester’ is not applied to judges holding these paradigms. Instead, the label truth-tester seems to suggest a judge who imposes their view of how truth must be proven onto debaters.

It is unfair to call such judges ‘truth-testers’ because to be a ‘truth-tester,’ one must realize the truth is what is proven true, successfully extended, in the round. A genuine ‘truth-tester’ would not reject a truthful argument because it was formatted or delivered in a manner that the judge did not prefer. This would be a *prima facie* rejection of truth demonstrating that truth claims are a secondary concern with this judge and so this judge is not a ‘truth-tester.’ Also, without doubt there are some judges who refuse to consider certain types of arguments and would not vote on those types of arguments no matter how clearly these arguments are won. I cannot consider these judges ‘truth-testers’ either since one cannot test for truth while arbitrarily excluding potential objections to that truth as this would also reject truth claims *prima facie*. This suggests the label ‘truth-tester’ is a meaningless term and so arguments against the ‘truth-tester’ are attacks on a ‘strawlike’ creature rather than on an actual paradigm.

The question then is which paradigm is meant to be attacked by the label ‘truth-tester.’ I believe the answer is the *tabula rasa* paradigm. Instead of ‘truth-testers,’ I believe judges were or are *tabula rasa*. I am a tab judge as I do not believe that it is my place to impose my views upon the debaters unless the debaters in the round simply left me no other choice. So, I am ‘tab,’ except in the event of a tie. In this capacity I have learned to flow speed and evaluate the round the way the debaters established that I should evaluate it. If the debaters establish a value/criterion paradigm, that is how I evaluate the round. Likewise, if debaters run plans, disadvantages, and counterplans then I evaluate the round through a ‘comparative worlds’ paradigm. If a value/criterion debater debates a comparative world debater, I adopt the particular paradigm based on who wins the debate over which paradigm is preferable, assuming the debaters engage in such a debate. I do not intervene; I view my role as the judge more as a referee evaluating the flow as opposed to a participant in the debate. This includes refusing to have a ‘high threshold’ for arguments I do not particularly enjoy or think are good for debate. I view rounds this way because debaters cannot possibly know what I am thinking and therefore cannot refute my arguments against their positions.

Someone could object that this is not the best way to teach persuasive communication because debaters may rarely encounter ‘tab’ audiences. But debate is not primarily a vehicle for teaching persuasive communication. Debate is primarily meant to teach argumentation. Students have extemporaneous speaking and oratory to learn to speak persuasively. Speaking skills are undoubtedly important but speaking skills are secondary to argumentation in debate otherwise speaker points would determine the ballot. Additionally, debate already forces debaters to advocate both sides of resolutions, and oftentimes debaters seriously disagree with one of these sides. This inherent dual consideration of resolutions is more effective at teaching empathy and understanding of one’s intellectual opponents than losing ballots when a debater had little choice in the side defended.

Additionally, the ‘audience adaptation to master persuasive speaking’ is, at best, an awkward fit for debate. In adult life, debaters will choose their sides and will most likely know when they are, to quote Tony Soprano, ‘walking into a buzz saw’ or facing an incredibly unfriendly audience. Unless judges add their political views to their paradigms, then debaters cannot really know if a judge is hostile to the side they are forced to take. Even then, as strongly as some judges hold their political and philosophical views, it seems implausible that a high school debater could be so persuasive as to change the mind of an informed adult passionate on a given topic. Persuasive speakers rarely will address audiences vehemently opposed to their positions. For example, Barack Obama is not a frequent headliner at Tea Party events. Clinging to or imposing one’s political or philosophical view upon debaters in a round adds a potentially insurmountable burden upon these students. This may cause debaters to become frustrated, start resenting debate, and quit. The same can be said for any interventionist judging paradigm as there is little difference in the effect of intervention.

So, rather than being a ‘truth-tester, I am a *tabula rasa* judge. I often vote for many positions politically and philosophically offensive to me simply because the debater won that position.<sup>1</sup> I view myself as ‘tab’ both on the issues and on style. I only became a sort of ‘truth-tester’ in case of a tie. I think every judge can relate to this conundrum. The debaters either make a mess of the flow, or the round ends without a clear offensive extension and the judge must find a way out. This most commonly happens in novice or junior varsity rounds, but not exclusively. I recall very clearly an elimination round at TFA State when, after the round, I had

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<sup>1</sup> I would only refuse to vote for an offensive position if a debater asked me to ‘join their movement’ and if I happened to not agree with their movement. However, I always warned debaters of this potentiality and so I never encountered this issue.

absolutely no idea how to vote because neither debater extended offense. I believe it was then I realized I needed some sort of default paradigm. I do not know how my fellow ‘tab’ judges resolved this type of situation, but I resorted to my own understanding of debate fundamentals, which is that the affirmative has a burden to prove the resolution true. The negative has a burden of clash. So if the affirmative extends offense, they meet their burden. If the negative sufficiently prevents any affirmative extension of offense, the negative wins. I think the ‘truth-testing’ label has stuck because there is, ironically, an element of truth to it. But it fails to capture the essence of how those who defaulted to a ‘truth-testing’ paradigm actually adjudicated rounds.

Many *tabula rasa* judges likely have similar default paradigms that allowed them to escape a messy round. Despite the claims of many who attack the *tabula rasa*/truth-testing default paradigm as being less real world than its alternatives, ‘tab’ is very real world. The first reason for this is that a basic tenet of logic is that the person asserting a claim has the burden to prove that claim true. The listener is under no obligation to refute or believe the claim. If the affirmative is viewed as asserting the claim that the resolution is true then the affirmative becomes the bearer of the proof burden. The negative would not require offense, *per se*. The negative could simply sufficiently clash with the proof tendered by the affirmative as to not allow a clean extension of offense by the affirmative and in so doing, collect the ballot. So, this approach is reflective of the basic rules of logic in the real world, rules it seems prudent to foster within our debaters.

A ‘*tabula rasa* default negative lacking affirmative offense’ paradigm is also real world because it is similar to the way issues are ‘resolved’ in courts. The prosecution has a burden to prove the accused guilty in a criminal trial, or the plaintiff has a burden to prove their case in civil law. The defendant in either case, unless some type of affirmative defense is submitted, does not have this reciprocal burden. Requiring a reciprocal burden would be an unfair imposition upon the defendant because it would presume some level of guilt. The same would apply to the negative in a debate round as it would presume the resolution true on some level (which again also defies the rules of logic.) The legalistic model is as real world as the legislative model, as cases are considered daily by the courts. It could even be considered more ‘real world’ considering the great frequency of court cases resolved compared to legislation passed by Congress, and more debaters end up lawyers than the debaters that end up legislators. The legalistic model seems a better fit for LD as well considering the variety of issues and resolutions debated annually. Courts consider a large variety of issues on a daily basis. Certainly legislative bodies do as well, but while some LD value resolutions are focused on the value of policies, others are more focused on individual, ethical issues. Courts consider policies, at least the Constitutionality of policies, but they

also must deal with the individualized concerns of the particular parties in each case. Legislative model paradigms are valuable and beneficial, but there is certainly no logical justification for why the legislative model should apply exclusively to LD, assuming it is applicable at all. So, in LD, negative offense should never be absolutely essential for a negative ballot because, in courts, the defendant, unless opting for an affirmative defense need not prove anything other than that the prosecutor or plaintiff did not prove their case.

Another reason that the burden of proof must necessarily be on the affirmative, and therefore, presumption should be in favor of the negative, is because the affirmative speaks first. Accordingly, it has the first opportunity to present an argument. Imagine an affirmative “passing” on the first speech and not delivering one. Many if not most judges, regardless of paradigm, would say that the affirmative should lose. If it were the negative’s responsibility to prove the resolution false, then the first affirmative speech is simply unnecessary, and the affirmative debater should not be penalized for passing on an the affirmative constructive. We should be careful not to accept a premise that an entire speech of a debate round has no purpose, as this defies the logic supporting the structure of the debate. Analogizing to law, in criminal prosecutions or in lawsuits, it is always the prosecution or the plaintiff that must present its case first. That is because they have the burden of proof. But it is also true because if they did not have to speak first and present any evidence, then logically, there is no reason that the criminal or civil defendant (or the negative debater) should be compelled to show up at all, and in fact, cases are frequently dismissed by courts (and civil and criminal defendants win by default) if the prosecution or plaintiff shows up to trial unprepared to present evidence.

A *tabula rasa*/default negative lacking affirmative offense paradigm would not reject negative offense. In fact negative offense could be useful in the exact same way a video tape showing someone else committing the crime would help a criminal defendant. At times it can be difficult to adjudicate a round where both sides extended offense. This is where weighing can be essential, although it could require weighing to an external standard, and that is always problematic. An external standard would be required because both sides could only extend offense if it accessed at least one of the standards already existing in the round. So with two competing offensive extensions, it could be crucial to establish the means of determining who met the standard in a more important manner and that importance would rest upon an external standard. It is clear that a truly *tabula rasa* judge would not *prima facie* reject arguments about external standards or attempts by the negative to garner offense.



So, in my experience, I believe the label truth-tester to be a straw man argument attacking more an underlying, default paradigm held by *tabula rasa* judges. I am not sure of the motivation for rejecting ‘tab’ judging, but I hypothesize that this straw man is used to rationalize intervention—or interfering with arguments made in round based on a critics subjective preference—because these new paradigms thus far seem more interventionist than the *tabula rasa*/default truth-tester paradigm ever was. Something must explain the proliferation of the term ‘high threshold’ in published paradigms. Another possible motivation might be that the LD world has always suffered from a bit of an inferiority complex. Many in LD complain about how allegedly “far behind CX” LD is, whatever that means. So some in LD may simply envy the fact that CX debaters have a default world they play in. CX is a world mostly of utilitarian advantages versus disadvantages. LD, even with the advent of the new paradigms, still does not default to utilitarian considerations LD debaters are expected to justify utilitarianism before it is an accepted premise in the round. So, for these reasons, some may simply want to make LD more like CX.

The motivation could also be the belief that no one is truly *tabula rasa* as judges have particular biases. I reject this notion wholeheartedly because of my own experience judging. I knew my biases in given rounds. I might know one debater better, and know that she has worked very hard and has struggled to win. I might realize this debater is a senior in her last chance to qualify for state before graduating. I might be good friends with her coach. I might politically or philosophically prefer the side she is taking in the round. She might be very close to students on my team. I might care for this debater as if she were on my team. Yet despite all of this, I would vote down this debater if I don’t think she has won the round. I have done this many times. I have been in similar situations and always adjudicated the round as honestly as I could, successfully putting personal biases aside. I watched and knew many judges who I trusted were doing the same, both because of their character and because of listening to their oral critiques. It should be noted that if people cannot put bias aside, then there is no hope for ever achieving justice because people could not decide issues fairly, meaning that if bias is an inherent part of debate, fairness is impossible to achieve and neither debater should ever be punished for being unfair. We cannot ask more of students than we ask of the critics in the back of the room. It would also be impossible to ever reject biases against race, gender, religion (or lack thereof), or sexual orientation. The idea that we cannot achieve justice is simply too nihilistic for my tastes, and I would never want to reinforce that notion with my students.

One clear objection to the *tabula rasa* paradigm is that this paradigm encourages ‘blippy’ pre-standard debate where debaters are able to extend an unwarranted claim and win the round. I believe this objection fails for several reasons. The first

reason is because it is the job of a debater to identify any pre-standard or *a priori* issues in an opponent's case. If a debater fails to do this, they are not debating well regardless of how much work they do on other issues. They frequently deserve to lose. If a debater takes the time during cross-examination to make certain to identify all pre-standard arguments in an opponent's case, then they should be able to respond to these, especially if these are 'blippy' or unwarranted. This would be part of clashing. In a court of law, parties must listen to their opponents' witnesses and be able to cross-examine them on the essential points of their testimony, some of which the jury believes to be the key evidence in a case.

There are additional reasons I believe this objection about 'blippy' argumentation fails. The new paradigms do not seemingly discourage 'blippy' argumentation. A debater of mine who disagreed with me vehemently about how rounds should be approached ran a more comparative-worlds-style positions. He quite vocally opposed 'blippy' pre-standards yet it would be difficult to imagine how many rounds he won on a deontological, warrantless, racism spike he would extend when he was overwhelmed elsewhere on the flow. Very recently I observed two undefeated debaters in round five at the Greenhill; the round must have been an 'offense/defense' round considering the sheer amount of theory these debaters hit each other with. The round was won with an extension of a thinly developed rhetoric spike of skepticism in the AC blown up in the 1AR and dropped in the NR. These stories suggest that the newer paradigms fail to solve for 'blippy' extensions. Comparative world rounds are just as often determined on 'blippy' extensions of 'strength of link' versus a 'blippy' extension of 'timeframe.' The same could easily be said of offense/defense rounds where 'blippy' extensions of theory standards or voters often can resolve a round. Personally, and if I may speak broadly on behalf of my fellow citizens, I believe any jury or legislative body in the 'real world' would find any argument about a definition far more persuasive in almost every context than any claim that affirming (taking some action) leads to nuclear war.

I do want to conclude by arguing for a return to the *tabula rasa* paradigm. Judges should permit the debaters to decide which approach is best on a given resolution. The 'tab' paradigm permits this because no argument is precluded by the 'tab' judging paradigm. Judges should resist intervening in a round, unless intervention is absolutely necessary: intervening can moot the efforts of debaters and this risks making them cynical about debate (and even life) when they learn hard work is met with arbitrariness. Intervention for almost any purpose is a slippery slope that opens the door for further intervention for increasingly less legitimate reasons. Intervention is predominantly precluded with a *tabula rasa* paradigm.

These newer paradigms are a clumsy fit in LD because they seem to encourage negatives to run six to seven minute NCs that can make the 1AR nearly impossible. The 1AR generally has to extend enough of the AC to win before refuting these long NCs. These NCs often preclude the AC and are frequently full of theory arguments that are difficult, if not impossible, to turn making access to affirmative offense unduly burdensome. In CX the 1AC is considered to be extended, but this is not so in LD nor should it be. The negative should have some idea what the affirmative is 'going for' so the negative can address this in the NR. So the new paradigms can make it next to impossible to successfully affirm because of the unique burden of the affirmative in LD to extend the AC while refuting multiple off case positions.

Finally, I believe the *tabula rasa* paradigm embraces what is special and unique about Lincoln-Douglas debate: debaters are able to find unique and clever arguments that shape each round. Because debaters are encouraged to think outside the box, we can expect the unexpected. Debaters shape the event rather than having a particular approach imposed upon them, and this makes LD inherently more organic. Novice LD debaters are taught a basic framework and then they are able to play with it to find their style, method, and arguments. This empowers them to blossom as speakers and as thinkers. In CX, the agent of action is always the United States federal government, but it need not be that way in LD. In CX, the assumed standard is utilitarianism. In LD, we can discuss and debate alternative theories of the good. In CX the object of evaluation is always a policy and its implications. In LD, we can consider and advocate for non-policy methods of proving something true. All of this affords LD debaters more consideration of issues in ways unique to our activity. It is imprudent to attempt to turn LD into a poor man's policy debate. The speaking times alone would undermine such a goal. The *tabula rasa* paradigm embraces the wonderful diversity that is LD debate and *tabula rasa judges* should proudly assert and defend this paradigm as the proper way to judge debate rounds. *Tabula rasa* judges who have been cowered by the derogatory 'truth-testing' label should realize that this label is a straw man argument and stop cowering because people with substantive arguments do not attack truth-testing, 'strawlike' creatures.