

Judging Policy Debate

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FOUR RULES AND FIVE RECOMMENDATIONS

RULE ONE: JUDGE ETHICALLY.

- A. You have a responsibility to judge a debate based upon the arguments you hear in the round of debate before you.

NOT what you think of the team's coach, what happened the last time you judged this team, or whether you like this team personally. You should not allow yourself to be motivated by what happened when one of these teams met your team or whether the outcome of this round would help or hurt your team. You have a professional responsibility to set aside all such issues. You should not joke about any such matters; your comments will (sooner or later) be misconstrued as nonprofessional or unethical conduct.

- B. You have a responsibility to treat students with respect.

Do not use your position of authority to berate students. Be aware of your use of language just as if you were in the classroom. Use of profanity is out of place in a debate critique; letters have often been written to principals complaining of judge conduct after the round. You are, after all, an official representative of your school when you are serving as a debate judge. If you conduct yourself in a professional manner you will be treated as a professional.

RULE TWO: JUDGE CONSCIENTIOUSLY.

- A. You have a responsibility to listen to the debaters' speeches.

Some judges have been known to read the newspaper or talk to a friend during speeches, showing obvious disinterest in what the debaters are saying. If you feel that you must send a nonverbal signal to the speaker that they are speaking too fast (putting down your flowing pen), do it only after making a conscientious effort to follow the speech.

- B. Provide reasons for decision on the ballot.

In policy debate it is not that important that comments be directed to each individual student on the ballot. What the debaters and the coaches will care about most is your reason for decision. Articulate clearly why you voted the way you did listing the argument(s) that caused you to vote the way you did. Even if you are explaining your decision orally, list the key elements of your reason for decision on the ballot so that the coaches will be able to see what happened in the round.

RULE THREE: JUDGE CONSISTENTLY.

The debaters should be able to know what they have to do to win the round. Several different judging philosophies are (almost) equally acceptable as a perspective for judging policy debate. In order to prepare their strategies, however, policy debaters need to know the standard on which they will be judged. It will make a difference to them to know whether they are being evaluated by a stock issues judge, a policymaker, or a tabula rasa judge.

This does not mean that you must decide what your judging philosophy is now and then you will keep it for a lifetime. You will inevitably grow and change as a professional. Your views will adapt to your experiences and to the other perspectives to which you are introduced. Try, however, to keep your debate community informed as to your current way of evaluating debate rounds. This can be done through judging philosophy sheets and on ballots themselves.

RULE FOUR: COMMUNICATE YOUR DECISION FULLY.

Everyone appreciates an efficiently run tab room; do everything that you can to facilitate their work. Fill out your ballot completely (points, ranks, decision). Look it over carefully to make sure that everything is as you intend it. If you are (for whatever reason) assigning a low point win, write that clearly on the ballot. Some ballots have a designated place to check if you are giving a low point win but most do not. Just write “low point win” somewhere close to where you are indicating your decision. If you give a low point win but you do not acknowledge that on the ballot most tab room directors will send your ballot back; some tab room runner will have to find you and get you to clearly indicate your intention. All of that is a major distraction for a tab room which already has enough to do.

FIVE RECOMMENDATIONS

RECOMMENDATION ONE: DON'T DO THE DEBATERS' WORK FOR THEM.

You don't have to have been a debater to make a good judge. Often former debaters make arguments for the students or think that a students' answers are poor compared to the ones they would have made. Good judges avoid such distractions. Debaters get frustrated when a decision is made on the basis of an argument not articulated in the round. They can only answer those arguments which are made in the debate; they have no way of knowing what is going on in your mind. On a practical level, this means that you don't vote on the basis of an argument NOT heard in the last two speeches.

Suppose, for example, the negative team makes a topicality argument in the 1NC. This argument is answered by the affirmative in the 2AC. You were impressed by the argument (believing the case to be not topical), but the negative team never mentions the argument again. If you were to decide the debate for the negative based on this topicality argument, you would be making a poor decision. There is pretty universal agreement in the policy debate community that silence

by one team on an argument means they are conceding the argument. This does not mean that someone will appeal your decision or that it will be overturned; your decision will stand, but it will be viewed by both teams as a bad decision.

A simple standard in policy debate is to listen carefully to the last two rebuttals and to make your decision on the basis on the arguments you hear there.

What about dropped arguments? In policy debate, the general rule is that the failure to answer an argument means it is conceded. BUT, that doesn't mean the debate is over. You will judge numerous debates where one team drops an argument but the other team never points out that the argument is dropped or that the dropping of the argument makes any difference in the round. In such cases, the dropped argument is a non-event insofar as the decision is concerned. In other cases an argument will be dropped by team one and the team 2 will claim the debate is really over. Team 1 is correct in their judgment that it would now be too late for Team 2 to answer the argument. There does, however, need to be an ongoing debate about the implications of the argument being dropped. Team 2 will try to show that they can still win the debate even given that the argument in question is granted.

RECOMMENDATION TWO: KEEP EACH MAJOR ARGUMENT ON A SEPARATE SHEET OF FLOW PAPER.

The affirmative case sometimes takes more than a single sheet of paper, but usually one sheet is enough. In the 1NC listen for the debater's signposts as to where to place arguments. Occasionally all 1NC arguments will apply to various parts of the case, but usually this does not happen. Usually there are topicality arguments, disadvantages, counterplans, and/or kritiks. Keep each argument on its own sheet of paper. At the end of the speech write a clear label on the top of each sheet so that you will know what that sheet contains. Most good debaters will provide a "roadmap" at the beginning of the speech indicating which arguments will be addressed and the order in which they will be addressed.

By the end of the debate, you should be able to discern an outcome for each argument. Usually, the majority of them have been discarded by one team or another before or during the final two rebuttals. Typically this means that the debate will come down to four or five arguments by the end.

After the debate, pull out the pages for the arguments still in contention and reflect on the arguments you heard made in the final two rebuttals. Good debaters will provide guidance as to how the relevant arguments should be pieced together and what should outweigh what (and why). In such rounds the decision is made difficult by the quality of the argumentation on both sides, but the argumentative positions themselves are clear. In many rounds, however, the debaters (from both teams) allow the arguments to end up in a mish-mashed mess. The rebuttalists did not take the time to explain why their arguments put together a winning position and why they outweigh the arguments offered by the other team. In such rounds, you just have to do your best — the debaters have really invited you to flip a coin.

RECOMMENDATION THREE: DON'T TAKE OUT YOUR FRUSTRATIONS WITH THE ACTIVITY ON THE DEBATERS.

There may be lots of problems with policy debate. The rate of delivery may be too fast; debaters may rely too much on handbooks and institute briefs. Work on those problems when you are coaching your own team and when you are serving on rules committees for your state association or league. But don't go into a round with a big chip on your shoulder upset about something that these debaters can do nothing about. All you succeed in doing is to create a miserable experience for yourself and the four contestants.

Even with all its problems, policy debate is a pretty amazing activity in terms of the way that it turns kids on to research and public policy. It remains true that participation in policy debate can be the best path for success in law school or numerous other grad school choices. A little enthusiasm is contagious; you have a far better chance of changing policy debate for the better when you become one of its advocates and boosters than when you use a gloom & doom approach.

On a practical level this means avoiding comments before/after the round (or on ballots) which can lead debaters to think that you blame them or their high school program for the abuses in debate. Use an educators' approach; point to the good things which were done as well as the not so good things. Unless there was truly unethical behavior, the tone of the critique should be encouraging rather than discouraging.

RECOMMENDATION FOUR: TAKE ETHICAL VIOLATIONS SERIOUSLY BUT DON'T MAKE EVERYTHING A MATTER OF ETHICS.

The fabrication of evidence is a widely agreed upon violation of ethical conduct. It is so serious a violation that fabrication charges should (in my view) take over all decision making in the round. If one team charges the other with fabricating evidence, then the charge must be proven. This means that there must be a photocopy or the original book/magazine, etc. to prove the charge. If the charge is true then I would award a loss to the offending team with zero points. I would do this even if it is claimed that the evidence came from a handbook or another debater. Maintaining a severe sanction for fabrication is such an essential tool to the integrity of debate that excuses must not be allowed. Some tournaments even have a rule that would cause an offending team to be kicked out of the tournament. Some debate squads maintain a squad rule that would kick the offending student off the squad. For the latter two sanctions, there should be some determination of whether the debater did the fabrication personally or whether it was accepted from someone else.

On the other hand, I will vote against a team for making a fabrication charge when there is no evidence of fabrication. An ethical challenge of this nature is much too serious to allow it to be made without great care. It is never enough for a debater to say they have read the book and they know it is not there (or similar kinds of "evidence").

Questions of evidence being “out of context” are much more difficult to adjudicate. Such matters require subjective judgment on your part. Suppose, for example, a team quotes the Vietnam Veterans of America website (www.banminesusa.org/qa/vvaf.html) to say that “Landmines in Korea are not a hazard to civilians.”

The other team is familiar with the Vietnam Veterans of America website and produces a printout of the whole context of the quotation, which is as follows:

Vietnam Veterans Foundation of America, U.S. USE OF LANDMINES IN KOREA: MYTHS AND REALITY, Mar. 02. Online. Internet. www.banminesusa.org/qa/vvaf.html. Apr. 9, 04.

Myth: Landmines in Korea are not a hazard to civilians.

Reality: Seventy-five civilians have died from mine accidents in Korea since 1990 and the number of injuries is much higher; It is estimated that there have been over 1,000 civilian mine victims since the end of the Korean War. Landmines stockpiled for use in Korea are non-self destructing or “dumb” antipersonnel landmines that can remain active for decades.

The portion quoted by the negative was a full sentence (which is required according to NFL evidence rules) but it was clearly labeled as a “myth,” followed by a corrective statement directly contradicting it. Is this evidence out of context? I would say that it is and I would make a decision on this basis.

On some occasions, however, you will find a team quoting evidence which follows this pattern: “Advocates of retaining landmines claim that the landmines in the Korean demilitarized zone are essential to preventing an invasion from North Korea.” This evidence provides fairly weak support for a claim that landmines are needed, but the evidence is in context. The evidence itself makes it clear that the author is simply reporting what others believe. Making an evidence context challenge against this type of evidence is simply wrong; the evidence is weak, but not out of context.

Some debaters make an “ethics” charge out of the strangest things. I have, for example, heard that it is unethical for negative teams to wait until 2NC to present disadvantages (a rather incredible charge since it is what almost all second negative speakers did for decades). Originating the shells of the negative positions has become a traditional practice in some debate circles, causing some students to believe that any other practice is “unethical.” We should teach our students that ethics charges should be reserved for something beyond the merely unusual.

RECOMMENDATION FIVE: VIEW JUDGING AS A TOOL FOR STRENGTHENING YOUR COACHING.

By judging policy debates you have an opportunity to engage in an ongoing educational process with both substantive and procedural dimensions. In the substantive area, you have an opportunity to hear interesting arguments or productive ways to develop arguments that your debaters can benefit from. In the procedural area, you can discern the techniques which are especially effective and those which are ineffective.

ANSWERING STUDENT QUESTIONS & FILLING OUT PHILOSOPHY SHEETS

Sometimes you will be asked to fill out a philosophy sheet questionnaire or to answer a debater's questions about your philosophy. Following are some examples of how I would answer such questions.

What is your judging philosophy? I see debate as an exercise in public policymaking. I expect the affirmative team to advocate a policy meeting the resolution, and I expect the negative team to make arguments about why that policy should be rejected.

What do you think about speed? Debate is a form of communication. It is essential that I be able to hear your arguments and your evidence. Don't assume that I will ask to see evidence after the round if I couldn't understand it the first time. I will do my best to attentively listen to your arguments.

What do you think about counterplans? Counterplans can be a reason to vote negative if they are competitive and therefore give some reason to reject the affirmative policy.

Do you think counterplans have to be nontopical? Not as long as they are non-plan and they compete with the affirmative policy.

What do you think about permutations? Permutations are only a test of counterplan competition. I don't view permutations as an opportunity to amend the plan or to adopt something different from the plan as originally proposed.

Note: What is a permutation? When a negative team offers a counterplan, an affirmative team often offers a "permutation," meaning a specific illustration of how the plan and counterplan can be desirably combined. If the affirmative team succeeds in showing that the permutation is desirable, then the counterplan is shown to be non-competitive. An example of a permutation: Suppose the affirmative plan proposes to guarantee access to U.S. federal courts for Guantanamo Bay detainees. The negative counterplan is to allow the International Criminal Court to hear claims that the U.S. is in violation of the Geneva Convention by torturing detainees. The affirmative permutation might be to give lawyers for the detainees a choice as to whether to bring their case to U.S. federal courts OR to the International Criminal Court. The permutation illustrates that it is both possible and desirable to combine the plan and counterplan. Thus, it provides a demonstration of the fact that the counterplan gives no reason to reject the plan.

How often do you vote on topicality? Topicality is important as a fairness and debatability issue. I will vote negative on topicality whenever the negative successfully shows that the affirmative fails to meet the resolution.

What do you think about kritiks? I don't reject kritiks out of hand, but my predisposition is to policymaking. I am concerned that the growing use of kritiks is making what we do in policy debate more and more irrelevant to the real world of public policymaking. In

order for me to vote on the basis of a kritik it must provide some reason to accept or reject the policy advocated by the affirmative.

Note: What is a kritik? A kritik (also spelled critique) is an argument (usually offered by the negative team) which attempts to deconstruct the opponent's argument and question its most basic assumptions. Some kritiks focus on the language used by an advocate. Most kritiks focus on language, causation, power relationships, and feminism.

What do you think about the traditional stock issues? I think each of the stock issues is important even though I operate from a policymaking perspective. The bottom line is that I weigh the advantages of the case against the disadvantages. Significance of harm is important in determining how much of an advantage the affirmative plan offers. Inherency is important because it determines the increment of the affirmative advantage that the present system cannot resolve. Solvency is obviously important in determining the weight of the affirmative advantages. I do not view the stock issues (other than topicality) as independent or compartmentalized. Each of them play a role, however, in determining how much of an advantage the affirmative can truly claim.

What do you think about new arguments in the 2NC? The 2NC is a constructive speech so there is no problem with new arguments in that speech. The 1NR is a rebuttal speech, so there should be no new arguments in that rebuttal.

Can new evidence be introduced in rebuttals? I see absolutely no problem with new evidence being introduced in rebuttals so long as it is dealing with an argument which originated in constructive speeches.