

# ADAPTING IS CUEING JUDGES' RECONSTRUCTIONS OF DEBATES

by Jim Hanson

What does it mean to adapt in academic debate? The first answer likely to pop in your mind in response to that question is "adjust your delivery and arguments to the judge." But what does "adjust" mean? I would argue that the meaning of "adjust" has rested on the belief that the judge is an autonomous individual who logically deduces a decision based on the arguments presented. As practiced, debaters choose certain arguments and ways to present those arguments so that they meet what they believe to be the judge's beliefs. Then, the judge assesses those arguments given his or her predispositions.

An idealization of this process is in Glenn Kuper's excellent article, "The Use of Perelman's Universal Audience in Non-Policy Debate." Glenn argues that those in debate can use the universal audience as a construct to assess arguments in debates.<sup>1</sup> He argues that this approach would "elevate" discourse so that debaters "would be forced to establish concrete, universal premises."<sup>2</sup> He also points out that such an approach would make judges more objective and unbiased,<sup>3</sup> and permit them to transcend their subjective view of values.<sup>4</sup>

Perelman's universal audience and Glenn's use of the same imply a commonly held view of rationality that focuses on a homogenous group of evaluators--only the most rational and reasonable people. Yet, view the debate round from a different perspective, a view emphasizing the heterogeneity of judges, the post-modernness of debate where debaters and judges enact a ritual with the most truncated reconceptualization of the "real world" in a bizarre flurry of words and artificially constructed "rationality," the audience can, or at least, should no longer represent just the most rational and reasonable people. After all, what stands before each debater is a judge or judges whose decisions reflect a multitude of varying experiences, beliefs, values, approaches to decision making, etc. These experiences are unique to each judge as show in 2-1 and 3-2 decisions; various opinions about this team or that; differing views on what issues are relevant (hasty generalization, inherency, etc.); what style of arguments judges like, etc. This does not even include how a judge responds to situations where

the opponents raise an argument the judge has never before heard; what the judge knows or does not know about the topic; etc. So heterogeneous is this situation confronting debaters, that in seeking to find common ground upon which to judge arguments--that is, to speak meaningfully to the judge so as to influence action and belief--we fall into what Kenneth Burke calls "the state of Babel after the Fall."<sup>5</sup> The situation is ripe for rhetoric--but how can a debater address the multiple kinds of situations, opponents, judges, confronting them? The "incommensurability" of addressing all these debate "languages" reeks of the danger of so much heterogeneity that debaters cannot speak meaningfully to each other, let alone the judge.

In order to address the speaking of radically differing languages, a debater must forge the incommensurabilities into "workabilities"--points at which he or she uses rhetoric to break the divide between the multiple, conflicting aspects of a debate. This forging is a kind of praxis which is endowed with a rhetorical consciousness of "what to do" for those who we believe are listening so as to lead them to act in a way which is favorable to us. This entails a different perspective from what textbooks often teach in their emphasis on identifying the fallacies in arguments, the elements of soundly constructed argument, etc.<sup>6</sup> I will argue that debaters should conceive of debate as an attempt to piece together the "fragmentation" inherent in the debate process by mentally constructing a convergence of multiple audiences. Specifically, I will.....

1) discuss how debaters lose control of their arguments in debates;

2) provide a theoretic framework for a kind of rhetorical praxis focused on a heterogeneous audience;

3) explicate how a debater can attempt to account for the audiences which fragment the presentation of arguments so that ultimately, when the judge reconstructs the debate in the form of a decision, he or she will make the decision the debater hopes will occur.

## Losing Control of Arguments

When debaters present arguments, they have a tendency to believe that they

have control over them. They are cognizant, usually (though often not fully enough) that the other team will respond to their arguments and that the judge will have certain responses to the arguments. But, debaters also need to be aware that after they present their argument, they lose control of the argument. By losing control, I mean that they no longer are able to guide *argis'* directly to the judge's mind. Rather, the argument is subject to the control of a variety of factors external to the debater. This loss of argument occurs in at least these ways:

1. *The debater's opponents respond to the arguments*

2. *The debater's partner does well or poorly in a speech or cross-examination*

3. *The arguments ignore, meet or exceed the expectations of the judge*

4. *The judge relates the argument with another argument giving it a meaning unlike the one the debater intended*

In each case, an act external to the debater and beyond his or her control weakens or strengthens the argument in specific ways which make the communication of the argument's worth to the judge more difficult or simple.

Acknowledging this lack of control requires a different conception of the process of a debate. Instead of simple "say it" and then "defend it" and then "the judge agrees or disagrees with the argument"--the process is much more complicated. Despite the heavy emphasis on the rationale in debate, judges respond to arguments in their own, unique way. They reconstruct the arguments as their beliefs tell them to do and they generate their beliefs within a community of thought. V. William Balthrop in his article, "The Debate Judge as 'Critic of Argument'" pointedly argues that judges judge based on the community of which they are a part. He argues that: *the critic and the phenomenon, however, do not just exist in isolation or even conjoined only through their immediate context. Rather, they exist in a "life relationship" with one another through their mutual participation within a given community.*<sup>7</sup>

These communities are constantly in flux: changing, adapting, differing, varying in their emphasis of this practice or that (running disadvantages, presenting hasty gen-

eralization arguments, using thesis statements, etc.). As such, they share the kinds of similarities and differences that any community generates.

The communities, of which judges are representatives, come to dominate the arguments in a debate. As Michael Calvin McGee has recently argued concerning rhetoric--rhetorical acts are constantly being transformed as chunks of "text" reconstructed by their multiple audiences.<sup>8</sup> Hence, to see what goes on in a rhetorical act like a debate, one must view an argument as a fragment of the communities in debate rather than as a textual entity understood in an observable way by the debate critic. As such, persuasion happens not by saying  $x = y$  and  $y = z$  and therefore the judge comes to adhere to it as such (let alone necessarily conclude that  $x = z$ ). Instead, persuasion happens by the judge's unique reconstruction of the debater's arguments. X becomes Z in the judge's mind depending on how the judge conceives of X, Y and Z as well as how the debater presented these arguments, as well as how the opponents responded to the arguments, etc.

Exemplary of how judges reconstruct debates rather than just do what the debaters tell them to do is the judging practices that exist now. Just look at how long judges take to decide many NDT debates. I doubt few reject the argument that reconstruction is occurring in the 1, 2, and even 3 hours of time NDT judges often use to make a decision. The judges use this time (even when it is just seconds after the debate is over) to piece together the arguments in a way they find meaningful, particularly in regard to being able to express a decision which others will find a legitimate reconstruction of what they have done to the arguments and/or skills presented in the debate. Some judges reconstruct (as well as interpret) the debate as being about proving the whole resolution (whole resolution and inductive approaches to the topic), while others focus on the affirmative's ability to prove when the resolution is true (as in a parametrics approach). Even tabula rasa and gameslayer judges engage in this practice. Their practice just attempts to avoid presuppositions about the arguments. But they too construct quite a bit--they focus on the "dropped" arguments and on the "decision rules." These "cues" given by the process of the debate trigger them to construct their decision in a certain way. And it is critical for debaters to appreciate the importance of "cues" if they are to be truly rhetorically

conscious.

As such, debate is not a set of rules or series of logical principles, which when understood fully "tell" a debater how to debate. Analogously, Stanley Fish, in a brilliant rejoinder to Lawrence Fiss, argued that what lawyers and judges do is *practice the law* as opposed to follow what the principles and rules underlying law tell them what is the right thing to do. Legal experts understand the law in their minds as a practice--just as basketball is not principles and rules embedded in a rule book or in the basketball or in a hardwood court.<sup>9</sup> At some point, lawyers as well as debaters come to understand how and when to use refutation, point out logical fallacies, use evidence, address a stock issue, etc. and as their practice continues they gain a richer, more sophisticated conception of what to do in any given round.

#### **A Theory of Adaptation As Adjusting to the Fragmentation of a Debate Round**

The notion that the judge just reconstructs the fragments of a debate raises the question, what should a debater do? After all, if the judge reacts to the whimsy of a "cue" as in a peripheral act independent of the substantive or, in Petty and Cacioppa's term, "central" issues,<sup>10</sup> does not debate and argumentation become an irrational process to which the judge idiosyncratically responds? McGee's commentary offers insight into this concern when he argues that:

*The only way to "say it all" in our fractured culture is to provide readers/audiences with dense, truncated fragments which cue them to produce a finished discourse in their minds. In short, text construction is now something done more by the consumers than by the producers of discourse.<sup>11</sup>*

The fact that the consumer/judge constructs the text more so than the arguer/debater places the arguer/debater in an entirely different role from what we might believe is the case in a "rational" context--especially in a debate. Yet, providing truncated fragments which cue the judge to finish a discourse is exactly what rationality is, or at least should be, about. Aristotle himself argued that emotions, "pathos," were rational insofar as they led the audience to make reasoned judgments. In debates, the often incredible rates of speed, abstract, cryptic and jargon loaded language, etc. lead a judge to construct a decision--to fill in the enthymemes, not only of the arguments--but of the decision as a whole itself. As such, the debater presents the arguments

in the hope that the judge will make a construction favorable to him or her.

Acknowledging the incredible power wielded by a judge's quasi-arbitrary reconstruction of a debate does not mean debaters are left powerless to the whims of judges. Rather, this acknowledgment empowers debaters by making clear the incredible importance of arguing about the reconstruction of the debate. As any experienced debater will tell you when confronted with a judge they "just can't get"--he or she wants to know what to do. When debaters do state what kind of a construction a judge is likely to give to a set of arguments, they create the "workabilities" to go around the incommensurabilities because they have a sense of how to construct and present their arguments so that the reconstruction of what they have presented is in some degree of accord with their side of the debate. When a debater engages in this kind of thought, the debater approaches the kind of rhetorically conscious praxis I call "adapting." But to understand fully the heterogeneity of the debate situation, one cannot fixate on the judge alone as I have pointed out about the importance of debate communities. To be fully "audiencing," the debater needs to conceive of the multiple, fragmented aspects of a debate and attempt to achieve a kind of togetherness which brings together the fragments into momentary union. Here, debaters who are rhetorically conscious conceive of what I call "deconstructions" and "constructibles"--points at which their arguments can become a liability when reconstructed (as in, presenting a disadvantage which the opponent turns for a deconstruction, or for a constructible, reading full source citations to garner judge belief in the source's credibility which leads to credibility for the other arguments, which leads to a belief in the worth of constructing those arguments into a favorable decision.)

#### **Accounting For The Fragments When "Adapting"**

When a debater is adapting, he or she conceives of an audience. This audience, as I said, is composed of all who would listen or who know of what the debater does. This audience engages in the debate process as well, for they will also reconstruct the text and respond in certain ways. As I have outlined, this audience is different from the "universal audience" because it includes more than just the rational and reasonable people; the audience does more than just "check" the arguments--they ac-

tively and perhaps rather arbitrarily reconstruct the arguments; and by virtue of being involved in the debate, fragment and possibly bring together the debater's arguments. Included among those who influence this process are at least debate theorists, topic arguers, partners, and the opponents. The debater's thoughts and actions based on a synthesis of dialoguing with these audiences is adapting. From the adapting, the debater is able to construct arguments in a way that, in as much as is possible, make arguments which lead, cajole, force, persuade, etc. the judge to reconstruct the fragments in a way favorable to the debater.

These audiences influence a debater to consider a variety of ways to coalesce the fragments of a debate into a meaningful whole. In order to persuade the tournament selected judge--the debater needs to envision and offer arguments in a way which the judge could and would use in his or her reconstruction. The key is for the debater to offer "cues" which trigger a judge to do certain things in a round. This begins a kind of "motion" response (in the Burkean sense), though the judge may be conscious that this is happening (like when we are conscious of a doctor testing our involuntary reflexes). To do so, a debater must be cognizant of ways in which other "audiences" of a debate can interfere or assist him or her. Briefly, here are ways in which debaters should reach out to each of these audiences to encourage positive reconstructions of the arguments.

#### **Debate Theorists**

The debater should attempt to make arguments which, in the judge's eyes, will fit the stock issues, organized into the right kind of structure, use logically sound arguments, etc. Done properly, the judge will be able to reconstruct these arguments. Done incorrectly, the judge will not follow the line of thinking in the case. A case without a barrier to the implementation of the plan will fail with some judges who view this, rightly or wrongly, as a *prima facie* element of an affirmative case. In a different situation, good refutation practices could lead a debater to present a solvency attack directly against the affirmative case as opposed to do so off case. This would encourage the judge to engage in the process of comparing the evidence. However, if the negative debater does not want the judge to make this comparison, he or she could present the solvency attack off case. Doing so would reduce the change that the judge would reconstruct the solvency argumen-

tation by comparing the two sides' evidence directly.

#### **Topic Arguers**

The debater should attempt to understand the "field" expectations of the arguments he or she presents, to be ready to answer arguments other scholars would make, to justify the methodologies used, to keep up to date with the latest advancements, etc. Given demonstrations of this knowledge, the judge would be guided by the debater who exhibits expertise in the debate. So, to cue this response, good debaters practice for cross-examination so they can present answers that show knowledge by referring to experts, that provide detailed information about the arguments, etc. Absent demonstrations of expertise the judge spends time questioning the veracity and legitimacy of an argument, loathing the use of incorrect facts in an argument, etc. instead of following the enthymematic motion of the argument.

#### **Partner**

The debater should attempt to adjust his or her position so that it is consistent with his or her partner's arguments, to extend elements of the case so that it can be argued better in rebuttals by the partner, to present certain arguments in a speech so that the partner can rebuild those arguments easily and persuasively in rebuttals, etc. Here, the judge sees teamwork in action--coordinated belief triggering the judge to follow the coordinated effort--to join the team--to be part of the agreement. When, for example, a partner fails to extend criteria arguments, the debater needs to adjust for this so that the judge does not focus on this failure as a basis for deciding the debate.

#### **Opponent**

The debater should skip a position that the opponent is good at, or present a position on which he or she knows the opponent is weak. The debater can present weak arguments in the beginning of a speech and stronger ones at the end in an effort to get the opponent to respond weakly to the last set of arguments because the opponent is likely to spend too much time responding to the first set of arguments. A team could change cases against differing opponents. They could be nice by going slow against a team that cannot speak rapidly or go fast to gain a strategic advantage. They can adjust their style to accentuate differences or similarities. Emphasizing a difference in style, for example, can lead a judge to see the debate as a narrative

involving rude versus courteous characters. Avoiding presenting an issue that opponents would present turns against, prevents the judge from going down a path emphasizing those responses in her decision.

#### **Putting It All Together**

The debater must, then, coalesce these fragmented audiences (who are often in conflict with one another) and seek to provide some way to bring them together into something which the judge can meaningfully reconstruct. To do this, I suggest turning to what Lief Carter has advocated concerning the law. Carter argues that the practice of the law be conceived of as performance--acts designed to fit the authoritative beliefs of a community.<sup>12</sup> He evaluates decisions by assessing whether a performance "create[s] a persuasive vision of a coherent world that in turn makes the case outcome plausible,"<sup>13</sup> and "convince[s] us ordering chaos is doable and meaningful."<sup>14</sup> Debaters should do the same. As I have argued, a debater should conceive a way to get the judge to put the pieces of the puzzle together in a way which will lead him or her to do that very act in a certain way (or, at least a way which will create a puzzle similar to the one the debater wishes to be constructed). Here, the chaos of the disadvantage turns and case takeouts and counterplan permutations, and partner drops, and failure to address an opponent argument, and the need for a stronger link in a disadvantage can be reconstructed so as to make enough meaning for the judge to render a favorable decision. This is the struggle of the debate--to adapt to the changing circumstances brought forth by the fragmentation inherent in debate.

#### **Conclusion**

Debaters should no longer merely change arguments and delivery to adapt, at least in the traditional sense. Instead, debaters should view adaptation as a process of adjustment to a construction of audience in their mind which accounts for the ways in which judges really evaluate a debate--not in an objectively identifiable set of beliefs the judge holds. This debater created conception of audience should reflect the heterogeneous nature of a debate round as a conglomeration of often conflicting audiences which a debater must meaningfully converge in the form of persuasive argumentation. Indeed, what that audience ought to represent is the debater's synthesis of the beliefs and attitudes of at least the judge, opponents, those knowledgeable (*Hanson to page 52*)

*(Hanson from page 10)*

about debate, those knowledgeable about the topic, and his or her partner. This synthesis constitutes the knowing praxis of a debater who is conscious of how to present arguments so as to lead or "cue" the judge into writing a favorable decision.

Two main points arise from my discussion relevant to the role of reason in debate. First, I am arguing that rather than focus on traditional conceptions of "adherence" and what is rational and reasonable (which are fine for identifying what is "philosophically" true--at least in the Perelmanian sense), I am suggesting reason is praxis as engaged in the artful interplay between what we believe and what we know will "happen" when we say what we believe. Reason giving is as much about attempting to influence how others will reason about what we have said as it is about giving our reasons.

Second, I am also suggesting that debaters, as well as argumentation theorists,

need to begin to think how to prevent judges from believing there is a "narrative tie"--two stories exhibiting sound values, good reasons, etc. My suggestion is to examine the things that lead people to begin the process of buying into one narrative over another. It is that momentary cognitive click, that feeling of anger, of support, of seeing how two arguments can be brought together, etc. that brings to the fore a kind of rationality that would not be present had the debater just presented a different argument. Aristotle, as I said, has commented on this process, as did the faculty psychologists (especially Campbell), as do modern psychologists. It is time we rethought the role of how traditionally "peripheral" acts are critical to the central task of influencing decision making.

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<sup>14</sup>Carter, Constitutional

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