

THE D CUTTING E

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This month we take up a procedural issue that was much disputed in policy debates at the Harvard University tournament. In fact, several of the elimination rounds were decided solely on the basis of this issue. And next year's topic on renewable energy promises even more controversies about this issue. What is this important and controversial issue? It is whether the affirmative plan is topical only by its effects or only indirectly -- the "effects topicality" argument.

As long as we choose to debate resolutions that describe what action should be taken according to some desired end -- programs to reduce juvenile crime, policies to increase use of renewable energy -- rather than according to some desired means -- trying juvenile offenders in adult courts, requiring the use of renewable energy sources by government agencies -- we can expect this question to become a major source of clash. Affirmative teams have the incentive to develop case approaches -- such as searching for deadbeat dads or eliminating legal discrimination against juveniles -- that produce unusual advantages and evade or turn the link stories to the most popular disadvantages -- such as Clinton and federalism. Negative teams feel unprepared to withstand the challenges skilled affirmative debaters make to the unevincenced assertions against those advantages and for the disadvantage links. So the argument is extended that the plan -- deadbeat dads or bans on legal discrimination -- is not a *program* to reduce juvenile crime, but only reduces juvenile crime as an incidental effect.

Topicality arguments are most persuasive when they include in-

terpretations of the words and phrases of the topic, explanations of why the plan violates those interpretations, and reasons why the violation justifies a decision for the negative. Let us discuss one example of how the effects topicality argument might be launched against an affirmative plan that searches for deadbeat dads. In this instance, the phrase "programs to substantially reduce juvenile crime" would be interpreted as efforts *intended* by government officials to target juvenile crime. The search for deadbeat dads violates this interpretation because the action is intended to target child support, not juvenile crime. The violation justifies a negative ballot because the negative cannot be expected to be prepared with analysis and evidence to clash with the entire realm of social policy proposals, but only those that crack down on juvenile crime. Also, cases that address juvenile crime only as a side benefit fail to give meaning to "establish a program to" -- the resolution could be worded RESOLVED: THAT THE FEDERAL GOVERNMENT SHOULD SUBSTANTIALLY REDUCE JUVENILE CRIME -- and this grammatical imprecision undermines the communicative training that the activity of debating should encourage.

A careful rereading of the previous paragraph reveals that the argument relies on several exercises in drawing lines or boundaries of distinction among concepts. First, there is the distinction between an intended goal and an unintended effect of reducing juvenile crime. Second, there is a boundary between juvenile crime programs and child support programs. Third, there is a line between preparing to debate social policy generally and juvenile crime policy in particular. Finally, there is a comparison of the resolution with and without the phrase "establish a program to".

As Bill Davis observed in the March *Rostrum*, many judges do not enjoy drawing lines or making subtle distinctions when the result rewards the negative with a decision not based upon the estimation of the probable costs and benefits of alternative policies or even upon arguments that seem "specific" to the context of a particular affirmative plan. But that feeling of dis-

comfort does not deny either the possibility of making appropriate distinctions or the impossibility of avoiding distinctions when judges must decide who has won.

How does the judge evaluate costs and benefits or other competing arguments on a particular plan without engaging distinctions of meaning? If the negative says that their Clinton link evidence should be given great weight because it is specific to deadbeat dads, and the affirmative says that the evidence should be discounted because it is not specific to deadbeat dads, how does the judge decide? If the affirmative argues that their evidence supports their claim that enforcing child support judgements will reduce juvenile crime by enabling juveniles to be fed, housed, and educated, and the negative argues that the evidence does not support that claim, how does the judge decide? More elaborately reasoned assertions can be made by both sides as the debate progresses, but when a round between technically-skilled debaters is over, the alternative to resolving claims of distinction is to credit the argument in full to the last speaker, the second affirmative rebuttalist. Would many judges or debaters be comfortable with this decision?

So the rhetorical problem with the effects topicality argument is not so much defending the possibility of making linguistic distinctions as it is connecting the process of making such distinctions to the judge's beliefs about the educational purposes of the debate itself. When the negative extends the argument, the most productive emphasis is on claims that explain how to apply the distinctions to distinguish topical from nontopical plans and how the failure to credit the negative with the distinction decreases the quality of the debate. The topicality argument becomes more specific to the affirmative plan and explains why the usual process of comparing policy alternatives breaks down in this debate.

The question of distinguishing topical from nontopical plans is sometimes called the "bright line" or "face of the plan" test. How does the negative develop this distinction later in the debate? If the bright line standard is that there must be a statement of intention on the part (Hingstman to Page 36)

(Hingstman from Page 30)

of federal government officials that a proposed program would be targeted at juvenile crime, then the negative can demand that the affirmative produce such a statement of intention. Even better, the negative could read evidence in which government officials catalogue what existing and potential programs are targeted at juvenile crime and then argue directly or by analogy that child support programs are not part of that list. At the very least, the negative should have a lengthy list of popular affirmative cases that do or do not meet their interpretation so that the judge can be reassured that the distinction can be supported with many examples.

Explaining how the failure to credit the distinction hurts the debate requires some creative thinking. By now, most debaters and judges may be bored to death with the negative mantra "removes topic limits, imposes excessive research burdens, destroys negative ground, requires shallow argumentation" to which the affirmative inevitably

responds with its own mantra: "other words limit, avoids topic stagnation, you have positions to run, and breadth is better than depth." Bypass this stalemate by reminding yourself what kind of debate THIS JUDGE would like to hear and why THIS PLAN makes the debate almost impossible IN THIS CONTEST. Why shouldn't the judge expect you to be ready at this time to engage in detailed policy analysis of federal child support policies on a juvenile crime topic?

This is not as hard as it seems, because the answer is usually the reasons why the affirmative chose this case approach in the first place -- the big advantages diverge from the ordinary range of claims on the topic, the plan does not link well to or flips the major disadvantages on the topic, and the nature of the plan makes it difficult to counterplan. While developing a strategy against the case might be possible with a lot of additional analysis and research, the negative would be diverted from spending time on developing and updating positions on core is-

sues of the topic. To make these distinctions persuasively, the negative needs to keep track of what affirmative plans have been advocated during the course of the season so that they can defend what would and would not be predictable at this point. The flood of case and negative argument information available on Internet debate listserves has made this a much easier task than it once was.

Is the effects topicality argument not worth the time required to defend it? Some day you might find it interesting to investigate an analogous problem that the United States Supreme Court has faced in defining whether certain business activities "affect interstate commerce" in a way that recently, many scholars believed that the distinction was dead, but like the legendary phoenix, it has risen from the ashes. Choice may be tragic, but the belief that choice is avoidable can be equally tragic.

(Dr. Hingstman coaches NDT debate at the University of Iowa.)

A JUDGE'S DECISION

by Sonia Mathew

To spew or not to spew - that is the question:

Whether 'tis nobler in the judge's mind to take

Down the arguments and analysis that is often outrageous,
Or to simply just relax and listen to what is said

And, by thinking carefully, make a decision. To analyze, to speak -

Yes more - and by a speech we hear

Clear and concise words, thousands of words

That flesh is heir to - 'tis a realization

Devoutly to be wished. To analyze, to speak -

To speak, perchance to understand. Ay, there's the rub,

For in that understanding, a decision can be made,

When we have looked at what both sides have said,

Must give us an answer. This is the best debate

That we have ever judged.

For who could argue as well as the negative team just did,

Th' negative team was wrong though, the team's arrogance,

The rudeness displayed towards the other side, the team's ignorance,

The acceptance of this attitude by the other team.

This is just not right, they are unworthy of this win.

But, did they argue better with their rude attitudes?

The affirmative team did not make themselves clear enough,

But the final speech mentioned arguments that had been forgotten,

The discovered argument put a twist into the round

Where now we cannot decide who won; it puzzles the mind

And makes us look to our paper to analyze the situation

Than to blindly make assumptions.

Thus conscience does help us make the correct decision

And thus the negative team does win the round

Even though they did not deserve to because of their rudeness.

With this regard we are unsure of the conclusion we have made

And hope that it was the right one.

(Sonia Mathew debated at Portage-Northern (MI) HS)