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**NIX THE NIXONISM:
IDENTIFYING THE PURPOSES OF DEBATE BY UNDERSTANDING
CONSTITUENCY, ACCOUNTABILITY & TRANSPARENCY**

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Introduction

Richard Nixon was the only President in the nation's history to resign from office; he resigned in lieu of an impending impeachment for committing federal crimes.¹ His criminal behavior and indiscretions included using taxpayer-funded federal agencies, such as the CIA, to spy on his political opponents and break into their headquarters (the Watergate scandal).² When the media first published stories about the scandal, President Nixon characterized the reports as false and misleading. And when prosecutors investigated him for committing federal crimes, he and his advisors withheld evidence from investigators claiming executive privilege, essentially arguing that if the evidence were made public, it would pose some "threat" to national security.³

In his resignation speech, President Nixon did not admit any wrongdoing.⁴ But his actions of surrendering his office in light of his looming impeachment spoke louder than his words. He lost the support of the people who put him in office: the voting taxpayers. The voters ceased their support because he misused their tax dollars to maintain his position of power. He further violated their trust by shielding himself from any public accountability. By committing federal crimes

¹ Myint Zan, *The Three Nixon Cases & Their Parallels in Malaysia*, 13 ST. THOMAS L. REV. 743, 759 (2001).

² Carl Bernstein & Bob Woodward, *FBI Finds Nixon Aides Sabotaged Democrats*, WASH. POST, Oct. 10, 1972, at A1.

³ K. A. McNeely-Johnson, *United States v. Nixon, Twenty Years After: The Good, the Bad and the Ugly—an Exploration of Executive Privilege*, 14 N. ILL. U. L. REV. 251, 278 (1994).

⁴ Brian Newman, *Richard Nixon's Resignation Speech*, Mr. Newman's Digital Rhetorical Symposium, Oct. 4, 2010, newmanrhetoric.blogspot.com/2010/10/richard-nixons-resignation-speech.html.

and using public resources for his own personal gain, President Nixon first forsook his constituency, and then rendered himself unaccountable to them.

By forsaking their constituencies and rendering themselves unaccountable, many high school and college debaters are acting quite like Nixon. Like Nixon, competitive interscholastic debaters are guilty of expending their respective constituencies' monies for their own personal gain, which frequently contributes nothing of meaningful significance to their constituencies. So far, debaters and their coaches have successfully kept many of their activities out of their constituencies' views. But the more exotic debaters' speeches and activities become, the higher the risk that those speeches will prompt investigations into the issue at the heart of all (but yet awkwardly missing from almost all) theory debates: why does competitive interscholastic debate exist?

To flesh out the Nixon analogy, the second part of this article identifies debaters' constituencies. The third part explains how debaters and their coaches (like Nixon) sometimes forsake their constituencies and render themselves unaccountable to them. Because any discussion of current practices and customs in debate—including in-round theory debates—is incomplete without seeing the bigger picture of what competitive interscholastic debate exists to accomplish, the fourth part concludes by relying on the principles of constituency, accountability, and transparency to identify the fundamental purposes of competitive interscholastic debate.

Constituency

As the term is used in this article, “constituency” refers to a group of represented supporters or patrons. A constituency, most basically, makes the existence of a particular office or organization possible. Without a constituency, or group of represented supporters or patrons, the representative would have no role. A constituency not only bestows upon its representative the authority and power of representation but also retains the ability to remove the representative's authority and power. Conversely, the representative has the duty to represent the constituency adequately, and it is in the representative's self-interest to do so (at least to the extent the representative wishes to remain the representative).

The taxpaying voters of the United States constituted President Nixon's constituency. Through the Electoral College, the taxpaying voters appointed him to office to represent the country in a presidential capacity. The voters of each state also elected senators who could impeach the president and evict him or her from office if he or she committed federal crimes. The taxpaying voters had the power to (and did) elect President Nixon to office; and they had the power to take the office away from him.

If a constituency is a group of represented supporters or patrons who give a debater permission and the resources to represent it and can withdraw those resources and the debater's ability to represent it, then the debater's constituency is, simply put, the school he or she debates for. To identify the constituency more specifically, the decision makers at public and private high schools and colleges are the schools' administrations. A school's administration permits the school's competitive interscholastic debate program. And for the fortunate, a school's administration also allocates at least some money for a debate team to travel and compete. Even when a booster club or the students themselves fund a debate team, a school's administration can decide not to permit their students to enter debate tournaments on the school's behalf.⁵

One can understand constituency in this context more broadly. A school—the debater's constituency—exists only because it has the funds to operate: to pay faculty and administrative professionals, electrical bills, building maintenance, etc. Without those funds, a team of debaters would have no school to debate for that might also shoulder the team's travel and competition costs. Schools are ordinarily funded through two sources: public funds and private funds. A public school is funded through public funds, which are tax dollars appropriated to the school, as well as tuition in institutions of higher education. Private schools are primarily funded through students' tuition and alumni contributions. Thus, a debater has a primary constituency of the school's administration and the secondary constituencies of the students with whom they go to school, and sometimes—just like Nixon—the voting taxpayers.

Accountability & Transparency

Accountability entails the willingness to accept responsibility for one's acts. President Nixon rendered himself unaccountable to his constituency in two ways. First, he kept his unethical and illegal conduct covert and out of the public eye. Second, once the public became aware of his unethical and illegal conduct, he

⁵ National debate organizations require tournament entrants to be from schools. *See, e.g.*, Article 2, Constitution of the Cross-Examination Debate Association, http://www.cedadebate.org/files/2012_Spring_Constitution.pdf (last revised March 2012) (permitting institutional membership for “any college, university or community college,” and limiting individual membership privileges receiving mail from CEDA); *id.* Article 7, Section 1 (requiring tournament participants “to be officially enrolled, undergraduate students in good standing at the college or university *they represent* in forensics competition”) (emphasis added); Article 3.a of the Constitution, Bylaws, and History, National Forensics League, http://www.nationalforensicleague.org/DownloadHandler.ashx?File=/userdocs/publicDocs/Constitution_Bylaws_History.pdf (limiting membership to an instructor or student of a school); National Catholic Forensics League Constitution, Art. III, § <http://www.ncfl.org/sites/default/files/materials/resources/NCFLConstitution.pdf> (only high schools can be members).

attempted to further conceal it and disparage the honest efforts of others to improve governmental accountability. The lack of transparency was certainly one of the several nails in Nixon's presidential coffin.

Debaters and their coaches are frequently distant from their constituencies. Many debate teams do not actively invite non-debate students, teachers, professors, or administrative professionals at their schools to watch demonstration or practice debates or debates at tournaments. Therefore, there seems to be little transparency for many debate programs because the administration and other students lack opportunities to observe the debate program's activities.

Debate programs that keep themselves insulated from their constituencies rely on their constituencies' unjustified assumption that the existence of those programs is valuable. Just like President Nixon who justified his covert operations on the vague and self-serving grounds of "national security," debaters and their coaches cloak themselves in vague values of "education," "research skills," and "public speaking skills," to justify their existence. But for many administrators, actually seeing the fruition of those skills would garner the desired support that many debate programs seek.

Institutional barriers (spreading, flowing, debate jargon like "spreading" and "flowing," assumption of audience knowledge of the topic, etc.) contribute to the lack of transparency for debate programs. To many lay viewers who have no experience with competitive interscholastic debate, watching a competitive interscholastic debate usually seems pointless to them. If the reader of this article has ever had a friend, family member, non-debate student, or school administrator observe a debate round, then the reader likely has had a similar experience as this article's author. The "outsider" who lacks prior exposure to competitive interscholastic debate usually has a limited range of responses to his or her experience. He or she initially comments, "Wow, you guys sure do talk fast," "Why was the debater gasping for air so loudly?," "I did not really understand what was going on," or "That's *debate*?" Quite simply, modern competitive interscholastic debate is not something outsiders usually care to observe because it is not an activity to which they can relate.

It is a serious problem when a constituency no longer relates to its representative, as the very existence of the representative's relationship with its constituency is threatened. This thought should concern those who still believe in the vague, theoretical rationalizations for competitive interscholastic debate. In difficult economic times, organizations (including public and private schools) are constantly looking for ways to cut wastes of resources. When decision makers

view a particular program as a waste of their organization's resources, support for the program rests on a chopping block.

While the institutional barriers contributing to the lack of transparency only threaten the loss of a constituency's support, the lack of accountability—and the taking advantage of the lack of transparency—risks a prohibition against the program's existence. Unlike Nixon's position, in which it was clear what conduct would violate federal criminal law, debaters have very few, clear rules that govern their conduct. But just because some conduct is not expressly proscribed does not mean that the conduct would not cause an administrator to think, "We're using our school's resources on *this*?"

The Rationalizations

All of these issues make this article's initial question that much more important to answer: What is the purpose of debate? And why does a school's administration—usually knowing little to nothing about the particulars of its school's debate program—permit the debate programs to exist? From the constituency's perspective (*i.e.* the administration's perspective), there are at least three general justifications for having a competitive interscholastic debate program: tradition, prestige, and the purported educational benefits. But upon a more scrutinizing examination, any critically thinking member of the constituency would find these justifications—just like Nixon's purported national security justifications—fictitious. Therefore, these justifications are more properly described as rationalizations.

Tradition is the weakest of the three rationalizations. A practice's simple historical existence does not warrant its continued existence. To use a cliché example, slavery was justified by tradition, among other things. The Supreme Court of the United States has also determined as a matter of law and logic that "tradition" is not a rational basis for continuing a practice or program.⁶ Furthermore, an investigation into the current and dominant practices of debate would reveal that modern competitive interscholastic debate is nothing like what debate has been in the past several decades.

Prestige is also a rationalization for having a debate program. The prestige rationalization is based on the idea that a debate program's successes reflect positively on the school. For many debate programs, the prestige-by-success model fails for many of the reasons previously discussed in this article: most

⁶ See *Lawrence v. Texas*, 539 U.S. 558 (2003) (striking down anti-sodomy laws, rejecting the "historical supported" argument as not a rational basis).

outsiders do not understand modern competitive interscholastic debate; it can be quite alienating to them. Therefore, if and when a success at an interscholastic debate tournament is communicated to an administration, the value of the success is not always fully understood and, therefore, the success can lack meaningful significance to the constituency.

Finally, the educational benefits that debaters and coaches tout—at least to themselves—are overblown. These benefits include the skills of critical thinking, researching, and public speaking. Administrators blindly believe that these educational benefits are materialized, at least to the extent that administrators understand that debate involves some sort of speaking and argumentation. But upon further inquiry, many administrators would realize that many of the educational benefits are—like Nixon’s national security justification for concealing his conduct—thick blankets of smoke in mirrors. Modern competitive interscholastic debate is not a great activity to develop public speaking skills; the competitive aspect, combined with the desire for expert critics, renders the activity exclusive to the outsider who generally has a more honest (even if not informed) view of “good public speaking.” Also, the research benefits are in decline, as debaters tend to over-rely on pre-cut evidence and do not read the sources from where their evidence comes.⁷ Finally, the modern practice of over-coaching for the sake of the win (*e.g.* when a coach dictates the negative strategy and pre-scripts responses) significantly undermines the critical thinking element of debate.

Therefore, many debate programs are currently in a very similar position as pre-resignation Nixon. Lacking transparency, their constituencies are unaware of several truths that would undermine the legitimacy of their representation. An investigation into the modern practices of debaters could threaten the existence of many debate programs, as any investigation’s findings would likely shatter at least some of an administration’s assumptions supporting the rationalizations for funding and permitting the existence of a competitive interscholastic debate program. For the time being, many administrations operate behind a veil of ignorance and likely do not perceive a need to inquire into the conduct of their debate programs. However, the mere lack of transparency and accountability, even if unaccompanied by the betrayal of trust, is detrimental to the existence of debate programs. The question, therefore, remains whether debaters and coaches will voluntarily realign their programs with the actual purposes of debate or

⁷ See Casey Harrigan, *Open Source Debating: A Difficult Decision*, 1 NAT’L J. SPEECH & DEBATE 2 (2013) (explaining that many schools are relying on pre-cut evidence, and that mooching rather than researching can be a downside to the decision to “go open source”).

whether they will—like Nixon in his resignation speech—unapologetically continue their own façades.

This proceeding discussion is likely subject to a couple knee-jerk criticisms concerning the direction of debate and the benefits that it can have beyond the traditional scope of advancing public speaking skills. Such benefits might include the exploration of non-traditional forms of persuasion that are purportedly more demographically inclusive. Before any criticism can be successfully launched, there should be some basis or support for the argument. The thesis of this article is premised upon undeniable facts of how debate programs exist. Any responsive criticism should at least have a similar grounding. The problem with such criticism is that it is—just like Nixon’s reliance on a vague notion of national security—not credible because it is designed to preserve the legitimacy and power of an existing representative faction. It is also unsupported by any empirical studies, and thus, is currently merely theoretical and remains unproven. Finally, the criticism is fatally overbroad in that even if more inclusive or more modern methods of persuasion are valuable, there is nothing about the activity of competitive interscholastic debate that makes it a uniquely positioned event to foster public acceptance of those alternatives outside of the activity.

The Purposes of Debate

The standard for determining what practices should or should not exist in debate is whether those practices comport with and further the purposes of debate. But this begs the question: What are the purposes of competitive interscholastic debate? Thus far, this article has laid a foundation for deriving a methodology for determining the purposes of debate.

The first place to start with facilitating transparency is for the constituency to observe the debate program’s activities. This is likely the biggest hurdle to overcome for more than the reason that there is a large disconnect between debate programs and administrators. There is the institutional inertia of debaters to adapt to a non-specialized audience, which is quite telling of debate programs’ abilities to teach their students one of the most fundamental components of persuasion: audience adaptation. Debaters would likely resist slowing down, dispensing with debate jargon, making arguments that are persuasive to the viewers, and presenting a debate that is inclusive of their constituencies. Without understanding the desires of the constituency, the representative is woefully ill equipped to represent its school and administration adequately. By realigning the debate program’s interests with those of its constituency, a debate program can obtain additional support from its administration and other students. And with that support, the debate program’s self-destruction is much less likely.

Even though many constituencies have their own idiosyncrasies, they all have many goals in common. Because all schools are either private or public educational institutions, they all necessarily have an interest in self-preservation. The primary way in which a school preserves itself is by maintaining a positive image that attracts public support and private patrons. The school—like a debate program and President Nixon—has its own constituency. It is the secondary constituency discussed above: the non-debate students and the taxpaying public. One way that schools promote a positive image is through funding student activities that provide some long-term benefit to the students in the form of marketable (*i.e.* job- or life-related) skills. To the constituency, competitive interscholastic debate is a means to other ends, not an end in itself. To put the point bluntly and accurately (and admittedly, a bit darkly), schools do not operate on the assumption that their students will die immediately after graduation and that the school is merely their students' final playground. Ideally for a school's administration, students gain job skills or life skills from a student activity that assist them in becoming successful individuals who represent the school as a network of alumni. (That is why schools advertise their alumni who have gone on to accomplish great things after high school and college, instead former students who were "really good" at debate and have gone on not to accomplish much more.)

With that background in mind, identifying the purposes of debate becomes much easier. This article has already identified by reference to what the "outsider's" expected purposes of debate would be: to promote skills including public speaking, researching, and critical thinking.⁸ All of these skills are certainly valuable in the job market and in life, and debaters, if they participated in the activity in an honest alignment with their constituency's goals, could capitalize on them. However, debaters have become overly focused on winning and have not stopped to think about why they compete in debate. As a result, debate rounds are filled with incomprehensible styles of speech and arguments that are nonsensical to outsiders. The real purposes of debate would be more easily clarified with increased transparency, as the untainted outsider's view would be invaluable in correcting many of the problems in competitive interscholastic debate.

Although this article is not intended to criticize any particular practice in debate (other than any uncritical acceptance of all modern practices in debate), several practices come to mind when reading and critically thinking about this article's

⁸ The identification of developing research, critical thinking, and public speaking skills as the purposes or goals of debate certainly is not novel. But the foregoing demonstrates why these purposes or goals take precedence over other goals, such as fairness, inclusivity, or topic education, and identifies a standard of what is good or desirable regarding those essential skills.

thesis. Would a school administrator be more impressed by spreading twenty reasons why conditionality is bad, or an impassioned, well-thought-out speech driving home two or three points? Would a student be more inclined to want to join a debate program if the judges explained in their published paradigms that they give affirmative action speaker points arbitrarily based on their subjective views a debater's immutable characteristics?⁹ Would a debater's parents think that it is worthwhile for their child to be focusing her energy on starting a proletariat revolution at a debate tournament instead of her studies in other classes?

A reader of this article might view its proposition as not competitive in an actual debate round. But such a mindset should be reconsidered. Debate is not all about winning; this article attempts to illustrate the bigger picture: debate programs are, ideally, mutually beneficial to both debater and the debater's constituency. And if that consideration were insufficient (and it likely is because it is not fun to lose), the attitude that "Debate styles that are inclusive of the outsider are necessarily losers" is really a criticism of the prevalent judging styles of mandating absolute objectivity.¹⁰

Debaters and coaches have the opportunity to learn from Nixon's mistakes. After increasing transparency for their constituencies, high school and college competitive-interscholastic-debate communities must come to an honest agreement about the actual purposes of debate. When those actual purposes are identified and debaters and coaches commit to those purposes, other practices will eventually be reconsidered. Paradigms will shift, and the standard for good debate—and the modern practices in debate—can shift back into alignment with the goals of the debaters' constituencies.

⁹ See J.L. Schatz, *Activist Judging: A Question of Objectivity and Pedagogy*, 1 NAT'L J. SPEECH & DEBATE 2 (2013) (explaining that some judges give more speaker points to encourage minority participation).

¹⁰ See *id.* (describing the problems with the expectation of absolute objectivity of judges). However, the problems of the drawing only from a pool of "qualified" judges are outside the scope of this article.

ACTIVIST JUDGING: A QUESTION OF OBJECTIVITY AND PEDAGOGY

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The question of judicial activism—defined as judges basing their decisions on personal or political considerations—is nothing new. Nor is it unique to adjudicating debate rounds. There has been no shortage of debate over judicial activism in regards to Supreme Court Justices and their rulings over the years. However, while some decry such activism as interventionist, one ought to remember that “not all forms of judicial activism are bad . . . [since] the Court may be protecting the rights of certain groups and minorities who might have no other source of protection . . . [because when the] Constitution was written . . . [it] provided next to no rights for women and enslaved blacks.”¹¹

Recently the question of judicial activism has leaked into the world of intercollegiate policy debate. Again, it is not that judges are just starting to intervene and take their role in the back of the room as something more than a blank slate. Rather, the debate community is finally talking honestly about such bias in a context that exposes judges’ various subjectivities. While this is something that began from the moment judges started posting paradigms it has hit new heights during the 2012–2013 debate season, where judges began using their paradigms to promote specific activist agendas.¹² Unlike many who contend that such activism hurts the activity,¹³ my argument is that it not only makes it more objective but that it also greatly enhances the education for students and teachers alike.

¹¹ RICHARD L. PACELLE, JR., THE ROLE OF THE SUPREME COURT IN AMERICAN POLITICS: THE LEAST DANGEROUS BRANCH? 28–29 (2001).

¹² For more information, see posts by Rashad Evans, former CEDA Nationals champion and current coach for Western Connecticut University, at <http://www.rwesq.com>.

¹³ For a discussion on the negative consequences of recent judge activism within policy debate, see <http://www.cedadebate.org/forum/index.php?topic=4149.0>.

To begin with, as educators, it is important to realize that the judge's primary role is to educate. Such education can happen through a variety of mechanisms but not all mechanisms are equal. Educators who presume to be objective not only ignore the impossibility of ever truly being objective but also do a disservice to their students who will be forced to live in a world where they must interact with various subjectivities on a consistent basis. Part of the value of debate is learning how to adapt to your audience. If a student's audience is always neutral then they will never learn one of the most crucial skills that debate has to offer. Nowhere in life will their judges be a blank slate. They will always be thrust into a situation that requires them to adapt. Further, the privileging of judge neutrality is something that has been repeatedly exposed as anything but neutral.

Objectivity . . . has long been seen by feminists as gendered, structuring what counts as knowledge[,] . . . which is how it has been defined by particular kinds of people who are male, white, and middle class. An example of such feminist work is that of Donna Haraway, who argues that objectivity was associated in the eighteenth century with English gentlemanly masculinity and his 'enlightenment' quest for knowledge . . . [that] was seen as 'transparent,' independent, rational, and honorable, quite the opposite of the 'feminine' and those who were seen as 'dark,' 'uncivil,' and 'unruly.'¹⁴

This is to say much more than the fact that a traditional approach to objectivity is impossible. Rather, it is to demonstrate that the quest for such objectivity is also undesirable because only some have the privilege to attempt to be a blank slate, while others are constantly forced to confront their "darkness" or gender at all times. They do not have the privilege for their identity to recede into the background in order to adopt a gender or color-blind approach to judging. Nor should they.

But how should judges approach adjudication if they are no longer encouraged to be a blank slate? For starters, it means redefining what it means to be objective.

Donna Haraway writes, 'feminist objectivity means quite simply situated knowledges' . . . [that] helps students learn to 'situate' the assumptions, limitations, and political and social influences of any particular research or creative project. In order to do so, students need to explore gaps in the research questions and representational techniques the traditional

¹⁴ Elaine Swan, *States of White Ignorance, and Audit Masculinity in English Higher Education*, 17 SOCIAL POLITICS: INT'L STUDIES IN GENDER, STATE & SOCIETY, 477, 489-90 (2010).

disciplines have adopted; to learn alternative cultural reading and viewing strategies; and to incorporate into the center of feminist analysis questions concerning epistemology.¹⁵

To a large extent this means that judges who state in their philosophy the ways they will utilize their biases and subjectivity to decide the round, or allocate speaker points, are more objective than judges who claim to be fully neutral but then state preferences for certain arguments. Again, to strive for traditional concepts of objectivity and neutrality as a judge is to ignore the reality that one's knowledge is always already situated. A debate round is a contestation of specific situated identities and knowledge production that must then be evaluated by a critic. To ignore one's role as a situated educator is to deprive the activity of its value because it weakens the honest interaction between debaters and their judge. It is far better to expose one's subjectivity when judging so debaters can learn to adapt than to pay homage to an illusion of neutrality and never give students the ability to adjust.

Of course, there is no shortage of people who believe that if judges became activist that it would lead to self-serving projects that would prevent debaters from ever being able to hypo-test arguments, switch sides, or engage in a competitive activity where judges can be fair. A few things should be kept in mind in regards to these objections.

First, the majority of these activist judges are using their activism to address current injustices that exist in debate. This is why several have begun to use speaker points as a way to increase meaningful black participation in debate rounds.¹⁶ In doing so, current waves of judicial activism expose how activism has always been present in judging but has merely existed in a way that furthers a regressive trend that pushes out performance, advocacy, and critical argumentation.

Second, switch-side debate is not impossible in the world of activist judging. In fact, it forces debaters to switch sides even more frequently because they are required to confront their internalized assumptions about debate and education. Resolutions that focus on a single question and allow debaters to argue "hegemony good" on both sides is not truly a beneficial model of switching sides.

¹⁵ Marjorie Pryse, *Trans/Feminist Methodology: Bridges to Interdisciplinary Thinking*, 12 NAT'L WOMEN'S STUDIES ASS'N J. 105, 115 (2000).

¹⁶ For more information on this subject, see the aforementioned posts by Rashad Evans.

Rather, causing debaters to confront their assumptions and debate in a way that adapts to a diversity of judges does.¹⁷

Third, it does not remove competition from the activity but rather enhances it by allowing debaters to compete over tactics and impacts that most meaningfully affect the judge in the back of the room. This returns to my point of adaptation. Teaching students to adapt to a diversity of judges will better prepare them in later life to compete against others in the job market, in the court room, and for acceptance into grad school.

Lastly, and perhaps most importantly, “because of the degree to which intercollegiate debating participants are attracted by the lure of competitive rewards, efficacious political mobilization . . . may only be possible if activist imperatives are woven into the competitive reward structure itself.”¹⁸ Allowing a space for objective judge bias within rounds turns the ballot into something more than a meaningless piece of paper and enables judges to become the educators they are meant to be. Judging debate rounds from a reflexive position that is situated by one’s identity can best serve this end. It would not only prevent judges from hiding behind the flow but would also cause their disclosure at the end of the round to promote a form of education geared towards making students better people and not just better debaters. When debate is approached from this perspective we will be able to embrace a new form of objectivity that enhances competition instead of dumbing it down by asking debaters to compete in front of a machine.

¹⁷ For more on the potential for alternative models of switch-side debate see <http://www.rwesq.com/the-1nc>, and <http://midsommersnightdream.tumblr.com/post/36263865769/my-decision>.

¹⁸ Gordon R. Mitchell, *Reflexive Fiat: Incorporating the Outward Activist Turn into Contest Strategy*, THE ROSTRUM, Issue 72 (1998), available at <http://www.pitt.edu/~gordonm/JPubs/Reflexivefiat.html>.

OPEN SOURCE DEBATING: A DIFFICULT DECISION

BY CASEY HARRIGAN*

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Open source debating has become a point of significant controversy within the policy debate community. From the National Debate Coaches Association's (NDCA) creation of an "Open Evidence" repository of all summer institute files¹⁹ to the decisions of prominent college debate programs like Wake Forest University²⁰ and the 2012 National Debate Tournament (NDT) champions, Georgetown University, to "go open source," it is clear that the practice has been gaining significant momentum over the past few years. Regardless of perspective, a program's decision to engage in open source debate has significant implications for debate pedagogy that should be considered. This article presents the costs and benefits of an open source approach for programs considering whether to participate.

"Open source" debate draws its name and philosophical approach from the method of computer software development that made code freely available to any person to edit or improve.²¹ The idea, in its most basic form, is that the free market of ideas works and, thus, more collaborators will produce a better product. In policy debate, the term refers to the way that evidence citations are posted and shared after the conclusion of a competitive round. In an open source system, the full text of evidence is freely available for any debate team to view, re-underline or re-tag, or use themselves in unaltered form, even though they may not have originally researched the material themselves. Open source evidence stands in contrast to the previous system of "closed" evidence, in which teams typically posted only citations (including basic bibliographic material) and search keywords, and teams wishing to retrieve such evidence for viewing or competitive use were required to research it on their own.

¹⁹ *Open Evidence Project 2012–2013*, National Debate Coaches Association. <http://www.debatecoaches.org/page/open-evidence-project> (last accessed January 20, 2013).

²⁰ *"Deacon Source" Evidence Repository*, Wake Forest University, <http://deaconsources.wikispaces.com/Wake+Forest+2011-2012> (last accessed January 20, 2013).

²¹ Andrew Grant, *Open vs. Closed Source Software*, 2004, www.scienceinAfrica.co.za/2004/january/software.htm.

For the most part, the decision to “go open source” and post full text evidence citations has been a squad decision: schools have decided to adopt a policy to either entirely participate or to have all of their teams remain closed. While it is possible to conclude that, given the trend toward increasing open source disclosure, that a transition is “inevitable,” the decision about whether to participate carries weighty pedagogical implications and both students and coaches would be well-served by taking the time to thoroughly consider the costs and benefits to the approach.

The primary advantage of open source is that it improves the quality of debate evidence. This effect is multi-faceted. First, as has been clearly demonstrated in practice, open source more widely distributes quality debate materials (from institutes and top-researching teams), essentially drawing the bottom up. Teams that previously had less quality evidence, due to any number of reasons, can draw upon open source material to supplement their own research. In high school, this has meant that many more programs have the necessary material to compete in advanced debates. In college, this has primarily meant that programs have selectively utilized open source evidence to improve the quality of their existing positions. Second, open source provides a filtering function: where poor arguments previously could fly “under the radar” of many teams, in an open source system only one team would have to produce quality answers to a position and, once distributed, it would no longer be successful. In this way, open source could increase the average argument quality in policy debate simply by weeding out poor, counter-intuitive positions. Finally, open source offers the potential for teams to collaboratively create arguments, combining many individuals’ work to create a single “best of” file on a common argument like Growth or Hegemony.

Contrary to this benefit, proponents of closed source evidence claim that there is a problem of freeriding. Instead of fostering collaborative research efforts and new innovative takes on existing arguments, open source may encourage some students to simply rely on evidence produced by others and consume but not contribute to the broader pool of available evidence. For many reasons (time constraints, alternative research priorities, etc.), students may find that the easiest and quickest option is to simply cut-and-paste openly available evidence into their own files, without reviewing it, reading the original article for context, researching extension evidence, or spending time considering ways to improve the argument. If actualized by the majority of open source users, this would not only undermine many of the theoretical benefits of the system, but also contribute to the broader degradation of research skills by providing a convenient short-cut for students looking for a way to win debates but not participate in the difficult and sometimes uninteresting activity of original evidence production.

On this last point, there is significant controversy and disagreement. Proponents of open source cite the elimination of rote, basic research as one of the benefits of the model. Instead of spending time tracking down and processing common pieces of evidence, students could instead use their time to engage in other research, skills work, or activities related to the topic that might provide meaningful and lasting benefits. To those who support the closed system, basic research is valuable: the process of finding evidence, even when seemingly simple to do, is a core skill promoted by debate. Students who are able to use many methods of information retrieval are attractive job candidates and are typically citizens well prepared to participate in an information-driven society.

Regardless of one's ultimate conclusion, it is clear that a program's choice to engage in either open or closed source evidence practices carries significant pedagogical implications. Given this, it is in the activity's best interest—as well as that of the students—that the decision be given careful consideration.