Judge as an Adjudicator

Introduction

Recently, we’ve seen an increasing amount of debate rounds which involve an unspoken tension between an understanding of the judge as an educator and an impartial adjudicator. Broadly speaking, this debate is a question of if the judge has an obligation to prioritize what debaters learn in round or an obligation to impartially derive the correct result from the flow.

As a matter of definition, we will understand the debate as two competing models. The first is the judge as an impartial adjudicator. We would articulate this as the view that the judge has the primary and sole obligation of objectively determining the winner of the round based on the flow. Alternatively, the judge as an educator model is represented by the belief that the judge has a primary obligation to maintain what they believe to be a positive atmosphere by ensuring the round remains safe, educational, and equitable, even at the expense of objective evaluation.

In our view, claiming that the judge is an educator misunderstands the primary nature of debate as an activity, harms the accuracy of the judges’ decision, fosters an improper model of education, and places an unfair burden on the judge.

What is Debate?

In order to determine the most foundational elements of debate as an activity, we must consider what elements are so intrinsic that, without them, we would no longer consider debate to the same activity. By stripping our understanding of debate down to these elements, we can attain a clear picture of what is most constitutive to it, and thus, what the role of its participants are. If it is possible to imagine a version of LD debate absent a particular feature, that feature is merely an external benefit to the act of participating, rather than part of its primary goal.

At its most fundamental level, Lincoln-Douglas debate is a contest between two competitors in which one competitor affirms a given topic for 13 minutes and the other competitor negates that topic for 13 minutes. This contest is shaped by preset speech times, a preset topic, and a winner determined by the “flow,” which is to be kept by an impartial adjudicator. These elements are intrinsic to the nature of debate such that, without them, debate as we understand it would not exist.

We’d like to narrow these elements down to a direct comparison between the two things relevant to our discussion: the determination of a winner and education. Let us first discuss the determination of a winner. High school debate as an event is definitionally a competitive activity. First, every round requires a determination of which debater won and which debater lost; absent that, tournaments would be literally impossible because there would be no metric to determine who advances to elimination rounds, who gets a trophy, etc. Second, the primary incentive for institutions and individuals is competitive success. Institutions often fund practices that are not exclusively educational, and we would argue institutional motivation stems from profit and prestige that is derived from competitive success. In the same way programs dump thousands of dollars into football, soccer, and other competitive activities, schools understand that debate can bring their program recognition, donations, better applicants, and more. All of these benefits of running a debate program are tied to the competitive success of said program - the better their students perform, the more likely they are to instigate more of the above possibilities. This same competitive incentive applies to those who participate: students attend camp, dedicate hours of work, and attend tournaments because of their motivation to perform well. We can empirically see that this is reflected by ‘the meta,’ or the arguments and norms that become popular at a given time. These practices may be somewhat determined by their educational value to the student (for instance, what they enjoy), but primarily they track what is successful. Students emulate those on the circuit that have been previously successful and adjust their arguments based on decisions of judges. For example, it seems highly unlikely that, in reality, debaters’ genuinely believe wording their theory interpretations positively and specifying seven different things in their 1AC is a superior educational model. But, losing on theory against these practices has motivated many debaters to change their practices to meet this interpretation. Third, a sense of objectivity is necessary for any competitive activity. Choose any competitive activity you can imagine, and there is a norm or rule in place that guides the objective evaluation of skill within that activity. For basketball, there’s a scoreboard. For dancing, there is a criteria that is pre-established to determine what counts as a good dancer (feet placement, facial expressions, sharpness of lines, etc). For debate, this criteria is the flow - the recording of the arguments, analysis, weighing, and refutations of each debater. Prior to engaging in or adjudicating competition, debaters and judges are taught that this is how competitive debates are evaluated, and that this metric of evaluation is just as intrinsic to debate as any other of the constitutive rules outlined above. Thus, if debate is a game that requires an evaluation, that evaluative metric is necessary and intrinsic to its proper functioning.

If we were to apply this reduction test to education, we can see that it is certainly possible to imagine a world in which the activity of debate is *possible* absent any requirement to be educational. There are two scenarios in which debate makes perfect sense absent any educational value. First, suppose there was a debate taking place between two omniscient beings, adjudicated by an omniscient judge. Regardless of the nature of the topic, both participants and the adjudicator would know everything there is to know about the topic and could not possibly learn anything from their debate. Despite the lack of any possible education extracted from their conversation, we would certainly say that their contest constituted what we understand to be a competitive debate, given that they were held to a format similar in kind to what we’ve already described. This reduction illustrates that education is not an intrinsic feature to the nature of debate, but is rather a side-effect sometimes produced to the benefit or harm of those involved. One may object that this example is not realistic and is not the same kind of debate that we participate in due to its connection to academia given that it is run by universities and high schools. In the face of this objection, we provide our second scenario that will surely be more applicable to the nature of our earthly activity. In introductory debate classes across the country, students are given prompts without any connection whatsoever to substantive educational values. For example, teachers provide students with debate practice topics such as “Resolved: Pineapple belongs on pizza.” In this example, let’s presume the debaters know what pineapple is and already have the necessary background knowledge to participate in the competition (how it tastes, its(un)relevance to pizza, and the like). Despite having no connection to the real world and what most would consider little - if any - educational value, we would certainly consider this contest of ideas a debate. Once again we can see that the educational value of debate is not constitutive to debate itself, since we can imagine a world in which the activity produced practically no educational value, while still remaining a competitive debate.

Further, even if debate was primarily an educational activity, this would not mean that the judge’s constitutive role is to be an educator. This is best explained by comparing debate as an activity to a math class (something solely meant to be an educational activity). In math class, the actual education occurs from students learning math from a teacher, practicing math, and challenging themselves by applying that knowledge on a test. While the result of that test might motivate the student to pursue studying math more, the grader of the test is not teaching the student math, instead they are simply relaying the outcome of the test to the student. Even if the grader (in most cases the math teacher) acts as an educator in another capacity, the same way most circuit LD judges are also coaches, their role as a grader is solely to produce a result that measures the education already gained. In short, even if debate is an educational activity, that education occurs from the coach (teacher), practicing and researching (studying math), and the act of debating (taking the test). Even if the RFD (result of the test) is educational to the debaters, that simply comes from the debaters getting to see and reflect on the result, not the process of making a decision from information that was imputed on the flow. At this point, some will object that in fact RFD’s are often educational and because the judge educates through the RFD, they must therefore be an educator. Unfortunately, this misses the point for two reasons. First, insofar as the RFD simply describes what debaters did in the round and what led to the decision, it is just an explanation of the grading process and not some form of actively educating students, even if a side effect of this evaluation is educational. Second, it conflates two different types of education. An RFD is designed for one kind of education: strategy. In the same way you would not expect a math teacher to tell your student why they are wrong about the nature of the universe, judges should not involve themselves in the process of substantively altering the views or arguments of debaters. Instead, judges should include information that would enhance the students’ strategic decisions within the context of the round as it happened, incorporating feedback such as “you should collapse on this argument” or “you should have spent less time on this argument.” Under this interpretation, the judge is an “educator” only in the strict sense of informing the student how to achieve a better grade on the test that was already taken, rather than attempting to influence their substantive view of concepts. Third, insofar as the RFD describes what debaters should have done to get a different decision, the judge is no longer a judge but rather an “unsolicited coach” because they are giving out of round advice, as opposed to making a decision. One could argue that this presupposes judging is only “making a decision,” but this seems blatantly obvious. Somebody who flows the round and votes for a winner would be considered a judge. Somebody who tells debaters what they should have done in the round, without submitting any ballot, is at best a coach, friend, or an overly friendly spectator. At its core, the process of judging is not intrinsically educational, regardless of whether or not debate is an educational activity. To claim otherwise is like claiming a Scantron machine is a math teacher.

Harmful Consequences of the Educator Model

Judge Intervention

Given that the educator model is defined by the judge deviating from the flow to validate or invalidate in-round arguments that are perceived as bad for education, it requires judge intervention to function. In most of the rounds where we see the judge attempt to act as an educator, it is through disregarding arguments like Kritiks, Topicality, “frivolous theory”, and “tricks,” because they have been deemed somehow harmful to the minds of students. This model actively skews the evaluation of the correct result of the round, as the educational value of those arguments do not have any implication on their truth value in the context of the flow. This blatantly violates a fundamental feature of debate as an activity, which is that the debater who wins the debate should be marked as the winner of the round on the judge’s ballot. Even if the judge thinks a debater's argument is uneducational, that does not deny that they are winning the debate. Imagine if a high school basketball team outscored their opponents, but lost because the referee determined they had gotten a worse workout and the purpose of high school sports is “physical education.” This would be a clear violation of the constitutive rules of the activity in the same sense that evaluating the educational content of arguments over their truth value on the flow is. Many judges often ask, “What is the impact of this?” Judge intervention is nothing short of disrespectful to the hard work of students who have chosen to educate themselves by writing and reading the position the judge deems ‘uneducational’ by implicitly suggesting that such work was not worth their time and does not deserve to be rewarded with the ballot, despite it being earned. This would be akin to a teacher choosing to lower a students’ grade on a paper because they personally disagreed with its conclusion, despite the paper being extremely well written according to a predetermined rubric. Thus, the judge as an educator model artificially prioritizes an instrumental good of the activity (education) over an intrinsically valuable one (objective evaluation).

Ideological Enforcement

Those who subscribe to the educator model likely also condemn judge intervention as a concept, but with the caveat that they have an obligation to take a stand against arguments they believe are actively harmful to the activity. The issue with this viewpoint is that what is “uniquely bad for debate” is entirely subjective and up to the arbitrary whims of the particular judge. In the debate community, there are judges who believe things such as reading topicality is violent, K’s are cheating, philosophy is racist, and a variety of other polarizing things. In fact, you could probably find all of these people judging at the same debate tournament. We may all disagree over the content of each of these ideas and their merits, but a form of debate that allows for, and actively incentivizes judges to intervene on the basis of their own subjective evaluation of the truth of these arguments is far worse than any benefit gained from a particular instance of rejecting one ideology. If intervening against “un-educational arguments” is justified as a norm, it provides judges with a blank check to enforce ideological biases. When our students have made this argument in debate rounds in the past, we’ve noticed a common response from judges that seems to ask the question “Why does this matter?” In our view, there are several clear detrimental side-effects of allowing the judge to forego the intrinsic model of objective evaluation in favor of a maximization of education (or minimization of bad education). First, it fosters ideological dogmatism in judges and students. In the same way many coaches and judges argue that debaters have to adapt their strategies to judges, we believe judges ought to adapt to students. To understand debate as an equal space for dialogue is to require equal footing between all participants, including the judge. Allowing the judge to decide what arguments are legitimate, worth their time, or educational, teaches students that the judge has an epistemic priority over debaters to determine the validity of arguments and enforces a paradigm that only their understanding of the world is correct. For example, we’ve heard judges who claim an “educator” status call debaters’ arguments “stupid” based solely on the judge’s own understanding of the world rather than the structure of the argument itself. There is a clear distinction between “This argument is bad because it lacks a warrant” and “This argument is stupid because I think it’s false/bad.” Allowing “educators” to make decisions based on the latter sets an example for students that lacking ideological flexibility and argumentative openness is legitimate, and translates into students who become trapped in one way of thinking, making them uninterested in what others have to say. This leads to the second, related issue with this paradigm: it is the basis for ideological fascism. This is to say that, students and judges accept that authority figures can determine the goodness/badness of ideas based solely on their position, they do not have to listen to the views of others, and they have an obligation to enforce that conception of the world onto them. These three ways of thinking have been the foundation for political violence for centuries, and while the content of those instances of political violence can be debated, the procedure by which those ideologies manifested themselves cannot. Historical examples the manifestation of this attitude include religious persecution, indigenous linguistic erasure, and physical genocide. Thus, in attempting to provide good substantive education, judges endorse a paradigm of education that is actively harmful for students and the activity as a whole.

An Unfair Burden on Judges

 Perhaps one of the most under-discussed problems with the educator model is the burden placed on the judges in the activity. Implicitly included within the concept of the judge as an educator is the judge having an obligation to ensure safety and comfortability within the space. We argue this places an absurd and unfair burden on judges who are often not equipped to handle this kind of responsibility. We have judged and witnessed several rounds in which debaters appeal to the judge’s nature as an educator to demand action from the judge on a particular issue relating to the identities or unique safety concerns of the debaters involved. There are two scenarios to consider. The first is a safety concern that does not directly clash with or take into consideration the identity of another debater. We can imagine this claim to be along the lines of: Debater A made X argument that made the round unsafe for debater B, and should lose for doing so. The burden is then placed on the judge, according to the educator model, to decide how to proceed. The judge then has an obligation to determine the severity and legitimacy of the safety concern, how to proceed, and what to say to each debater. This type of safety concern is something that actual educators are trained to do, practice, and perfect over years of teaching. To expect a college student, parent, or random volunteer to take on this responsibility is clearly unreasonable, not to mention something they did not explicitly agree to do when committing to act as an adjudicator of a debate round. The second scenario is a direct conflict between two debaters’ personal claims of safety in the form of argumentation in the round. Take the following example: Debater A claims that reading X argument is a voting issue because it caused them psychological violence, and debater B claims that reading X argument is key to resolving their own form of psychological violence. In a world in which the judge is expected to be an educator and care about safety and inclusion prior to anything else, the judge is then expected to be able to resolve what claims of psychological violence are legitimate, and navigate a solution to resolving the conflict. This places an absurd burden on judges, as most are unequipped and poorly suited to resolve this issue, both personally and professionally. It also fails to consider the personality of the judge, who may themselves be uncomfortable resolving these types of disputes. In either scenario, the objective and respectful way to resolve such disputes is to revert to the adjudicator model. Rather than demanding the judge personally conclude the level of these concerns, determine their legitimacy, and decide on a course of action, the adjudicator model places those decisions on the flow - ensuring the debaters themselves have full control over the decision and how to proceed.

In Response to Safety Concerns

At this point, we assume the most pressing concern for those who disagree with this article will be the question of safety for students. By safety, we mean to narrow our focus on acts of in round exclusion that by the perception of a student or judge, makes the round hostile, unsafe, or otherwise uncomfortable. We propose the following arguments that the model of debate we’ve proposed is best to deal with these circumstances.

First, and perhaps our most controversial: arguing against bad practices is pedagogically valuable, even if we were to take up an educational approach to resolving these issues. What we mean here is that the real world can be a very difficult place - there will be people in life that disagree with your most basic moral principles, are hostile in their interactions with others, and will attempt to make others uncomfortable. As educators (presuming this position is correct), it is actively valuable to teach students how to handle these situations and justify their reasons for why they believe certain rhetoric, orientation, or reasoning is wrong. There are two valuable skills to be gained from doing so in a controlled environment, and we argue that the benefit of stopping the round can still be gained from allowing it to continue. First, being able to justify why things like racism, sexism, anti-semitism, and the like are morally abhorrent is extremely valuable. When students come across those who disagree with their most fundamental moral values, being able to articulate why their values are legitimate is necessary to being able to convince others: both in terms of those listening to the conversation, and those who disagree within the discussion. If students’ are trained to rely on a third party to settle the dispute, or do not develop the skills to justify their position, they will lack the skills required to articulate themselves well and convince others. This skill, as would argue, is the most basic education that debate is designed to provide to students. Assuredly those who oppose this view would respond with a concern that arguments that we would intuitively believe are bad will win rounds, but this seems highly unlikely. Given that these arguments are generally blatantly false (i.e. oppression good), the degree to which a response is required is extremely low both in quality and quantity. Regardless of how long a 2NR spends on attempting to win such an argument, a true response explained in the 2AR wins every time. The second benefit is that it prepares students for the real world by allowing them to stand up for themselves, confront those with opposing views, and remain poised in those confrontations. Those who disagree with this approach will surely argue that there is a need to teach the student who made the round unsafe/uncomfortable that what they did was wrong. We would say there are several ways this can occur after the debate has occurred. First, lessons on these situations can just as easily, and perhaps more effectively, be administered after the round in the RFD. Rather than preventing an open and honest discussion between competitors, and stopping the round to scold the students, judges can approach the topic after the context of the entire debate and inform the student of their views of the situation. In addition, judges should be encouraged to reach out to the coach of the students so that the discussion can be had with the appropriate educator, rather than the judge. This lesson can also be reflected in speaker points being used as a deterrent, insofar as the reason for the speaker points is articulated on the ballot or in the RFD.

Our second concern is that it is nearly impossible to determine the legitimacy of these claims absent an adherence to the adjudicator model. What we mean to say here is not that we should suspect every debater of accusing their opponent of being unsafe for the ballot, but rather, the competitive incentive outlined above assuredly motivates some students to do exactly that. In a world where judges believe any claim that the round is unsafe is sufficient to stop the round or grant a win to the other team, competitors will be incentivized to accuse other competitors of doing so unjustly and with increasing frivolity. Due to the lack of substantive check on these accusations absent the flow, a world in which judges do not hold themselves to the flow justifies students doing things including but not limited to: lying about the truth of their unsafety, rushing to the margins of what could be considered unsafe and in the process legitimizing actual claims of unsafety, and appealing to the judge’s particular conceptions of what is unsafe in particular rounds for ballots. All of these practices would have detrimental effects on the health of students being wrongly accused, the integrity of the activity, and the legitimacy of actual claims of violence.

Third, we would advocate for shifting the burden of responsibility for these instances onto the tournament itself to ensure a clear set of guidelines for misconduct, a predetermined mechanism to deal with it, and a way for the educator model to avoid the two problems we’ve already laid out. In the same way judges as act referees for the sport of debate, tournaments and institutions that run them act as the leagues. In the same sense the power of the referee is constrained by the rules of the league, and the league will directly issue guidelines for punishment, tournaments can adopt guidelines for appropriate behavior. We would argue this is a better model for safety. Not only does it ensure better outcomes because the lack of judge training makes it increasingly likely these situations are dealt with ineffectively, it avoids the problem of judge intervention, ideological enforcement, and an unfair burden placed on judges layed out in the sections above, and provides institutional pressure to make debate a better activity that reflects the values of its competitors. This makes it much more likely we see uniform procedures with clear accountability and conduct guidelines that competitors and judges can be held accountable to.

Conclusion

Despite rising belief that the judge is and should act as an educator, we have outlined our case that this understanding of debate is misguided. Primarily, it misunderstands the intrinsic nature of what debate is and artificially inflates an instrumentally valuable side-effect of the activity above an intrinsically valuable constitutive feature. However, we believe that in pursuit of the educator model, judges disrespect the value of debaters within the activity, enforce a much worse model of education, and place an unfair burden on themselves and others in the process. While it is obvious that debate needs some level of decency among its competitors, viewing the judge as an arbiter of safety disputes misunderstands their role and acts as a detriment to the activity and those who participate.

Perry Becket and Stephen Scopa