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ORIGINAL ARTICLE

Thoughts on the Use of Evidence in IPDA from a Legal Perspective

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IPDA debaters often misrepresent how judges should weigh evidence in a typical round. First, IPDA debaters sometimes insist on proof beyond a reasonable doubt. This standard is rarely appropriate anywhere outside of a criminal trial. Rather, the appropriate standard, and one that should be embraced by IPDA debaters, is preponderance of the evidence. Debaters may fear this standard because it requires the use of evidence, but those fears would be alleviated by taking a much broader view of what constitutes "evidence." In addition, IPDA debaters should refrain from conflating the terms "evidence," "sources," and "citations." This paper examines these three issues through the lens of the law.

Lawyers are trained to create and evaluate arguments on an advanced level. This education gives insight into debate rounds. This insight reveals bad argumentation practices within IPDA debate with respect to the evaluation of evidence. These bad practices might be the result of a misunderstanding about what evidence is and how to use it. Therefore, this brief article will cover three major problems in IPDA and how they ought to be resolved by debaters and judges. First, this article will discuss the level of proof necessary to win a debate and how it is often misconstrued and misapplied in some IPDA rounds. Second, this article will discuss evidence from a legal and debate standpoint. Finally, this article will look at the conflation of evidence, sources, and citations in a typical IPDA round. Ultimately, the goal of this article is to reduce the misuse of arguments regarding the level of proof necessary to win IPDA rounds while at the same time encouraging the IPDA debater to encourage a broad concept of "evidence" in IPDA rounds.

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The Problem with "Beyond a Reasonable Doubt"

In many IPDA rounds, the debater on the negative will say something similar to, "My opponent has not shown you beyond reasonable doubt that the resolution is true, therefore I should win the round." There are variations of this involving some level of doubt (such as "beyond a shadow of doubt" or "beyond all doubt"), but the crux of the argument is that, because the judge cannot be absolutely certain that the resolution ought to be affirmed, the negative should win the round. This argument does not belong in a debate round.

Like many negative aspects of society, television is to blame.[2] The popularity of courtroom dramas on television have influenced how people view our judicial system. For example, Eatley, Hueston, and Price (2018) write about a phenomenon known as the "CSI effect," or the idea that "televised portrayal of forensic investigations creates, 'unreasonable expectations on the part of jurors, making it more difficult for prosecutors to obtain convictions.'" They further explain, "Most people do not study the law or read scholarly legal sources, but instead obtain most of their education about the legal process from television. . . . Many of those stories and the morals and lessons they impart inevitably create preconceptions." Therefore, it should be no surprise that television would also shape one's view of what is necessary to prove one's case.

When the American legal system is portrayed on television, it is usually in the context of criminal law. In 2009, the American Bar Association published "The 25 Greatest Legal TV Shows." This list included "Perry Mason" (No. 2 on the list), "Law and Order" (No. 4), "The Practice" (No. 5), "Night Court" (No. 10), "Shark" (No. 14), "Law and Order: Criminal Intent" (No. 17), "Murder One" (No. 18), "Matlock" (No. 19), and "Law and Order: Special Victims Unit" (No. 21). Ironically, number 20 on the list is "Reasonable Doubts." If it were updated today, we might add "How to Get Away With Murder" to the list. With this exploration into criminal procedure, the phrase "beyond a reasonable doubt" is part of American vernacular. As explained by the Supreme Court of the United States in *In re Winship* (1970), beyond a reasonable doubt is a very high standard of proof:

> The requirement of proof beyond a reasonable doubt has this vital role in our criminal procedure for cogent reasons. The accused during a criminal prosecution has at stake interests of immense importance, both because of the possibility that he may lose his liberty upon conviction and because of the certainty that he would be stigmatized by the conviction. Accordingly, a society that values the good name and freedom of every individual should not condemn a man for commission of a crime when there is reasonable doubt about his guilt.

This very high standard is required in all criminal cases. "It is that state of the case, which, after the entire comparison and consideration of all the evidence, leaves the minds of jurors in that condition that they cannot say they feel an abiding conviction, to a moral certainty, of the truth of the charge" (*Commonwealth v. Webster*, 1850). The beyond-a-reasonable-doubt standard is intentionally designed so that if there is a risk of an erroneous verdict, that risk will favor the accused.

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[2] Note the sarcasm . . . or not.

It is rare, however, that the beyond a reasonable doubt standard is used outside the criminal context. To be sure, there are exceptions. For example, some states require proof beyond a reasonable doubt before termination of parental rights.[3] Also, when a beneficiary under a will helps procure that will, then there is a presumption that the will was created under undue influence, and the beneficiary of the will must establish beyond a reasonable doubt that the person writing the will did so of his or her own free will. However, the author is unfamiliar with any television show that has addressed these issues. It is unlikely that the average television viewer will see "beyond a reasonable doubt" outside of the criminal context. Outside of criminal law and these few examples, the bar is not supposed to be that high. Instead, most civil cases are judged on the preponderance-of-the-evidence standard.[4] The standard is explained in the *Corpus Juris Secundum*:

> The preponderance-of-the-evidence standard of proof requires that the factfinder determine whether a fact sought to be proved is more probable than not, and essentially allocates the risk of error equally among the parties involved. That standard is relied upon where the law is indifferent as between plaintiffs and defendants but seeks to minimize the probability of error, because the parties share the risks of an erroneous verdict in roughly equal fashion. The preponderance-of-the-evidence standard applies to all the evidence in the case, both that introduced by the plaintiff and that introduced by the defendant.

If two people get into an automobile accident and dispute the cause of the accident, the person ultimately filing the lawsuit will only have to satisfy a court by a preponderance of evidence that the defendant caused the accident. This is similarly the case if the parties are litigating over the enforcement of a contact, an illegal employment practice, or a property settlement upon a divorce.

Before getting to why "preponderance of the evidence" is preferable to "beyond a reasonable doubt" in a debate round, one must go back to the concept of burden of proof.

The general analysis holds, that in the scrutiny and construction of propositions, disputants challenging the established order—the affirmative—incur a burden to prove their case, whereas those defending the *status quo*—the negative—benefit from the presumption that the present system is free from serious error. (Sproule, 1974)

An alternate definition of burden of proof is "the obligation resting upon one or other of the parties to a controversy to establish by proofs a given proposition, before being entitled to receive an answer from the other side" (Branham, 1991). In reviewing the idea of burden of proof in twenty-six texts, Sproule (1974) found a common theme:

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[3] For those unfamiliar with "termination of parental rights," it is exactly what it sounds like. In cases of child abuse or neglect that has the potential to cause irreparable harm to the children, states have the right to terminate a parent's right to raise his or her children. This occurs in extreme cases where it is impossible to reunite the family and the court decides that termination is necessary to provide the child a sense of permanence.

[4] In a small number of cases, proof must be by clear and convincing evidence, an intermediate standard between preponderance of the evidence and beyond a reasonable doubt. "Evidence is clear and convincing if it places in the factfinder an abiding conviction that the truth of the factual contentions is highly probable, or if it produces in the factfinding a firm belief or conviction as to the allegation sought to be established." (Clear-and-convincing evidence, 1996)

"the burden of proof requires the affirmative to establish a preponderance of proof in each area of issue; the affirmative accomplishes this, initially, via a *prima facie* case." Branham (1991), relying on case law, notes, "the plaintiff is the first to begin, and if he does nothing he fails. If he makes a prima facie case, and nothing else is done by the other side to answer it, the defendant fails."

If Sproule's textual analysis is unconvincing, then one ought to look at the idea of the prima facie case and the allocation of risk. A *prima facie* case is "complete and sound 'on its first making' and that fulfills the burdens of proof implicit in the proposition" (Branham, 1991). Assuming that the affirmative meets his or her *prima facie* burden, the question then becomes how much refutation should one expect from the negative to meet the burden of rejoinder? The beyond-a-reasonable-doubt standard would put that standard unreasonably low for a debate round. In a criminal trial, if there is a *reasonable* possibility that the defendant is not guilty, then the jury has a legal obligation to acquit the defendant. The law is adamant about not putting an exact percentage of certainty regarding what is necessary proof beyond a reasonable doubt. No legal scholar would put that percentage at one hundred percent, but many scholars would say that the correct percentage is close. It is an appropriate standard for a just society in the context of a criminal trial, but that bar is too high for an affirmative debater.

The preponderance-of-the-evidence standard places the affirmative's burden at exceeding-fifty-percent certainty. While it may be preferable to accord deference to the criminal defendant and maintain a margin of error against his or her conviction, there is no justification for allocating more of the risk to the affirmative in a debate round. As mentioned earlier, the preponderance-of-the-evidence standard allocates the risk of uncertainty equally. This gives both debaters an equal chance of winning the round before coming into the room.

For resolutions of fact and resolutions of probability,[5] preponderance of the evidence should be the "go to" weighing mechanism for judging the round in most cases.[6] For resolutions of value and policy, debaters may use other weighing mechanisms like cost-benefit analysis or utilitarianism, but even those weighing mechanisms have elements of "preponderance of the evidence" baked in. For example, when deciding between the death penalty and life imprisonment, a debater may purport to use cost-benefit analysis to sway a judge to his or her side. However, when trying to weigh the subjective costs of either option (a need for punishing the offender, the effect of the given punishing on society, justice for the victim and the victim's family), there is still the idea that these factors more likely than not support a policy.

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[5] Harper (2015) argued that some resolutions do not fit the traditional debate trichotomy of fact, value, and policy. He proposed the phrase "resolution of probability" to cover resolutions that challenge debaters to discuss what is to happen in the future (such as "The San Antonio Spurs will win the NBA Championship next year" or "President Trump will be reelected in 2020").

[6] Other forms of debate use the term "criteria" to describe the method the judge should use for deciding the round. There may be some IPDA debaters, particularly those with experience in other forms of debate, that may use the term "criteria." The phrase "weighing mechanism" has been used enough at least in the author's region of IPDA that it is the preferred term here. For the purposes of this article, "weighing mechanism" and "criteria" may be used interchangeably. However, an article discussing the use and application of "weighing mechanism" and "criteria" might be in order.

What is Evidence?

By adopting the preponderance-of-the-evidence standard, a debater needs (*gasp*) evidence. Debaters who rely on more "rhetorical" arguments may fear this standard because they may believe that they cannot meet this standard. They are wrong, and their error stems from a limited understanding of what constitutes evidence.

To be certain, this article is not advocating for IPDA to become a battle to see who can throw out the greatest quantity of evidence. Rhetorical delivery is one of the pillars of IPDA, and there is the expectation that its practitioners rely on Aristotle's modes of ethos, pathos, and logos. This fits within the preponderance-of-the-evidence standard.

Black's Law Dictionary (2014) defines evidence as "Something (including testimony, documents, and tangible objects) that tends to prove or disprove the existence of an alleged fact; anything presented to the senses and offered to prove the existence or nonexistence of a fact." The *Corpus Juris Secundum* elaborates on the broad nature of evidence:

> Evidence, broadly defined, is the means from which an inference may logically be drawn as to the existence of a fact; that which makes evident or plain. Evidence is the demonstration of a fact; it signifies that which demonstrates, makes clear, or ascertains the truth of the very fact or point in issue, either on the one side or on the other. In legal acceptation, the term 'evidence' includes all the means by which any alleged matter of fact, the truth of which is submitted to investigation, is established or disproved. 'Evidence' has also been defined to mean any species of proof legally presented at the trial of an issue, by the act of the parties and through the medium of witnesses, records, documents, concrete objects, and the like.

Branham (1991) provides a number of examples of what should be considered evidence, which include "examples, scientific or personal observation, statistical analysis, or the opinions of experts." The broad nature of evidence is also recognized in the IPDA bylaws, which authorize the use of reference materials in preparing for rounds. These materials explicitly include "extemporaneous speaking type files, dictionaries, reference books, libraries, *or anything else for that matter*" (emphasis added by author) (International Public Debate Association, 2015). In short, if the information provided by a debater tends to support or negate the proposition being debated, then it is evidence.

For a while, this author heard many IPDA rounds where debaters purported to use "preponderance of logic" as a weighing mechanism for rounds. Rarely could a debater explain what this meant. A Google search of the phrase "Preponderance of Logic" in March 2019 yielded thirty-five results before getting to the warning that Google omitted entries with those similar to the ones displayed. And none of those entries were particularly helpful in getting a solid definition of the phrase. The best response that the author can recall regarding the meaning of "preponderance of logic" is "whichever side makes the most logical sense." Logic, however, ought to already built Aristotle's rhetorical doctrine Hopefully, there is an element of logic already built into the argument. Asking the judge to expressly use logic in deciding the round

seems unnecessary. The author suspects[7] that "preponderance of logic" became popular (and "preponderance of the evidence" avoided) because some debaters feared either that they did not have enough evidence to win the round or that the judge would otherwise reject arguments that were not strictly backed up with what would constitute a narrow definition of evidence. With a broader view of what constitutes evidence, however, those fears ought to be lessened, and debaters should be more confident by the concept of the preponderance of the evidence.

All evidence, however, is not equal. Another scholarly article could be written on the different types of evidence that could be presented in a debate round and the relevant weight each could theoretically be given in a round, all other things being equal. But to provide one example, a type of evidence that is often derided in debate rounds is anecdotal evidence (evidence that comes from personal observations and experiences). Many debaters and judges may patently reject this evidence because they believe that the evidence is not as strong as other forms of evidence, such as scientific study, statistical analysis, or expert opinion. This might be a valid reason to reject the evidence in some rounds, but those reasons often have more to do with the quality of the available evidence rather than the fact that the evidence is anecdotal. If used properly, anecdotal evidence in the proper round can be a great tool to help the debater win the round.

The problem with anecdotal evidence is not with the evidence itself. Rather, it is often with how it is used. When a debater uses anecdotal evidence, that debater often implicitly assumes that everyone has common experiences when it comes to that evidence. By way of example (not a debate example, but hopefully the analogy will get the point across), the author at one time had an assignment where his students wrote papers criticizing laws that they did not like. A lot of students argued against having seatbelt laws, and they would often support their paper by referring to a story they once heard where someone was injured by the seatbelt. Those students would argue that, because there is a chance of injury with seatbelts, people ought to have the choice whether to wear them or not. These papers got low grades, not because the evidence used was unacceptable, but because it was incredibly weak in the face of the evidence that seatbelts save lives (National Highway Traffic Safety Administration).[8] The single datum point of one accident where the seat belt operated as a hinderance substantially outweighed by the other data points where the seat belt reduced injuries or fatalities.[9] Maybe some of those papers would have been better with an argument that, while there is a risk of injury in a small number of cases, the driver should have the right to make that call without government interference; but the author does not recall an essay that made that argument effectively.

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[7] In speculating, the author concedes that this may make the propositions being made in this piece weaker.

[8] A citation ought to be unnecessary to note the benefits of seatbelt use, but given the complaint being made here, at least one reader would point out the irony of a lack of citation if one were not provided here.

[9] In reviewing this article, IPDA Journal editor Chris Duerringer provided a witty comment that I believe bears mentioning here: "Despite the common witticism, in some cases, the plural of anecdote is data. If I don't like a restaurant because I had a bad meal there, that's a shame but not proof that the restaurant is bad. If the restaurant has a one-star rating on Yelp after 700 reviews, that might be pretty good proof that it's a bad restaurant."

Anecdotal evidence has a place in IPDA. IPDA values effective rhetorical delivery. This article has already discussed logos, but one cannot forget Aristotle's other modes of persuasion: pathos and ethos. While IPDA debaters should not succumb to the logical fallacies of appeal to authority and appeal to emotion, the effective use of anecdotal evidence may be an effective tool in persuading a judge. Debaters cannot just rely on the story itself as the argument or evidence the evidence in support the argument. Rather, debaters must bolster the credibility of that evidence. They must show that their stories are not isolated incidents, but examples of everyday, shared experiences of life. Taking it one step further, if the debater can evoke a memory or experience that the judge likely has, that experience might lead the judge to vote his or her way. Hobbs and Arellano (2017) justify the use of pathos within IPDA and note its many purposes: putting the judge in a state of mind to accept the message, providing emotional warrants for the argument, providing a "catalyst to action," creating balance with logos and ethos, and promoting real-world persuasion. That last justification is so important that Hobbs and Arellano's further elaboration is worth noting:

> People are motivated by their emotions, wants, and needs. To believe that debate should be characterized by logic alone is living in a fantasy world. The nature of words themselves should teach us that emotions can not be separated from logic as words have both denotative (logical) and connotative (emotional) meanings. According to the IPDA Constitution, "The speaking style of the top Public Debaters should be highly effective when transferred into real world settings."

While logos provides the judge a reason to vote for the debater, savvy debaters should not ignore ethos (which makes the judge want to vote for the debater) or pathos (which makes the judge feel good about voting for the debater). The author is experienced enough that he has voted for many arguments that he did not like on an emotional level. Regular people, however, will not always be able to turn off that switch.

But if debaters are going to tell a story and use that as evidence, then they should do so properly. Hobbs and Arellano (2017) rely upon Walter Fisher's work on the rhetorical power of narrative to provide guidelines for good storytelling in a round.[10] Fisher instructs that a good story is judged "using the principles of probability and fidelity." The principle of probability helps determine whether the story makes sense and should be guidance for future decision-making. The principle of fidelity helps determine whether the story should influence us due to it being consistent with common values. As previously stated, if anecdotal evidence is to be used, it needs to be bolstered. The debater bolsters that evidence by relating that experience to common experiences that common people have, then by explaining why that common experience should help govern the decision to be made in the round.

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[10] The reader should go to Hobbs and Arellano's article for full instruction. For now, listing their seven guidelines should suffice: (1) carefully choose your words, (2) tell compelling stories, (3) pick one's motivations carefully, (4) avoid the logical fallacy of emotive language, (5) use a variety of motivational appeals, (6) use pathos ethically, and (7) consider the risks involved in using personal appeals.

This experience is used in the courtroom as well. Jurors are not expected to ignore their own common knowledge when rendering a verdict. Rather, they are instructed that they "have a right to consider all the evidence in the light of [their] own observations and experience in the affairs of life" (Arkansas Supreme Court Committee on Jury Instructions--Civil).[11] So, consider the following: a person walks out of a building and goes to his car in July. He observes that the ground is wet and that there are several puddles on the ground. He looks up and sees several dark clouds. He recalls hearing thunder while he was in the building. All of this is evidence that it rained while the person was in the building. There could be other explanations for the conditions (freak summer snow storm, busted water main, impromptu water balloon fight), but common experience leads to the most likely conclusion that it rained. Further, there may exist better evidence to establish what weather conditions existed at any point in time, such as actually seeing the rain. However, based on everyday experiences, many people would accept that the forgoing is valid evidence that liquid precipitation fell from the sky at some point before the person exited the building. Scientific evidence ought to be unnecessary.

Debaters should not shy away from using arguments because they are based on common experiences and observations. The evidence does not have to be backed up by scientific study or expert opinion to be useful. Of course, some evidence is better than others, and part of debate (and litigation) is having better evidence than the opposition. But if the information presented in the round helps support or oppose the resolution, it is indeed evidence. Debaters and judges ought to have this expanded view in mind when considering arguments in a round.

At this point, an IPDA purist might worry about the rabbit hole that leads to evidence-dominant forms of debate (the road to CEDA or NDT, as many would derisively say).[12] This discussion of evidence in IPDA should not lead to preparing four-by-six index cards, ready to be pulled out for the appropriate round. To be clear, the author would hope for the opposite. By opening up the idea of what can be used as evidence, the author hopes to move debaters away from strictly using studies and other forms of empirical evidence. A broad concept of evidence increases the rhetor's toolbox. Hopefully, rounds can become less about the evidence itself and more about how it is used in the round.

Further, debaters should be reminded that a debater should not be judged only by the quantity of the evidence presented. A round judged by the preponderance of the evidence is not won by the debater that presents the most evidence. The quality of that evidence even more important; a single piece of evidence can outweigh ten pieces of evidence if it is sufficiently strong enough. And debaters must train themselves to bolster the evidence they present in the round (and to undermine the evidence their opponents present in the round).

The Relationship Between Evidence, Sources, and Citations

This leads to another observation about IPDA rounds. While best practice instructs a debater to provide a source for arguments and evidence presented in an IPDA round,

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[11] While this is a quote from the Arkansas instructions, the reader can be reasonably assured that courts in most jurisdictions instruct their jurors similarly.

[12] To be clear, the author considers himself to be an "IPDA purist."

debaters will often ask a judge to reject an argument for no other reason than his or her opponent failing to present a citation. Some judges accept this argument. This should not be happening.

Part of the problem could be that some debaters and judges fail to distinguish between "evidence" and "sources" or "citations." For example, if one were to consider a round where a debater is supporting the abolition of the death penalty, one common argument would be the possibility that an innocent person could be wrongfully executed. A debater and a judge should accept without need for citation that innocent people have been executed. Similarly, the failure to provide a citation should not be the sole reason for rejecting that piece of support.

At the same time, most debaters would acknowledge that the argument could be better. Some may believe that the possibility of executing an innocent person is too remote or insignificant to consider it in an argument on abolishing the death penalty. Here, something a bit more specific and the source of that information helps bolster the credibility of that evidence. So, if this were a debate round, one might note a 2014 study from the *Proceedings of the National Academy of Sciences* that estimates that one in every twenty-five people on death row are innocent and that, from 1973 to 2014, there were 144 exonerations (Levy, 2014).

Depending on how one chooses to structure the argument, specific evidence may be unnecessary. (If a debater has more specific evidence, he or she should still include it.) For example, if one were to depend on a more deontological argument, one premise might be that, even in a world where the death penalty is arguably ethical, it would be wrong to put an innocent person in a position where he or she might be executed for a crime he or she did not commit. One would continue by noting that, while our judicial system is the best in the world, it is still deeply flawed. Given the flaws in that system, one cannot rule out the likelihood that innocent people are put at risk of being executed. These premises can be accepted without citation. Again, it is not best practice, and a good debater will have more support to back up these premises, but these premises ought not be rejected solely because they lack a citation.

But to get back to the example above about the number of innocent people on death row. The evidence is not the study, nor is it a *Newsweek* article dated April 28, 2014 (one place where the study was reported in the media). Rather, the *evidence* is the fact itself: that one in twenty-five persons on death row is innocent. The *source*, defined by Merriam-Webster as "a firsthand document or primary reference work," is the study from the *Proceedings of the National Academy of Sciences*. Taking it one step further, *citation* is "an act of quoting" or the quotation itself. In other words, when a debater mentions that the information is from the *Proceedings of the National Academy of Sciences*, he or she has cited a source. But the citation, while important, is not the evidence itself.

Using this evidence, the debater can use another tool: reasoning, defined by Merriam-Webster one way as the "drawing of inferences or conclusions through the use of reason." Reason itself is "a statement offered in explanation or justification" or "a sufficient ground of explanation or of logical defense." Whatever the evidence is (and whatever form it takes), it is not the end; rather, it is a means to an end. A debater uses the evidence as part of a series of premises to lead the judge either to accept a claim or an argument. A citation bolsters the evidence and reasoning; the citation is not

the evidence or reasoning itself. The debater would use reasoning in our example to link the evidence of innocent people at risk of execution (and hopefully other evidence) to the premise that a just society ought not to put people in a position where they may be executed for a crime they did not commit.

To be sure, debaters still need to be concerned about the weight and credibility of the evidence presented in a given round. The thesis of this article is not to discourage the use of citations. If anything, the use of citations should be encouraged. Most debaters are not experts in criminal justice, so being able to bring on the thoughts and theories from credible sources will enhance the credibility and strength of an argument. That being said, the failure to cite a source, while not best practice, should not be by itself fatal to an argument.

An unrefuted argument by a debater should be accepted by a judge unless the argument is patently absurd. In current IPDA practice, a debater will "source press" his or her opponent when there is no citation supporting the evidence. Sadly, the author has seen rounds where a source press is the only response to an opponent's argument. However, a source press (where the debater questions the veracity of a piece of evidence solely based on the lack of a citation) is a weak way to attempt to take out an argument. This author finds them useful in only two scenarios. The first is when the information appears facially flawed or where conventional wisdom would lead a reasonably intelligent person to believe the contrary. If a reasonably educated judge hears information that seems unfamiliar and does not seem flawed on its face, that judge should not allow a debater to get away with just a source press to refute the argument. The judge ought to be convinced that the information provided by the judge is objectively incorrect for a source press to carry any weight. Even then, the debater demanding a source should have something in addition to the source press to defeat the evidence. If the evidence is truly flawed, then explaining the flaw may be far more persuasive than simply asking the judge to reject it due to a lack of citation.

The second scenario where a source press might be useful is when the debater has evidence that contradicts evidence presented by his or her opponent. At that point, the source press is not merely a weak tool to refute an argument. Rather, it becomes a tool to help the judge weigh the credibility of the contradictory evidence. Again, because debaters are not experts, the source of the information gives the judge a tool to determine which piece of evidence ought to be accepted in considering the round.

Because this article started with an analogy to the court trial, it offers another here. The plaintiff in litigation over a contract might testify that she made an offer to enter into a contract and that the defendant accepted said offer. If it is a situation where the plaintiff lacks some type of record of the agreement,[13] the defendant's attorney on cross-examination will note that point. And yes, the failure to have some type of record will hurt the plaintiff's case. But the lack of writing (unless it is a type of contract that the law requires to be in writing) does not end the defendant's obligation to offer a defense. The plaintiff's testimony helps establish a *prima facie* case, obligating the defendant to at least testify that no such conversation happened or that it did not happen in the way the plaintiff described. The defendant's testimony, though possibly as weak

[13] Many (though not all) contracts can be enforced even though they are not in writing. Best practice dictates that any contract that can be put in writing should be put in writing, but the law does not always demand best practice.

as the plaintiff's, is still evidence to counter the plaintiff's recitation of the events. In other words, the defense counsel will do more than rely on the absence of evidence to prevail; he or she will present something (even if it is nothing more than the defendant saying "that didn't happen") to counter the plaintiff's assertion regarding the existence of a contract.

Source presses also raise ethical concerns. Generally, when a debater presses for a source, that debater is essentially questioning the credibility of the debater. If not carefully presented, a source press may unfairly impugn upon the integrity of a debater. IPDA debaters are instructed that they "should maintain credibility, honesty, integrity and courtesy at all times during their participation and around tournaments" and that "[t]heir delivery should be of a credible nature, including topic interpretation and argumentation" (IPDA Ballot, 2018). Ethical and credible debating ought to include avoiding unnecessary attacks (both implicit and explicit) on the opponent's character. Experience shows that explicit *ad hominen* attacks in a debate round are rare. Implicit attacks, however, can be just as dangerous. And it is certainly possible that a debater's "source press" may be interpreted by the judge as reason to view anything the opposing debater says skeptically. Without any additional analysis, it would be unfair for a debater to be painted with such a broad brush.

But what does this mean?

There are a number of things IPDA debaters can do to honor the goals of the Association. Ultimately, the onus is on debaters to make the change, as they will ultimately influence the tolerance for good or bad argumentation practices. This means knowing how to handle arguments and evidence in a credible manner. This begins with not insisting on proof beyond a reasonable doubt. Such a standard is inappropriate in competitive debate. Much of this could be mitigated by embracing the preponderance of the evidence standard as a weighing mechanism. Debaters should also adopt a broad definition of what is evidence and not conflate "evidence" with "sources" or "citations." Citations ought to be used to bolster the credibility of evidence, but debaters should acknowledge that the citation is not the evidence itself. These guidelines better reflect the real-world persuasive skills IPDA purports to teach and fairly represent the use of evidence in IPDA debate.

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ORIGINAL ARTICLE

Using Non-Advancing Competitors as Judges in IPDA Elimination Rounds

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Tournaments of the International Public Debate Association frequently use student competitors who do not advance to elimination rounds as judges in the same tournament. There is a dearth of research on this practice and little formal academic discussion on the advantages, disadvantages, and desirability of using such judges. This essay examines relevant literature on the practice, details a 2018 survey of IPDA competitors and coaches on five research questions, discusses implications and offers recommendations for further study. The essay raises serious concerns about the continued practice of using such judges.

Review of Literature

In the most general sense of the word, a judge is "a person able or qualified to give an opinion on something" (OED 2018). Those in the forensics community know that a judge is an especially important part of the activity—without judges, forensics could not function. Although forensics competitors and coaches alike surely recognize the vital role judges play, what makes a judge "qualified" is a common topic of discussion. However, while some scholarly work exists on what might signal that a general forensics judge is qualified, little research addresses IPDA-style debate specifically, apart from repeated references to the desirability of lay judges. Cirlin (2007) traces the history of college debate formats in the United States (p. 6). He notes that most National Debate Tournament (NDT) debates are heard "by a cadre of trained judges." He notes

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NDT and the Cross-Examination Debate Association (CEDA) tend to use only specialized judges, which has helped foster a climate of fast talking, heavy reliance on evidence and the de-emphasis of wit, humor and ethos. He contrasts this with IPDA "eschewing trained judges" and notes:

> The typical Public Debate tournament uses classroom students and freshman debaters for its judging pool. There is obviously some loss of judging expertise, but a huge rhetorical gain. You can't speed read to a lay judge or talk debate jargon at them. So Public Debaters tend to develop a much more oratorical style than debaters on other U.S. debating circuits. And this was the goal of the format. (p. 12)

Cirlin identifies a key goal of IPDA as speaking to lay judges, in part to avoid the rhetorical pitfalls of NDT/CEDA (and perhaps other subsequent debate forms). It is important to note Cirlin's use of student judges as a broad term. He does not specifically mention using defeated competitors at a tournament being used as judges.

This dearth of research becomes a more critical issue when considering the tendency for some tournaments, including the IPDA National Championship Tournament, to allow students who have been eliminated from the tournament to then be entered into the judging pool. This practice raises questions about competitors' ability to fairly evaluate their peers, primarily because of apprehensions regarding a lack of judging experience or strong potential biases for or against certain students or schools. Those biases may be uniquely difficult for students to break, since they are still in a competitive role within the forensics community.

A review of current literature revealed no published work nor national convention presentations from the National Communication Association, National Forensics Journal, IPDA National Convention, or Journal of the IPDA specifically on the topic of using eliminated competitors as judges at collegiate forensics tournaments, particularly in IPDA-style debate. Research is needed, as these problems can lead to inequity in judging, which ought to be avoided to help preserve the fairness and integrity of IPDA debate. This article seeks to be a starting point for dialogue on this important topic because the IPDA as an organization ought to consider the implications of a practice that could compromise its goals.

Definitions from Cirlin (2007):

- Experienced judge (or Expert judge): a judge who is connected to a debate program, typically as a coach, a former competitor etc. and is formally trained in debate (p. 16).
- Lay judge: one with no prior experience coaching or competing in debate; a minimally trained judge who is not necessarily connected to a forensics program (p. 16 and Morris, 2005, p. 76).
- Eliminated / non-advancing competitors as judges: students who have competed, then, once eliminated from the same tournament, are included in the judging pool.
- Student judge: are those on the debate circuit as competitors (p. 16).
- Outrounds: another name for elimination rounds

Though many attempts are made to keep debate judging neutral, it is an inherently subjective activity. The forensics community typically believes that a judge should examine the argumentation in the round and select a winner based primarily on

who presented the most convincing arguments, irrespective of one's own beliefs. McBath (1975) argued that the minimum qualifications for a debate judge include "honesty, a sense of responsibility, and an ability to suspend judgment on the subject matter being considered" (p. 30). Furthermore, Morris (2005) noted that, sometimes, the best debate judge is a lay judge (p. 76). This is because lay judges are a blank slate; they evaluate the round based on the rules provided, as opposed to preconceived notions or personal paradigms. Moreover, lay judges have a better chance of avoiding the "hidden agendas" and "the politics of the activity" that often color an experienced judge's critiques of a debate round.

Cirlin (2007) identified three types of IPDA judges. Expert Judges include directors of forensics, graduate students and coaches and debate alumni. Student Judges are those on the debate circuit as competitors and Lay Judges are "reasonable intelligent human beings with no training in debate." He identifies concerns regarding both Expert and Student judges:

> And both Expert and Student judges tend to become somewhat faddish in their expectations. A certain style of speaking comes into vogue and the Expert and Student judges often reward those who follow the fad and punish those who don't. Expert and Student judges can also be highly biased. They tend to vote for the teams and debaters who they think ought to win, even if they are having a bad round or are otherwise losing a debate. There can also be a lot of politics involved in the decisions of the Expert and Student judges. They might vote against team A and for team B because they like one program and not the other; or because they are afraid that if team A advances it will be more likely to beat one of their own teams later on in the competition; or because they are afraid that if they vote against team B the judges from team B will take offence and vote against their teams, etc., etc., etc. (p. 16)

This analysis seems to support a claim that Expert and Student judges could be tempted to vote on the basis of politics (they like School A better than School B), or human nature (Debater X beat my student/my teammate in Round 4 so I will vote for Debater Y in this elimination round).

One of the most challenging aspects of the subjectivity of judging rests on the idea that no two people will perceive the same situation in the same way, even with a common set of norms (Adler, Rosenfield & Proctor II, 2015). In debate terms, split ballots, or 2-1 decisions, confirm that perception influences our experiences—otherwise, all elimination rounds would be a 3-0 consensus. It is imperative that judges choose a winner who debated the best, paying no mind to subjective influences. Rounds ought to be judged on probability, or the advancement of the debater who best shows the likelihood of their idea being true (Hunsinger, Terry, & Wood, 1970). Furthermore, Minch and Borchers (1996) extended this idea in an article geared toward collegiate Lincoln-Douglas debate (p. 25). They reasoned that judges evaluate using a variety of analytic frames, meaning it is difficult to create a concrete universal standard of winning. Yet, the authors went on to contend that, even accounting for these varying frames, it is a widely accepted notion that fair judges must "leave their own thoughts and experiences at home."

However, Minch and Borchers (1996) also argued that complete objectivity is not the goal when searching for a qualified debate judge (p. 30). Good judges are ones

who weigh a round with "experience, specialized knowledge, and use of standards for what is educationally valuable and who permit subjective standards to influence how the decision is reached. This view assumes that the judge will consider both objective and subjective standards." In other words, quality judging does not consider one's own views, but it does allow room for some subjectivity, namely with regard to what becomes important in weighing the round. Likewise, "No two forensic judges come from the same mold," which is evidenced by judges reacting with "varying degrees of understanding/misunderstanding, emotionalism/rationalism" (Mills, 1983, p. 20). This appears to support the IPDA's Constitution (2015), which affirms using judges from a variety of backgrounds so students can learn to communicate effectively in more than one way.

Indeed, IPDA regards lay judging as a foundational principle of the activity. One intent of using lay judges, and not solely members of the debate community, is to prevent some of the narrowing of debate toward technical arguments, faster delivering and narrowing of understanding found in NPDA and elsewhere. IPDA hopes that using lay judges better prepares debaters able to speak to a wide array of judges.

Many judges have what Rowland (1984) described as paradigms, though not necessarily the formal, scripted paradigm that seems to be commonplace in debate formats such as CEDA or NPDA. Published or mandatory paradigms are not a prescribed feature of IPDA, though some judges still offer paradigms, which loosely give debaters a few qualities that that specific judge characteristically weighs or looks for in any given round. This type of insight is given prior to the round, either out of the judge's own volition or when prompted by a curious student. The purpose is for students to better understand how they will be evaluated, though those clues can lead students to change their debate styles to adapt to each judge's preferences. Yet, instead of accepting that there are a wide variety of ways in which a judge might evaluate a round and that debaters are at the mercy of each judge's paradigm, "the critic avoids the incommensurability problem by rising above the individual paradigm and applying a standard derived from some higher principle" (p. 192-193). Rowland (1984) suggested that judges ought to assess "probabilistically any argument which is defended with both a reason and evidence that the judge perceives as supporting an argument" (p. 187) Thus, a common paradigm ought to apply, saying that any argument that meets those criteria is acceptable because reason and evidence promote the function of debate. Beyond meeting those structural requirements, a judge's subjectivity can come into play—specifically in deciding which of those arguments are stronger, similar to Minch and Borchers' aforementioned suggestion.

Up until this point, the advantages and disadvantages of judging methods have not been limited to a judge's age. Though it is not a common practice, there can be benefits associated with judges who are also current competitors. In an article exploring possibilities for how to find qualified judges—an issue anyone who has organized a tournament is familiar with—Brand (2002) commented that using varsity competitors to judge novices in debate or IE "can help these future alums see the value and need for becoming a judge" (p. 64). While this is not a benefit that can be directly accessed by current competitors at the tournament, it is certainly an advantage to the greater forensics community as whole. However, while an act such as a senior judging novices may provide some benefits, the American Forensic Association (AFA) finds that the negatives outweigh the positives. In the December 2017 invitation for the 2018 National Individual Events Tournament (AFA-NIET), the AFA (p. 6) states that "an

undergraduate who judges in the open division of a forensics tournament, (a division which qualifies for AFA-NIET at-large legs), permanently forfeits his/her eligibility to compete at the AFA-NIET District or National Tournaments." The National Forensic Association (NFA) concurs; NFA by-law section IV, part F (2017, p. 9) states:

> Any student who judges any of the events described in section 2, "Events at the National Championship Tournament" at an intercollegiate qualification tournament during the NFA competitive season forfeits any remaining competitive eligibility at the National Championship Tournament. A student who judges at a tournament before otherwise exhausting his or her competitive eligibility may petition the NFA Executive Council to have eligibility reinstated.

The NFA has chosen to keep competitors and judges mutually exclusive because they reason that a student who is currently competing should not be able to influence other students' competitive outcomes, especially the National Championship Tournament qualification process. While the NFA does allow undergraduates to judge, the organization prohibits those students from competing at national tournaments to "protect the standard of judging" (K. Morris, personal communication, May 7, 2018).

In the Northwest Forensics Conference (NFC), a five-state region of forensic competition in IE, IPDA, NPDA, and British Parliamentary, it is uncommon for undergraduate students in general to be used as IPDA judges, and no tournaments put eliminated competitors into the judging pool. Dr. Mark Porrovecchio, Director of Forensics and longtime IPDA coach at Oregon State University, said, "Since IPDA started in the Northwest, I cannot recall a tournament that used eliminated competitors as judges. I know that Southern schools brought students who expected to judge. But I do not think we ever used them" (personal communication, May 10, 2018). This is because schools are required to cover their entries prior to the tournament or incur fees to hire local judges. Additionally, schools are obligated at least one round past the complete elimination of their team to ensure judges without a conflict of interest are present. With these systems in place, the NFC is able to satisfy the judging requirements of its tournaments without turning to students who have just been eliminated from competition.

Furthermore, Professor Brent Northup, the current president of the NFC and Director of Forensics at Carroll College (personal communication, May 11, 2018), said that in BP, students will often be used as judges, but that the tournament is "either/or:" Either students compete or they judge, but not both. He understands the concern to be centered on bias, and tournaments wish to avoid having a debater judge a competitor by whom he or she was eliminated earlier. Northup recommended that some sort of judge screening/qualification or strike procedure be used if eliminated competitors were to judge to weed out potentially biased or unqualified student judges.

Given the fact that both AFA and NFA, the country's two largest forensics governing bodies, preclude the use of current competitors as judges, it is imperative that IPDA and its participants carefully consider the advantages and disadvantages before allowing or continuing to allow the practice. Research suggests that establishing some sort of guidelines for judge qualification is also important for fairness to the competitors, so it would be helpful for the IPDA, and for regional forensics conferences, to decide whether the use of eliminated competitors as judges is

permissible. The following research questions seek to provide guidance in these areas, hopefully giving the IPDA or regional governing bodies the information to make an informed and justifiable choice.

Research Questions

Student Survey

RQ1a: Is there a correlation between the part of the country one competes in and his or her overall view of using eliminated students as judges?

RQ2a: What are the most common advantages and disadvantages students mentioned (and by what percent of the population are those beliefs held)?

RQ3a: Do students who have judged in elimination rounds have generally favorable or unfavorable views regarding the use of eliminated students as judges? Are those different views from students who have not judged?

RQ4a: Do students who have been judged by eliminated competitors in outrounds have generally favorable or unfavorable views regarding the use of eliminated students as judges? Are those views different from students who have not been judged?

RQ5a: Does the number of years one has competed in IPDA have any bearing on their general opinion toward use of eliminated students as judges?

Coaching Survey

RQ1b: Is there a correlation between the part of the country one coaches in and his or her overall view of using eliminated students as judges?

RQ2b: What are the most common advantages and disadvantages coaches mentioned (and by what percent of the population are those beliefs held)?

RQ3b: Do coaches with students who have judged in elimination rounds have generally favorable or unfavorable views regarding the use of eliminated students as judges? Are those different views from coaches with students who have not judged?

RQ4b: Do coaches with students who have been judged by eliminated competitors in outrounds have generally favorable or unfavorable views regarding the use of eliminated students as judges? Are those views different from coaches with students who have not been judged?

RQ5b: Does the number of years one has coached IPDA have any bearing on their general opinion toward use of eliminated students as judges?

Methods

In an attempt to answer the above research questions, the authors designed two surveys: one for students who currently compete in IPDA or who have competed within the last three years, and one for current IPDA coaches. Separating coach and student responses

allowed the authors to better evaluate the feelings of both groups of people involved in intercollegiate forensics.

The surveys included a mix of open and closed-ended questions. Both surveys began by asking about the participants' experience in IPDA. The student survey asked how many years the student had competed in IPDA and gave choices of one, two, three, four, or five plus years. The coach survey asked how many years the coach had coached IPDA, with the options of 1-5, 6-10, 11-15, 16-20, or 21+ years. Second was a standard demographic question about the region the coach or student competes / competed in or coaches in. There were four choices:

- Midwest (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin),
- Northeast (Connecticut, Pennsylvania, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont),
- South (Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, Washington DC and West Virginia),
- West (Alaska, Arizona, California, Colorado Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming).

Then, the students were asked if they had ever judged an IPDA round after being eliminated and were able to choose "yes" or "no." Students were then asked if they had been ever judged by an eliminated competitor in outrounds and could choose "yes," "no," or "unsure." The coaches were asked a variation of the previous two questions, regarding whether their students had judged after being eliminated or had been judged by eliminated competitors. Next, both surveys asked, in general, how the participant felt regarding the use of eliminated students as judges. This question used a Likert-type scale; the 1 was anchored with "negative" and the 5 was anchored with "positive." Finally, both surveys asked open-ended questions about what the participants' viewed as the biggest advantages and limitations of using eliminated competitors as judges.

The survey was created with Google Forms and distributed in two ways. It was emailed to all of the IPDA coaches who are on the contact list posted to the IPDA website as of January 21, 2018. The email included both surveys and asked that coaches both respond and forward the survey to their teams. Additionally, the survey was posted to the IPDA Facebook page, as well as to personal pages. In total, 17 coaches and 74 students responded to their respective surveys. From the South region, 33 students and 12 coaches responded. From the West region, 38 students and 5 coaches responded. From the Midwest region, 3 students and 0 coaches responded, meaning no substantial conclusions could be drawn regarding the Midwest. There was also an option for the Northeast, but no students or coaches indicated this response.

Results & Discussion

This section is divided into three sub-sections: student results, coach results, and a brief comparison of the two groups. Each sub-section provides the five research questions, the data that responds to those questions, and a discussion of the results.

Students

RQ1a: Is there a correlation between the part of the country one competes in and his or her overall view of using eliminated students as judges?

There was a significant difference, $t(72) = 3.44$, $p < .001$, between the South region ($M = 2.85$, $SD = 1.33$) and the West region ($M = 1.88$, $SD = 1.10$) with respect to student views of using eliminated students as judges.

The average response for Southern competitors was closest to a neutral view, while the average response for Western competitors was clearly negative. The difference in opinion could be due to the prevalence of the practice. It is much more common for Southern tournaments to use eliminated competitors as outround judges than it is for Western tournaments.

When comparing data from each region, is important to look to frequency to better understand its ramifications. Of the 33 students who responded from the South, 29 had judged other students after being eliminated, and four had not judged. Similarly, 24 students had been judged by eliminated competitors in outrounds, seven were unsure, and two had not been judged. Meanwhile, the Southern students' mean reaction toward the practice as a whole was neutral. On the other hand, of the 38 students who responded from the West, 13 had judged other students after being eliminated, and 25 had not judged. Likewise, 20 students had been judged by eliminated competitors in outrounds, eight were unsure, and 10 had not been judged. And, the Western students' mean outlook toward the practice was definitively negative.

Knowing that it is far less common for students in the West to incur eliminated students as their outround judges, it is interesting that just over 50% of students from the West indicated that they had been judged by eliminated competitors, which is likely due to attending out-of-region tournaments or a national championship tournament. However, the most important comparison that these frequencies depict is that, in both regions, it is more common for a student to have been judged by eliminated competitors than to not have been judged, but Western students' overall feelings toward the practice were almost a full point lower than the Southern average. Because it is virtually unheard of for the practice, and, more broadly, undergraduate judging, to occur at Western IPDA tournaments, Western students are instead used to being evaluated by judges whose life circumstances make them less privy to the problems associated with the eliminated competitor judge. Stated more simply, Western students typically have an elimination round judging pool that is more removed from the competition, meaning Western students see a difference in being judged by an eliminated competitor versus a more qualified judge, whereas students from the South do not see much of a difference because it is so commonplace. Students who have been exposed to circuits where the practice occurs but compete where it does not usually occur score the practice lower than students who only know tournaments that use the practice. Because Western students' data is more objective in the sense that these students experience both types of judging, their negative outlook leads to the conclusion that the use of eliminated competitors as judges is disadvantageous.

RQ2a: What are the most common advantages and disadvantages students mentioned (and by what percent of the population are those beliefs held)?

The students' most commonly-listed advantages of eliminated competitors as judges can be grouped into three approximate categories. First, 50% of students (37 total) reported the student judges having experience as being a positive aspect of allowing

eliminated competitors to be put into the judging pool. Some respondents argued that judges who are also current competitors have a strong grasp of what IPDA should look like. They can offer specific feedback, strategies, or critiques that may be more technically helpful than comments from a lay judge. Moreover, one participant commented that these types of judges can give feedback "in language and understanding" that many other judges cannot provide. Competitors are also more familiar with debate-specific tactics. One participant said that eliminated competitors "are more likely to understand what they should be looking for in a debate," while another wrote that they ought to be well-equipped "to follow arguments, determine winners, etc." Finally, one student mentioned that student judges may be "more likely to realize when evidence is reliable or not," a helpful skill in close rounds. Cohesively, it appears that student judges have certain experiential advantages over other judges, particular those who are lay.

Second, 41.9% of participants (31 total) noted efficiency/convenience/helping the tournament run smoothly to be a positive. The majority of these responses mentioned avoiding a shortage of judges as one (if not the most salient) benefit. Smaller programs especially may have a hard time finding enough judges to cover their entries, and when there is a judge shortage, the tournament inevitably runs behind. Using eliminated students as judges also means it is far more likely for outrounds to have the desirable "panel of three [judges] rather than one, which vastly improves the quality of the decision." Furthermore, a few students specifically mentioned that putting students into the judging pool provides "fresh" judges who are both not fatigued from judging all day and do not run the risk of judging a student whom they have already judged in that tournament.

Third, 8.1% of participants (6 total) said that the practice provides some benefit to the student pulled to judge. Broadly, those who provided this type of comment claimed that judging allows eliminated competitors to learn from the experience. One student in particular lauded the unique critical thinking benefits to judging, as opposed to simply watching, saying, "I think my success in debate can be partially attributed to judging varsity and professional rounds once I got knocked out of a novice round." The same student then discussed the value of seeing a round in a different division so he or she could best help the younger students on his or her team. A few participants suggested that the practice provides something to occupy the time of an eliminated competitor.

Conversely, the students' most commonly-listed disadvantages can be grouped into six categories. First, 64.9% participants (48 total) reported concerns with unfair judging/potential for bias. Many participants said something as simple as "they are biased." One student gave a detailed response that is quite representative of others' concerns regarding student bias:

> These people got eliminated for a reason. Many of them are good debaters, but many aren't. Many debate with tactics contrary to the goals and values of IPDA and judge IPDA from the perspective of another debate style. Students often are not good at repressing their biases, especially in a competitive environment. Students know the competitors and who may debate who if they vote a certain way. There are deep divisions in style even within IPDA that are often looked down upon by debaters eliminated by competitors who used that particular style. I think it's best for the out rounds especially to be judged by experienced people

> who are as removed from competition as possible to make it a fair process. Having eliminated competitors from rival schools judge non-eliminated debaters is very much like having Hillary Clinton count votes in the 2020 presidential election if Trump is nominated. There's too much at stake and I don't see why regular more experienced and less biased judges can't be used.

Representing almost 67% of the student population, the sheer prevalence of bias concerns is a point that ought to be seriously considered by leagues that allow eliminated competitors to be put into the judging pool.

Second, 23% of students (17 total) noted an issue with revenge/power dynamics/ rivalries. One student cited personal experience with this issue saying; "I know student judges have been vindictive, often judging the exact people who eliminated them from the tournament." Another student detailed an important hypothetical—a debater "could have just eliminated a teammate of [the judge] who feels they should have won," causing the judge to take retaliatory measures. Furthermore, several students commented on the presence of interschool rivalries. One response explained that:

Sometimes debaters will have an eliminated competitor from a rival school serve as a judge in their out round. While the judge from a rival school would not have been competing in the same division they are judging, they might be more inclined to vote against the competitor from their rival school. Furthermore, teammates from schools talk about their competitors frequently, and this could lead to situations in which an eliminated competitor judges a debater that his/her teammates do not like, possibly creating a greater (and unfair) burden on that competitor. Both real and hypothetical vindictive experiences with student judges ought to be taken seriously, as they threaten to compromise the educational value of IPDA.

Third, 17.6% of participants (13 total) noted that student judges lack good experience. Several students felt that eliminated competitors are just not as qualified as other judges, such as "coaches, alumni, or hired judges." In fact, one student was particularly concerned with using novice or JV students to judge varsity students because they lack credible experience, so "their critiques are not/should not necessarily be trusted." Other students were concerned with a lack of experience in general, mostly writing about how it is less fair to be judged by an eliminated student than someone who has judged before, which is a particularly potent argument regarding high-stakes outrounds.

Fourth, 6.8% of students (five total) cited logistical concerns. One student said that eliminated students who end up judging may incur exhaustion that would prohibit them from judging as well as someone who had not competed all day. One student recalled multiple instances in which he or she was judged by a young debater who was exhausted by outrounds, and as a result, the ballots that student "received from those rounds have been of very little usefulness because of lack of information, and incoherent comments." On a different note, another student mentioned a net harm to teams when students can be pulled for elimination rounds. He/she claimed that "taking a competitor away from the team's ability to prep remaining competitors. It's almost as if the team receives two hard blows, in that they lose the points from the round AND the utility of that person during some prep time." These logistical concerns could easily

impact a round negatively, which is unfair to the competitors who worked hard to earn a spot in elimination rounds.

Fifth, 5.4% of students (four total) also thought that this practice introduces an element of awkwardness/odd feelings. One respondent said that "awkward situations" could occur as an implication of bias or revenge. Other students reported feeling odd when they are (or could be) judged by other competitors, even from different divisions. This presents an unfair constraint for the competitors, especially if the awkwardness impacts one competitor more than the other (or even favors one competitor) because it limits the debaters' ability to argue as well as they could with more objective judges.

Lastly, 4.1% of students (three total) commented on a potential for residual frustration at being eliminated. One student said that recently-eliminated student judges "tend to be less interested and more frustrated." It could be hard for some students to put a loss out of their mind in order to focus on the round in front of them. Other students mentioned the potential for such frustration to color the round, thus resulting in unfair judging for the students debating.

RQ3a: Do students who have judged in elimination rounds have generally favorable or unfavorable views regarding the use of eliminated students as judges? Are those views different from students who have not judged?

There was a significant difference, $t(75) = 2.73$, $p < .01$, between individuals who had served as judges ($M = 2.66$, $SD = 1.33$) and those who had not served as judges ($M = 1.88$, $SD = 1.11$) with respect to views of using eliminated students as judges.

On average, students who have judged in elimination rounds after competing have a generally unfavorable, though close to neutral, view of the practice. These views are different from those of students who have not served as judges, who felt more negatively about the practice. This may imply an assumed bias because, once one has judged, he or she is included in the practice, and thus is likely to view it more favorably than one who has not experienced any of the benefits of judging.

RQ4a: Do students who have been judged by eliminated competitors in outrounds have generally favorable or unfavorable views regarding the use of eliminated students as judges? Are those views different from students who have not been judged?

There was no significant difference in views of using eliminated students as judges between individuals who had been judged by eliminated students and those who have not been judged by eliminated students.

While the data for comparison was not statistically significant and thus cannot be used to draw a conclusion, the mean opinions for each group can still be taken into account. There were 45 students who answered "yes" to being judged by eliminated competitors, representing 60.8% of the population. The "yes" group had a mean of 2.2 on a scale of 1-5 with 1 being negative feelings toward the practice and 5 being positive feelings. Similarly, the "no" group had a mean of 2.1, though there were only 13 students who answered "no," representing 17.6% of the population. It should be noted, though that there was a third answer option; 16 students (21.6% of the population) answered that they were unsure if they had been judged. This compromised the amount of results that could be analyzed, which could be why the data was not statistically significant. This is especially plausible for the "no" answers, seeing as there were only

13 "no" answers. However, because the previous question about students who have judged in elimination rounds produced statistically significant results, it may be the case that judging others has more of an impact on students' opinions of the practice than being judged.

RQ5a: Does the number of years one has competed in IPDA have any bearing on their general opinion toward use of eliminated students as judges?

There was no significant correlation between the views of using eliminated students as judges and the number of years students had competed in IPDA. This is likely due to a small sample size. Therefore, a conclusion cannot be drawn.

Coaches

RQ1b: Is there a correlation between the part of the country one coaches in and his or her overall view of using eliminated students as judges?

There was a significant difference, $t(15) = 2.92$, $p < .01$, between the South region ($M = 3.53$, $SD = 1.08$) and the West region ($M = 1.8$, $SD = 1.30$) with respect to coaches' views of using eliminated students as judges.

Overall, coaches at schools in the South felt more positive about the use of eliminated students as outround judges than coaches in the West did. The average response for Southern coaches was closest to a positive view, while the average response for Western coaches was clearly negative.

Although the sample size was small and fairly imbalanced regionally, there are still trends in the frequency of the data. Of the 12 Southern coaches who participated, all 12 had students who both had and had been judges who were eliminated competitors. With a mean rating that was closest to a positive view, this is again likely due to prolonged exposure to the practice. Of the five Western coaches, two had non-advancing students who had been pulled to judged, and three had not had students judge. Similarly, two coaches had students who had been judged, one was unsure, and two more coaches confirmed their students had not been judged by eliminated competitors. As an extension of the argument made in response to the student frequencies under RQ1a, it would make sense that Southern coaches, who work in a region that heavily uses this practice, would accept it, not being familiar with different methods. Yet, an equal number of Western coaches had and did not have students who have both judged after being eliminated and have been judged by competitors in elimination rounds. Most importantly, their collective response was clearly negative. As mentioned earlier, this suggests that the practice is questionable because coaches with students who have access to more qualified judging find the practice more objectionable than those for whom it is a regular feature of tournaments.

RQ2b: What are the most common advantages and disadvantages coaches mentioned (and by what percent of the population are those beliefs held)?

The coaches' most commonly-listed advantages of eliminated competitors as judges can be grouped into four approximate categories. First, 52.9% of participating coaches (nine total) praised the use of eliminated competitors as judges because it promotes efficiency/convenience/helping the tournament run smoothly. One coach commented that the practice "helps fulfil the needed judging obligations, especially for early out rounds, in which the most judges are needed." Likewise, another coach responded by

saying "Tournaments tend to get strapped for judges as eliminated schools start to head home. If schools that remain can provide a clean judge in the form of an eliminated student, that may help with tournament logistics." As the most popular benefit, it appears that coaches are largely concerned with how to run tournaments smoothly, and this practice is one way to do that.

Second 35.3% of coaches (six total) listed experience/knowledge as an advantage for the practice. After describing IPDA community judges as "terrible," one coach argued that, "by comparison, students are in a better position to evaluate arguments and are more likely to do so based on the flow." Another coach said that eliminated students "have some familiarity with the practice of debate and are not strictly lay judges." Clearly, many coaches think that knowing at least a little about debate is helpful for judges, and eliminated competitors are typically quite familiar with IPDA.

Similarly, 35.3% of participants (six total) mentioned that the practice serves as a learning experience for student judges. One coach reported that allowing students to write ballots "changes how they see debate rounds in general because they get an entirely new perspective on what happens in rounds. They see what it looks like when someone gets a comment they've received before and never truly understood." Moreover, another participant stated that judging gives students a "better idea for what type of argument may help more successful debaters to distinguish themselves in the field of competition." It is understandable that coaches want their students to have valuable learning experiences, and taking part in evaluating a round can certainly give students new perspectives that they can carry into their own debating.

Lastly, 17.6% of participants (three total) said that the practice was beneficial because it eases the burdens of preliminary round judges. One coach essentially sums up the argument here by saying that the practice reduces the "judging burden from other judges in the pool who have been watching rounds for many hours a day over multiple days." Anyone who has been to a forensics tournament, let alone judged, knows that judging an entire tournament is taxing, so it is charitable to want to make the experience as painless as possible.

Conversely, the coaches' most commonly-listed disadvantages of eliminated competitors as judges can be grouped into three approximate categories. First, 47.1% of participants (eight total) noted a presence of bias. Most respondents who discussed bias said something similar to the practice "open[ing] the door for potential bias." Other coaches were more specific about the bias; one recalled, "I have a few students tell me that they were judged by someone they had eliminated. One time it was a student who had debated her judge at that tournament, but the other times it was a debater faced with a judge they had eliminated at a previous tournament." While this coach's students had not incurred harm from these situations, he/she notes that "the concern is there," and a different coach confirmed that he or she felt those types of rounds came with negative outcomes.

Second, 35.3% of coaches (6 total) discussed revenge/rivalries or friendships/ ethical concerns as a net negative of the practice. One coach wrote that "there is a known bias among certain schools to systematically vote down competitors from certain schools, whether they are friends etc. Students who feel spurned by a certain

school voting down other competitors from that school." Likewise, another coach questioned if students can be truly impartial when judging their competitors, seeing as many students have either rivalries or friendships that could easily influence a decision. The overall trend among these six coaches is that students have a hard time viewing a round objectively when they know the competitors as peers, which is an issue unique to the use of eliminated students as judges (as opposed to poor judging in general).

Finally, 35.3% of coaches (six total) wrote about the disadvantage of student judges' inexperience. One coach said, "Given that they have been eliminated, these students are likely not the strongest IPDA debaters in the field. I think that there is a credibility problem when a lesser debater (at least at this one tournament) is asked to evaluate and give feedback on a student who has objectively performed better than them." Following a similar line of logic, another coach remarked that "a little knowledge can be a dangerous thing--i.e., it may be easier to prepare for a judge who knows nothing about debate, and knows they know nothing, than a judge who knows nearly nothing but thinks they know a great deal." At the same time, a different coach drew a parallel to teaching. He or she argued that "Students aren't trained to be judges. It's the same as asking a student to teach a course. They know a lot of the expectations but they've never practiced the skills needed to be successful." Cohesively, these comments suggest that coaches want fair competition experiences for their students, and many responding coaches recognize that the lack of judging experience can compromise the educational quality of the sport for others.

RQ3b: Do coaches with students who have judged in elimination rounds have generally favorable or unfavorable views regarding the use of eliminated students as judges? Are those different views from coaches with students who have not judged?

The data for this question was not statistically significant; there was no difference in opinion between coaches who do and who do not have students who have judged in elimination rounds after competing at the same tournament. This is likely due to a small sample size. Therefore, a conclusion cannot be drawn.

RQ4b: Do coaches with students who have been judged by eliminated competitors in outrounds have generally favorable or unfavorable views regarding the use of eliminated students as judges? Are those views different from coaches with students who have not been judged?

There was no significant difference in views of using eliminated students as judges between coaches who had students judge outrounds and those who had not had students judge outrounds. This is likely due to a small sample size. Therefore, a conclusion cannot be drawn.

RQ5b: Does the number of years one has coached IPDA have any bearing on their general opinion toward use of eliminated students as judges?

There was no significant correlation between the coaches' views of using eliminated students as judges and the number of years a coach had coached IPDA. This is likely due to a small sample size. Therefore, a conclusion cannot be drawn.

Comparing Students and Coaches

Interestingly, the region one coaches or competes in was the strongest predictor of positive or negative feelings, with the most positive feelings coming from those in the

South and the most negative feelings coming from those in the West. This is likely due to exposure; it is far more common for eliminated students to be put into the judging pool at tournaments in the South than it is for tournaments in the West. Thus, these students and coaches are used to the practice and accept it, while those who do not usually experience it are more likely to feel negative about it.

Although the sample sizes were quite different (17 participants for coaches and 74 participants for students), it is still interesting to compare general attitudes toward the practice of using eliminated competitors as judges in outrounds. Overall, 24.3% of students viewed the practice as positive, compared to 47.1% of coaches; 14.9% of students viewed the practice as neutral, compared to 23.5% of coaches; and 60.8% of students viewed the practice as negative, compared to 29.4% of coaches. In general, the majority of students surveyed viewed putting eliminated students into the outround judging pool as negative, and, while it is not a true majority, the most common feeling for coaches was positive.

Implications

While there are various advantages and disadvantages of using eliminated competitors as judges in outrounds, the results suggest that the potential harm outweigh the benefits. The authors find this to be true both quantitatively and qualitatively. The heart of the issue is that students are not able to meet the goals of judging as efficiently or objectively as a judge who is more experienced, unaffected by rivalries, or not preoccupied with residual frustration from being eliminated from the tournament.

Particularly for students, the practice is simply undesirable, while the coaches offered more positive feedback. Considering how just over 60% of students view eliminated competitors being put into the judging pool as negative, it is crucial to understand why. For nearly two-thirds of participating students, the answer is, at least in part, due to bias. Beyond bias, the most popular answers included revenge and inexperience. Alone, these issues are irritating to a competitor, but combined, they make for a round that is likely to be evaluated unfairly. Coaches also share in some of these sentiments. While the coaches surveyed were most likely to view the practice positively, there was no majority favorite on the Likert-type scale. Furthermore, most of the coach respondents who answered positively were from the South, a region where the practice is common and has been for many years. In other words, this practice seems to be part of IPDA culture in the South. As a result, Southern competitors may not have much experience with judges who are more qualified, so their mean neutral attitude could simply be due to familiarity.

Likewise, though coaches were keen to keep tournament efficiency in mind, almost half of the coaches also agreed that bias is a significant issue inherent to the practice. More specifically, 52.9% of coaches praised the use of eliminated competitors as judges, and 47.1% listed bias a concern. This means coaches are aware that bias is an issue with the practice, but they are choosing to prioritize tournament efficiency over ensuring fairly judged rounds. Although everyone in the forensics community wants efficient tournaments, considering tournament efficiency to be more important than unbiased judging compromises the integrity of forensics.

Moreover, it is possible for proponents of using defeated student competitors to conflate the student judge with the lay judge. Using defeated student competitors does not automatically yield Cirlin's benefits of the lay judge, nor set aside the difficulties

identified in the Results/Discussion section. The benefits of the lay judge stem from the lack of formal association with a debate organization. IPDA regards lay judges as a foundational part of the activity and Richey notes how they help keep IPDA closer to its roots and intentions:

Lay judges help limit speed and technical jargon in the round. Lay judges tend to not understand what is happening if the debater speaks too fast or uses word that are not familiar to a layperson. Lay judges validate a core principle of IPDA: in order for debate to be truly effective, it must be accessible to all and not just a select, highly educated, sectarian few. (p. 31)

However, defeated student competitors are not the same as lay judges.

One intent of using lay judges, and not solely members of the debate community, is to prevent some of the narrowing of debate toward technical arguments, faster delivering and narrowing of understanding found in NPDA and other debate forms. Lowry (2010) embraces the use of lay judges as a "beachhead" against the excesses in other traditional debate formats (p. 3).

Lowry also values minimal interaction between judges and debaters prior to a round:

> Lastly, lay judges should be instructed to only have limited exchanges prior to debate rounds with the competitors they are judging. Though audience analysis is a critical element of the public speaking process, debaters who glean information prior to a round and use it to curry favor with the judge to win the round is the crassest abuse of the lay judge's lack of knowledge of the process and its ethical boundaries. Just as a litigator would be admonished to not address a juror by their name, debate judges should equally be cautioned that some "friendliness" with a competitor prior to a round may overstep ethical lines. (p. 4).

Yet the defeated student competitor already has a vested interest in the game and some students may have difficulty judging outrounds in an impartial fashion. It seems like using defeated student competitors, especially when such judges are known to one or both debaters in the elimination round, violates this aspiration. Using non-competitors as judges would more easily alleviate Lowry's concern here.

Additionally, the coaches' other major concerns mirrored the students': Revenge and inexperience. The fact that the top three concerns are the same for both students and coaches sends a powerful message about the concerns and problems associated with this practice. As an organization that values education, IPDA ought to seriously reconsider its use of eliminated students in judging pools. Of course, one cannot ignore the coaches' top and students' second most influential advantage: tournament efficiency. Everyone involved in the forensics community is likely sympathetic to the merit of attempting to make tournaments run as smooth as possible. However, the efficiency of putting eliminated competitors into the judging pool is not unique to the practice. Tournaments can absolutely function just as well without relying on eliminated students to judge. For example, the Northwest Forensic Conference (NFC) does not partake in the practice at its league IPDA tournaments, but elimination rounds rarely run noticeably behind. But, beyond this regional example, the AFA and NFA run the largest and most competitive national tournaments for intercollegiate

forensics, and both organizations are able to function smoothly without running the risks that come along with using eliminated competitors as judges.

Directions for Future Research

First and foremost, because not all of the research questions in this study could be answered due to a lack of statistical power, it would be interesting to see if a larger sample would provide results, particularly for questions geared toward coaches. At the same time, gathering a sufficient sample size is challenging given the small number of IPDA coaches to begin with. Beyond this logistical issue, it would be interesting to look deeper into who competitors and coaches perceive as a "qualified" IPDA judge and what the IPDA could do with judge training or even formal recommendations in response.

Taking a step back from the specifics of this project, it could also be valuable to see a study on the impact of not breaking on students' emotions and rational processing. Students' reactions to either not breaking at all or being eliminated after at least one outround could offer more insight into a topic such as the one discussed in this paper because, if a hypothetical negative reaction was substantial, there could be further evidence of bias or even apathy if those competitors were then asked to judge. Moreover, it could also speak to larger implications within the forensics community.

Conclusion

Beyond data that suggests that the use of eliminated competitors as outround judges is less than ideal, there is compelling precedence from the two largest and most competitive collegiate forensics organizations in the country. As previously mentioned, both the AFA and NFA forbid the practice. Thus, the IPDA should follow AFA and NFA in disallowing the use of eliminated competitors as judges (or any undergraduates who want to keep competing). The AFA and NFA clearly recognize not only the harms already discussed, but also the conflict of interest. In seeking to protect the integrity of forensic competition, these organizations have banned this practice, presumably because they understand that it dilutes the forensic experience and potentially promotes unfair judging.

The implications of a system such as that of the AFA, NFA, or even NFC are much more sweeping than they seem. Recall that tournament efficiency is the most common benefit for the coaches and the second most common benefit for the students. What that tells us is that the primary redeeming quality of this practice is efficiency. However, knowing that tournaments can be run just as well without placing students into the judging pool means the strongest argument for the practice disappears. Likewise, the unique harms, such as the substantial concern about bias from both students and coaches, can be avoided by following a system that circumvents the use of eliminated students in outrounds as well. Of course, discontinuing the practice does mean the advantages are eliminated as well, but many of the advantages are not unique to judging at actual tournaments. More specifically, educational benefits from novice students learning from judging a varsity round can be accessed through having novices judge a practice round on their own team or flowing a varsity elimination round to determine a winner, without actually casting a ballot. Therefore, the claim to the pedagogical benefits of using eliminated students as judges could be captured just as effectively outside of real elimination rounds, all while circumventing the harms. Ultimately, we must ask ourselves this important question: if the prominent efficiency

problem that prompts the practice can be solved through other routes, does the IPDA truly want to compromise quality of debating experience for a few non-unique benefits?

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F O R U M

Editorial Note: In 2014, this journal began a Forum feature in hopes of stimulating a productive, reflective discussion among the members of our association. As ever, addresses to the forum are reprinted here without editorial intervention beyond copy-editing and proof-reading.

Unethical Frameworks Undermine the Educational Value of Debate

Matthew Lucci[1]

Over the years, collegiate debate has grown into an extremely competitive activity. While coaches and institutions stress the importance of solid communication skills, the competitive aspect of forensics is one of the largest forces in such activities. The pursuit of victory drives programs to build their budgets, dictates their competition schedules, and even changes their approach to the activity as a whole. The drive to win individual debates and national titles has continuously given rise to practices that undermine the activity as a whole and threaten the educational benefits of competitive forensics.

Competition can be a great way for students to enhance their skills. Debate provides a hands-on method of learning that increases students' understanding of key subjects. In fact, forensics instruction serves as a method of teaching through intentional study that is beneficial to college students, especially those with learning styles that pose challenges to their instructors and require nontraditional teaching methods in order to effectively learn complex material (Wilson and Gerber, 2008). Students are drawn to the activity for the competitive aspect and the prospect of attaining collegiate scholarships as early as middle school, and this competitive ambition lasts well through college.

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While debate is a wonderful activity in these regards, the drive to win has led to unfair and unethical practices within various debate communities. In NDT-CEDA, teams attempt to "spread" their opponents out of the round by providing as many arguments as they possibly can in a rapid manner. The purpose of such tactics is to win the round on the technical argument that one's opponents have not addressed all of the arguments in the round. The desire to win has also given rise to the prominence of critical arguments (kritiks) in collegiate forensics. In many forms of debate, frivolous critical arguments are employed not as a means to address an important issue, but as a means of side-stepping opposing arguments without actual debate on the topic. Similarly, there are evolving tactics in the IPDA community that shut down real debate by presenting unfair frameworks that disadvantage ethical debaters. This is tempting to competitors and forensics programs because it provides an unfair and corrupt advantage to schools that shed the pedagogical value of debate in favor of the prestige of winning (Hobbs and Pattalung, 2008). Engaging in such unethical debate tactics weakens the educational value of the activity.

Debate is supposed to be about education, and its growth as a collegiate activity can be attributed to schools valuing this aspect (Burnett, et al. 2003). When properly instructed, collegiate forensics provides a greater educational experience and forces students to think critically about key subjects. This type of activity allows students to experience a higher quality of education and possess a deeper understanding of the subject matter than traditional teaching methods (Allen, et al. 1999). It is this educational value that attracts communications departments and donors to support debate at the collegiate level.

Unfortunately, we tend to measure the success of forensics programs not by their ability to improve the communication skills of their students, but by their competitive records (Mazilu, 2002). Organizations rank schools, programs, and competitors in every format of debate. Coaches are increasingly concerned with the competitive standing of their schools and winning titles. This leaves the very purpose of IPDA debate behind. One of the founders of the IPDA wrote that "the Public Debate format was created by starting with the educational goals and working backwards" (Cirlin, 2007). The nature of the IPDA format was developed to allow competitors to develop real-world communication skills instead of complex technical jargon. Rather than focusing upon winning championships and gaining clout in the forensics community, IPDA was founded for the educational benefit of the student competitors. That benefit is achieved when students engage in fair, meaningful debates, and is stifled through the use of abusive debate tactics and teams that seek primarily to win championships.

The drive to win rounds tempts competitors to leave behind ethical debate in favor of abusive argumentative tactics designed to increase the likelihood of victory (Chandler and Hobbs, 1991). Not only are competitors responsible for such tactics, but the drive for program awards tempts coaches to train their students to utilize such methods in debate rounds. As a result, technical arguments have become quite common in IPDA. Debaters attempt to place high burdens upon their opponents in hopes that the

judge will be convinced that the opposing debater failed to meet some established obligation. This can be seen when competitors tell the judge that their opponents "must prove beyond a shadow of a doubt" that a certain statement is true. Conversely, the tactic of lowering the bar for oneself has become increasing popular among competitive programs, with statements like "all I have to do is to cast some doubt that the affirmative is true, and then you (the judge) have to vote negative." Such tactics not only miss essential debate theory, they sidestep the fundamental IPDA burden of the negative to clash with the affirmative and refute the affirmative case while also undermining the educational value of the debate itself by not actively engaging in the argumentation at hand. Convincing judges to reward such dishonest debate ruins the educational value by demonstrating that ethical debate does not win.

Ethical debate can and will get left behind if the IPDA community continues to reward unethical framework arguments. When coaches teach their students how to side-step affirmative advocacy through the use of unrealistic burdens, they teach their students that taking home a trophy is the most important part of our activity. As debaters convince lay judges that they must vote on unfounded and unfair technical arguments, they learn that taking shortcuts in debate increases their chances of an award. Affirming such behavior through ballots and coach instruction degrades the quality of the debates themselves and removes the educational purpose behind our activity. As we allow our community to become corrupted by these tactics, we allow for our pedagogy to be undermined and lose the very reason why we as coaches claim for forensics to be important (Richardson, 2017).

As coaches and educators, we ought to strive not to find new and innovative ways for our students to win rounds through shady means, we ought to empower our students with real-world communication skills predicated upon established ethical frameworks. In sum, "we ought to value our students learning in and out of round more than any number of plastic trophies" (Key, 2014). Until we return to focusing our efforts upon these goals instead of chasing national titles, our students will not receive the level of education promised to them and to the departments that support our activities, nor will the IPDA retain an educational advantage over forms of debate that employ spreading or kritiks as a shortcut to winning rounds.

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