

## THE UNWRITTEN RULES

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College level academic debate is the most exciting and sublime of inter-collegiate competitions. Debate pits reason against reason—the highest faculties says Plato—in a clash of will and smarts. For other sports, basketball, tennis, football, or hockey, the playing field is three dimensional, limited by time and space. But debate breaks free of those limitations and rages, instead, about the infinite planes of imagination, in the majestic polarity of good and evil. The game parameters, are themselves, objects of contention. The game moves as you play. At its best, debate is a competition for the very terms of perceived and induced reality.

### I. THE RULES

Very few official rules exist in *CEDA* (*the Cross Examination Debate Association*), or *NDT* (*the National Debate Tournament*), and the ones that do exist are often ignored or broken. In general, though a *Resolution*, is advanced by the *Affirmative*, using *evidence*, or published quotations, and rejected by the *Negative*. Each side is allocated a certain amount of time to make speeches, ask questions of their opponents, and prepare to make more speeches. The first 2/3 of the debate is called the *Constructives*, where *cross-examination* occurs, while the last third of the debate is called *Rebuttals*. Rebuttals serve as a period of conclusion and crystallization of ideas, and so no new arguments may be made in that period. The *judge* decides a winner based on the contest. Beyond this outline anything can happen, though there are some generally agreed upon reference points, such as the Unwritten Rules.

#### A. *The Unwritten Rules*

Perhaps the best way of understanding debate is by examining the unwritten rules. These are generally accepted rules of engagement, written nowhere. They can be challenged, though often are not.

#### B. *Silence is Consent*

For the purposes of debate, an argument to which no response is made is a conceded argument. The conceded or *dropped* argument may then be used against opposing arguments with impunity. At a gaming level, silence necessitates consent, otherwise there would be an incentive to ignore argumentation that could not otherwise be beat. The silence is consent doctrine encourages head to head confrontation by penalizing the side that would evade the issues; it seeks to avoid what is known as “two ships passing in the night,” or non-clashing rhetoric.

Since there is a finite time frame for each speech, and since silence is consent, there is a great rush to respond to each and every opposing argument before time runs out. The thrust to avoid dropping argumentation is the impetus behind the *Gut Spread*: speaking at a tremendously rapid rate. Some teams make a strategy of *Spreading* their opponents out of the round, in other words, making such a large volume of *presses*, at such a quick pace, some will invariably be missed, and those missed or dropped arguments will hopefully be of sufficient weight to win the round.

### C. *Fairness Trumps*

Debate is a game, and like any other game the playing field is expected to be level. Fairness is a virtue. Although there is some controversy, the conventional wisdom is that since debaters have come to debate, preordained wins or losses, caused by some built-in unfairness in the round are antithetical to the activity. This is a good example of the implicit notion that the game itself will often (although not always) trump other concerns.

### D. *The Judge is Tabula Rasa*

John Locke argued that people are born into the world as blank slates (*tabula rasa*). We don't know anything. We don't believe anything. We don't have predispositions or intuitions. We're neither good nor evil. We go out into the world, have experiences through our five senses, and learn about the things we need to learn about. Until then, babies are just blank states: clean pages.

In debate, the judge is also supposed to be a blank slate. Like the newborn, the judge will believe whatever she is told about the shape of the world and about the way things work, as long as she is provided evidence and analysis to support the claims. All substantiated contentions are assumed true until proven otherwise.

Some judges abhor the Lockean characterization because it is misleading. Real blank slates cannot weigh impacts; weighing requires a sophisticated understanding of quality and quantity, something that cannot be explained in a two hour debate, but must be acquired and refined only over the span of a lifetime. Blank slates cannot choose better analysis from worse, nor know when a new argument is being made, nor know the difference between what is possible and logical from what is impossible and nonsense.

But conventional wisdom still prefers the blank slate judge. It means that if evidence is presented that contradicts the judge's personal life experience, the life experience, not the evidence, must give way. Counter-intuitive claims should not be dismissed just because they are new, or held by a minority, but must be reasoned away—and furthermore, it must be reasoned by the opposing team. *Intervention*, a dirty word among judges and debaters alike, is when a judge spontaneously (*sua sponte*), and without direction from any of the debaters, invents argumentation that affects the decision calculus. Competition is supposed to occur between two teams, not between a judge and her favorite team on one side, against the remaining team on the other.

The ubiquitous chant, "Debate is for debaters," for example, is a protest against judge intervention. In the same way that figure skating judges are not supposed to dance on the ice, a

debate judge is not supposed to make up arguments. Instead the judge is supposed to passively critique the round. The highly regarded *flow judge* evaluates the round that is happening, not the round she wishes were happening.

### **E. *Evidence is Real***

Fabricating evidence is the ultimate sin. You can't do anything worse. The requirement that evidence be real is so important, in fact, the rule is written as well as unwritten. Evidence may not be "real world" but all evidence is supposed to be real, that is, an actual quote from an actual publishing body (*e.g.*, periodicals, magazines, transcripts, newspapers, government documents, books, websites, etc.).

### **F. *The Negative Has Presumption***

The Affirmative must win while the Negative need simply not lose. It is the Affirmative's burden to prove the *Case* true and to prove that their *Plan* is the best one available. The burden of proof rests with the side making claims.

The reason why the Negative has presumption is that the status quo is presumed to work, presumed to operate well enough until proven otherwise. Just like in congress, when the Affirmative offers a Plan, or a change from the status quo it tries to move us out of the status quo into some unknown and untested future. Maybe the status quo is not perfect, but it has kept us alive so far, and better yet, with the status quo at least we know what we are getting. Any change away from the status quo involves some risk: risk of unforeseen consequences, risk of unintended outcomes, risk of accidental disaster, risk of uncalculated costs. While a Plan may promise an improvement over business-as-usual, there is always the unforeseen possibility of an outcome worse than what we have at present.

This is why the Negative, as defender of the status quo, has presumption. This means that in a tie, the Negative is presumed to be the victor. To prevail, the Affirmative must overcome the risk inherent in change.

## **II. CONCLUSION**

These Unwritten Rules only continue to operate because debaters fail to challenge them. The best debaters discover the Unwritten Rules and break them when it is to their advantage. The team that knows how to make and break rules, controls the terms of the game.