
The Influence of Electronic Databases on Contemporary Debate Practice: Considerations of Argument Selection, Fiat, and Evidentiary Standards

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One of the most influential changes in the practice of contemporary academic debate in the past five years is the increasing use of electronic databases by debaters to gather research. For the purpose of this discussion, we primarily have in mind databases such as Lexis/Nexis which provide full text articles available immediately or very soon after publication. Most of what we discuss pertains only to the Nexis portion which provides virtually instant access to newspaper articles and editorials along with full text access to many policy journals. The existence of Lexis/Nexis makes it possible for a debater to search a database on any topic and come up with a myriad of articles to read. The ability of Lexis/Nexis to provide ample research is undisputed by our discussion. Instead, we want to discuss the influence of this type of research on contemporary academic policy debate, practiced by those schools who belong to and attend NDT tournaments. Specifically, this essay focus on three areas of debate practice. First, we look at how debate strategy has been affected by the types of arguments which electronic databases make available to debaters. Specifically, we note the growth of political or process disadvantages which are made readily available by electronic information gathering. Second, we discuss how the political process disadvantage challenges traditional notions of fiat. Finally, we discuss the increasing importance of recency as an evidentiary standard and how it trades off with what we believe to be more important considerations of evidence. It is our hope to begin a dialogue that improves the quality of debate discourse within the growing and largely positive experience of electronic databases for debate research.

Argument Strategies and Expectations in the Electronic Age

Access to electronic research via electronic databases has provided a unique opportunity for argument strategies and expectations. In this section of the essay we explore how electronic databases provided an impetus to create process disadvantages such as the "Clinton" disadvantage and has created expectations for teams to have the most recent information on all topics.

One of the most significant features of electronic databases is the huge expansion of the number of newspapers readily available to the debater. Previously, debaters typically were limited to some national editions of papers, such as the *New York Times* or *Washington Post*, and their local newspaper. This severely restricted the amount of daily political commentary from which debaters could generate arguments. Combining the debater's access to hundreds of daily newspapers with the ability to conduct key word searches of a database which contains those newspapers results is a quantum leap forward in access to information. Additionally, services such as Nexis also provide transcripts to some news programs such as National Public Radio's "All Things Considered." Thus, in

addition to exposure to policy journals and books, debaters now have an abundance of primary sources of political information available to them in a manner which makes gathering the information very easy.

Concurrent with the increasing exposure to political information, the debate community also witnessed the increasing popularity of two different but complementary arguments: the political process disadvantage and the domestic agent of action counterplan. It is difficult to discuss one without the other. It is our opinion that the availability of electronic research helped to popularize, via accessibility, a debate strategy which counterplans away the affirmative advantage with a different agent of action and argues a disadvantage based on the affirmative agent of action. This strategy has severe negative consequences for policy debate. Basically, this strategy focuses the debate away from the affirmative public policy alternative and forces the affirmative to defend the political climate surrounding the adoption of their plan. Such a climate is often hypothetically created since in the "real world" Congress or the President may be philosophically opposed to enactment of the specific public policy alternative advocated by the affirmative. In the next few pages we look at the growth of the agent of action counterplan, the political process disadvantage, and discuss the merits of this popular argument strategy with some suggestions for how to debate these issues in an electronic age.

The strategy of using an agent different from that of the plan is not new. Throughout the history of college debate, there have been periods of different categories of counterplans. The utopian counterplans gained prominence by deriving their competition from the use of the topical actor. In these situations, use of the Federal Government would delay the movement toward a superior form of governance. These counterplans can still be found in isolated debates, but they have withered because of the difficulty of maintaining their competition in light of potential permutations.

To truly analyze the recent rise of domestic agent of action counterplans, it is necessary to examine the 1991-1992 right to privacy topic. This topic was the genesis of the current counterplan incarnation. This occurred even though the topic lacked a specific agent of action. The resolution only required that "one or more Supreme Court decisions recognizing the right to privacy should be overruled." The most important factor of the agent strategy was the publication of Gerald N. Rosenberg's (1991) *The Hollow Hope: Can the Courts Bring About Social Change?* This book became the prime source of information which refuted the role of the Supreme Court in making government policy. The book led to a number of debates in which the negative counterplanned to enact the affirmative through the United States Congress. The prime net benefit was the Hollow Hope disadvantage. This argument typically consisted of proving that the plan would send a signal of victory to liberal social movements in the United

States. These movements would see the Supreme Court as changing its political orientation, and shift to a predominantly litigation-based strategy. This new litigation approach would fail because the Court had not actually shifted directions.

Legislative counterplans had overnight become a powerful new weapon for the negative. Instead of having to debate the merits of the proposed affirmative plan, the negative only needed to prove that the potential harm of having the Supreme Court act was greater than any potential benefit that the Court could produce. The potential advantage of the plan became a non-issue. The focus of the debate shifted dramatically in the negative's favor.

Other nations and international organizations were also explored as non-resolutional actors during the South Asian development topic of 1992-1993. Negative teams advocated the use of Japan or the World Bank as a reason to reject action by the United States. The acceptance of these bodies was far from universal. There was a growing resistance to these actors as the season progressed largely based on the limitation of international fiat for the counterplan. The different branches of government were not a major factor in counterplan decisions. The notable exception was the exclusion of different federal agencies, including the United States Agency for International Development, because of their institutional difficulties.

The 1993-1994 topic may be remembered for the explosion of the agent counterplan. While the privacy topic had created a huge area of new counterplans, the Commander-in-Chief topic split the finest lines of fiat. The dominant generic strategy was characterized by the exclusion of one of the branches of the federal government. The most common was the exclusion of the Congress. The topic asked for Commander-in-Chief power to be curtailed. The verb "curtail" is a very concrete and binding term. Very few historical instances had supported the occurrence of this event. In order to avoid the loss of prestige to the President from a curtailment, many negative teams choose to have the President enact the plan himself. This strategy avoided the negative implications of a Congressional reversal of Presidential power.

Debate adapts to new trends much like a natural ecosystem. Affirmatives attempted to refute these counterplans by explaining the need for congressional involvement. Their case consisted of the need to inform and consult with Congress when matters of troop deployments are concerned. The negatives were quick to respond. Negatives found that the adoption of a non-binding resolution would have the same benefits of Congressional involvement without the negative effects of a statutory Congressional limitation.

These examples are representative of the majority of debate rounds. There were many rounds where this cat and mouse debate went even further. Counterplans combined agents and were claimed as net beneficial because of an agent of adoption or a veto. Judges, coaches, and debaters all expressed reservations about the rise of this approach but no one was in a position to stop this. While these debates did not directly involve the case advantages, they were effective for the negative team.

If negatives found that it was useful to use agent counterplans on areas of international policy then they were overjoyed by the prospect of agent counterplans on a narrow, domestic topic. The criminal procedure topic of 1994-1995 featured many narrow affirmatives which were the subject of very little published material. Many squads found it difficult to research winnable negative positions to many cases. This is a sure fire recipe for an agent

counterplan. The primary difference between these legal counterplans and those on the privacy topic was that these cases did not directly implicate major areas of the Bill of Rights. Small procedural changes offered very little in the way of advantages or links to the Hollow Hope disadvantage position. The same debates occurred over and over as the plan had almost no relevance to the debate. The negative team needed to know only which actor was in the plan and some proposed explanation which could become a link to a political disadvantage.

The political process disadvantage is the sibling to the agent counterplan. As teams began to counterplan using the courts, they needed a new net benefit. The political process disadvantage typically focusing on Presidential prestige or credibility became a crowd favorite, even when the Court was the agent of action. Teams scoured electronic databases looking for "perception links" which would explain why the President would get blame for the plan. The criminal procedure topic featured a number of debates which centered on why Clinton would be credited or blamed for the actions of the Supreme Court, the federal courts, the Congress, the Federal Sentencing Commission, and numerous smaller agencies. The problem of stock link debates became increasingly prevalent. Electronic research became the means by which debaters could find someone who would attribute something to Clinton or suggest what might happen if Clinton's popularity decreased. Electronic databases exponentially increased the number of editorials available to debaters and thus provided the data to create these positions. Without electronic databases, the available evidence would be too limited to sustain a discussion about the effect of the plan's action on Clinton or other domestic agents of change.

What makes this strategy even more attractive is that the typical burdens of a disadvantage such as uniqueness are loosely considered with an agent strategy. If the plan and counterplan can solve the same harm, why would a judge risk the impact from the political or Hollow Hope disadvantage? Even the risk of a non-unique link is something more than the tie that is produced by the differing agents. A new presumption has emerged with this system of arguments. The affirmative must now prove that there is no risk from a process disadvantage or that they can turn the position. Absent a claim which satisfies one of the above conditions, the negative is going to win the vast majority of these debates.

Agent counterplans and political disadvantages have become a new means of avoiding case debate. There are always strategies which allow the negative to avoid direct clash with the affirmative case, but this trend may be reaching levels which discourage a number of people from participating in the activity. The benefits that come from a year of research on a topic may be dramatically reduced if a debater only focuses on the new links to the Clinton disadvantage.

Electronic research has allowed political disadvantages to become viable arguments. This has allowed the shift away from "conventional" case debates. In order to reverse this trend, we must look towards the topics and the debaters, not just the electronic research. To borrow a phrase from the nuclear proliferation literature, "the genie is out of the bottle and cannot be put back." Debate cannot eliminate electronic forms of research or mandate that political disadvantages be banned. The more effective strategy would be to encourage debaters to increase the sophistication of their attacks against brief, tag-line "updates." Beyond the changes that need to be made in debate practice, future topics must make a concerted effort

to write topics that are balanced in their affirmative and negative ground. Areas that have very little direct clash, like criminal procedure, are breeding grounds for "un-strategies." Debaters will always seek the most effective means of research. If debaters can be convinced that direct work in the topic area is in their interest, that is where they will focus. If, on the other hand, debaters feel frustrated trying to find answers to an affirmative based on a sole law review article, they will look towards "un-strategies." We should not place the sole blame on the debaters. It is the responsibility of everyone in the debate community to become involved in the formation of future topics.

It is too early to be certain, but there appears to be a great deal of promise in the 1995-1996 Middle East topic. The choice of a controversial area of foreign policy is combined with a balanced, directional topic. This topic has been consciously shaped to provide a balance of the literature to both affirmatives and negatives. Credit should be given to all of those who helped develop this topic. We should remember this when the time arrives for writing future domestic topics in the age of electronic databases.

Fiat and Electronic Databases

The ability of electronic databases to provide practically instantaneous information about virtually any topic certainly has changed the nature of debate and the arguments presented. In this section we examine the changing nature of fiat due to the focus of disadvantages on the political process.

Anyone involved in contemporary policy debate has witnessed the increased focus of disadvantages on the political process. Negatives routinely argue that adopting the affirmative plan of action will make a political actor look bad or good and then subsequently argue that such an action is harmful. For example, during the criminal procedure topic, negatives would argue that changes to criminal procedure would make President Clinton look bad which would lessen his chances of getting health care reform passed which they argued was good for the United States. Other forms of the disadvantage focus on other political actors and other impacts. The similarity of these arguments is that they examine the political variables associated with the affirmative's public policy alternative. It is our contention that such arguments challenge traditional notions of fiat and subsequently change the focus of debates from the public policy alternative to the political variables associated with the hypothetical change in policy.

In looking at traditional notions of fiat, we find that fiat defines the focus of debate on what should be done rather than on the political questions surrounding whether or not the policy would be done. On the surface it would seem as if the notion of fiat is rather simple. Beginning textbooks of academic debate have no trouble in defining the nature of fiat. As Winkler, Newnam, and Birdsell (1993) write, "Fiat . . . allows the affirmative to imagine that their plan is put into place without argument from negative debaters" (52). So far so good. Fiat excuses the affirmative from having to argue whether or not their plan would be adopted. It is our contention that traditional notions of fiat are meant to focus debate on the merits of the public policy alternative that the affirmative offered. In discussing the nature of fiat and should-would arguments, Winkler, Newnam and Birdsell (1993) continue their discussion of fiat and maintain that ". . . a should-would argument is a line of argument that confuses the issue of whether a plan should exist with whether or not it would exist. Most debate judges consider should-would arguments an illegitimate form of argument

because such arguments prevent debaters from focusing on what should be public policy." (52) Roger Solt (1992) supports this viewpoint when he writes about a consensus regarding the nature of affirmative fiat. He writes, "Fiat is not an artificial intervention into the normal political process; rather, it is the assumption, for the sake of argument, that such a normal process has been employed, and the affirmative plan has come into being." (389) Fiat and should-would considerations attempted to keep the focus of debate on the merits of the affirmative public policy alternative. We would also point out that this discussion of fiat assumes that the political discussion, to use Solt's language, "has been employed." We interpret this to mean that debate begins with a hypothetical agreement between the teams and judge that the debate begins AFTER the affirmative policy is adopted. Questions surrounding the adoption of the plan and the political minutia involved are illegitimate forms of argumentation. Discussions of whether the President would veto the plan or the fact that the Congress might object to the plan are not relevant to the particular question of whether we should increase space exploration or limit the power of the Commander-In-Chief.

During most of our involvement with academic debate, these considerations were not challenged. One reason might have been the debatability of discussing the political nature of Congress and more importantly the preference of those involved in academic debate to keep the focus of the debate on the affirmative public policy alternative. However, with increased access to political information via electronic databases, negative teams now wish to discuss the political methodology and implications surrounding consideration of the affirmative plan by Congress or the President. The area which was once off limits is now one of the most popular negative disadvantages that we have debated or judged in the past three years. We believe that access to electronic information which provides contemporaneous accounts of political behavior have created a supply of information that debaters want to use. Thus, rather than granting the affirmative that their plan is adopted with no questions, the negative now chooses to debate political issues surrounding the adoption of the affirmative proposal. In our opinion such political or process disadvantages also challenge these traditional viewpoints of fiat.

In evaluating this practice we are concerned about the direction of these debates from the standpoint, as mentioned in the first section, that such debates avoid discussion of the public policy alternative. We would propose asking whether or not the policy debate community desires such a trend: Do we want to support a practice designed to avoid clash in a debate? While we do not speak for the entire community, it is our contention that debate is better off focusing on the merits of the particular public policy alternative rather than engaging in hypothetical political discussion. We believe that a close scrutiny of how fiat is limited by agent of action counterplans and political process disadvantages is a starting point for those interested in focusing debate on the public policy alternative.

Changing Evidentiary Standards: The Growth of Recency

The final influence of electronic databases that we wish to discuss concerns evidentiary standards and the implications of these standards on the type of information sought by debaters. One of the great advantages of electronic databases is that they provide the most up to

date information on topics. For example, the Nexis service offers a large sample of newspaper editorials and articles available the same day they are published. As such, the most recent evidence that is available via electronic databases is often journalistic accounts of public policy issues. Not coincidentally, a debater with the most recent information will often make recency an issue in weighing evidence in a debate. The growth of recency was acknowledged in Star Muir's survey of the NDT community which concluded:

One of the more significant effects is the increasing availability and use of up-to-date information on national and international affairs. Debate arguments, now susceptible to daily "updates," strategically privilege recency and timeliness. Having recent, short quotes with soundbite punch can be a real advantage, especially on political and economic issues. (2)

Indeed, 83% of those surveyed about electronic information agreed or strongly agreed with the statement that electronic research has put a premium on recency in deciding rounds (Muir, 18).

While the emphasis on recency does provide the opportunity to debate political issues we believe it does so with a price. Sixty-seven percent of those surveyed about electronic research supported the statement that electronic research has decreased exposure to and use of academic sources and books (Muir, 18). If recency is the requirement for evidence, debaters have little incentive to research journal articles and books which necessarily have longer delays between writing and publication. Once a journal article becomes available in print, it may be out of date for the purposes of policy debate. Does this mean that the information contained in the article is not valid? Absolutely not. However, it is outdated by the electronic research. Too often we have witnessed debaters who fail to defend their journal evidence by appealing to other standards for evidence. The credibility of the source largely goes unnoticed. Even though the information could be old, is the information out of date? A more recent explanation of something does not mean that all explanations which came before are now invalid. The question debaters need to ask is whether or not there were intervening variables between the dates of the evidence. To succumb to a recency "contest" is to misunderstand the question of evidence quality. Recency is one among many factors in determining the strength of evidence. What we would like to see is debaters truly debate the merits of the evidence rather than simply conduct another Nexis search to stay even in the war of updates.

The growth of electronic research has created a frenzy to get the most recent information on the political events of the day, so much that "recency" is now the battle cry of debaters waged in an evidence dispute. But, is recency a valid standard to be used to weigh electronic evidence? Does evidence from July 5, 1994, really outdate evidence from July 3, 1994? In our opinion most debaters would answer in the affirmative. However, this answer is wrong. The more recent evidence only takes precedence if something has occurred to change the meaning of the

evidence between the 3rd and the 5th. Unfortunately, the "recency" trend has largely ignored this fundamental question. Moreover, debaters also fail to offer other standards for interpreting the strength of evidence. While recency is a standard it must compete with the credibility of the source along with quality of the argument contained in the evidence. A failure to address this issue of recency properly merely reaffirms debaters' commitment to find the most up to date information without examining the quality of the arguments that the evidence makes.

Conclusion

Clearly, the use of electronic databases is only going to increase in future years. Electronic databases provide ease of use combined with a vast array of information. Yet, electronic databases and the corresponding growth of information does impact on the debate process. The information provided by electronic databases provides the opportunity to debate the political process surrounding the adoption of the affirmative proposal. Clearly, we believe such debate has profound tensions with the nature of affirmative fiat and discourages debate about the merits of affirmative public policy alternatives. For us, fiat serves a useful function to focus debate about the public policy alternative. Now as negatives begin to push the fiat envelope, the policy debate community must revisit the nature of fiat and decide whether or not debate about the political process should be the focus of debates.

Moreover, we are concerned about the "recency" craze initiated by electronic databases. Yes, debaters are able to garner the most recent evidence with electronic databases, but, at what cost? Star Muir's recent survey revealed the declining use of books and journals as evidence in policy debate. Additionally, we discussed the how debaters poorly debate the qualifications of evidence. It seems as if many debaters are comfortable trying to update one another through the use of electronic databases. Clearly, we think there is more to evidence analysis than recency and encourage debaters, coaches, and judges to require stricter standards for evidence usage in our electronic age. Overall, we are convinced that the opportunities presented by electronic databases are good for academic debate. Yet, we are also mindful of the potential pitfalls such new resources and technology present for debate.

References

- Muir, Star. "Community Perspectives on Electronic Research." Unpublished Manuscript prepared under auspices of the Policy Debate Caucus of the American Forensic Association.
- Rosenburg, Gerald N. 1991. *The Hollow Hope: Can Courts Bring About Social Change?* Chicago: University of Chicago Press.
- Solt, Roger. 1992. "Negative Fiat: Resolving the Ambiguities of 'Should.'" in *Advanced Debate*, ed. David A. Thomas and John P. Hart. Chicago: National Textbook Company.
- Winkler, C., Newnam, B., Birdsell, D. 1993. *Lines of Argument For Policy Debate*. Dubuque, IA: WCB Brown and Benchmark, Inc.

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