

JUSTIFYING DECISIONS: GOOD BALLOTS GIVE GOOD REASONS

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This paper argues that the debate community views judging too much from the perspective of decision-making and interpretative paradigms. The focus on these paradigms has caused division and reduced the emphasis on adaptation to individual judges. An approach centered on how a decision is communicated is advocated. Such an approach suggests that the quality of a judge's decision depends on the justification offered. The paper offers nine standards for the evaluation of good decisions and concludes noting three beneficial moves that examining debate decision-making from a justification perspective would accrue.

Author's Note: This author wishes to thank the Southern Journal of Forensics reviewers of this article, Matthew C. Johnson, and Howard Gillman for their help.

(A judge's decision) makes two claims of authority: for the texts and judgments to which it appeals, and for the methods by which it works. These things can be done well or badly in virtually every dimension . . . It is important that they be done well, not only because it is important that the parties be shown that their case has been treated with intelligence and respect, but because the way the opinion is written has large consequences for the future. It deeply affects and shapes the way we think and argue and, in so doing, constitutes ourselves . . . (James Boyd White, 1354).

After the breakdown of the dominance of the stock issues paradigm sometime in the 1970's, the debate community was exposed to vigorous argument on the merits of a wide variety of decision making approaches to debate. Decision making approaches include stock issues, policy systems,¹ hypothesis, narrative assessments, and ideologue-critic among others (e.g. Ehninger and Brockriede; Lichtman and Rohrer; Hollihan, Baaske and Riley; Bartanen; Hollihan and Baaske; Miller; Zarefsky; Patterson and Zarefsky). This debate has offered new perspectives from which to view making decisions.

However, in our debate on the issue, some coaches and judges have been so driven by one decision making approach that they have lost respect for other approaches. Debaters chastize judges who use stock issues, who want slower debates, or any approach to judging that they, the debaters, do not like. Coaches do the same, making comments like, "his paradigm is just weird," and "she's one of those gameplayers who is ruining debate."

We should replace these views with tolerance. Instead of valorizing one decision-making approach to judging, we should value any reasonable approach.² We can certainly debate the merits of any approach; but, we should not reject the value of others who have different views of how to make a decision. Each perspective is worthy if for no other reason than a human being views the world from that perspective. In addition, being exposed to a variety of approaches toward judging educates debaters about adjusting their arguments to different audiences.

However, we should not be left without a way of talking about better versus worse decisions. The maxim “the judge is always right” is unfulfilling because the judge’s rightness does not mean that he or she has communicated that rightness effectively. Debaters and coaches need to understand why a judge voted the way he or she did and some decisions do a better job of explaining why.

We ought respect difference yet still aspire to better decisions. A focus on the justifications that judges offer for their decisions can achieve this goal. The purpose of this essay is to identify a way in which all judges can make good decisions, regardless of their decision making approach, using an approach based on justifying decisions.

TOWARD AN EMPHASIS ON DECISIONS AS JUSTIFICATIONS

A justification approach would go beyond the current emphasis on decision making and interpretive approaches. Decision making approaches, like policy systems theory, stock issues, and hypothesis testing, primarily seek to identify the issues upon which to come to a decision. For example, the stock issues approach stresses the issues of significance, inherency, solvency, disadvantages, and topicality. Very little in this body of scholarship emphasizes justifying the decision. Rather, the priority is on selecting the right rules, principles and issues upon which to base a justification.³

Interpretation approaches like Walter Ulrich’s discussion of “Tabula Rasa” (1984) and V. William Balthrop’s “Critic of Argument” focus on how a judge should engage him or herself with the text of a debate. Ulrich argues that the process of interpretation should be primarily a job of the debaters. Judges should be guided by the arguments of debaters, even if the arguments are not the strongest arguments.⁴ Balthrop argues that the process of interpretation involves shared responsibilities between judge and debater. Ultimately, the judge should act as a critic of argument by engaging in a dialogue with the text of the debate.⁵

Yet, neither of these authors directly address the issue of how to present good justifications for one interpretation over another. Balthrop gets close when he argues that “(m)ore important than voting affirmative or negative seem to be the reasons, or justifications, given for each interpretation” (9). He argues that judges’ decisions are checked when they are critiqued by field dependent standards developed by the members of our debate community. Although Balthrop does not outline these standards, presumably because they are part of an ongoing, changing, community dialogue, he does note that “a burden rests upon the judge to justify why [his or her] reasons are treated as adequate or inadequate and to explain how this influenced the interpretation of the round” (12).⁶

Ulrich comes closer to focusing on the approach I am suggesting when he argues that “the judge must ultimately justify his or her decision” and “the credibility of the judge is based on the ability of the judge to explain the decision to the participants” (1983, 946). Unfortunately, he offers only one standard for justification--that a judge’s justification appeal to a general rule. The other standards Ulrich offers, “attempt to be open to all positions” and “develop standards consistent with the activity being evaluated” explicitly focus on how to interpret the debate text (1983, 947). Outside of the context of the tabula rasa paradigm, Ulrich offers more insight on the judging standards he sees as important to “presenting reasons for a decision” in his *Judging Academic Debate*. He argues that the “ballot should be clear” and “the judge should attempt to be specific rather than global when presenting reasons for decisions” (1991, 63-64). Unfortunately, the remainder of this excellent book is devoted primarily to logistical issues for judges and paradigms in the sense of interpreting the issues in the debate.

The emphasis on paradigms as a way of judging is emphasized strongly in C.B. Crawford’s article critiquing “transient-decision making paradigms.” Crawford argues that decision transience involves the critic’s “ability to sway on core decisional standards from round to round” (5). He argues that critics should minimize transience for the sake of consistency and predictability for debaters. At the same time Crawford urges judges to remain open to new ideas to avoid creating “a world with rigid standards of judging” that “would probably be less exciting and become pretty boring to debaters and judges alike” (11). How a judge should balance these competing concerns is not addressed.

An approach emphasizing the justifications that judges give can provide a way to offer each paradigm as well as their transient incarnations in decisions a chance to communicate. Such an approach would focus on the reasons that judges offer for their interpretations and their decisions. It would not ignore the importance of interpretive and decision-making approaches. After all, any justification that a judge offers will reflect how he or she interpreted the arguments in the debate as well as the issues that he or she believes are important to the decision. A justification approach, however, would not emphasize one set of issues or one way of interpreting arguments. Rather, it would reorient us to focus on how those approaches are communicated to debaters, coaches, and the larger debate community in the justifications that judges offer in their ballots.

STANDARDS FOR GOOD REASONS IN DECISIONS

Just as debaters need to present reasons that a judge can understand to be reasonable arguments, judges should also present reasons that debaters can understand to be reasonable arguments. This process inherently and obviously involves argumentation. Walter Fisher has presented the narrative paradigm and specifically the logic of good reasons as ways to test the worth of arguments (1987, 1989). These are good tests of any argument but there are specific demands for the kind of argumentation that a judge should use in a decision. Lief Carter, for example, has spoken of judge’s legal decisions as “performances,” aesthetic accounts of the competing legal and situational demands. He argues that a judge’s decision should communicate in a way which “creates a persuasive vision of a coherent world

that in turn makes the case outcome plausible” (10). This communication requires the presentation of strong reasons justifying such a vision. In order to present reasonable justifications in the debate community, I believe judges should aspire to offer decisions that meet the following nine standards.

1. Decision Issues

The judge should explain what issues led him or her to choose one side’s position over another. This act of explanation is fundamental to the communication of the key issues that led a judge to vote for one team. Statements such as “I voted on the ‘unilateral mining bans will fail’ solvency argument and the ‘China backlash against U.S. moral pressure’ disadvantage” establish the grounds for the decision and communicate to the debaters what issues were critical to the judge. The classic example of a ballot that fails to identify the decision issues in clear terms is one that I saw at the end of our 1995 high school forensics tournament:

1. Significance: affirmative
2. Inherency: negative
3. Solvency: affirmative
4. Disads: negative on DA 1 and affirmative on DA 2
5. Topicality: not argued

This judge fails to offer any reasons for his or her conclusions. We do not know why he or she concluded that the negative “won” inherency or the first disadvantage. The comment about topicality is irrelevant, although it does tell debaters that this is one of the five issues on which this judge is willing to vote. This judge needs to list what the first disadvantage and inherency arguments are and why they justified a negative ballot.

2. Argument Assessment

Just listing out the issues critical to the decision is not adequate. The judge’s explanation needs to assess both sides’ arguments and should state why the assessment led to the decision. Judges should explain why they chose one team’s arguments and how this led them to make the decision. For example, a judge who explains, “I voted negative because the negative demonstrated the plan would cause a nuclear war,” just does not tell debaters very much, unless the debate is very lopsided. Such a decision will tell a coach even less. Why does the judge believe the plan would cause a nuclear war? Why does the judge believe this disadvantage justifies a negative ballot? What about the affirmative advantages? A judge should assess the debaters’ arguments and then explain why that assessment led to a decision in favor of one side. For example, Greg Miller, addressing a specific issue about the worth of United Nations involvement in El Salvador, wrote in his decision that:

Kansas State’s extension that 1994 is key for United Nation involvement is never effectively answered. Emporia claims that we do not need the United Nations, but the best specific evidence to El Salvador suggests that the United Nations is needed. (1993, 41)

Miller could identify the evidence justifying this argument and explain the reason advanced for why 1994 is so important, but his explanation does not provide an argument assessment.

On a more global level, a decision concerning a high school debate I saw in the mid 1980s might result in this justification:

I voted negative on the nuclear war disadvantage. The negative argued that warfighting would increase the thinkability of war because it requires the defense department to plan for “winnable,” “small” nuclear wars. The affirmative had only one response. They argued that thinkability is non-unique because we already plan for nuclear wars. Unfortunately, the negative pointed out that warfighting uniquely increases thinkability because it instills a mindset of winnable, small nuclear wars--not just nuclear wars like the present system. The negative demonstrated that nuclear war is much more likely and a more serious consequence than the danger of Soviet aggression. The Soviet danger is not very great given the negative’s arguments that Gorbachev has reduced tensions and the Soviets are more concerned with their internal problems.

Again, this analysis needs to go deeper but it does offer debaters a chance to see how the arguments were assessed and viewed by the judge in the debate.

3. Argument Responsive

The judge’s explanation should not rest on assumptions which a debater’s argument rejected without giving reason for doing so. Judges need not be convinced by the debater’s arguments. But, they should attempt to give reasons for their rejection of those arguments. For example, instead of concluding that “There is little risk of war here—an Israeli attack is unlikely,” when Michigan State explicitly argued that the Israelis “would attack” in the 1997 C.ED.A. National Championship round, my decision attempted to explain why I did not vote on this issue:

The affirmative plan does risk some level of the Israeli strike but the scenario is not developed enough to outweigh the affirmative advantages. The plan would give us better bargaining power at the table (at least as argued) because we would have renewed leadership on racial/ethnic issues. This would increase the chance of the peace process going forward thereby leading to increased Israeli reliance on a nuclear posture and given their “die with the Philistines” mentality indicated in the evidence, this creates some concern. However, the negative gives no scenario for the use of these weapons, when they’d be used, etc., so it is a fairly vague, inferred threat. Also, the 2AR argument that the plan’s increased U.S. soft influence could help mediate this violence from ever erupting further erodes the scenario as it makes it seem that violence would not be as likely to break out. Even with this threat, I’d rather stop clear racial economic problems

and the Mead economic risk rather than be concerned about an effuse threat from the Israeli turn. (np.)

By providing this analysis, I hope to communicate to the debaters that I valued their argumentation but that it did not convince me for the reasons that I have provided. These reasons offer debaters a way to understand their loss rather than remaining uninformed about my rationale.

4. Avoids Arbitrariness

Judges should not give reasons which are beyond the argumentative control of debaters. Judges have rejected proposals on the basis of issues that were never even remotely presented in a debate thus violating the premise of a good justification. For example, judges who reject a team's case because "I think it is not topical" or "your plan would risk war" when these arguments are never raised in the debate, give reasons that are usually beyond the argumentative control of debaters.⁷ These justifications are unfair to the debaters and reflect a poor assessment of the debate. In asking judges to avoid rejecting a debater's arguments arbitrarily, I am not saying that one must be "tabula rasa."⁸ But, it is not legitimate for a judge to base his or her reason for decision on an argument that was not even remotely connected to the arguments presented in a debate.⁹

5. Justification Cogency

When judges make a decision, they should offer a coherent statement of why they voted one way or the other. Judges should not use justifications with contradictory reasons. If a judge votes on turns to a disadvantage that say "economic growth is good" and on the affirmative advantage that argues "economic growth is bad," the judge's decision does not rest upon sound reasons. Judges have a duty to resolve these contradictions. How a judge writes a decision to resolve such a contradiction will vary. One way would be for a judge to explain that he or she discounted both positions that contradict. Another way would be to punish the team that contradicted with an explanation of why the punishment was justified in this case. Still another way would be to give a team who makes an apparent contradiction the benefit of the doubt. From this perspective, a judge would attempt as best as he or she could to resolve the contradiction and to explain to the debaters how he or she resolved this contradiction. The remainder of the decision would be based on the resolution of the contradiction.

6. Argument Presentation

Judges should assess both the debaters' arguing as well as the debaters' arguments. Most in our community will admit that how debaters present their arguments greatly influences who we vote for. Personally, I make less friendly assessments when debaters make arguments with weak support, when they read so fast I cannot completely follow their train of arguments, when debaters are rude, and when debaters constantly interrupt each other. Just as each of us views the arguments differently, each of us will view the argument processes differently. The two do influence each other and one is not the only appropriate way of looking at argument.¹⁰ As a result, judges should attempt as best they can to identify how the processes of argument affected their decision. For example, a critic responding to Marc Rubinstein's argument in the second negative constructive that the United

States-Japan trade crisis “won’t escalate out of control” could point to the lack of clarity as a transcript of the argument includes seven “unintelligibles” as Rubinstein read the evidence (Freeley, 445). On a more global level, a judge could note this about a debate concerning the warming effect:

I concur with the negative that the plan will increase the danger of warming. I do so for several reasons. First, I did not agree with the 1AR’s argument that “the plan does not use fossil fuels” because, in his cross-examination answers, he argued that the plan might use any kind of energy. Second, I could not readily support the 2AR’s adamant claim that “warming is unrelated to cloud formations” mostly because he relied on his own knowledge of this, and during cross-examination, he did not demonstrate a great deal of knowledge about warming or clouds. Third, I did not understand the rest of the affirmative’s responses because the first affirmative rebuttal went too fast. So, I concurred with the 2NR’s clear explanations which were supported by her sound understanding of the issue that the plan would probably use fossil fuels since they are the prevailing fuels and that fossil fuels would increase CO₂ and cloud destruction, thereby increasing the danger of warming.

7. Philosophy Match

Judges’ decisions should adhere to the philosophies they give before debates. At most tournaments, judges need not offer a judging statement. However, when judges do offer a “judging philosophy,” they should adhere to it. This does not mean that a judging philosophy should cement judges into one way of voting. Rather, it means that judges should use the philosophy statement as a general guide for the reasons that they provide in their decisions. For example, Maggie Stiffler states in her 1997 judging philosophy concerning “topicality positions without voting issues” that “Like any other position in the debate round, topicality must be impacted.” If she votes on a very short topicality argument without any explanation of why it is a voting issue, she should explain her vote in light of her philosophy statement. For example, the following would not be sufficient: “I voted on the ‘pollutants’ topicality argument. The affirmative said they were a policy. Since that doesn’t answer the argument, I vote negative even if it is a blip topicality argument.” She would need to give a better reason for so blatantly violating her philosophy. Conversely, if a team presented a topicality argument that did not have a voting issue, Stiffler would be under an obligation to explain her rationale by nothing more than pointing to her philosophy statement.

8. Justification Consistency

Judges should explain apparent inconsistencies in their decisions between different rounds. While judges cannot be expected to remember every round they ever judged, judges who change their philosophies should inform debaters. Good judges are aware when their decision appears to be inconsistent with prior decisions that they gave to those same debaters. Good judges will explain why, in a particular debate, they voted on a specific argument when in prior rounds they did

not vote on that argument. For example, in one debate, a judge concludes that we are running short of fossil fuels. Then, the same judge concludes that we are not running short of fossil fuels in a debate with very similar evidence and with one of the two same teams. This judge should offer reasons for the different conclusions. The judge's justification should reveal the reason for the difference. For example, the judge could explain that:

In this debate, the affirmative cited very recent evidence from an excellent study of oil reserves. The negative evidence offers expert opinion, but the affirmative made the argument that the experts had not yet read this study. This argument makes a convincing response to the negative argument.

Other times, the judge will need to address the difference in his or her decisions directly. For example, "In the prior round, the affirmative did not clearly explain how their evidence defeated your 'oil reserves are high' argument. In this debate, the affirmative did explain."

9. Improvement

An important aspect of the judge's decision is education in at least the sense that the judge's ballot can help a debater improve. While this article is not about critiquing debate skills, it is about identifying what makes a decision a good decision. Debaters should not just have a sense of why a judge voted on a particular issue. They should also be aware of what they need to do win that judge's ballot in future rounds. Good judges will take time to explain what arguments a team should address, how they should be addressed, suggest new strategies if there is a fundamental flaw in the one advocated, etc. This not only offers debaters an opportunity to improve, it also serves to refine the justification for the decision as it further points out what was the key deciding factors in the decision. Carrie Crenshaw did this in her 1993 C.E.D.A. Nationals Ballot when she wrote, "If the negative had proven that amnesty without the UN was the appropriate way to solve the tragedies in El Salvador, they would have won the debate" (40).

Each of these nine standards establishes a criterion upon which judges can improve how they write ballots, regardless of the interpretive or decision making approach they use. Judges will not always meet these eight standards. Explaining all of the elements of a decision in one page or, for those who reveal, in the short time after debates is a difficult task. But we should try as best as we can. When we do not meet these standards, we provide debaters with less opportunities to improve their argumentation for future debates. When we do meet these standards, we communicate to debaters in the way we expect them to communicate to us.

CONCLUSION

Focusing on judges' reasons three important moves for our community. First, it de-emphasizes the split between different paradigms and interpretive approaches. It says that any reasonable paradigm or interpretive approach is acceptable so long as judges give good reasons for their decision. Good reasons are not reasons that adhere to any one paradigm or interpretive approach. Rather,

they are reasons which coaches and debaters can conceive of as being good reasons for that particular judge. This offers a way to connect our community instead of dividing it over differing approaches. The commonality that our judging community has is the use of decisions which give good reasons.

This commonality also provides a way in which to balance the tension C. B. Crawford identified between the rigid and open ended use of any paradigm toward decision-making. Judges should always communicate their rationale especially when they engage in transience, shifting from the assumptions of one paradigm to another. In particular, they should justify changes in their decision-making (justification consistency), aberrations from their stated philosophy (philosophy match), and how the argumentation in the particular round led them to their decision (argument presentation).

The second move that a justification approach makes is that it refocuses our attention on debate as a rhetorical event. It reminds us that both the judge's decision and the debater's speeches are rhetorical acts. This point, which should be obvious, has not been given sufficient attention. As I have noted, it is not the primary emphasis of any of the decision-making or interpretive approaches. Nor has it been directly addressed in empirical debate research. Typically, empiricists have focused on "types" of judges and whether judges judge the way they say they will, with very little content analyses.¹¹ While this body of research is interesting, focusing on the reasons judges give for their decisions would be far more heuristic.

Research from such a perspective could focus on the quality of argument evaluation akin to what Susan Kline and Dee Oseroff-Varnell did in their study of children's argument assessment abilities. They found that most children were able to identify common faults in arguments. The difference in their abilities was in the quality of their assessment of the fault and the justification for why this fault made the argument weak. Debate scholars should undertake a similar effort to examine the quality of decisions. Research could also focus on critiques of particular instances or genres of decision justifications. For example, researchers could focus on ballots published with the final round transcripts of the C.E.D.A. and N.D.T. National final rounds.

Third, a justification approach emphasizes improvement in the quality of decision-making. Obviously, a justificatory approach specifically encourages the study and application of providing good reasons in decisions. Unfortunately, as I have noted, we have barely discussed this fundamentally rhetorical perspective. Such an approach can help us appreciate what really distinguishes experienced from inexperienced judges. From the viewpoint of a justificatory approach toward judging, E. Sam Cox and Tammy Lyman House's study's conclusion that there was little difference between experienced and inexperienced judges in terms of issues and delivery emphasized on the ballot is not surprising. Indeed, the differences they did note including the specificity with which the experienced judges referred to arguments and refutation are an indication that more of such judges have learned to identify and, more importantly, communicate more sophisticated justifications (60-61). We should train inexperienced judges to communicate better in their

decisions rather than just handing out sheets that only list the stock issues and tell them that “they need to flow.”

By focusing on the quality of judges’ justifications and putting aside our strong allegiances to decision making and interpretive approaches, we can give our community the tolerance for diversity of thought as well as a commitment to something we can call a good decision, one grounded in reason giving. Michael Pfau, David A. Thomas, and Walter Ulrich have argued that “(i)f debaters can learn to anticipate the expectations that different judges have of what makes for ‘the better job of debating,’ then they can practice the art of adapting to them” (1987, 296). Hopefully, this article challenges judges to improve the quality of the communication of their decisions, thereby participating in the very art we expect of the finest arguers in our community.

Endnotes

¹ See "The Logic of Policy Dispute." (Lichtman and Rohrer); for an example of how policy systems responds to contemporary argumentation in debate, see , "Con: The Irrelevancy of the Critique to Policy Debate: A Response to Morris," (Katsulas).

² What I mean by "reasonable" is any approach that gives both teams an opportunity to make their case and that makes a decision that is not arbitrary. For example, a judge who wanted to vote solely on the appearance of debaters would be unreasonable since that would be unfair and arbitrary, given the objectives of debate. A judge who wants to be a hypothesis tester, gamesplayer, or even some bizarre hybrid emphasizing topicality, is certainly within the bounds of reasonable. Ultimately, the assessment of the worth of an approach toward decision-making should be dependent on the reasons that judges offer because any rule or standard we establish for debate will never be absolute and its worth will depend on the way in which we use that rule.

³ See, for example, Barbara Warnick and Edward S. Inch’s discussion of "ill, blame, cure, and cost/benefits" for policy debate and "definition, field, criteria, application of criteria, and hierarchies" for value debate (1994, 218-223 and 237-243).

⁴ See, for example, Ulrich’s response to Robert Rowland in "Debate as Dialectic: A Defense of the Tabula Rasa Approach to Judging," (1984, 89-93); for a more recent view, see, "Beyond Tabula Rasa," (Bunch, 174-181).

⁵ I should note that Hollihan, Baaske, and Riley argue that narrative judges would do the same.

⁶ I have, in brackets, switched the word "such" to "his or her" for sentence clarity.

⁷ Of course, there may be plans or positions that are so blatantly non-topical or disadvantageous that no argument need be advanced. For example, a plan I heard to kill the elderly needs no advancement of any argument to tell a critic that this plan is not a good idea, at least as initially presented. The critic can respond that such a proposal, on face, entails a serious and very repugnant consequence which should be rejected.

⁸ For a discussion on this matter, see "Debate as Dialectic" (Ulrich); "Critic of Argument" (Balthrop); "Tabula Rasa: The Relevance of Debate to Argumentation Theory," and "A Response to Ulrich" (Rowland, 76-88 and 94-96); and most especially "The Influence" (Ulrich, 943-947).

⁹ Readers can certainly disagree about what constitutes "even remotely connected to the arguments presented in the debate." This debate, though, will center usually on interpretative visions of a debate including the worth of tabula rasa and critic of argument approaches. My position is that a judge’s decision that does not even interact with the arguments and positions that the debaters present in the debate, constitutes a poor decision justification. Such a decision communicates to the debaters that their efforts are not the focus of the debate and instead, the judges views are the only issues worth considering.

¹⁰ Readers who disagree with this proposition should examine Charles A. Willard's book *A Theory of Argumentation*, especially pages 42-66; and read "On Argument and Diagrams," (Kneupper), and, in the same journal, "On the Analysis and Criticism of Arguments" (Burleson).

¹¹ An example of this kind of research is Craig A. Dudczak and Donald L. Day's "A Profile of CEDA Debate Critics."

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