

## “Topicality Justification: An Issue Without Justification”

by Glen Strickland

The decade of the 1980's has witnessed an explosion in the sheer number of arguments initiated during the course of debates at the high school level. The proliferation of arguments has occurred at the procedural as well as the substantive level. Arguments no longer center only on the stock issues of inherency, significance, workability, and disadvantages but are also being applied to the procedural issues of topicality. Traditionally, arguments at the procedural level have centered on whether or not the affirmative plan would implement all the terms required by the resolution (topicality). Additional attention has been paid to whether or not the affirmative plan would gain solvency or advantages not allowed by the scope of the resolution (extra-topicality). These arguments are clearly within the legitimate realm of negative argumentation. Affirmative teams have the obligation to present plans which fall only within the scope of the resolution and may not claim any benefits from provisions not allowed by the confines of the resolution. However, in recent years negatives have sought to expand the scope of procedural ground by arguing that an affirmative team is obligated to justify each term within the resolution. Professors Patterson and Zarefsky explain:

The concept of justification is related to topicality, but its function is different. With topicality, the key question is whether the affirmative really endorses all of the key terms in the resolution. Justification refers to whether the affirmative has given reason to endorse them. (Patterson and Zarefsky, p. 114)

In many cases, the justification argument will center on the agent of change in the resolution. For example, the negative might challenge the affirmative to demonstrate why measures to reduce overcrowding in America's prisons and jails should be done at the federal level. The negative could argue that more benefits would occur if the affirmative plan were implemented at either state or private levels. Justification arguments are not limited to the agent of change. For example, on the current high school resolution dealing with retirement-security, some negatives have argued that the affirmative is obligated to demonstrate some reason why retirement-security must focus on age sixty-five. The negative argument is that demands in the private sector of the economy dictate a need for older workers and that the age for retirement should be placed at seventy-two.

The impact of this attention on justification arguments is that more burdens are now being placed on those arguing for the resolution. Some theorists have argued that the justification burden is central to overcoming negative presumption: “This argument (justification) established that there is no unique merit to the resolution and hence that presumption has not been overturned.” (Patterson and Zarefsky, p. 115)

The thesis of this article is that justification is not a procedural burden and that failure to provide substantive merit to each resolitional term does not mandate a negative ballot. The theoretical basis for the justification claim is that all words have meaning.

Your main standard for making justification arguments is simply that every word has both a distinct meaning and a distinct reason for being in the resolution. Therefore, if the specific wording of the resolution has not been defended, the resolution should be defeated. (Patterson and Zarefsky, p. 196)

The inference is that each term must be justified by demonstrating some measure of substantive gain. In order to justify each term, the affirmative would

be required to prove some type of substantive benefit would be gained were the term implemented. This inference is in conflict with the jurisdictional nature of topicality. Since jurisdictional arguments must be decided prior to examining the stock substantive issues, a judge may not examine solvency, scope of the advantages, turn-arounds, add-on's, et cetera, to determine whether the affirmative case falls within the judge's jurisdiction. Yet, the negative justification position implicitly requires an examination of substantive issues.

Justification, like topicality, is often not a clear-cut matter. It may not be immediately obvious whether the affirmative has given a reason for all of the resolution's key terms. Justifications seldom are organized separately but rather, are implicit in the substantive arguments. (Patterson and Zarefsky, p. 116)

A more reasonable explanation of the affirmative's burden is that some terms in the resolution uniquely limit the scope for debate.

A second way to look at the idea of big and small words is to examine specific versus general words. Specific words are those which have a limited meaning. (Peterson, p. 144)

For example, the term Federal Government is placed in the resolution to specify the agent of change which an affirmative must employ to enact its plan. The affirmative is limited to the Federal Government and may not employ any international agent nor any state or local agent to enact the resolution. Hence, the agent of action is justified by its limiting function. The same reasoning may be applied to the previously cited example of "age sixty-five." This term limits affirmative action to those citizens who are sixty-five plus. The affirmative may not claim any advantages other than the advantages which flow from guaranteeing retirement security to those citizens over sixty-five.

The preceding interpretation would still require the affirmative to justify the terms of the resolution but would allow the affirmative to focus on the procedural meaning of the terms rather than forcing the affirmative to demonstrative substantive meaning for each term. This would force the negative to defend a substantive policy. All too often the justification argument is used to avoid clash. In essence the negative is substituting a procedural position for one that would best be debated at the substantive level.

When the negative argue that some particular term in the proposition is not justified, they are in effect arguing that there are policy alternatives short of the affirmative resolution which will generate the same benefits as the affirmative plan. (Trapp, p. 5)

The negative is now in a position of not only being able to defend the assumptions of the status quo, but also being able to defend alternative policies without assuming the theoretical burdens associated with such a defense. In effect, the negative is arguing that an alternative policy is superior to the resolution. This argument would best be advanced as a counterplan. By arguing at the justification level, however, the negative has relieved itself of any burden to prove that the alternative policy is non-topical and competitive with the resolution. Trapp argued that a "more consistent approach than the 'justification' argument would be a counterplan." (Trapp, p. 6) The negative would then be placed into a situation of having to defend its theoretical burdens. As Trapp observed it would allow "for more honest and open consideration of the comparative merits of the competing ideas and policy systems." (Trapp, p. 6)

The concept of topicality justification is inconsistent with the accepted nature of policy debate. The resolution is designed to delineate the affirmative ground from which the affirmative may select its particular resolitional policy. Herbeck and Katsulas observed that "As we read Goodnight, Balthrop, and Parson, they

are arguing that the resolution is the focus of the debate only inasmuch as it defines argumentative ground." (Herbeck and Katsulas, p. 240-1) The contemporary approach to policy debate "strongly supports the 'plan focus' perspective." (Herbeck and Katsulas, p. 241) On the other hand, justification arguments focus on the resolution as opposed to the plan. Olson and Vasilius wrote that "this strategy (resolutorial justification) focuses around the resolution rather than the affirmative case." (Olson and Vasilius, p. 18) Not only is this approach inconsistent with accepted plan focus but it serves to decrease clash. "Such theoretical standards are unfortunate since they encourage abstract argumentation at the expense of meaningful policy comparison." (Herbeck and Katsulas, p. 243) By requiring the affirmative to focus on the resolution, the negative would be able to develop standard generic positions which could be run in every debate without regard to the specific affirmative case. Such a situation is damaging to the educational benefits of debate. Although exponents of topicality justification as a burden of the resolution, Patterson and Zarefsky appear to agree that focusing on the generic aspects of the resolution would be detrimental to the debate process.

Given the broad nature of many debate propositions, the testing of the resolution by the use of all, the best, the most topical, or simply the most, examples may make debate a simple listing of examples and disadvantages, avoiding substantive discussion on any policy issues that may be incidentally involved. (Patterson and Zarefsky, p. 197)

In summation, the trend toward requiring affirmative teams to justify each term in the resolution based on substantive merit is unwarranted by debate theory and ultimately destructive to the debate process. Each affirmative case should be required to implement the terms of the resolution but the consequences of such implementation should be debated at the substantive level of significance, inherency, solvency, and disadvantages. Thus a fair division of burdens for both teams can be established.

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