

The Meaning of the Resolution

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My aim in this topic analysis is to figure out what the resolution means. I will address the following questions.

- What does “ought” mean in the context of this resolution?
- What does “the right” mean in the context of this resolution?
- Can the affirmative extend the right to protect the identity of confidential sources to more than just reporters?
- Do “reporters” and “confidential sources” mean reporters and confidential sources *in general*, or only some reporters and confidential sources?

I will have the most to say about this last question.

1 “Ought”

The word “ought” is often assumed by debaters to express a moral obligation. I don’t think that’s quite correct in general, but it’s certainly not correct in the context of this resolution. Obviously, the resolution does not say that reporters have a moral obligation to have the right to protect the identity of confidential sources. Reporters cannot be morally obligated to have a right: they either have it or they don’t; they can’t just choose to have it or choose not to have it.

So what does “ought” mean in the context of the resolution? On one influential view, “ought” is not a predicate—it does not ascribe a relation of obligatoriness to hold between an agent and an action—but is rather a *propositional operator*. What does that mean? A proposition is the meaning of a sentence. For example, “Fido barks” expresses the proposition that Fido barks. A propositional *operator* is a function that takes a proposition as an input and returns another proposition as its output. For example, you can think of “not” as taking a proposition—e.g., that Fido barks—and spitting out the negation of that proposition—e.g., that it’s not the case that Fido barks. In this resolution, “ought” takes the proposition that *in the United States, reporters have the right to protect the identity of confidential sources* and returns the proposition that *it ought to be the case that, in the United States, reporters have the right to protect the identity of confidential sources*. Some philosophers and linguists argue that “ought” is *always* a propositional operator. This kind of view is defended by Ralph Wedgwood, among others, and is made plausible by the fact that other modal auxiliary verbs (verbs like “ought,” “should,” “can,” and “must”) are typically understood in this way.¹ But, for our purposes, we need only the weaker claim that “ought” sometimes, as in this resolution, is a propositional operator.

This kind of “ought” goes by various names. Henry Sidgwick calls it the *political* “ought” and uses the following example: “when I judge that the laws and constitution of my country ‘ought to be’ other than they are, I do not of course imply that my own or any other individual’s single volition can directly bring about the change.”² This terminology is a bit unfortunate, because this use of “ought” is not inherently political. Hector-Neri Castañeda calls it the *non-agential* use of “ought.”³ Wedgwood calls it the “ought” of *general desirability*.⁴ I will follow Wedgwood’s terminology.

What distinguishes the “ought” of general desirability from the practical “ought” that appears in most LD resolutions? The main difference is that, as Wedgwood and others point out, the “ought” of general desirability is not tied to any particular agent or time. For example, the sentence “There ought to be no violence” does not entail that any particular agents are obligated, at any particular time, to end violence. On this view, since the resolution uses the “ought” of general desirability, the resolution does not necessarily imply that any particular agent has an obligation to do anything, at any particular time, to make it the case that

¹R. Wedgwood, “The Meaning of ‘Ought’”, in R. Shafer-Landau, ed., *Oxford Studies in Metaethics: Volume 1* (Clarendon Press, 2006), pp. 127–160.

²H. Sidgwick, *The Methods of Ethics* (London: Palgrave Macmillan UK, 1962), p. 33.

³H.-N. Castañeda, “On the Semantics of the Ought-to-Do”, *Synthese* 21 (1970): pp. 449–68.

⁴R. Wedgwood, *The Nature of Normativity* (Clarendon Press, 2007), p. 91.

reporters have the right to protect the identity of confidential sources.

What does this mean for debaters? For one thing, the general desirability reading may have implications for moral framework debates. If the resolution's use of "ought" does not express a moral obligation, then the debate between consequentialists and deontologists is irrelevant to the resolution.⁵ The resolution requires an assessment of states of affairs. Say that *the resolutive state of affairs* is the state of affairs that, according to the resolution, ought to be the case. The resolutive state of affairs on this topic is that, in the United States, reporters have the right to protect the identity of confidential sources. On the general desirability reading, the affirmative's burden is to show that the world would be better if, in the United States, reporters had the right to protect the identity of confidential sources, than if they didn't. If the negative argues, via some deontological theory, that it's wrong for an agent to bring about the resolutive state of affairs, that doesn't show that the resolutive state of affairs would be worse than the status quo or some other alternative state of affairs. The debate between consequentialists and deontologists is, by itself, irrelevant to the resolution, and evaluating the resolutive state of affairs doesn't require a comprehensive moral theory.

This doesn't mean that the debate over *utilitarianism* is irrelevant. Utilitarians are consequentialists who *also* hold that the better of two outcomes is the one with the greatest sum of well-being.⁶ It might matter greatly to the resolution whether the utilitarians are correct, or whether other things—such as freedom, equality, justice, fairness, democracy, knowledge, virtue, excellent activities, capabilities, respect for rights, the keeping of promises, average well-being, or other things—are also of value to the world.

Does the general desirability reading imply that debaters shouldn't advocate for a particular agent to take a particular action—call it a *resolutive action*—that would give reporters the right to protect the identity of confidential sources? I don't think that follows. For if it ought to be the case that some resolutive action is performed (say, the Supreme Court recognizing reporters' privilege under Federal Rule of Evidence 501), then that would seem to entail that the resolutive state of affairs ought to obtain.

Should debaters *have* to defend a particular resolutive action? I'm not sure. I'm inclined

⁵Some rough definitions: by "consequentialism," I mean the view that agents ought to do whatever would make the world go best; by "deontology," I mean the view that consequentialism is false because at least some agents have duties or rights that can sometimes make it permissible or obligatory for them not to choose the act with the best consequences.

⁶In the terminology of Amartya Sen ("Utilitarianism and Welfarism," *The Journal of Philosophy* 76 [1979]), utilitarians accept consequentialism, welfarism, and sum-ranking.

to believe that defending a particular resolitional action is a good idea for strategic reasons, but that it's not unfair to the negative for the affirmative not to defend such an action, since the negative should be prepared to argue against the resolution, and the resolution does not entail that any resolitional action ought to be performed. But that's a difficult question, which I don't aim to settle here.

2 “The Right”

The phrase “the right” raises two important interpretive issues.

First, the definite article “the” presupposes uniqueness—i.e., that there is only one right to protect the identity of confidential sources (or, if there is more than one such right, that there is some most contextually salient right in the vicinity). This bears on affirmatives that might specify particular confidential sources (e.g., informants on some particular topic) or contexts in which their identity might be protected (e.g., in civil proceedings only). Even if (controversially) such a specific form of reporters' privilege qualified as *a* right to protect the identity of confidential sources, presumably so would other analogously specified forms of reporters' privilege. But this means that, if such an affirmative counts as granting reporters a right to protect the identity of confidential sources, then there would be *multiple* rights in the vicinity—e.g., a right against being compelled to disclose the identity of *some* sources or in *some* settings, and a right against being compelled to disclose the identity of *other* sources or in *other* settings—only one of which is defended by the affirmative. And that is inconsistent with the uniqueness presupposed by the resolution's use of “the right.” In order to be topical, these affirmatives seem to require a background interpretation that is inconsistent with the truth of the resolution.

Second, some distinguish rights from privileges. On some views that recognize such a distinction, some ways of granting reporters' privilege would not necessarily entail that reporters have a *right* to protect the identity of confidential sources. Some ways clearly would: for example, a Supreme Court ruling on First Amendment grounds, or an amendment to the Constitution. But what about a federal shield law? According to Erik Ugland and Jennifer Henderson,

[T]he difference between constitutional law and statutory law is that the former guarantees rights while the latter confers privileges. A shield law does not give

journalists a right to avoid subpoenas; it merely grants them a privilege that can be taken away at the whim of a legislative majority.⁷

On this view, federal shield laws are not topical because they do not grant reporters a right. Many sources ignore this distinction and treat reporters' privilege as equivalent to the right of reporters to avoid subpoenas.⁸ This seems to me an important open question for topicality debates. I will not try to settle it here.

3 Extratopicality

An affirmative advocacy is considered extratopical if, in some sense, it does more than what the resolution says ought to be done. For example, if the affirmative advocates that the Supreme Court recognize reporters' privilege under Federal Rule of Evidence 501 and also overturn *Citizens United*, that would clearly be extratopical, because it would do much more than grant reporters the right to protect the identity of confidential sources.

The most straightforward ways of recognizing reporters' privilege would appear to be extratopical, according to at least some definitions of "reporters." The Oxford English Dictionary, for example, defines "reporter" as "a person employed to cover news or conduct interviews for the press or broadcasting media."⁹ This excludes several groups of people that are covered by various shield laws and might reasonably be included by many affirmatives: journalists who are not reporters, such as editors who do not cover news or conduct interviews; freelancers and bloggers, who might report news for a living but not as employees; and student journalists, who are generally not employed by their schools. Assuming the OED definition of "reporter," is it illegitimate—because *extratopical*—for the affirmative to grant privilege to any of these people (e.g., by modeling their advocacy on Illinois's shield law), since doing so would do *more* than give reporters the right to protect the identity of confidential sources?

I don't think so. It seems to me absurd to suggest that the affirmative can't extend privilege to all journalists—including editors, for example. For one thing, any realistic or desirable

⁷E. Ugland and J. Henderson, "Who Is a Journalist and Why Does it Matter? Disentangling the Legal and Ethical Arguments," *Journal of Mass Media Ethics* 22 (2007): pp. 241–61.

⁸J. Nestler, "The Underprivileged Profession: The Case for Supreme Court Recognition of the Journalist's Privilege," *University of Pennsylvania Law Review* 154 (2005)

⁹"Reporter, N." OED Online. OED Third Edition, December 2009. Oxford University Press. Accessed August 11, 2018. <http://www.oed.com/view/Entry/162925>.

way of granting reporters the right to protect the identity of confidential sources would have to grant a similar right to editors, since editors often know the identity of their reporters' sources.¹⁰

Some might say: yes, that would be absurd, but that just shows the OED definition to be bad. Maybe so, but I don't know of a better alternative that entirely avoids the issue. Statutes and articles that define "reporter" in an explicitly broader way are generally giving stipulative definitions for very specific purposes, rather than intending to define a term as it's used in the context of an arbitrary sentence such as the resolution. In addition, a similar issue arises for "confidential sources." Black's Law defines a "confidential source" as "a person who provides information to a law-enforcement agency or to a journalist on the express or implied guarantee of anonymity."¹¹ Certain shield laws clearly do more than allow reporters to refuse to disclose the identity of such sources. Delaware's shield law, for example, extends reporters' privilege to protect the *content* of information obtained from a confidential source, as well as obviously non-confidential sources and content whose disclosure "would substantially hinder the reporter in the maintenance of existing source relationships or the development of new source relationships."¹²

A better solution, I think, is to rethink extratopicality—in particular, to question whether doing anything more than just the resolution must be illegitimate.

The standard arguments against extratopicality are not very compelling in cases like this, where the affirmative is only slightly extratopical. For example, it is sometimes argued that extratopicality is unfair because the negative cannot reasonably be expected to predict and to prepare against actions outside the resolution, or because it allows the affirmative to solve for any imaginable disadvantage by adding any number of planks to their topical advocacy. But it's obviously predictable for the affirmative to defend a law that shields all journalists, and doing so doesn't solve every conceivable disadvantage to the resolutive state of affairs—if anything, it creates more room for such disadvantages. Other arguments against extratopicality are even worse. It is sometimes argued, for example, that extratopicality is unfair

¹⁰This point might be used to argue that extending privilege to all journalists is not extratopical, since it's needed for reporters to have the right at all, and therefore entailed by the resolution. This view would seem to have the strange consequence that recognizing privilege for all reporters, but to no other journalists, would not be topical, since reporters would not "have" the right if courts could subpoena other journalists. It seems to me more plausible to suppose that a broad privilege is necessary for the reporters' right to be *protected*, and that one could have a right without its being protected.

¹¹Black's Law Dictionary, Ninth Edition, 2009. Bryan A. Garner, Editor in Chief.

¹²The Reporters Committee for Freedom of the Press. "REPORTER'S PRIVILEGE: DELAWARE." 2010. <https://www.rcfp.org/rcfp/orders/docs/privilege/DE.pdf>

because it steals the negative's counterplan ground, since any action that does not entail the resolutorial state of affairs is a possible negative counterplan. But, arguably, extratopicality increases the negative's counterplan ground, since it allows them to advocate for *either* the topical *or* the nontopical portion of the affirmative advocacy alone.

In fact, it seems to me that the very notion of extratopicality is ill-defined. What does it mean to do "more than" the resolution? The most precise definition I can think of is this. An advocacy is extratopical if it is *logically stronger* than what the resolution says ought to be done, in the following sense: the affirmative advocacy logically entails the resolution, but not vice versa. But pretty much any advocacy will be extratopical in this sense. For example, if a resolution says that the government should do one of three things, an advocacy that specifies one of those things would count as extratopical, because a disjunction is entailed by, but does not entail, any one of its disjuncts. And advocating any particular method of granting reporters the right to protect the identity of confidential sources—e.g., through a Supreme Court ruling—would similarly count as extratopical, because that advocacy entails but is not entailed by the resolution.

Clearly, though, some instances of extratopicality are illegitimate. It is unfair for the affirmative to advocate that the Supreme Court recognize reporters' privilege and that Trump resign, for instance. The important question is how to distinguish legitimate from illegitimate instances of extratopicality.

My own answer is that an extratopical advocacy is illegitimate when and because it's—perhaps surprisingly—*not topical at all*. This view may sound strange, because it's generally assumed that an extratopical advocacy is always topical. But I don't think that's the case.

On my view, an advocacy is topical just in case, if it ought to be done, that logically entails the resolution. Suppose the resolution says that that p ought to be the case. And suppose the affirmative advocates that p , q , and r be the case. It is natural to suppose that this advocacy must be topical, since if it ought to be the case that p , q , and r , then it ought to be the case that p , since the conjunction entails each of its three conjuncts. However, this doesn't mean that if the conjunction *ought* to be the case, then each conjunct ought to be the case! A famous example is offered by Frank Jackson and Robert Pargetter:

Professor Procrastinate receives an invitation to review a book. He is the best person to do the review, has the time, and so on. The best thing that can happen is that he says yes, and then writes the review when the book arrives. However,

suppose it is further the case that were Procrastinate to say yes, he would not in fact get around to writing the review. Not because of incapacity or outside interference or anything like that, but because he would keep on putting the task off. (This has been known to happen.) Thus, although the best that can happen is for Procrastinate to say yes and then write, and he can do exactly this, what would in fact happen were he to say yes is that he would not write the review. Moreover, we may suppose, this latter is the worst that can happen. It would lead to the book not being reviewed at all, or at least to a review being seriously delayed.¹³

Intuitively, Professor Procrastinate ought to say yes and write the review. However, ought he to say yes? Many people say no. For, if he *were* to say yes, he wouldn't write the review, and that would be very bad. On this view, the fact that someone ought to do *x*, *y*, and *z* doesn't entail that she ought to do *x*; it depends on whether or not she *would* do *y* and *z* if she *were* to do *x*.

This view provides a general framework for approaching the question of extratopicality. The test is whether or not the nontopical portion of an extratopical advocacy would be implemented if the topical portion were implemented. If the answer is no—as it is in the most clearly illegitimate instances of extratopicality, involving utopian policies that have nothing to do with the resolution—then the extratopical advocacy is simply not topical. By contrast, the nontopical parts of seemingly legitimate extratopical advocacies on this resolution (e.g., privilege extending to editors) are things that would—or, at least, might very well be—implemented if their topical portions were in fact implemented. So there is no reason to doubt that these extratopical advocacies affirm the resolution. They are legitimate precisely because they are topical.

4 Specification, Bare Plurals, and Genericity

There are at least five dimensions along which some affirmatives might try to specify their advocacy:

- (1) *Which* reporters ought to have the right to protect the identity of confidential sources;

¹³F. Jackson and R. Pargetter, "Oughts, Options, and Actualism", *The Philosophical Review* 95 (1986): p. 233.

- (2) *Which* confidential sources' identities reporters ought to have the right to protect;
- (3) *In what contexts* such a right may be asserted;
- (4) *How* such a right ought to be granted;
- (5) *Where* in the United States reporters ought to have this right.

These dimensions are importantly distinct. We should not assume that it must be either okay for the affirmative to specify all of them, or not okay for the affirmative to specify any of them. Intermediate possibilities are often obscured by the imprecise lingo of the “whole resolution” versus “parametricization,” or “plans bad” versus “plans good.”

For example, I think it's certainly legitimate to specify along dimension (4)—e.g., to advocate the recognition of reporters' privilege via a First Amendment ruling, Federal Rule of Evidence 501, Constitutional amendment, federal shield law, etc. This is because the different possibilities along this dimension are just different ways of bringing about the resolutive state of affairs. However, I think most would agree that it's clearly illegitimate to specify along dimension (5)—e.g., to defend that some particular state recognize reporters' privilege—because the resolution says “in the United States,” and “the United States” refers to the entire country. And I have argued that specification along dimension (3) is illegitimate, because it is inconsistent with the resolution's presupposition that there is only one right in the vicinity.

However, specification along dimensions (1)–(2) may be more controversial. Some affirmatives on this topic might restrict their advocacy to certain reporters (e.g., reporters at major media outlets), or to certain confidential sources (e.g., whistleblowers in the Trump administration). I believe that such advocacies are illegitimate because they are not resolutive: they do not entail the resolutive state of affairs, that reporters have the right to protect the identity of confidential sources.

I have elsewhere made similar claims about analogous terms in other resolutions. However, each term in each resolution must be treated differently. We should not assume that every term in every resolution should be interpreted in the same way. In the rest of this topic analysis, I will make arguments specific to the current resolution's expressions “reporters” and “confidential sources.”

“Reporters” and “confidential sources” are bare plurals: they are noun phrases that lack an overt determiner, such as an article (e.g., “the”), possessive (e.g., “theirs”), demonstrative

(e.g., “those”), or quantifier (e.g., “all”). Bare plurals can be used in two different ways, as illustrated by the following pairs:

- (6) a. Debaters are passionate.
- b. Debaters are in the cafeteria.

- (7) a. Sam is afraid of realtors.
- b. Sam works with realtors.

The (a)-sentences receive a *generic* interpretation: oversimplifying a bit, they say that debaters are generally passionate and that Sam is afraid of realtors in general. The (b)-sentences receive an *existential* interpretation: they say that there are (there *exist*) some debaters in the cafeteria and some realtors that Sam works with.

In order for an advocacy to affirm the resolution, it must make it the case that reporters have the right to protect the identity of confidential sources. So, if the affirmative advocates that only some reporters have this right to protect the identity of only some confidential sources, that would affirm only if “reporters” and “confidential sources” in the resolution are interpreted existentially. If not—i.e., if “reporters” and “confidential sources” receive generic interpretations—then such an advocacy would not bring about the resolutive state of affairs, and so would not be topical.¹⁴

Are this resolution’s bare plurals existential or generic? Here are some reasons to think they are generic.

4.1 Upward entailment

The resolution fails a simple tests of existential bare plurals. As Sarah-Jane Leslie explains,

the existential interpretation is *upward entailing*, meaning that the statement will always remain true if we replace the subject term with a more inclusive term. For example, if it is true that tigers are on the lawn, then it will also be true that animals are on the lawn. This is not so if the sentence is interpreted

¹⁴If the affirmative provides evidence that their narrow advocacy would *result* in reporters more generally having the right to protect the identity of confidential sources more generally, that would—if true—make their advocacy merely *effects-topical*.

generically. For example, it is true that tigers are striped, but it does not follow that animals are striped (Lawler 1973; Laca 1990; Krifka et al. 1995).¹⁵

This test also works for bare plural objects, like “realtors” in (7). If Sam works with realtors, then Sam works with people, but if Sam is afraid of realtors, that doesn’t entail that Sam is afraid of people.

This test rules out the existential interpretation of “reporters” and “confidential sources” in the resolution. For even if it is true that reporters ought to have the right to protect the identity of confidential sources, it would not follow that people, mammals, or sentient beings ought to have the right to protect confidential sources, or that reporters ought to have the right to protect people, mammals, or sentient beings, even though reporters and confidential sources are people, mammals, and sentient beings. Since the resolution is not upward-entailing with respect to “reporters” or “confidential sources,” it must be generic rather than existential in both respects.

4.2 Stage-level predication

On one view, the existential interpretation of a bare plural subject tends to require a certain kind of predicate—in particular, what is called a *stage-level* predicate.¹⁶ A stage-level predicate is, very roughly, a predicate that typically holds of an individual for a short stage of their existence (e.g., “hungry” or “in the cafeteria”).¹⁷ On this line of thought, we should expect “reporters” to be existential only if the predicate “have the right to protect the identity of confidential sources” is stage-level.¹⁸

How can we tell whether or not this predicate is stage-level? It’s not enough that reporters might have the right at some time but not at another, depending on legal developments. For, similarly, a person might be altruistic or tall at some times but not at others, but “altruistic” and “tall” are widely considered to be individual-, rather than stage-, level predicates. More

¹⁵S.-J. Leslie, “Generics”, in G. Russell and D. Fara, eds., *Routledge Handbook of Philosophy of Language* (Routledge, 2012), pp. 355–366. Emphasis original.

¹⁶G. N. Carlson, “Reference to Kinds in English”, Doctoral Dissertation, UMass Amherst (1977).

¹⁷Think of predicates that appear with *estar* (rather than *ser*) in Spanish. For discussion of this parallel, see J. Camacho, “Ser and Estar: The Individual/Stage-Level Distinction and Aspectual Predication”, in J. I. Hualde, A. Olarrea, and E. O’Rourke, eds., *The Handbook of Hispanic Linguistics* (Chichester, UK: John Wiley & Sons, Ltd, 2012), pp. 453–75.

¹⁸Note that “ought” is not part of the predicate. As I argued earlier, it’s a propositional operator.

generally, the level of a predicate is a semantic feature of the linguistic expression; it doesn't depend on the actual or desirable properties of the thing described. One needs linguistic evidence to show whether or not a predicate is stage-level.

There are, however, various tests that can tell us whether a predicate is stage-level. For example, stage-level predicates can be used with perception verbs, as in "I saw Chris in the cafeteria" (contrast: "I saw Chris passionate").¹⁹ Stage-level predicates can also be used in "there"-sentences, as in "There are debaters in the cafeteria" (contrast: "There are debaters passionate").²⁰ The resolutive predicate fails both tests: "I saw Chris have the right to protect the identity of confidential sources" and "There are two reporters have the right to protect the identity of confidential sources" both sound awful. (They are no better if you add "ought" into the mix.) This means that the resolutive predicate is not stage-level, so "reporters" is generic rather than existential in the resolution.

This argument applies only to "reporters," not to "confidential sources," because it is specific to bare plural *subjects*.

4.3 Bare plurals denote kinds

One view is that bare plurals are, by themselves, generic expressions that refer to kinds of things, rather than their instances.²¹ There are many reasons to like this simple view. One is that it explains, in a very simple way, why a sentence like

- (8) In the United States, reporters ought to have the right to protect the identity of confidential sources, and reporters ought not to have the right to protect the identity of confidential sources.

expresses a contradiction. For if "reporters" and "confidential sources" meant *some reporters* and *some confidential sources*, then (8) should instead mean the same thing as the noncontradictory sentence

¹⁹G. Jäger, "Topic-Comment Structure and the Contrast Between Stage Level and Individual Level Predicates", *Journal of Semantics* 18 (2001): pp. 83–126.

²⁰S.-J. Leslie and A. Lerner, "Generic Generalizations", in E. N. Zalta, ed., *The Stanford Encyclopedia of Philosophy* (2016).

²¹G. N. Carlson, "A unified analysis of the English bare plural", *Linguistics and Philosophy* 1 (1977): pp. 413–457.

- (9) In the United States, some reporters ought to have the right to protect the identity of some confidential sources, and some reporters ought not to have the right to protect the identity of some confidential sources.

This data, and many other considerations, lead some to prefer the simple view that bare plurals always refer to general kinds, and to think that existential readings arise only when and because other features of the sentence—e.g., the predicate, as in the argument considered in the previous subsection—implicitly contain an existential quantifier that binds the bare plural. This means that, in order to win the existential interpretation, a debater would need to provide strong evidence that some *other* term in the resolution has that feature; otherwise, we should default to the generic interpretation since bare plurals refer directly to general kinds.

4.4 Generics as defaults

Most LD resolutions, and even more claims made within LD rounds, express generic generalizations. This is not very surprising. According to some cognitive scientists, we generalize via generics by default. As Adam Lerner and Sarah-Jane Leslie explain,

According to this hypothesis—often termed the “generics-as-defaults” hypothesis—generic generalizations reflect the default mode of generalizing in humans, whereas quantified statements such as universal generalizations reflect a non-default mode of generalizing. While the ability to form generic generalizations is early-developing, automatic, and “primitive,” the ability to form quantified generalizations is later-developing, cognitively more demanding and sophisticated, and furthermore may require that the disposition to form a generic generalization instead must be inhibited (Leslie, 2007, 2008, 2012; Leslie et al., 2011).²²

Lerner and Leslie go on to argue that, if generics are defaults, we should expect most of our *moral* principles specifically to be generic generalizations.

²²1. A. Lerner and S.-J. Leslie, “GENERIC, GENERALISM, AND REFLECTIVE EQUILIBRIUM: IMPLICATIONS FOR MORAL THEORIZING FROM THE STUDY OF LANGUAGE*,” *Philosophical Perspectives* 27 (2013): pp. 366–403.

This view would seem to predict that, other things being equal, the resolution is probably generic. For almost all resolutions are generalizations of some kind—they are rarely, if ever, about specific actions performed at specific times (if they were, only one highly specific affirmative would ever be topical). And LD resolutions, in particular, are generally intended to state *moral* principles. The question is whether the principle expressed by this resolution is a generic or an existential (or perhaps universal) generalization. By default, we should expect it to be generic.

4.5 Linguistic intuition

The arguments above are somewhat complicated and indirect. Here is a simpler, more direct argument.

Many linguists and philosophers of language believe that, ultimately, speakers' intuitions are the data—or, at least, a primary source of data—of linguistics.²³ If you know a language, you can pretty reliably—although not infallibly—tell when a string of words is a well-formed sentence of a language that you know. Although you probably can't assign any meaningful interpretation to Noam Chomsky's famous

(10) Colorless green ideas sleep furiously.

you can probably tell that it's a well-formed sentence, unlike

(11) *Ideas colourless furiously green sleep.²⁴

When you judge that (11) is not well-formed, you don't do so on the basis of any argument or inference—you can just tell. The general reliability of linguistic intuitions is a prerequisite to communication because languages are unbounded: speakers can form infinitely many strings of words by combining them in novel ways, as in (10) and (11) above. Learning and debating are possible only because we are able to say and understand new things every day, expressed by sentences that we have never said or heard before. This explains how linguists

²³For an introduction to this issue, see J. Maynes and S. Gross, "Linguistic Intuitions", *Philosophy Compass* 8 (2013): pp. 714–30.

²⁴G. Fitzgerald, "Linguistic Intuitions", *The British Journal for the Philosophy of Science* 61 (2010): pp. 123–60.

and philosophers of language make progress by coming up with sentences and consulting their and others' intuitions about them.

Given this background, we should be able to tell whether the resolution is existential or generic simply by consulting our and others' linguistic intuitions. The simplest way to do this is to ask whether particular instances of the generalization expressed by the resolution entail the resolution itself. Consider the following examples:

(12)

- a. In the United States, *New York Times* reporters ought to have the right to protect the identity of confidential sources.
- b. In the United States, reporters ought to have the right to protect the identity of confidential sources who are minors.

Do these sentences entail the resolution—i.e., that, in the United States, reporters ought to have the right to protect the identity of confidential sources? In other words, is someone who affirms the sentences in (12) logically committed to affirming the resolution? Would it be logically inconsistent for such a person to reject the resolution? Clearly not. You could, in principle, consistently think that *New York Times* reporters ought to have the right to protect the identity of confidential sources while denying or suspending judgment regarding the resolution that reporters ought to have the right to protect the identity of confidential sources. This shows that the resolution is not an existential generalization, because existential generalizations are entailed by their instances.

If you disagree or are unsure about this claim, I have four suggestions.

First, compare the questionable entailments above to more obvious ones. “Debaters from Florida are in the cafeteria” entails that debaters are in the cafeteria, but “Debaters from Florida are passionate” does not entail that debaters are passionate. Would an inference from the sentences in (12) to the resolution more like the former or the latter? It seems to me much more like the latter, and so the resolution seems to me clearly generic.

Second, consider whether or not you *want* it to be true that the sentences in (12) entail the resolution, so that specifying particular reporters or sources will count as topical. If so, then it's at least possible that your reluctance is due to motivated reasoning. We should, at the

very least, discount the in-round reported intuitions of debaters on this question, since each debater has an incentive to report an intuition that supports their side of the debate. Of course, my own view could also be the outcome of motivated reasoning. I doubt it, since I'm no longer debating and, if anything, would generally prefer resolutions *not* to be generics—I like topics that lend themselves to more specific debates and would like to be able to write an article arguing that some resolution is a merely existential generalization.

Third, consult non-debaters' intuitions. They have no stake in the question. I strongly suspect that the vast majority will agree that the sentences in (12) do not entail the resolution.

Fourth, consider your patterns of use and interpretation with sentences other than the resolution. If a debater says that “debaters may specify some reporters” and argues that “bare plurals are existential,” their assertions are self-undermining. For “debaters” and “bare plurals” are bare plurals. So if all bare plurals are always interpreted existentially, then “bare plurals are existential” and “debaters may specify some reporters” only means that some bare plurals are existential and that some debaters may specify some reporters, which leaves us unable to conclude anything about the resolution or present debate round. Similarly, when discussing the topic, many articles will use the bare plurals “reporters” and “journalists” and are talking about reporters' privilege in general—at least one state shield law uses the bare plural “reporters”²⁵—with particular instances discussed merely as examples. We should therefore be skeptical if debaters claim that their linguistic intuitions favor the existential interpretation, when they extend in the very same speech evidence that uses the bare plural to express clearly generic generalizations.

4.6 Limits

The Bureau of Labor Statistics estimates that there are 38,790 people employed in the United States to “collect and analyze facts about newsworthy events by interview, investigation, or observation” or “report and write stories for newspaper, news magazine, radio, or television.”²⁶ According to the existential interpretation, the resolution only says that *some*—i.e., at least two—of these people ought to have the right to protect the identity of confidential sources. On that interpretation, the number of topical affirmative advocacies is

²⁵“A. Shield Law Statute | Reporters Committee for Freedom of the Press,” October 12, 2011. <https://www.rcfp.org/alaska-privilege-compendium/shield-law-statute>

²⁶“Reporters and Correspondents”, <https://www.bls.gov/oes/current/oes273022.htm> accessed 8.21.2018.

8.98528394455364828089621255944832869452665286831630... $\times 10^{11676}$. That is the number of sets of two or more reporters that can be formed from the set of 38,790 journalists ($2^{38790-38791}$). Obviously, that is too many affirmatives to expect debaters to research, either to prepare against or to choose in any non-arbitrary way, not just within two months but even over a lifetime. The point also applies to “confidential sources,” since there are at least as many people who could confidentially provide information as there are reporters.

Some debaters might respond by interpreting “reporters” and “confidential sources” as referring to some reasonably unified *group* of reporters and confidential sources, not just any combination of two or more. But, first, any combination of two or more people can be classified as a unified group according to some criteria or other. And, second, I know of no account of bare plurals on which this view would make any sense. Linguists might disagree about what explains when and why bare plurals are interpreted generically or existentially (or perhaps universally), but everyone seems to agree that these are the options. To win a topicality debate, you need at least *some* evidence that the words in the resolution mean what you say they mean.

5 Impacts

Throughout this topic analysis, I have argued that certain expressions in the resolution mean certain things. Why is this important? Why should your research be guided by the actual meaning of the resolution, rather than what you want or think it would be best for the resolution to mean?

Arguments like the ones I have given are sometimes lumped under the standard of “grammar.” I don’t like this label. I think it’s misleading. I’m not saying that it’s good for debaters to speak “grammatically correct English.” I don’t think there is one such thing as “English” with a single correct set of grammatical rules. Nor am I saying that that if debaters interpreted “reporters” existentially, they would somehow be speaking “incorrectly,” by violating some sacred grammatical rules, or by reading the resolution in some “incorrect” dialect.²⁷ I don’t think there are correct or incorrect ways of speaking. The problematic prescriptive claim that people ought to speak a certain way rather than others does not follow from the obvious

²⁷Something like this claim is misattributed to me by Rebar Niemi, “Nebel T - I sip it.,” Premier Debate Today (2015).

descriptive fact that, in any given language, sentences—and other linguistic expressions—mean certain things and not others. For example, there is, to my knowledge, no spoken dialect of any language whatsoever in which the string of words “In the United States, reporters ought to have the right to protect the identity of confidential sources” means that, in the United States, reporters ought *not* to have the right to protect the identity of confidential sources, or that plea bargaining ought to be abolished in the United States criminal justice system. Similarly, there is, to my knowledge, no spoken dialect of any language in which the word “reporters” means *hat*, or in which the sentence “Mammals are whales” means that *some* mammals are whales, or in which the resolution expresses the existential claim that *some* reporters ought to have the right to protect the identity of *some* confidential sources. We can therefore rule out such interpretations without privileging some spoken languages or dialects over others.²⁸

The various arguments I have given may not all fit into a single one- or two-word standard. But many of them might fit into the sometimes used “resolitional context.” The idea is that the meaning of the words in the resolution depends on other features of the sentence as a whole. Resolitional context is how we know, for example, that “ought” in the resolution does not express a moral obligation or degree of probability, that “identity” does not denote the relation that holds between a thing and itself, or that “reporters” denotes a kind of journalist rather than a kind of molecule or firework. Whether the resolution expresses a generic or existential generalization with respect to “reporters” or any other expression depends on other features of the sentence, in principled ways that we can detect via both linguistic tests and speakers’ intuitions. It does not depend on facts about the division of ground, limits, field context, or topic literature; the meaning of the resolution—the whole sentence—is the only nonarbitrary basis for *determining* the optimal division of ground, the desirability of certain limits, or which fields or bodies of literature count as “core” to the resolution (if there is any such thing).

²⁸The key word is *spoken*. Obviously there are conceivable languages in which the words in the resolution mean things other than what they mean in the world’s existing languages—e.g., in which “reporters” in this resolution is interpreted existentially. But no one actually speaks such a language; no one is harmed if we don’t interpret the resolution in some merely possible language that no one has ever used. Debaters are welcome to try to invent and speak their own novel languages. But it may be hard to sustain and judge a debate in a language that no one has ever used and whose syntax and vocabulary no one knows. And it would seem unfair to expect debaters to have interpreted the resolution in such a language. This move would also seem to license such tactics as interpreting the resolution to mean something completely unrelated to journalists’ privilege, or claiming that everything your opponent said actually means, in your new language, the negation of what it seemed mean—so they agreed with all your arguments! The lesson is that an interpretation of the resolution must be supported by *some* evidence that the resolution has that meaning in some spoken language.

More generally, I believe that the fairest and most educational way to interpret the resolution is by figuring out what it *actually* means. (Now I am arguing not just for the importance of resolutorial context but more broadly for “accuracy-seeking” or “semantic” standards for evaluating topicality.) This procedure facilitates a common basis for preparation and clash, which is the purpose of a resolution. As Brandon Merrell and Todd Graham put it,

Imagine an alternative world in which the two sides speculated about possible interpretations of the topic without first defining the included terms. Their competitive biases, personal histories, and varying familiarity with commonly used debate arguments would lead them to distinct—perhaps even entirely exclusive—interpretations of the resolution. As such, they would have different opinions about the ground to which either side had access and the literature that surrounded the topic. Only by following a consistent method of analysis that begins with a genuine effort to define the terms included within the topic in the absence of personal expectations and competitive biases can we expect teams to arrive at interpretations of the resolution that are consistent with one another.²⁹

This point answers the common objection that, if the importance of topicality derives from fairness and education, then we should just interpret the resolution by directly appealing to fairness and education rather than considerations of accuracy or semantic constraints. Perhaps that would be true if, were each debater to follow the instruction, “Interpret the resolution to express whatever proposition would have the best consequences for debate, regardless of what the resolution means,” everyone would come up with the same proposition. For we could then expect that procedure to generate a shared predictable basis for preparation and clash. But that possibility is extremely remote; people would not even come close to a common interpretation. Its remoteness is why we *have* a resolution: we need some way of coordinating debate on a single proposition in the absence of consensus about which proposition would be best to debate.

Unlike direct appeals to desirable consequences, the actual meaning of the resolution provides a more salient—and therefore more predictable—focal point upon which debaters could more reliably expect each other to converge given a good-faith effort. Even if it would

²⁹B. Merrell and T. Graham, “Back to its Roots: Accuracy as the Litmus Test for Topicality”, *Parliamentary Debate* 13 (2016): pp. 21–68.

be better, in some sense, if everyone took the resolution to mean something other than what it actually means, the probability of everyone identifying anything like the same proposition as the one that would be best to debate is so small as to be easily outweighed by the value of coordinating on a shared proposition at all; this coordination can only happen if debaters at least try to debate the resolution under its most accurate interpretation. Even if some disagreements would remain, there would at least be an impartial basis for resolving them. That is why debate would be better if debaters tried to debate the proposition actually expressed by the resolution, rather than whichever nearby proposition they think would be better to debate.