

Facts:

- On 4/9/03 the Hackfest Artistic Director did award Gary a one "stroke" deduction to be applied to the 2003 Hackfest (see email text at the end of this message if you are really interested).
- The promised deduction never appeared on the Hackfest score sheet, nor was it computed into the final scores for the 2003 Hackfest.
- On 9/7/03 Gary and John finished the Hackfest tied with a score of 127.
- John defeated Gary in a Rock/Paper/Scissors tiebreaker and was declared the 2003 Birdie King.
- Immediately following the tiebreaker, Gary recalled the promised deduction and brought it to the attention of the artistic director.

Issue:

How, if at all, should the fact that the Artistic Director wrongly neglected to apply a promised deduction affect the results of the 2003 Hackfest?

Argument for Gary:

Gary was denied a stroke deduction he had a right to expect. This action, patently unfair to Gary in hindsight, denied him what would have been a clear victory. It is undeniably true, that had the artistic director remembered or been reminded of Gary's stroke deduction at any time before the announcement of the scores it would have been factored in to the event. Fundamental fairness would suggest that the deduction be made and the title of Birdie King be awarded to Gary.

Argument for John:

Since none of us has yet admitted to being able to fold time, the Hackfest necessarily appears to us to unfold as a serial string of moments. One round occurs before another, one shot before another. Any number of rulings are made during the course of the tournament many of them relevant to, and only known by, a subset of the participants. All tournament participants have a subjective vision of the event. Nevertheless, by the end of the tournament, these individual, subjective views are subsumed in a collective, "objective" view codified by the Hackfest scoring rules. John followed the rules to the end and finished on top. He should be crowned Birdie King.

Discussion:

We are all driven inexorably forward into the future. The desire to go back and fix those things in the past we may wish had turned out differently is alluring. I imagine, for example, Jim might choose to go back and drink less while waiting for Who tickets, Brett may want to have drunk less before Jeff threw him into the emergency glass covering the fire extinguisher, Roger and Chuck may want to have drunk less before "dropping trau" in the now infamous photos, and John Holz may choose to go back and drink more. You get the idea. Giving the Artistic director the power to award post hoc score adjustments would be the ruin of the fest. It would mean, for example, he could, after crowning Gary the winner, award John a two stroke deduction for small teeth (resulting in John regaining the crown). This power cannot be granted, no matter how righteous the cause.

To crown a Birdie King is to capture a sublime moment in time. In 2003, that moment was captured when John dropped the Rock/Paper/Scissor hammer on Mr. Mullen-Schultz.

Ruling:

While Gary may have an action against Brett for his mishandling of the handicapping (see Karen Kingsley re: duty/breach/causation/damages), John Kast is, and remains, the 2003 Birdie King. Gary will receive (if the Artistic Director remembers) a one-stroke deduction in the 2004 Hackfest.

-All Hail the Birdie King!

[I can't believe you are still reading, but here is the message I sent to Gary. It is in response to the revelation that he tortures his kids with Hackfest lore every time they pass the site of a recent Hackfest.]

Email Message from Brett To Gary 4/9/03

"I was very happy to hear that the Hackfest is inflicting pain on new generations and that the pain is not attenuated by the mere fact those affected have never played the event. For the Hackfest pride exhibited in your willingness to risk psychological damage to your own children, I'm awarding you a (one) stroke deduction in the 2003 event. Keep the dream alive."