THE 2ND EDITION

Lincoln Douglas Road Guide

SCOTT ROBINSON

The LD Road Guide - 2nd Edition
by Scott Robinson

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PART ONE - SKILLS cont'd

Welcome To The LD ROAD GUIDE 2nd Edition

Welcome. In some cases, welcome back. Since the original edition of the LD ROADGUIDE, I have learned a lot about LD debate. In this time, I have also thought a lot about what purpose the LD ROAD GUIDE can serve. In the new edtion, you will find all of the original chapters (newly edited with some improved examples) plus some new material to reinforce the lessons of the original edition. In particular, evidence selection has been a continuing problem for my summer students. I have addressed this through an entire new chapter on the subject. I also included two new annotated debates as suggested by a number of coaches and readers. These may be the easiest way to teach the lessons of the book.

As you read through these pages, you should think critically about what you do and why you do it. For the purposes of debate, think about why you write cases the way that you do. Think about why you give rebuttals the way that you do. This book is filled with ideas on how to debate LD in an accessible manner that is likely to bring success in a variety of venues. Each of these suggestions comes from years of experience working with students at all levels of competition. I think that you will find that some basic ideas about good argumentation apply all over the country. These timeless lessons will serve you well. However, you should no more adopt them uncritically than you should adopt any passing fad. Think about the reasons behind every suggestion. You will learn more in critically confronting your habits in debate than from any debate drill.

I hope that this book motivates you to not only debate well but also to see the long-term benefits of LD debate. There are a number of virtues hidden away (some not too hidden) in this book. I encourage you to think about what I say and (more importantly) why I say it.

I hope you enjoy your ride and that this ROAD GUIDE assists you in the various twists and turns along the way.

Scott E. Robinson, Ph.D. (July 28, 2002)

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Part 1

SKILLS

Chapter One - Logic and Argumentation

I. Debate and Argumentation

Debate, like any other activity, has a set of rules. This chapter will explore the rules of the debate game. In football, there is a rule that you get a first down when you gain ten yards. There is also a rule that you must wait for the snap of the ball to rush the quarterback. Debate has similar rules. Instead of limiting the kinds of pass plays a team may use, the rules of debate limit the types of arguments you can use. In football, the rules make some strategies very powerful. The rules of debate make some strategies more successful in debate rounds. You can not play football without knowing the rules. Similarly, you can not hope to succeed in debate without knowing the rules.

Debate is a form of argumentation. You participate in arguments all the time. You may argue with a group of friends about what movie you want to see. You may argue with your parents over which chores you need to do. These are all forms of arguments. All of these arguments stem from some conflict. In the first example, there is conflict over which movie a group of people wants to see. In the last example, there is some conflict between your expectations and those of the person asking you to do a set of chores. Argumentation is a process of resolving that conflict. Someone who is skilled at argumentation is skilled at resolving these disputes.

Debate is a very specific form of argumentation. Debating is different from arguing over what movie you want to see. These differences make up the most important source of rules for debate. First, debate takes place within a certain set of speech times. Each person has a specific amount of time to make his or her arguments. In an informal argument over a movie, you do not allot specific time to all people who are arguing. In debate, the times are the most stringent of all of the rules. No debater can get around the time allocation limits. We will discuss the specific implications of the time allotments in more detail when we discuss the specific speeches.

The second major difference between informal arguments and debate is the presence of a judge. When you argue over a movie, you can not simply stop and see who won. When you argue with your parents, they are probably the judges as well as your opponent. In debate, there is an independent judge who decides who won. This makes the judge the center of the debate round. Instead of hoping that a group will agree on a favorite movie, a debater appeals to a single judge for a final decision. Only the judge's decision matters. As much as a debater may complain, there is no way to tell a judge that he or she is wrong.

These differences make debate quite different from other types of arguments. There are other rules, though many of these differ from state to state or tournament to tournament. For example, some tournaments regulate who can watch a debate round. Others do not regulate audiences at all. These rules vary greatly. Your best resources on these rules are your coach and your teammates. I will focus exclusively on the rules that apply to all debates. For example, the need to persuade a judge of your position exists in all rounds. The remainder of this chapter will focus on the strategies useful in all areas of the country. The major source of universal strategies is the presence of a judge.

What does it mean to have a judge decide the winner of a debate? Your arguments are only useful if they convince the judge that your side is correct. The safest sort of arguments will work with a variety of judges. An argument that only works on a select group of judges is asking for trouble. For example, a general argument may appeal to a judge's experiences as a resident of the United States. Almost all of your judges will be residents of the U.S., so an argument based upon these experiences will be accessible to your judges. Most good arguments are accessible to all judges. You can argue that individuals ought not cause suffering and rely upon the judge understanding you. Other popular arguments include references to fundamental notions of fairness. You can refer to notions of equal pay for equal work without confusing any judges.

Other arguments may appeal to the knowledge of a dedicated student of philosophy. This type of argument will only be effective for the small number of judges with this knowledge base. You could argue that Kant's categorical imperative does not apply to a resolution with a governmental agent of action. This argument may be "right" but it will not be effective in rounds where the judge has no knowledge of Kantian epistemology and ontology. If you found these past sentences confusing, they were deliberately so. People often assume that all judges share their backgrounds and their vocabularies. This is seldom a wise assumption. You may know what "ontology" means, but most people do not. When you encounter a judge without a specific knowledge base, the argument will not be effective. The best strategy is to present a judge with a series of arguments that have wide or universal appeal. Logic provides this set of arguments.

II. What is Logic?

Judges come in many shapes and sizes. You may debate in front of a former debater one round. The next round you may debate in front of a judge who has never seen a debate before. A successful argument must appeal to both of these judges. The rules of logic provide arguments that can appeal to all sorts of judges. An appeal of logic will never leave you stranded. Other forms of arguments (emotional appeal, non-logical arguments, and technical jargon) may leave you wondering why you failed to convince your judge in some rounds.

Logic is a way to separate strong arguments from weak ones. It provides a set of tools so that you can judge the truth of a statement. With logic you can look at an argument and see whether it is true. The best part of logic is that it appeals to everyone. When you find that an argument violates a rule of logic, you will be equipped to show the judge why the argument is bad. Logic does not require that your judge posses any particular knowledge basis. It appeals to all judges from all levels of experience.

Logic describes how you can prove a statement of fact. For instance, how do you prove that a particular shirt is white? Logic also suggests how you can prove a statement of value. For instance, how do you prove that killing is immoral? Statements of value are much harder to prove than statements of fact. You can look at a shirt to prove its color. How can you prove that murder is immoral? There is no universally accepted place to "look" to see whether murder is immoral. The latter question is much closer to what we do in LD debate than the first question. We usually debate over statements of value. Logic provides some guidance on how to evaluate these questions of value.

A thorough knowledge of logic allows you to debate statements of value as well as statements of fact. The most important aspect of logic is that it appeals to almost all judges. No one will vote against you for being logical (though they may well vote against you if you are illogical). Learn the rules of logic argumentation and you will have very useful tools with which to debate.

III. Establishing a Statement

The simplest use of logic is for establishing a statement of fact. In many cases, we can just look at the world around us to evaluate a statement of fact. When we start to discuss topics outside of our own experiences, logic gets a little more complicated. In any case, logic helps us work through the difficulties of proving any statement.

The first set of logic rules defines inductive reasoning. Inductive reasoning involves moving from specific cases to general rules. The key to inductive reasoning is experience. You only experience a specific part of the world. You may know a lot about your hometown. As you gather more experiences, you start to generalize your experiences. If you visit a new city, you may be more able to find your way around there. As you visit many different cities, you will come to understand general rules about getting around in cities. By inductive reasoning, you take your experiences (from the cities you have visited) to reach conclusions about cities in general. This allows you to make predictions about cities you have never visited.

Because inductive reasoning is based upon experience, inductive reasoning is only as good as your experience. If you have tried many types of peas many times and never liked them, you may have a very reasonable generalized rule. If you only tried one particular type of peas, you may not have a very good basis to reject peas in general.

It is important to assess the quality of the experience upon which you base your generalization. A generalization based on inappropriate or insufficient experience is a hasty generalization. I have never been to Brazil. Is my knowledge of politics in general sufficient to generalize about Brazil? Probably not. Any generalization I make about Brazilian politics is probably a hasty generalization. In order to avoid a hasty generalization, we often have to turn to some source of information that contains the appropriate expertise. If I want to generalize about Brazilian politics, I need to contact an expert on Brazil. There will be more on the topic of expertise shortly.

We can apply this to more useful premises. A common use of inductive reasoning is to assess the risks or benefits of an action. In LD we do this all of the time. We may argue that the right to bear arms is important. An inductive way to argue this could involve knowledge of history. You may look at places and times where there was a right to bear arms. In those times and places, you may discover that government oppression is infrequent. You can argue that the right to bear arm tends to prevent governmental oppression. This is a premise based upon history. You can use this process to prove that the right to bear arms tends to prevent oppression. Just showing the tendency to prevent oppression is not enough to prove that the right to bear arms is good; but there will be much more on that shortly.

Notice the use of the phrase "tends to." This denotes an analysis based on observation or history. In order to support these sorts of premises, you must look to history. This more serious example is much harder to prove than the pea example. You possess all the information you need to evaluate the taste of peas. You probably do not possess much expertise on the history of governmental oppression. This harder example is more like those that you will use in LD. Good debate does not rely solely upon the opinions held by yourself or your friends. You will need to find ways to support these harder questions in order to support arguments in LD.

How do you prove complicated premises? This is a very hard question to answer. If the key to good generalization is good experience, the key to good inductive reasoning is expertise. We often do not have the personal experiences needed to prove important premises like those regarding the causes of political oppression. We need to find evidence for these assertions. The best approach may be to find an expert on the question. We need to find an expert on the causes of governmental oppression. Evidence from an authority is an invaluable aid to inductive reasoning. Evidence usually comes in the form of quotations presented in a debate round. This is the essential purpose of research in LD. We will discuss this topic in more detail in a later chapter.

Authority is a precarious basis for arguments, however. There may be an authority on the tendency for some events. Scholars of some subjects serve as excellent resources. If you have to evaluate the likelihood of a limited nuclear war, a defense policy expert may help. If you need to define what possibilities that human genetic engineering offers as a medical technique, a doctor may help. There is no person who is an authority on morality. There are no generally accepted experts on what is moral. Philosophers can provide good arguments, but they offer little authority. The essential question is whether the authority offers some relevant experience that you do not have. Being a doctor ensures that a person has the relevant expertise to answer questions about medicine. Being a defense expert guarantees one has expertise about the conduct of war. What could guarantee that a person knew what is moral?

Authority is important to inductive reasoning. Be careful that you do not use an authority when the expertise is not helpful for proving an assertion. If you use an authority when experience does not help, you are committing an inappropriate appeal to authority (a logical fallacy). Consider the set of statements in Example 1. Which statements allow for an appropriate appeal to authority? Which statements are not prone to inappropriate appeals to authority?

Example 1

Civil disobedience inspires violence.
An individual is morally obligated to obey all public laws.

An individual has a moral obligation to refrain from lying.
Secrecy on the part of the US government led to the continuation of unpopular wars.

Economic sanctions only hurt the poor.
Economic sanctions are useful as a means to ensure compliance with UN resolutions.

The US intervened in Haiti in order to alleviate human suffering.
The US has a special obligation to protect human rights across the globe.

Government subsidies to the arts are an inappropriate use of public funds.
Government subsidies make up a significant portion of funding for the arts.

Experience is the key to creating new premises from scratch. We observe the world around us and draw conclusions. Sometimes, experience is not a good way to answer questions. This is often the case with value arguments. When experience does not provide special insight into a statement, a different type of reasoning is necessary. This new strategy focuses on combining and manipulating premises.

IV. Combining Premises

Logic involves the evaluation of statements. Previously we saw how one can prove a statement of fact using inductive reasoning. A more general approach is to look at combinations of statements. In this strategy, we start with a single statement that we hope to evaluate. We use a syllogism to prove a statement using at least two other arguments.

The argument we seek to prove is the major premise. A premise is merely a statement that you hold to be true. In order to evaluate the validity of a major premise, you must present a set of minor premises. Minor premises are smaller statements that, when taken together, prove the major premise. This is easiest to see in an example.

Example 2

Major Premise: This shirt is white.

Minor Premise 1: The shirt looks white.

Minor Premise 2: Any shirt that looks white is white.

Look carefully at Example 2. If you accept the two minor premises as true, you must accept the major premise as also being true. There is no other possible conclusion. This is syllogistic reasoning, an integral part of logic. The set of minor premises that prove a major premise is a syllogism. You can use as many minor premises as you want. The smaller the number of premises in a syllogism, the clearer it will be. Do not let the big words scare you. This is as simple as it looks. A valid argument is one where you present minor premises such that the major premise must be true. Syllogisms are a simple way of expressing logical arguments. You can write any good LD argument as a syllogism.

There are two different components of logical reasoning. Both follow the general form of a syllogism, but they follow different rules. You have already seen the first type of reasoning. Inductive reasoning is the first way to create a premise. Inductive reasoning involves looking at the world and discovering general rules. For example, how would you investigate the public support for a new social welfare policy? An inductive process would involve looking at how individuals feel about the policy. You could do this with a poll. From these specific observations, you would decide whether the public supported the policy. Notice that in this case you are looking at specific examples (individual opinions) in order to assess a general rule (whether the policy is popular). We can easily express this as a syllogism.

Example 3

Major Premise: The public supports a new welfare policy.

Minor Premise 1: A poll of people revealed support for a new welfare policy.

Minor Premise 2: Policies supported in polls tend to be supported by the public.

At some point, the evidence from the polls will become convincing. Notice though that there is no definite line at which point the empirical evidence from the polls can conclusively prove the general rule. It is not clear how many polls it will take to prove that a new welfare policy is popular. All we know is that in specific cases, the minor premises are true. We can never be sure that the major premise is true given only a series of polls. Even if we ask all people, we have to assume that public opinion does not change over time. This is just one illustration that inductive premises alone can not prove a general rule. To prove a general statement, a different approach is necessary.

Luckily, an entirely different approach is available. Instead of asking people how they feel about a policy, you could look for general rules that apply to this situation. You could judge the popularity of a specific policy based on general rules. This is the very opposite of the inductive approach to reasoning. Consider Example 4.

Example 4

Major Premise: The public supports a new welfare policy.

Minor Premise 1: The public supports distributive policies.

Minor Premise 2: Welfare is a distributive policy.

Deductive reasoning involves the combination of general rules to assess the validity of a new general or specific rule. This is the more familiar form of logical premise. A person using deductive reasoning presents a series of general rules that prove a major premise. If you accept the minor premises, you have no choice but to accept the major premise. This is a case where the major premise is truly valid. Consider the following example.

Example 5

Major Premise: Capital punishment is not justified.

Minor premise 1: Capital punishment involves killing.

Minor Premise 2: Killing is never justified.

These general rules may be of different types. Look to Example 5. Minor premise 1 looks a lot like the product of an inductive syllogism. It is an observation based on reality. Saying that capital punishment involves killing is not enough. That is just a definition. For the syllogism to work, the inductive minor premise 1 had to pair up with a general moral rule (minor premise 2). This is the most common type of syllogism in LD debate. You must combine general moral rules with inductive premises. The skilled combination of moral rules and inductive premises is the art of LD. Consider Example 6.

Example 6

Major Premise: Human genetic engineering is morally justified.

Minor Premise 1: Human genetic engineering saves lives.

Minor Premise 2: Anything that saves lives is morally justified.

This is where debate gets interesting. Recall our discussion on the role of authority in logic. In Example 6, is minor premise 1 conducive to evidence from authority? Is minor premise 2? If you can not use authority to establish some premises, how do you establish them? There is a catch to using deductive reasoning. You have to have at least one other general rule to validate a general rule. How then can you prove any general rule to be true without assuming some other general rule? You cannot. There is no way to prove the "first" general rule. Inductive reasoning alone can not create general rules. We saw this a few paragraphs ago. Only general rules can prove general rules. You have to assume a general rule in order to prove any general rule.

The art of LD is the replacement of a debatable general rule (i.e. a topic) with a less controversial set of general rules. You can never prove all of your assumptions. You must make your assumptions seem much more plausible than the assumptions your opponent makes. Debate, at some level, must come down to persuading judges to accept your assumptions. If you can make your assumptions seem more reasonable than the assumptions your opponent makes, you will win many rounds.

In Example 6, you should not use authority to establish minor premise 2. No one is an expert on what is morally justified. Instead, you have to use other moral premises to establish minor premise 2. That is what most of a debate case is; support for your moral premises. In no case does a philosopher start with nothing and end up with a series of general moral rules. Instead, they start from readily acceptable moral rules and then progress towards more specific moral guidelines.

V. Dangers in Syllogistic Reasoning

Syllogistic reasoning has its dangers. These dangers are not unique to syllogistic logic. In fact, it is easier to diagnose and correct errors in syllogistic logic than it is in less formal systems. The key is writing out all of your assumptions. It will be obvious when something does not make sense. When you are clear about what you assume in your case, it becomes easier to defend you case. It all goes back to ancient Greek wisdom. The most important thing is to "know thyself." This section focuses on the most common and the most important errors in syllogistic reasoning.

This chapter has already mentioned the first danger of logic. The use of authorities to establish moral premises is an inappropriate appeal to authority. Sometimes people call this the fallacy of an appeal to authority. This is misleading. Some uses of authorities are entirely appropriate. We have already looked at some examples of this. We need experts to establish some inductive premises or factual bases for our arguments.

It is quite common for debaters to use experts inappropriately. When we seek to support a general moral premise, authorities are not very useful. Appealing to the expertise of an authority on a moral premise is a logical fallacy. This is what people actually mean by the fallacy of an appeal to authority. This fallacy occurs when you appeal to a person who offers no expertise on an issue. LD debaters are notorious for the use of this fallacy. Many debaters use philosophers' names to support their argument. I regularly hear cases that present Kant or Rawls as moral authorities. These authors do provide very good moral arguments. It is very good to use their argument in cases. The problem comes in when people argue that a premise is true because Rawls said it. Even Rawls has to justify his arguments. You need to use Rawls' arguments to win moral debates (not his name or supposed moral expertise).

Another danger relates directly to the support of moral premises. The previous discussion was on the fallacious use of authority. Another potential problem is the fallacious use of experience. Many (but not all) modern philosophers argue that one can not derive moral premises from personal experiences. No amount of observation of the natural world can prove a moral statement. To attempt to derive moral obligations from experiences is to commit the naturalistic fallacy.

This is sometimes hard to notice. We often refer to definitions of values that are based upon our experiences. For instance, many people argue that we ought not to violate constitutional rights. On a gun control topic, people will argue that we must avoid limiting gun ownership because doing so violates the Second Amendment. The interesting question is not whether there is a constitutional right to gun ownership. The interesting question is whether we ought to have a right to gun ownership. This type of error pervades our debates.

This has very important implications for LD debate. Remember that you can only prove inductive premises with experience. Also remember that inductive premises alone are seldom enough to prove an argument in LD. LD involves the combination of inductive premises and moral premises. The naturalistic fallacy argues that only moral premises can prove moral premises. You must assume some moral premises in order to prove LD arguments. The naturalistic fallacy illustrates my earlier statement that LD involves selling your assumptions rather than eliminating all assumptions.

Let us return to the gun control example. Many arguments may look like the syllogism in Example 7.

Example 7

Minor Premise 1: Individuals have a right to own guns.

Minor Premise 2: Government ought not to violate rights.

Major Premise: Government ought not restrict gun ownership.

This syllogism can avoid the naturalistic fallacy, but only if you are careful. It all depends on how you defend the minor premises. If you base minor premise 1 on the US Constitution, you commit the naturalistic fallacy. Your knowledge of the world can not prove a moral obligation. The world may be wrong. The Constitution once institutionalized racism (some argue that it still does). Just because something is legal does not mean that it is morally acceptable.

There are a couple ways to argue the syllogism in Example 7 in a valid manner. The key is to base your proof of minor premise 1 on a moral proposition. Instead of referring to rights in a written constitution, refer to ideal rights. If you argue that there ought to be a right to gun ownership, you avoid the problem. Notice the difference in the use of the word "ought" and the use of the word "is". The fallacious proposition argues that there "is" a right. The valid proposition argues that there "ought to be" a right. The distinction between "is" statements and "ought" statement is central to LD debate.

The final type of error is by far the most common error in LD argumentation. The most egregious mistake in LD (as a form of argumentation) is the error called begging the question. This error is very hard to see and easy to commit.

Begging the question involves using a minor premise that your opponent will always reject. Think about the reason for syllogistic reasoning. You try to replace a debatable proposition (the resolution) with a series of acceptable premises (your case). Refer back to Example 6. In this example, we replace a resolution with two more acceptable premises. It is not very contentious to argue that human genetic engineering saves lives (though it is by no means obvious). The second minor premise also seems plausible. Both are less controversial than the resolution. If you accept the two minor premises, you must accept the major premise (the resolution). Neither premise is unbeatable (in fact you can contend that both are false). The key is that you replaced a questionable major premise with a more plausible set of minor premises.

If you replace a questionable major premise with a set of minor premises that are just as questionable, you have begged the question. Recall the major premise in Example 4. Arguments on this topic often beg the question.

Example 8

Major Premise: Capital punishment is not justified.

Minor Premise 1: Capital punishment is immoral.

Minor Premise 2: Nothing that is immoral is justified.

In Example 8, the argument has only replaced one vague standard (justice) with another equally vague (morality). You have not really made any ground. Nothing is clearer now. Anyone who would say capital punishment is justified would also say that it is moral. Justice is no clearer than morality. Anyone who would deny the major premise would also deny the minor premise. Worse yet, the minor premise seems no more defensible or clear than the major premise.

I see this error all the time in LD. People often make arguments by interchanging vague terms. Exchanging justice and morality is only the most blatant example of this problem. Many other cases are not as clear. When a person seeks to define a vague value standard, they are most likely to succumb to this error. People often define justice as "giving each person their due." This argument replaces the notion of justice with a notion of desert (or "due"). Is the notion of "due" any clearer than the notion of "justice?" In most cases, this definition only replaces an unknown with a similar unknown. It provides no extra information with which you can prove the resolution (later I will present a possible reason to use this replacement, but it is seldom used fruitfully in debate rounds I have judged).

There is no way to avoid defining vague value standards in LD rounds. It will always be tempting to beg the question in your case. Now that you are aware of the error, you should take care to avoid it in your own cases. You can also look for this error in your opponents' cases. In many cases, the presence of this error reveals a deeper problem in the case. People who replace "justice" with "due" are often hiding the fact that they do not state what "justice" actually is. Most cases of begging the question result from a person trying to avoid presenting a value standard. Avoidance is often a sign of weakness. Useless redefinition is like blood in the waters around sharks. When you see it, lock on and do not let go.

VI. Conclusion

Logic is often a slippery subject. It is not as daunting as many people think. Mostly, it is about being careful. I hope this essay gives you some assistance in making your arguments better. Logic suggests that some types of arguments are suspect. Start listening for logical errors in your opponents' cases. I think you will find them frequent.

The most important lesson to take away from this essay is the need to be clear. Many times debaters use jargon and buzz words to cover up a lack of probing thought in their cases. Logic provides standards for good debate; standards to which you can hold your opponents. You may have to read this chapter a couple times to get the full amount of tips from it. Logic could take up a book of by itself. Here I only have a chapter to introduce the most basic principles needed for good LD debate.

Logical clarity can help with your own arguments. If you use syllogisms to write out your arguments, the arguments will be stronger, and it will be easier to find the weaknesses of your opponent's arguments. Knowing your own weaknesses lets you fix them before the tournament. It is much better for you to find the errors than for your opponent to find them. The final product can not help but be stronger than a thrown together argument.

Logical clarity can also help you in refutation of your opponent. Listen for instances where your opponent seems unclear or repetitive. Remember that this is like blood in the water. You can also listen for instances where your opponent inappropriately appeals to authority. These logic fallacies cover up a deeper problem in peoples' analysis. Listen for logical fallacies. Fallacies can be signals. Listen for logical fallacies and focus your attack on them.

Learning logic is a long process. All people make logical errors. It is important that you practice these lessons. The more arguments that you write out in syllogism form, the easier syllogistic reasoning will become. The more care you take in the logic of your arguments, the more logical you will become. You will begin to make fewer errors. Practice, here as in most cases, makes perfect. Practice syllogistic reasoning and syllogism building will become second nature.

VII. Suggested Reading

Walton, Douglas N. 1989. INFORMAL LOGIC: A HANDBOOK FOR CRITICAL ARGUMENTATION. Cambridge University Press. United States of America.
This book was the inspiration for most of this chapter. It, of course, deals with many more issues than I can address here. Walton wrote this book in accessible language and it has an appropriate focus for teaching high school debate. I can not praise this book enough. If you are interested in a more detailed introduction to logic and argumentation, this is the place to start. This book is perfect for coaches and debaters alike.

VIII. Suggested Exercises

Because people are often unfamiliar with syllogistic reasoning, the key to success is practice. The best practice is to force yourself to write all of your arguments in syllogistic form. This process naturally leads to case writing as simple syllogisms which add up to detailed arguments. Writing out the arguments makes you much more deliberate about your assumptions. Syllogistic reasoning is the easiest way to force yourself to be critical.

The need to practice syllogistic reasoning lends itself to structured activities. I have found that the most useful practice exercise is argument deconstruction. Argument deconstruction involves moving from major premises to minor premises (rather than the reverse). Usually we talk about adding or combining premises. In this case we break them down to reveal their assumptions. You can take just about any moral argument and break it down.

Example 9

Major Premise: The government ought to prosecute people who burn flags.

To practice argument deconstruction, you ask yourself what you can assume so that this premise must be true. The easy way to do this is to ask yourself how you would prove the statement.

Example 9b

Major Premise: The government ought to prosecute people who burn flags.

Minor Premise 1: Burning a flag causes harm.

Minor Premise 2: A government ought to prosecute people who cause harm.

This example shows two possible premises that would prove the major premise. There are other possibilities. In most cases, there are limitless possibilities. A fun thing to do is to present a major premise to a class. Ask the class to deconstruct the arguments into two or more minor premises. Then ask people what they wrote. The diversity may surprise you. People will prove the same statement in very different ways. That is what makes LD fun and instructive.

To drive home the point, you can take one of the minor premises and deconstruct it.

Example 10

Major Premise: A government ought to prosecute people who burn flags.

Minor Premise 1: Burning a flag violates peoples' rights.

Minor Premise 2: Government was created to protect its citizens' rights.

Minor Premise 3: A government ought to fulfill its original purpose.

This exercise shows students that all minor premises are themselves major premises of other syllogisms. Everything is an assumption. It also shows students how they can breakdown arguments that their opponent may make in a round. If someone is arguing for the major premise in Example 10, a student can ask if they assume that governments are created to prevent harm. They can then argue that this is not a valid premise.

Deconstruction imposes order on argumentation. You can see what you can argue against opponent's cases. Just as syllogisms can help you write better arguments; you can use them to impose structure on arguments you attack. This makes the weakness of the argument more obvious to you and your judge.

I would suggest practicing argument deconstruction as often as possible. It is an activity that you can do in groups or by yourself. The more you practice deconstructing diverse arguments, the more prepared you will be to refute new arguments in debate rounds.

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Chapter Two - Topic Analysis

I. What is a Topic?

Like all debates, LD debate focuses on a specific resolution. The topic establishes the limits and the burdens of each debate. It is vital that you fully understand every topic you debate. The debater with the better understanding of the topic will be at a distinct advantage in the debate round.

With this in mind, this chapter will provide you with tools to understand topics. As you will see, every topic has many levels of understanding. Topics can be hard to understand at times. These tools will help you probe deeply into seemingly simple topics and understand the more difficult topics.

At its heart, a topic limits the debate in various ways. These limits are very productive. When you prepare for a tournament, you need to know the topic so you can write cases. The topic gives you a sense of what other debaters will argue. This predictability is what allows preparation. The other implication of these limitations is that the topic tells you what you need to prove with your case.

You can expect that people will be debating the same issue, but you can not predict all of the particular arguments. Take for example the resolution that the protection of the domestic order justifies curtailment of First Amendment rights. In this resolution, you can expect people to discuss the need for ordered society and the value of expressive freedom. In your cases, you will seek to support one of these concepts. This is a very broad reading of the topic. Despite the level of broadness, this approach is the most common way to analyze topics.

This broad reading of the topic is the level of analysis you can expect from judges. Judges do not spend a lot of time analyzing each topic. They may have never even heard the topic before the round. Relying on judges to have anything other than passing familiarity with the topic will doom many arguments.

This broad level only defines very vague limits for the topic. In most cases, this reading will create expectations in the minds of your judges. Remember the First Amendment topic. Upon hearing that topic, judges will likely think of people trying to start a riot. This expectation sets some limits on the debate. In this case, you must be prepared to answer questions about people inciting riots. If you ignore this expectation, judges may feel your case misses the point. They may feel that you are not addressing the resolution. There is still a lot of room within which to work. The judges' expectations only set up the bare minimum of issues with which you must deal.

The broad reading is also useful for predicting other people's cases. In the above example, the broad issues involved in the topic will inspire many cases. Most people's cases are predictable. The broad reading of the topic will tell you from where most of your opponent's cases will come. This is not perfect. Some people will catch you by surprise (with a case on advertising on the First Amendment rights topic, for example) but you will predict 90% of the cases you will hear.

There is also a more specific reading of the topic available. This more specific reading involves defining every word in the topic. Some words matter more than others, but all words are important. Remember that there is a group of LD debate experts that words these topics. They sweat the details. If a word is included in the resolution, it is probably there for a reason.

This specific reading establishes very specific burdens for the debaters. Every word in the topic has a purpose, some words define burdens (we will go in to more detail on this point in a moment). For now, it is only important to see that a thorough reading of a topic sets up burdens. Consider the First Amendment rights topic for a moment. The broad reading set some principles in conflict (expressive freedom and social order). Each side, under the broad reading, will take one of these principles. The more specific reading finds more detail in the topic.

The topic takes a particular structure. The topic asks if a specific claim (protection of the domestic order) is sufficient to justify the limitation of a right we generally see as valuable (First Amendment rights). You can think of this as a judgment on a hypothetical action. The process of justifying a limit is a specific type of argument. You can assume that the affirmative is in fact advocating a limitation of rights. On the other hand, you can assume that the limitation is motivated by a specific concern (protecting social order). When you can assume a consequence (curtailing rights) and a motivation (protecting social order), your case has more detail. This is just one example of mining the structure of the topic for more specific information than may be obvious.

The rest of this chapter will equip you with tools to execute all three levels of topic analysis. Notice that these levels of analysis are not mutually exclusive. In fact, they are intimately intertwined. You need to be able to read a topic at a general and a specific level. Both levels give you important information about the topic. Together these levels of topic analyses give you a variety of tools to prepare for tournaments.

II. Reading a Topic

When you get a new topic, the first thing you need to do is read the topic. This seems easy, but take this very seriously. When you just get a topic, imagine you were walking into a round to judge. What would you expect to hear? The list of ideas you generate should be close to what your judges will expect. You only have one chance to record your first impressions.

Recording your first impressions is vital to keeping yourself centered on the resolution. Keep your list of first impressions handy. You may want to look back at it later. This will be your guide to what issues you have to deal with in your case. It will also tell you what types of cases to expect, and what your judges will be thinking when they judge you.

After you have read the topic, talk to other people to expand your list of first impressions. Get first impressions from people similar to your potential judges. Do other debaters' parents often judge you? Talk to your parents about their first impressions about the topic. Do high school teachers often judge you? Talk to a variety of high school teachers about their impressions. This will help you expand your list of arguments as well as get a sense of what your judges will be thinking.

Sadly, some topics offer little basis for first impressions. If you are not able to generate a list of initial arguments, stand back for a second; take a breath. If you have to, just stare at the topic. It may be important to note that you had problems generating first impressions. This is important information. You will need to remember this when you face judges. They will likely have few impressions of the topic as well.

After you have generated your list of first impressions, look back for any examples of the resolutional conflict. Was there something that inspired interest? This has become an important source for arguments. Voters select many topics. People will most likely vote for topics that seem relevant. Ask yourself why did people vote for this? The answer to that question will help you.

Looking for examples of the conflict will help you generate a list of relevant scenarios. A scenario is a situation within which people face a choice similar to the topic. When do people have to choose one side of the topic and reject the other? These scenarios will help bring the topic into focus. Keep your list of scenarios right next to your list of first impressions. You will want to look back at this list after you write cases. Do your cases address all of the scenarios on your list? They should.

You can generate your list of scenarios in the same way that you generate your list of first impressions. Talk to a variety of people. Ask them when this resolution is important. Ask them when people actually face this choice. Most importantly, ask them to what situations this resolution would apply. These are all scenarios for which your judges will hold you accountable.

The preceding paragraphs have all dealt with the topic at a very general level. I have discussed the topic as a whole. Remember that this broad reading of the topic has specific uses. The broad analysis will help you predict what opponents will argue. It also helps you predict what judges will expect. A more specific reading of the topic will help you generate a more complete list of arguments available to you.

After you have exhausted the broad information in the topic, you need to explore the specific information embedded in the topic. Instead of reading the entire topic, start thinking about the specific meaning of each word in the topic. Studying the words in detail will open entire new worlds of arguments. Look for connotations and denotations in order to study the words.

Reading words for denoted meaning is easy. The denotation of a word is the dictionary meaning of the word. What exactly does the word mean? It is surprising how often we misuse words. Looking up all of the words in a topic allows for confidence that you know the meaning of the words. Before you can understand a topic, you must at least know the definition of the words.

When you look up words, keep your eyes open for different meanings of the same word. Often we face words that have multiple meanings. You need to choose the meaning that is appropriate given the context of the resolution. Consider the topic that capital punishment is justified. You could look up the word capital. You may find definitions that deal with capital as wealth. You may also find definitions dealing with prominent cities. These are not the appropriate definition for the resolution.

It is also important to consider what grammatical form the word takes in the sentence. Is the word a noun in the topic? Many words take on different meaning depending upon whether they are an adjective or a verb. Consider the topic that the deliberate use of deadly force is justified as a response to physical abuse. What grammatical form is the word "deliberate"? I saw many people define the term in their cases as a verb. As a verb, "deliberate" means to consider. As an adverb, "deliberate" means considered, or on purpose. This makes a big difference in the topic. The wording uses the adjective form. Many debaters embarrassed opponents who used the wrong word form. Worse yet, some cases based on the verb form of deliberate sank as soon as someone pointed out the error.

Reading for denotation is only the first part of reading the specific words of the topic. The more difficult reading of the words explores the connotations of the words. Connotations are the informal meaning of the words. These are often simply the associations we have with words. "To deliberate" may denote the same thing as "to consider." The connotations of the phrase "to deliberate" are different. "To deliberate" connotes a more thorough thought process. When you read for connotation, you need to read for impressions.

Some of the primary impressions to look for are intensity and venue. Some words or phrases connote a very intense meaning. The above example illustrates this. "To deliberate" connotes a higher degree of intensity than "to consider." Venue is harder to notice. Reading for venue entails looking for words that people only use in some circumstances. When do people talk about capital punishment? It is only discussed in the literature on criminal justice. This suggests where you should look for definitions and arguments. Venues tell you what literature will be useful on this topic.

Reading for connotation is tricky. It takes very good reading skills. The only way to build these skills is to read diverse arguments. There are many reasons to read. This is just one more to add to the list. Reading books on diverse subjects exposes you to different venues and different sets of words. The more you read, the more denotations and connotations you will learn.

This section illustrated various ways for you to read the topic. You should start very general and slowly look for more information in the topic. This information should guide your research. Broad readings will help with scenarios and major issues. Specific readings will help establish venues. You need to put this information to work for you. Once you know what the topic is, head to the library. The next chapter will deal with the subject of research. For now, we will continue to look at what information you will find in the topic.

III. Formal Components of Topics

So far, we have discussed very broad issues in reading a topic and very specific issues. Up to this point, I have treated topics as any other sentence. You can use any of the above strategies to read a book or a topic. This section will address concerns unique to LD topics.

LD topics follow certain patterns. Knowing these patterns will help you read topics. I will set out some of the basic formats of topics. These formats will give you clues as to what is most important in any topic that you may read. By the end of this section, you will be prepared to break down just about any topic that will come your way.

The first type of topic is a "simple-statement" topic. These topics are usually very short and make a judgement about some social practice. For example, consider the resolution that in the United States, secondary education ought to be a right. This resolution makes a judgement (whether something can be called a right) about a single practice (secondary education). This simple topic includes the three major types of phrases in any topic.

The first type of phrase is the object of evaluation. LD is about judging and evaluating social practices. The object of evaluation is the particular practice we will discuss. In the above example, the object of evaluation is secondary education. Other examples of objects of evaluation include; capital punishment, First Amendment rights, the sanctity of life, the principle of universal human rights, etc. When we remember topics, we usually remember topics by their objects of evaluation. This part of the topic stands out the most. Judges will remember the object of evaluation even if they forget everything else. They will also punish you (by voting against you) if you forget to center on the object of evaluation. In a way, the object of evaluation is the focus of the topic. Usually every new topic will bring with it a new object of evaluation.

The second type of phrase is the evaluative term. On what basis should we judge the object of evaluation? The evaluative term answers that question. In the running example, the evaluative term is "ought to be a right." This is a little tricky. In most topics, evaluative terms are clear judgment statements. We often see "antithetical to fundamental American rights" or "is justified." In this example, the evaluation is more specific. We must decide whether the object of evaluation is a right. This illustrates the need to keep your mind open when reading a topic. Sometimes it will be hard to identify the evaluative term, but there will always be one. LD is an evaluative event; you just have to look harder some times than others.

The final type of phrase is a qualifier. Qualifiers limit the scope of the topic. They may specify a particular type of object. They may also specify a place or time within which the evaluation is taking place. In the example above, one could consider "secondary" to be a qualifier. It describes the particular type of education about which we are talking. Another qualifier is the phrase "in the United States." This tells you exactly which country about which we are talking. It limits the arguments we can use. A negative could not argue that a right to education in Brazil would be bad. We are only talking about the United States. A negative could not argue that we should not have a right to college. The resolution includes a qualifier that we are discussing only secondary education. The qualifiers help limit the debate to manageable scope.

Even the simplest forms of topics can include these three types of phrases (objects of evaluation, evaluative terms, and qualifiers). However, some topics are more complicated. In most resolutions, these complicated resolutions only involve different combinations of the three types of phrases. I will briefly discuss the other types of topics. Remember that the key to breaking down these topics is identifying the three types of phrases.

The most popular type of topic recently has been the comparative topic. These topics require a comparison of two objects of evaluation. This requires slightly different types of evaluative terms. Consider the topic that liberty ought to be valued above equality. You actually have two objects of evaluation. Cases need to discuss both liberty and equality. This makes cases include twice as much analysis as a simple-statement resolution.

These resolutions also make you deal with a broad evaluative term. You need a standard by which you can compare liberty and equality. That is why most of these topics are very vague. The topics leave it up to the debaters to discover standards of comparison and evaluation. It is very important that you apply a standard that addresses both objects. Often these debates develop into arguments over which standard we should use to compare the objects. You might debate how one can judge liberty and equality. The standard you use will go a long way in determining the strength of your case. On these topics, pay careful attention to understanding the evaluative term and the standards you develop to implement the evaluation in the round.

The final type of topic worth discussing here is the specific-justification topic. This is a special type of simple-statement topic. In this case, the topic presents you with an object of evaluation and a reason why the object is justified. This reason for justification is both a qualifier and an evaluative term. Consider the topic that concern for societal good justifies limitations on scientific research. This topic has a clear object of evaluation (limitations on scientific research). It also includes a simple evaluative term (justified). However, it provides additional information. It provides the exact reason that the evaluative term judges the object of evaluation.

This topic does not just say that limitations are justified. This type of topic states why the limits are justified. The affirmative has to support both the evaluation (justified) and the reason for the evaluation (concern for the societal good). This is a stricter burden for the affirmative and makes for more specific debate. The affirmative can not just say that limitations are justified because the state has the right to limit research. The basis for the limitation has to be concern for the societal good. Other concerns may justify limits, but they do not prove the resolution. These topics were very common for awhile. They have become more rare, though certain areas of the country use them more than others. I think that these topics are great changes of pace.

When you see a topic, you should break the topic down. Identify the function of each word in the topic (you can do this right after you finish recording your first impression). The types of phrases each serve a function. Qualifiers limit the scope of the topic. Objects of evaluation identify the subject of the topic. Evaluative terms identify standards by which we will judge the object (or objects) of evaluation. Reading the words for function will help you better understand their meaning. It will also help you see arguments available to you for case writing.

Topic analysis is a continuing process. After every tournament, you should take stock of the resolution. Did you predict all of the major issues people discussed? Did you encounter any scenarios that you did not expect? Did you encounter definitions that surprised you? You should continue analyzing the topic for the entire time that you are debating it. Learn what types of arguments seem to take you by surprise. Learn where your topic analysis was weakest so that you can concentrate on that area in the future. Topic analysis is the hardest part of pre-tournament preparation. No one is perfect at analyzing topics. The key is practicing and actively trying to learn from your mistakes.

In addition to continual self-criticism, you must make topic analysis an interactive process. No one person will think of all of the good arguments on a topic. If you have a team, involve all of the members. If you are not on a team, talk to debaters from other teams. Brainstorming with a large group is vital to the topic analysis process.

IV. An Example Topic Analysis

The best way to learn how to conduct thorough topic analysis is to analyze diverse topics. In order to illustrate how one can implement my process of topic analysis, I will conduct an example topic analysis on a recent NFL topic. Read carefully and you will see the steps one should take in confronting new topics.

For the rest of this book, I will focus on one topic. Focusing on a specific topic will provide more continuity to the book. The specific topic will also make the lessons more tangible. I will draw on this topic for all of the cases and the example debate round. I will also try to draw most of the examples from this topic.

The discussion for the rest of the book will center on the resolution that capital punishment is justified. This topic should serve as a good example. There are many good arguments on the topic. This topic also interests many people.

The first step to analyzing this topic is to record your first impressions. What words come to mind? What do you think of when you hear the term capital punishment? The topic made me think of punishment, murder, crime, and the electric chair. These words inspired another set of thoughts. Punishment made me think of "cruel and unusual punishment," retribution, and rehabilitation. Murder made me think of criminals committing murder as well as the state killing criminals. This is interesting because it refers to both sides of the topic. Crime makes me think of social welfare and individual rights. The electric chair is just an image and a scenario.

This list is very incomplete. Every person will come up with his or her own list of associations. Often these lists will reveal dispositions toward the topic. I am generally pro-death penalty. My associations with this topic will most likely include more affirmative arguments. This is something of which I have to be careful. If I draw too much from my own associations, I may miss important negative arguments. Debating what you believe is easy. Debating for alternative opinions shows real skill.

This list makes up my initial reactions to the topic. I will have to keep this list around to make sure I remain centered on the topic. I will look back at this list after I write my cases. If my cases do not address these concepts, I will have to reevaluate my cases.

The next step is to discuss the topic with other people. I need to gauge other peoples' reaction to the topic. I find many people who have some of the same reactions that I did. This confirms that my reactions are typical. However, I find that some people do have different first impressions. Some people's first impressions include revenge, mercy, and racism. It should not surprise me that most of the impressions I missed are negative arguments. My biases filter my impressions. This can be useful. Judges operate with filters too. Some people will have similar biases. I will need to address those biases. I also need to address the first impressions of those with whom I disagree.

My list of first impressions included a reference to a specific scenario. I initially thought of the electric chair. This is a specific example of capital punishment. Elaborating on this impression, I foresee a debate over whether to kill a murderer. I will have to keep the scenario in mind. I will want to have my cases address this situation. If I do not address a scenario the judge feels is important, I may have problems persuading the judge.

The next step involves looking at the specific words in the resolution. What denotations and connotations do they hold? This topic is short, so this is easy. There are only four words. I will look at each of these in turn.

Looking "capital" up in a dictionary reveals various denotations. The definitions include references to important cities and money. These do not address the resolution. In fact, these definitions have little to do with the topic. Obviously looking up the term "capital" is not the right way to define our terms. One thing you can get from these incorrect definitions is some of the connotation of the word "capital." All of the definitions include some reference to importance. "Capital" refers to something important or significant. Keep that in mind.

The second term is "punishment." This is straightforward. Punishment involves a reaction to some wrongdoing. The definitions may make specific references to ideas such as retribution and penalties. The connotation includes notions of retribution. Though punishment can take many forms, punishment usually connotes retribution. The term "punishment" alone does not give a sense of the magnitude of a punishment. Being grounded is a punishment. This is where the term "capital" comes up again. "Capital punishment" is a specific type of punishment.

Now we know that we are talking about a specific type of punishment. This does not make our reactions to the word "punishment" irrelevant. Our reading of "punishment" is still important. We will need to keep the connotations of the term "punishment" in mind. Now we can refine those impressions by looking at the specific concept "capital punishment."

"Capital punishment" denotes punishing a crime by killing the criminal. The term also refers to a specific sort of crime. Capital crimes are a specific sort of crime that is eligible for the death penalty. We are not talking about sentencing jaywalkers to death. There are a limited number of crimes defined as "capital crimes." We should limit our discussion to these crimes. The connotations of the term "capital punishment" include grave importance. This goes back to our connotation of the term "capital" We found that capital usually connotes importance. In the same manner, people take capital punishment seriously. It is not a frivolous concept. Judges should not use it lightly.

The next term is "is." Debaters often over look this term. "Is" implies the present tense. This suggests that we should be looking at capital punishment as it exists right now. We are not asked if capital punishment "was" justified. We need to know if it is justified right now. This centers the debate on capital punishment, as we know it.

The last term is "justified." What does it mean to say that something is justified? The word denotes that something is shown to be just or free of blame. The word has more complex connotation. We usually use the term "justified" to recognize a trade-off. When we do something we wish we did not have to, we say that it is justified. We may claim that we are justified in revolting against an oppressive government. We would not normally support revolution. In some cases, it is ok. We usually reserve the term "justified" to these instances where circumstances allow a typically forbidden action.

This connotation of the term "justified" makes sense in this topic. We would not normally support killing people. Affirmatives will likely argue that certain circumstances may allow us to kill a criminal without blame. This is the sense of the term "justified." We may not like the idea of killing, but certain circumstances may make it acceptable.

Let us take stock for a second. We now know a lot about the topic. We can expect to deal with the death penalty. We can expect affirmatives to argue that the death penalty, as we currently understand it, is acceptable because of some circumstances. This alerts us to some likely strategies on each side. The affirmative will probably argue that capital punishment is justified because it can prevent crime or represent retribution for heinous crimes. The negative will likely argue that capital punishment is not justified because the circumstances are not enough to warrant an exception to the general rule that killing is wrong. Looking at our list of first impressions, we can see that the many of our impressions were on target. Affirmative will focus on crime and retribution. The negative may argue that killing is always wrong and the current system of capital punishment is racist.

Now we need to identify the function of each phase in the topic. Capital punishment is clearly the object of evaluation. You can also argue that punishment is the object of evaluation, and "capital" is a qualifier. Your choice will depend upon what you would like to focus. If you want to focus on the specific magnitude of "capital" crimes, you will use the first interpretation. If you want to focus on the theory of punishment, you will adopt the second interpretation. Either way you will have to discuss the entire topic. The difference is only in the focus.

The phrase "is justified" is the evaluative term. You will need to establish standards to decide whether something "is justified". In your cases, you will need to equip your judges with the tools to make this evaluation. This will become the basis of the value and criterion in your case. We will deal with this in the specific chapter on case writing.

I hope that you paid attention to the process of this topic analysis. It is not as important that you completely understand capital punishment than it is that you understand the analytic process. You will have to analyze many topics in your career as a debater. The analysis skills will help you with every topic. The argument peculiar to the topic of capital punishment will help you, but only for a few months. At this point, you need to understand the process more than arguments the topic analysis generated. You should be interested in how to debate not how to debate one particular topic (in this case capital punishment). The general analysis skills will stay with you even after you stop debating.

V. Example Topics

The only way to practice topic analysis is to analyze diverse topics. You can have practice topic analyses any time. Practice works best with a group, but individual practice is constructive as well. The best practice comes when an entire debate class analyzes a new topic. You can simulate this by having one or two practice analyses within a class period. You can do a thorough introduction to a topic (in terms of generating impressions, reading the words, and analyzing the structure) in about half an hour to an hour. In a standard class period, focused classes can conduct two topic analyses in the allotted time.

To aid in this exercise, I will list many of the best topics I have heard. In some cases, these are topics I debated or coached. I have tried to present topics that are both interesting and clear. I have modified some of the topics to make them clearer and more conducive to practice topic analysis. This list is by no means exhaustive. It does provide a diversity of structures and issues. This should provide a good pool for the purpose of practice topic analysis.

Resolved: that the sanctity of life ought to be valued above the quality of life, when in conflict.

Resolved: that the right to die justifies physician assisted suicide.

Resolved: that the government ought to protect a citizen from his or herself.

Resolved: that human genetic engineering is morally justified.

Resolved: that in the United States, health care ought to be a right.

Resolved: that prevention of communicable disease justifies limits on the rights of privacy.

Resolved: that secondary education ought to be a right, not a privilege.

Resolved: that liberal arts education ought to be valued above employment readiness education in United States secondary schools.

Resolved: that in US high schools, a period of public service ought to be a condition of graduation.

Resolved: that school uniform requirements are justified in US public schools.

Resolved: that mandatory drug testing for all participants in extra-curricular activities is justified in US public schools.

Resolved: that the government ought to provide subsidies to the arts.

Resolved: that the government ought to redistribute income in order to assist the poor.

Resolved: that society ought to value the amelioration of poverty over individual property rights.

Resolved: that a business ought to value its responsibility to society over profits.

Resolved: that the principle of minority rights ought to be valued above the principle of majority rule.

Resolved: that the spirit of the law ought to be valued above the letter of the law.

Resolved: that in the Supreme Court, a concern for individual rights justifies judicial activism.

Resolved: that in the criminal justice system, truth seeking ought to take precedence over privileged communications.

Resolved: that protection of the domestic order justifies curtailment of First Amendment rights.

Resolved: that political correctness justifies curtailment of free speech.

Resolved: that in the regulation of pornography, local standards ought to be valued above national standards.

Resolved: that the possession of nuclear weapons is immoral.

Resolved: that the principle of universal human rights ought to be valued above conflicting national interests.

Resolved: that in the United States, the concern for human rights justifies intervention in the internal affairs of other countries.

Resolved: that the United States ought to value global concerns over national concerns, when the two concerns conflict.

Resolved: that the protection of the environment justifies limitation of individual rights to property.

Resolved: that in the US Congress, a legislator ought to value his or her constituents' interests over the national interest.

Resolved: that term limitations for US Congress are justified.

Resolved: that limits on campaign fundraising are justified.

Resolved: that a candidate's right to privacy ought to be valued above the public's right to know.

Resolved: that limits on immigration are antithetical to fundamental American values.

Resolved: that flag burning is antithetical to fundamental American values.

Resolved: that concern for minority rights justifies the regulation of hate speech.

Resolved: that concern for public safety justifies limitation of the right to bear arms.

Resolved: that concern for societal welfare justifies limitation of scientific research.

Resolved: that the deliberate use of deadly force is justified as a response to physical abuse.

Resolved: that violent revolution is justified as a response to political oppression.

Resolved: that an oppressive government is better than none at all.

Resolved: that civil disobedience is justified in a democracy.

Resolved: that the societal goal to provide equality ought to be valued above the right to participate in exclusive voluntary associations.

You can use this blank page for making notes!

Chapter Three - Research

I. Why Research?

Research is fundamental to any form of debate. This is no less true for LD debate than it is for policy debate. If you want to succeed, you must learn how to research effectively. Successful research skills will help you expand your selection of arguments and inform your cases. Furthermore, your research skills will serve you long after you write your last debate case. The skills you develop researching LD cases are the same skills you need to research term papers, and Ph.D. dissertations for that matter.

On a more practical level, you need to research in order to collect arguments and evidence. You need to have a diversity of arguments in order to debate the variety of arguments you will likely confront. You want to know what issues are relevant on a topic. Research will reveal many of the arguments people use on a topic. For instance, research on the morality of genetic engineering will reveal arguments involving risks in medical procedures. You may never have considered the risk associated with medical operations, but research will help you find this important argument. Your case writing will be easier with a more diverse set of arguments from which to draw. Opponents will also less frequently catch you off guard if you have researched a topic thoroughly.

Research also helps you collect evidence. As discussed in Chapter One, empirical evidence is necessary to any attempt to make inductive arguments. If you want to argue about genetic engineering, you need to know the facts about genetic engineering. Knowing the facts allows you to eliminate arguments that are based on unreasonable premises. If you know that genetic engineering can not create a race of super humans, you do not have to worry about that potential. If super humans become an argument in a debate, you can provide the evidence to suggest that this is not a possibility. Having the evidence allows you to dismiss this sort of uneducated argument.

Research is particularly important on our example resolution, capital punishment. You need to understand the diverse arguments that people may raise at tournaments. Research can warn you about potential arguments you may not have otherwise considered. You may not have worried about the fact that any human system of punishment is fallible. Our criminal justice system can find innocent people guilty. This creates the possibility that capital punishment may kill innocent people. Any level of research would reveal this argument and prevent you the embarrassment of hearing it for the first time in a round.

Research can also arm you with the facts related to capital punishment. If people make arguments about the discriminatory nature of capital punishment, research can inform you about the exact demographics of people on death row (their race, gender, ethnicity, etc.) Armed with these facts, you may be able to dismiss some arguments. Facts about the criminal justice system can also help you by providing useful information such as the average number of appeals, and the length of time people stay on death row. All of this information is important to many arguments. Knowing the facts allows you dismiss arguments based on incorrect facts.

II. Where should one research?

Part of the confusion about research stems from a misunderstanding of the research process. Research can be formal. Formal research consists of scouring libraries for books and articles on a topic. Research can also be informal. One can informally research by talking to other people about the topic. Each of these forms of research is important. Topic analysis requires both formal and informal research. Talking to people generates diverse arguments and maybe even some facts (though formal research is a much better way to discover reliable facts). Informal research also provides for a perspective on the topic that formal research may miss (as I discussed in detail in Chapter Two). The key to research is using both formal and informal means to reinforce each other. Informal research may give you some ideas that help your formal research. Formal research may provide some facts or ideas that allow you better to assess your informal research.

It is tempting to make informal research dominate your time. Informal research is the fun part of research. LD debaters tend to have an affinity for chatting with other debaters about a topic. Some people take this to the point of excluding formal research. Some very intelligent coaches and debaters have allowed informal research to replace formal research. This inevitably leads to ill-informed debate. Talk to people about a topic. This is an important aspect of research. Do not let the informal research override the formal research. If you have not "hit the books" you are missing a valuable part of research.

You want diverse places to research. Each of these places has advantages and disadvantages. You need to do research in many places in order to avoid biases and weaknesses in some places. As is often the case, diversity is key. Each place has a specific use. Learn to use each place fully, and rely upon no place too much.

The first area for formal research is your squad room. In most cases, you will have some resources in your squad rooms that are useful for research. The most obvious resource is a small library of books. Some, not all, squads have a collection of commonly used philosophy books. Other useful titles include dictionaries. These books can serve as a useful tool when you are getting a handle on a new topic. They will likely only have general books, but these general books can be useful. This is a good place to start, but do not stop there. There are only a couple hours of quality research in any squad room.

The second place to conduct research is a general library. Your community or school libraries are examples of general libraries. They do not serve a particular discipline or interest area. Instead, the general libraries purport to serve everyone in the community or school. This means that the library has far more material than interests you. This is the most common place for research. The library will not contain a lot of material on any one subject, but will contain material on most subjects.

The best general libraries are usually college libraries. College libraries target a more sophisticated audience and will contain more books that are academic. For example, they will possess a larger percentage of non-fiction books than other general libraries. The topics that we often discuss in LD will enjoy a large coverage in college libraries. That will not always be the case in community or high school libraries. Topics like political philosophy or jurisprudence will appear more frequently in college libraries than in local or high school libraries. If you have the opportunity, use the college libraries for more advanced topics.

Not all libraries are general in nature. Some libraries cater to a very specific audience. An example of this is a law library. A law library does not claim to serve all people. It only contains information related to legal topics. If you are researching a legal topic, these libraries can be very useful. Some questions are legal in nature. The capital punishment topic is an example of this. This topic should inspire you to research at a law library if one is available. In addition, many law libraries have a section on moral and political theory. You may find books here that the other libraries do not contain.

Other specific libraries can also be useful. Some libraries specialize in medical literature, or business literature. If topics come up within these areas, you want to use specialized libraries. Often the specialized libraries will have the best available material within their specialty. In most cases, you will want to do general library runs before using a specialized library. When you have technical topics, however, you want to take advantage of the specialized libraries.

A final place for research is becoming quite popular, the Internet. Many students are taking web-browsers as their new research engines of choice. This is a nice development technologically, but it has problems. I am very skeptical of most web research. There is some hurdle one must overcome in order to publish a book. Literally anyone can publish a web page. The Internet steeps with charlatans and outright liars. Unless you know a lot about a subject, it is hard to tell the credible sources from the non-credible sources. I could declare myself an expert on capital punishment and make a web page for a fictional "Society for Entertaining Executions." I could then make outrageous claims unsuspecting web-surfers could believe. In order to avoid these problems, I suggest avoiding web research.

There is also the issue of verifiability. It is hard to verify webpages. Even reliable sources have unreliable webpages. It is hard to tell if the CNN webpage you printed on capital punishment will be there next week when you debate. If there is any question about your research, you may have no way to verify your evidence. Anything good on the Internet will probably also be in your library. Stick to the verifiable printed page.

This section illustrates the diversity of potential places for research. Use them all, with the accompanying warnings. Squad rooms have a very limited selection. Local libraries do not target academic audiences and may have limited coverage. College libraries are good, but may be unavailable. Specific libraries are good, but only for specific topics. Finally, the web is huge but unreliable.

III. How should you research?

The previous chapter included many suggestions for organizing informal research, in the form of topic analysis. The remainder of this chapter will focus on formal research skills. The last chapter left us with a list of important concepts for our topic. I first listed some first impressions of a capital punishment topic. This list grew as I conducted a more thorough topic analysis. The final product of the topic analysis was a list of essential concepts that I hope to research. This list of concepts is the starting point for formal research.

You want to begin any research with a list of key words or concepts. This holds for all types of research whether you are conducting research at a library or on the Internet. This section will be very general. The skills discussed in this chapter apply to all potential places you may research. Following this section, I will discuss the times when you may need to adopt a specific research strategy. For now, I will talk in very general terms. Until you have the basic research strategies down, there is no need to introduce the exceptional circumstances.

As you begin formal research, all you need is a list of key words and a plan for action. The rest of this section will give you that plan. The plan for formal research takes three stages. The first stage consists of finding specific texts related to your key words. The second stage consists in sorting the texts in order to identify their usefulness. The third and final stage involves actually reading the texts.

The first stage, going from a list of key words to a list of specific texts, is what most people think of as research. This is the boring part of research when you sit down in front of a terminal or a card catalog. There are many ways to make this portion of the research more efficient and more enjoyable. The more efficient you become at searching, the less time you have to spend searching. The less time you spend searching, the more time you actually get to spend reading. Reading should be the fun part.

This first stage involves searching through indices of some kind. Whether you are using a card catalog or a web-based search engine is irrelevant. The skills involved are the same. When you are using a database, you confront a lot more information than you can use. You need to narrow your search to useful information. You need to eliminate the information that is of little or no use to you. You should never judge research based on its quantity. In research, you need to focus on quality. The way you narrow your search is by looking for commonalties in the database.

As you search, start out with very general terms. Use very vague terms that are likely to generate many potential texts. In our example resolution, you can start with the term capital punishment. This will generate thousands of texts in a large library. The trick is in identifying the best texts. There are a couple of techniques that you can use to limit your search to important texts.

The first technique is to search by title and not key word or subject (for the purpose of this chapter subject and keyword searches are interchangeable). When you search by title, you greatly limit the search. At this point, the limit is useful. These searches will only produce texts that include the key word in the title. You will likely find overviews of the topic and the issues involved. You should still look at a large list of titles if the topic is popular. If you are discussing capital punishment, look for all books with the terms "capital punishment" in the title. If the topic does not include an obvious key word, refer to your topic analysis notes for all of the important central concepts (for more on this process, see Chapter Two).

Do not look for specific titles at this point. Instead, look at the catalog numbers of each entry in your search. Look for catalog numbers that reoccur in this list. If you find a large percentage of the texts come from one area, mark down the catalog number. Also, look for a diversity of catalog numbers. You want to get a short list of a catalog numbers. One strategy is to look for catalog numbers in different sections of the library. Do not look only at books in the JC area of the library (political science in the Library of Congress index). Try to look in other areas like sociology and economics in order to get a diversity of perspectives. The key is to generate a list of three to four catalog numbers that can serve as a guideline for your research.

Now you are armed with a list of library codes. You want to go to the stacks of books. With your list of codes, you can go to an area of the library. When you go to those areas, look for titles that interest you. When you look at areas, you can see the forest rather than the trees. Grab all of the interesting titles. At this point, you are going for volume. Limiting yourself to a few areas of the library has eliminated many texts that are peripheral to the topic. These may be interesting later, but for now stick to the basics. Look for titles that suggest that the texts cover a variety of issues related to your topic. You also want to look for titles that relate your topic to interesting values.

After you have done a title search on your topic, you want to do a keyword/subject search. The rest of the process remains the same. You want to look for common codes and then look for interesting titles. The only difference is that the keyword search will produce a larger list of texts from which you must choose. You still want to narrow the list to common areas and then search the areas. Again, you want to avoid looking for particular texts.

Now you have a big stack of interesting books. This is still too large a stack to read. You need to narrow your stack of books further. In order to narrow your search, you want to look for the best books. What books are useful depend on what type of information for which you are looking.

IV. What types of books are most useful?

There is no one answer to this question. The value of a book depends on what you need. It is essential that you identify your needs, and use appropriate materials. As you look at a large pile of books, your first question must be "What type of books do I need?"

When you first start researching a topic, you should seek out secondary sources. Secondary sources review other texts. There are many different examples of secondary sources. Dictionaries and encyclopedias are both secondary sources. They compile knowledge gathered elsewhere. Many other books are secondary sources, but may not seem so at first. A book may include secondary and primary components. Many books, particularly modern books, will both present an argument and review the arguments of other authors. It is important to identify which portions of a book represent the thoughts of the author (and are therefore primary material) and which portions are reviews of other thinkers (and are therefore secondary materials).

One of the most overused books in LD debate is also one of the most misused books. You may have heard people citing THE INDIVIDUAL IN THE POLITICAL ORDER by Bowie and Simon. This is actually a nice textbook on political philosophy. This book is a useful introduction to issues we often debate. However, very little of the book is actually the view of Bowie or Simon. Most of the book is Bowie and Simon's explanation of various thinkers such as Kant and Rawls. Debaters often cite the portions of the book that review other thinkers (secondary material) as the thoughts of Bowie and Simon (primary material). This reveals poor research skills. It is one of my greatest pet peeves. Do not get caught (as a recent round robin debater did) confusing Bowie and Simon's thoughts with those of Thomas Malthus (an author reviewed in their book).

The value of secondary sources lies in the synthesis that good authors of secondary sources often provide. The best secondary sources will review all or most of the relevant literature. These are great ways to see the relevant literature and plan the rest of your research. Before an author will present their own theory of political obligation, they will also review previous influential theories of political obligation. A person discussing the social contract will usually refer back to Locke and Hobbes for instance. The same is true for more pragmatic research questions. Before an author will describe the problems in the laws regarding capital punishment, the author will usually review the most important texts on the question of capital punishment jurisprudence.

The big picture perspective has many important uses. The primary use is in finding definitions. Secondary texts provide overviews and therefore will provide broad definitions. These texts have to synthesize literature, and therefore should impose order on diverse primary texts. To compare various texts, authors of secondary sources will often provide very useful, general definitions. Consider the example of a book on political obligation. To address the nature of political obligations, an author needs to clarify exactly about what he or she is talking. Until the subject is clear, the book will be difficult to understand. This is particularly important when the author intends to educate a wide audience with a book. A wide audience will not have a highly developed vocabulary in a specific issue. How many people on the street will be able to define recidivism? This is an essential concept to capital punishment debates, and if the author hopes to reach a broad audience, he or she must define recidivism for his or her audience. You can take advantage of this necessity by using secondary sources for definitions.

A second use of secondary texts is identifying the camps in the literature. A camp is a collection of authors who argue for some perspective. On the capital punishment topic, one can imagine camps that support capital punishment as well as those camps that oppose capital punishment. The camps will show you the major dividing lines in the literature, and the most likely dividing lines on the topic. You will not always find camps that correspond to affirmative and negative cases, but you often will. Finding the camps can also add to your list of important arguments. If you ignore entire camps of the literature, those camps may come back to haunt you in debate rounds.

It is not enough to classify authors as "affirmative" or "negative" sources. You need to get a more specific understanding of the contours of the topic. Sure, many authors will be for capital punishment. The trick to researching good cases is identifying why people agree. Some people may support capital punishment in order to reduce crime. This camp will not agree with the people who support capital punishment for purposes of revenge. These two camps may agree that capital punishment is justified, but they fundamentally disagree on the moral justification of the action. Where at all possible, you will want to stick to one "camp" per case. That is, you want all of your authors to agree or disagree with the resolution for the same reason. Using multiple camps leaves you open for a well-researched opponent who can turn the opposing camps into case contradictions.

The previous two advantages to secondary materials should illustrate the need to start with secondary research, but that is not all. The most important use of secondary material is the identification of experts on a topic. It is very hard to tell who is actually an expert. Almost every author claims to be an expert of one kind or another. Often the people most loudly proclaiming their own expertise are the least qualified sources. Secondary sources are a great way to discover who are the real experts. Look for the people are books that are cited in a variety of sources. If many authors cite Hugo Adam Bedau, you might want to look into his work. If many people praise Bedau, he is probably an expert. If you want good information, you will then go to the primary material written by an expert.

Secondary sources are a great way to be acquainted with a new topic. Once you have your bearing on a topic, though, you want to get in to the real research. You need to dive into primary materials. As mentioned earlier, primary materials are texts that represent the perspective of their author. The easiest way to distinguish primary material is to ask yourself "Does this reveal the perspective of the author?" If the passage actually describes the views of another, the passage is secondary. If the passage presents the views of the author, the passage is primary.

Primary sources have very different uses than secondary sources. The most important use of primary sources is in understanding the arguments on a given topic. Secondary sources provide a broad picture of an issue. Primary materials, however, delve much deeper into single arguments. This usually results in a much better understanding of each argument. When you start reading primary materials, you are actually in the philosophical trenches. You do not want to sit back and read reviews of philosophy. You want to get into the fray. Do not stop with reading condensed versions of arguments, primary sources represent the actual arguments. After you have a handle on what arguments are important (from secondary sources), you need to dig into primary sources.

The second use of primary source is in finding quotations. This is closely related to the first use of primary sources. If you want to use a quotation to represent an argument, go to the best representation of the argument. The best representation will be in primary sources. When using quotations, you must take particular care in separating primary from secondary materials. If you misuse a secondary source, you may misguide your research. If you misquote a secondary source (by attributing the substance of reviewed material to the reviewing author) you actually misrepresent the argument and the author. Misrepresenting an author is the cardinal sin of research. I will reserve further discussion of the ethics of research for the end of this chapter.

V. Special Types of Sources

Some sources require particular attention. Up to this point, I have talked about "texts" and "books" as if they are all similar. The research skills covered up to this point do not differentiate between different types of books except for separating primary from secondary material. You need to consider a variety of sources in the variety of resolutions you will research throughout your career. Consider non-traditional sources when you have special research needs.

The first type of non-traditional sources is government documents. This is usually the reserved realm of the policy debaters but LDers have a lot to learn from these sources. Many topics have a real world application. Capital punishment is a social practice that we regularly encounter. You may want to see if the government has published any information on this topic. You might be surprised. Congress often issues reports on hot topics on which they are writing legislation. These can be a good source for information on contemporary ethical questions. A good example of this is the ethics of cloning. Congress and the executive branch have issued volumes of material discussing the ethics of cloning while they considered a cloning ban. I have found this material to be well written and a good resource. Do not over look it as a source of pragmatic information.

Government documents are good sources for pragmatic information, but they are not good sources for moral arguments. In the case of cloning, for example, government documents do an excellent job of spelling out what the limits of our current technology are. The government documents are not a good primary source for moral philosophy. In some instances, though, you can find some good references to moral philosophy relevant to each issue.

Court opinions are a second type of special resource. Courts opinions can be ideal sources on some topics. We often debate topics that focus on legal ideas such as constitutional rights or legal interpretation. The best sources on many of these topics are court opinions. Capital punishment is a perfect example. You are remiss in your research if you do not read the series of Supreme Court opinions on capital punishment. Free speech issues are also prime materials for research in court opinions.

There are drawbacks to using court opinions. Unlike many other forms of references, court opinions are not primarily targeted at educating the reader. In many cases, the court opinion will focus on small issues that do not relate to broad LD resolutions. Furthermore, court opinions are often hard to read. They send seemingly contradictory messages and make multiple parallel arguments. You must be very careful when you quote them. They are very hard to quote in short segments while retaining the specific meaning and context of the argument.

A final special source I would like to cover here is law review articles. Quoting law review articles is very popular at times. Often it relates to the nature of the topic. Just as in court opinions, many LD resolutions deal with legal issues. Law reviews are a more accessible resource for these legal issues. Just like court opinions, you must be careful in the use to which you put law review articles. In many cases, law articles are not designed to make moral arguments. The arguments usually focus on the legality of specific laws or practices. In LD, we seldom deal with mere legality. We usually focus on what laws ought to exist rather than the laws that do exist. Be careful that you do not confuse these two types of arguments. If an author is basing his or her support of a practice based on a law, do not always assume that they feel that the law itself is justified. They may be dealing with "is" questions rather than our "ought" questions. Most articles describe while you need to look for articles that evaluate.

VI. When should I research?

At one level, this is an easy question. You should always be researching. There is no point in a debate topic when you are done with research. Be it during topic analysis, case writing, or after tournaments, you should always be researching. The trick is in adapting your research strategy to your research needs in each stage of a topic.

The initial stage of research is topic analysis. The previous chapter covered topic analysis in some detail. From the standpoint of research, topic analysis is a time where you should focus on a broad range of research. Here secondary materials are very important. You want to get a feel for the major arguments and camps on the topic.

Do not get caught up in finding quotations just yet. If you find some interesting information or quotations, jot down a note as to where you can find it. If you find interesting material at this point, copy the entire chapter that holds it. You are not at a point where you can easily tell what is relevant. Copying the entire chapter lets you go back and see the context for each argument. Additionally, when you copy a chapter make sure that you copy the footnotes or endnotes linked to each chapter. This is the best way to find patterns in the literature. It is a nightmare when a chapter mentions a great argument but you can not find the source of the argument because it is in a footnote that you did not copy.

The next phase of research starts when you actually begin case writing. At this point, you should have a fair understanding of the camps in the topic literature. You have to choose one that most fits your approach and the resolution. Now you have to look for specific arguments. Your topic analysis revealed important members of each camp as well as expert sources. Now you need to go back and read these sources in detail. In the case of capital punishment, you have to choose to investigate a social benefit case or a retribution case. Both arguments support the resolution, but they are incompatible. Once you choose a camp, you can look back at your list of major sources in that camp. If you choose a retribution case, you can look back and see that Kant is a major author, as well as Locke.

Now you can start looking for specific arguments and quotations. You have narrowed your search temporarily. You need to look for appropriate quotations and arguments to support your cause. You need to read the texts in detail in order to fully understand the arguments and predict the answers that people will make in debate rounds. This is the slowest part of the research process because you have to make sure that you understand every part of the arguments that you hope to run.

After you have finished case research, there is still a lot of research to be done. The final phase of research is quite different. After you know your cases, you need to research the arguments you expect to hear at your tournaments. This research is reactive. You must react to what you hear or think you will hear. Maybe you did not pursue the social-benefit affirmative case, but you hear it a lot. You therefore need to research this argument in order to refute the case intelligently. Here you will have a list of arguments and you will research each one. You do not have to worry about thinking of new arguments (if you did your job in the initial stages of topic analysis). Instead, you react to arguments and research. There is no shame in losing to a surprising case. Just do not be surprised by the same case twice. You will soon find that the most surprising cases are often the easiest to beat with a little research.

VII. Ethical Issues in Research

Before we leave the topic of research, I want to talk a bit about the ethics of research. I have seen horrendous things in my time teaching research skills. I like to think that they were done out of ignorance and not malice. My primary message in research ethics is to think and be respectful.

Rule #1: NEVER damage a book.

If you want to upset a librarian, the fastest way is to damage a book. As a debater, you should have the utmost respect for books and other forms of research resources. You know how annoyed you are when the library does not have a book that you want. It is worse when the book is purposefully damaged. There is no excuse. Be careful with books so that others may benefit from them as you have.

Rule #2: Do not hoard materials.

This is an issue among squads and is very prevalent at debate camps. Many people seek an advantage by hiding copies of books that they think are vital to their cases or potentially damaging. This avoids the entire debate process. If debate were about hoarding ideas, why would we ever compete. As hard as it is to see, debate is about sharing ideas. If you just wanted to collect ideas, you can do that without ever talking to another soul. Debate is about growing by sharing ideas within a competitive environment.

This is seldom much benefit to this anyway. You may make it harder to find an argument, but few arguments are only in one book. Often the arguments will pop up somewhere else. Finally, I have found that the people most likely to hoard materials are the least like to identify the good arguments anyway. When I have found hoarded books I am often left wondering, why did they go to all the trouble for this? Share the resources, everyone will benefit from the free flow of ideas.

Rule #3: Do not misrepresent authors.

This is a hard rule to follow sometimes. Not all authors are clear. It is easy to misrepresent an unclear author. I am not sure that I have ever found a clear representation of some works. Do your best to represent the thoughts and opinions of the authors. A familiarity with the author should make it clear what he or she thinks. If you are quoting an author for opposite arguments, something is probably wrong. Misrepresentation leads me to think that a person has either not done their job in research or is purposively misleading me. In either case, I am never happy. You would be surprised at how many judges can tell when you misquote or misrepresent an argument. Many of your judges may coach a team or have helped students on this topic. They will know if you are abusing an author. It is always safer to just be honest.

VIII. Conclusion

Research is a very hard thing to teach. The best lesson is to do it. There is no substitute for actual research. You learn more about research on every topic that you actually take the time to research correctly. In the end, this is one of the more useful skills you can take with you to college and beyond. Every moment you invest in research will pay off in rounds and in your educational development.

IX. Suggested Exercises

As I mentioned above, there is no substitute for actual research experience. The best way to teach research is to simulate actual research situations. Different exercises can simulate the three phases of topic research. I will discuss each of the three major exercises in turn.

You can simulate the topic analysis phase with a bibliographic exercise. You can look at the list of topics from Chapter Two, or any topic in which you are interested. The object of this exercise is to assemble a list of titles on each topic. You can go farther than a simple topic bibliography. You can first assemble a list of key words on the topic. You can then identify the camps of issue area. Finally, you can take the list of authors and texts and organize them according to the camps. This exercise will result in a good start toward a detailed topic analysis.

The research involved in case writing is harder to simulate artificially. This phase takes more time than the other phases. I do not suggest trying to simulate this. Instead, pay particular attention to actual case writing. Every time you write a case, you get a little better. If you do not have a topic for which to write a case, grab one from the list at the end of Chapter Two. There is no substitute for actual case writing.

Finally, you can easily simulate reactive research. You will confront new arguments every weekend. All you have to do is choose one and research it. I do not think I have ever seen a debater who has researched all aspects of a topic. There is always another argument to research. One quick way to integrate this simulation into other exercises is to write briefs. I will discuss brief writing after Chapter Six, but for now all you need to know is that they are short forms of actual arguments. Writing briefs involves reactive research and speech organization skills. I will spend much more time on this later.

Chapter Four - Evidence Selection

I. Evidence Selection and Presentation

Evidence is becoming increasingly important in LD. When I started competing in LD, I would often hear cases that had no evidence at all. The entire case was based on the opinion of the debater him or herself. Every once in a while a person would sneak in a quote from the extemporaneous speaking file from NEWSWEEK or TIME. Debaters were ill prepared to debate facts relevant to resolution.

In the past decade, people have begun to see the importance of evidence and quality evidence selection in debate. Now debaters cannot get away with a case without some evidence. Some people focus on quotations from philosophers. Other people focus on evidence drawn from empirical studies of the various policies relevant to many LD topics. Today, in every round you will be forced to confront evidence.

This chapter focuses your attention on how to select and present quality evidence in LD. Despite the frequency of the use of evidence in LD, the quality of the evidence is often poor. This chapter will provide you with tools to evaluate the quality of evidence and suggestions on how to combat the misuse of evidence by your opponents.

Evidence selection requires attention to a variety of theoretical concerns. You need to consider the place of evidence in logical argumentation. You also need to consider the place of evidence in the intellectual environment of LD debate. Authenticity, honesty, and transparency are primary concerns for evidence selection. You will see through this chapter how these values should guide your selection and presentation of evidence in debate.

II. Evidence in LD

Evidence can serve various functions in LD. You have to understand the purposes of evidence to understand how to properly select and present evidence. You will quickly find that the strategy for selecting and presenting evidence will depend on the part of the case or rebuttal in which you want to use the evidence. Understanding the various functions of evidence will allow you to make good choices in the variety of circumstances you will face evidence selection questions.

The primary purpose of evidence in LD is persuasion. Within this purpose, there are a variety of ways that evidence can be persuasive. You need to decide how you plan to persuade a judge before you start selecting evidence. The first strategy of persuasion with evidence is reference to expert opinion. The second strategy is the strategy of persuasion with rhetoric. The final strategy is persuasion with credibility. I will discuss each in turn.

As I discussed in previous sections, evidence is an important way to introduce argumentation based on expertise. LD debaters constantly face questions that require the reference to expert opinion. What are the limits of biotechnology and gene therapy? Is there evidence of racial bias in the application of capital punishment? What effect does violence on TV have on the children that watch TV? No high school debater is qualified to answer these questions. However, each of these questions was central to a recent LD topic. This should be proof enough that evidence is necessary in LD. When you have to answer an empirical question like this, you need to consult experts on the various questions. A biologist, criminologist, and child psychologist will be better able to answer these questions than you, your teammates, or your coaches.

Evidence can do more for you than provide expertise. Evidence also represents an important rhetorical component in your speeches. Remember that LD is about persuasion. Persuasion requires an appeal to a judge's rational and emotional capacities. Quotations can appeal to an authority, even where expertise is not an issue. There is no logical reason why a quote from the FEDERALIST PAPERS will change a judge's mind about the importance of liberty, but it often does. As a speaker, you have to recognize that appeals to authority (though a logical fallacy in a formal proof) are important parts of persuasion.

Finally, evidence can serve to provide credibility. This is in some ways the synthesis of the previous two functions of evidence. When you cite evidence, you are communicating your professionalism and preparation to a judge. A minimal necessary evidence strategy may sound like a poorly researched case to a judge (whatever your reason for limiting the use of evidence). The prolific use of evidence and quotations will tell your judge that you have researched and prepared well for your debate. All of your arguments will seem more credible when a judge thinks of you as prepared.

You will have to keep these purposes in mind as you read the rest of this chapter and select evidence for your debates. Why do you want to use this piece of evidence? What persuasive function does it fulfill? How can I present this evidence in a way that maximizes its impact?

III. Principles of Evidence Selection and Preparation

In this section, I will introduce you to the basic principles of evidence selection and presentation. Again, the focus is on the reasons behind principles. You will need to understand these reasons so that you can deal with the inevitable imperfections and compromises in actual research and debate. If you follow these principles, you will be safe. No one will have much room to criticize you or your evidence. Furthermore, you can look for other people who break these rules. You can criticize opponents' (respectfully and only in rounds, of course) failure to abide by these principles.

IV. Bibliographic Citations

Many debaters are very sloppy with their bibliographic citations. This creates all sorts of problems. Bibliographic citations are designed to allow a reader (or in this case, a listener) to find the original material quoted in your speech. While it is very unlikely that anyone will go look up your sources after a debate, they should be able to do so if they want to. You are accountable for providing all of the information they need to find the original material you are quoting if they choose.

This means that you need full bibliographic citations available. You need not list all of the material in your speeches. In fact, it would be a mistake to do so. Judges do not want to hear the publication information of every book you quote. You only need provide the basic material in your speech. The basic information includes all of the information necessary to evaluate the quotation. If you are using the evidence for its expertise value, you will need to provide the name of the source, the year of the quote, and the qualifications of the source. All of this information is essential to understanding the expertise value of the evidence. If you are using the evidence for a rhetorical purpose, you only need the minimal information needed to hook the listener. This may be only the name if the name is recognizable (Presidents, famous philosophers, etc.). If the name is not recognizable by your judges, you will probably want to provide enough information to hook your judge. You may refer to a politician by his or her position (Senator from Texas Phil Gramm, for example).

Even though you only need to provide minimal material in the speech itself, you need to have full bibliographic information available if it is requested. The full information includes: author, publication date, qualification (if referred to as an expert), title of the quoted work, editor (if an edited volume), publisher, and publication location. If you are quoting a non-printed work (a web page or radio broadcast) you will not have page numbers, but you will want to provide broadcast date or date accessed on the web.

The subject of citations for web pages brings up an interesting problem. If you cannot provide sufficient information for a judge or opponent to verify your sources, do not use the source. If you are quoting a web page, make sure that the address is somewhat permanent. This means that news web pages that change addresses for stories quickly are poor sources. You want to use printed news sources instead. Finding a web-based resource is not an excuse to provide insufficient bibliographic information or to use information that is impossible to verify. You should probably question the validity of any information that is not in printed material or on a web page that is quite stable.

The following format works well for citations. It allows you to only read the important information at first, but includes all of the material you need if asked.

> Author (last name, first name). Publication Date. Qualifications. ("title of article" or TITLE OF BOOK. Editor (if edited volume) Publication location. Page number).
>
> Gagnon, Alain G. 1993. Professor of Political Science. McGill University. ("The Political Uses of Federalism." COMPARATIVE FEDERALISM AND FEDERATION. Buffalo, NY: University of Toronto Press. Pg. 18.)

This citation provides sufficient information to rely on Professor Gagnon's expertise on the effects of federalism. This is a question well within the purview of a political scientist writing on the subject. You have the name, year, and qualification in the primary citation. In parentheses you have the full citation so that anyone can find the exact original source. In a situation where expertise is not an issue, you can drop the qualification.

You are best served offering as much information as possible. With older texts in multiple translations or editions, you should provide edition information of information on the translator. In some texts (particularly texts that have been translated by many people) you will find references to paragraphs that you can provide. As long as you are being honest in your use of evidence, providing the maximum possible amount of information is never going to hurt you.

V. Authority and Expertise

As I mentioned in the previous section, you only need to refer to the qualifications of a source when you plan to rely on the source as an expert. Expert opinions are very important in some circumstances, but worthless in others. One of the keys to good evidence selection is to know when you need to use experts and when expertise is irrelevant.

Authority is only useful when the quoted person holds the expertise necessary to answer a question. This is a deceptively simple requirement. Two common mistakes are to use experts in an incorrect discipline or to use experts when no experts exist. The latter concern was dealt with in an earlier chapter. You can only use experts to answer questions that are subject to expert opinion.

It is usually easy to decide which questions are answerable with expert opinion. It is much harder to identify the "best" expert. Who is an expert on the ability of capital punishment to deter crime? There are many criminologists who will opine on the issue. There are more than a few sociologists, economists, and political scientists who will also give opinions. On top of that, there are many journalists who will make their opinions known. Who is an expert? Is one of these sources better than others?

There is no easy answer. Remember that LD is all about persuasion. The usefulness of an expert quote will depend on whether the judge feels that the expertise is relevant to the question. Naturally, you will find that some experts are generally accepted. In the previous example, most judges will accept expert opinions from university affiliated criminologists, sociologists, etc. Most judges will accept expert opinions from journalists and other people, if there is no contrary evidence from better sources. It comes down to selling the expertise of your evidence to a judge.

So how do you sell an expert? You need to rely on their direct access to information, the rigor of the publication source, and the background required to reach a judgment. A person who heads a criminal justice research lab probably has a lot of access to data on the racial characteristics of capital punishment in the US. A journalist has to rely on research done by others. This is probably a reason to prefer to opinion of actual researchers to journalists.

The source of the publication is also important. The credibility of a source will depend on the attention that the publisher pays to eliminating incorrect information. University press books and peer-reviewed journals are the most credible sources. Experts in their field review these sources before they are published. A panel of criminologists will have already reviewed a book about the death penalty before a university press publishes it. The same is true for peer-reviewed journals.

Law journals provide an interesting predicament. They are generally reviewed. However, law school students, not faculty, often review them. The result can be inconsistency. The quality of statistical reports tends to be poor. Some of the analytical arguments can be good (some bad). The legal arguments tend to be very good. You just have to judge the quality of the source on an individual basis. I would have serious reservations about trusting statistically sophisticated results from a law journal article (but your judges are not likely to have the same reservations).

Law journals have another problem that deserves attention. Lawyers (like medical doctors) tend to believe that they are experts on anything. They will make arguments about psychology, economics, political science, sociology and criminology with out hesitation. Law school students are seldom trained to research in any of these fields, but that does not stop them. Similarly, medical doctors will speculate about law, politics, and ethics without hesitation. If you use law journals in your research (as you should on many resolutions), you need to ask yourself what expertise lawyers possess and what they are qualified to say.

This suggests the final basis for expertise. You can justify expertise based on the quoted person's training (or presumed training). A person trained in criminology is likely to be qualified to talk about criminal justice. A law school professor is likely to be qualified to talk about legal issues. A medical researcher is probably qualified to talk about the frontiers of bio-technology. While there are people in law schools that are savvy about criminology and biotechnology, the averages are against it. These people would be the exception to the rule (though they are out there so investigate your sources).

There is a drawback to these sources of expertise. Training and other signifiers of expertise can also signify a certain type of bias. Medical professional will tend to support the utility of medical technologies and believe in the power of medical technologies to solve our problems. The same qualities that make a person qualified to speak on a subject may introduce biases. This leaves you with a tough choice. You will have to ignore the people with the knowledge needed to answer a question (referring instead to people without the expertise but who are unbiased) or be very careful about using quotes in situations where there is a professional bias.

As you can tell, the use of expertise and authority requires many judgment calls. You need to make a choice about who possess the expertise to address your research questions. When you are involved in debate over whose experts are important, you will need to be able to argue that your experts are better and your sources are more appropriate. Use these bases for expertise as arguments for your own sources and think about other ways that you can convince judges that your evidence is better than your opponent's evidence.

VI. Internal Warrants

Good evidence does not simply make a statement. Good evidence provides a reason for the statement. The reason (or reasons) the author offers for the conclusion of any argument is the warrant for the argument. You will want to focus on evidence that provides a warrant within the quotation itself.

Consider the following example.

> Benson, George C. S. 1961. President of Claremont Men's College. ("Values of Decentralized Government." ESSAYS IN FEDERALISM. Ed. By Benson, George C. S. Claremont, CA: Institute for Studies in Federalism. Pg. 8)
> Today even more than twenty years ago, this value of decentralization seems of outstanding importance. During my experience in Italy and Austria, I was constantly aware that over-centralization had robbed these people of an opportunity for political self-development and had stunted their sense of political responsibility. There was no lack of innate capacity in the citizens, yet military government personnel, anxious to set up functioning units of administration in various areas, had serious difficulty in finding local leaders willing and able to assume responsibility. Where all directives had come from afar, not only had the actual local officials lost the powers of effective decision, but interest in politics had become atrophied in men whose capabilities should have fitted them for the important work at hand.

Notice that this quote includes a detailed explanation for the author's conclusion. The author's conclusion is that decentralization is important to political self-development and responsibility. Inside the quote itself, the author includes the reasoning that he used to reach this conclusion. He recounts his experiences in Italy and Austria (which accentuates his expertise) and explains what he observed (in terms of the atrophy of leadership capabilities). There is the temptation to cut the quote down to just its conclusion. Such a cutting would look like this.

> Benson, George C. S. 1961. President of Claremont Men's College. ("Values of Decentralized Government." ESSAYS IN FEDERALISM. Ed. By Benson, George C. S. Claremont, CA: Institute for Studies in Federalism. Pg. 8)
> [O]ver-centralization had robbed these people of an opportunity for political self-development and had stunted their sense of political responsibility.

You could just read this and get the point across. However, it would not do justice to the original argument. You would just be reading the conclusion. The best debates will take place over the reasons for the argument, not simply the conclusions. When you see people quote evidence like the short quote above, you should press them to provide a reason that the quote is reasonable. Why should a judge agree with Benson. In the longer version, the reasons a judge should agree are obvious. The second, shorter version was robbed of its strength by cutting out the warrant.

How do you evaluate the quality of a warrant? This is probably the hardest question in evidence selection. As in the case of expertise, the answer depends on what your judge decides is reasonable. A good warrant is a warrant that your judge thinks is sufficient proof to support an argument. The warrants in the Benson quote are fairly extensive in LD terms. Are the warrants sufficient? It depends on your judge.

You should follow a simple rule of thumb. Extraordinary claims require extraordinary evidence. If you are making a surprising or counter-intuitive argument, you need strong evidence for a judge to accept the claim. If you need to convince a judge that the sky is really green, you will need very strong evidence. Just like in the use of philosophical and moral argumentation, you have to base your warrants on the predisposition of your likely judges. An unexpected or radical argument will require a larger warrant. Judges will probably want stronger reasons to accept arguments with which they disagree. If you are going to argue that racial stereotypes in advertising promote suicide rates among racial minorities, you will have a tough burden. Most judges will question the huge impact of what many consider to be a small cause. If you argue that capital punishment deters crime, you will not need as much of a warrant. Many judges will at least be familiar with the argument and not require a large warrant. You have to pay attention to your claims. Claims that judges may naturally question or be unfamiliar with will require stronger warrants and more attention (read "time") in cases and rebuttals.

There is an important exception to the need for strong warrants. You do not necessarily need a strong warrant for an introductory or concluding quote. These quotes serve purely rhetorical purposes. They are not designed for the use to which you put contention arguments. They serve to establish rhetoric or raise a concern. They do not serve to "prove" or "justify" anything. You can use shorter quotes without warrants in these limited positions in the round.

I want to conclude this discussion with an important concern in recent LD. As it has come to people's attention that every argument needs a warrant (I call it the "proof" in the TPI formulation), it has become common to argue that an opponent does not have a sufficient warrant for an argument. While it is true that you need a warrant (or proof) for any argument, this is a poor argumentation strategy. First, this argument is commonly what is called a "time suck". You can always say that an argument has an insufficient warrant. It only takes a couple seconds to make this argument ("my opponent's second argument has no warrant."). It takes a lot of time to reiterate the warrant that is in the original argument. A negative can force an affirmative to use up all of his or her time dealing with a long series of these "no warrant" arguments. It is an asymmetric weapon that empowers the negative to beat just about any affirmative case. At a fundamental level, this response (as I detail below, it is not an argument) places affirmatives in a position where they cannot win.

Second, this response is not an argument. The short statement demanding a warrant does not itself include proof. For this response to be an argument, you would have to prove that there is no warrant for an argument. This is rarely ever attempted.

The better alternative to this quick "no warrant" argument is to show that the proposed argument is false. An argument will not only dispute the reasons for a proposition, it will also justify the opposite. If someone read the shorter version of the Benson quote, saying "there is no warrant" would not be an argument. Instead, one would need to argue that centralization does not, in fact, erode the political capacities of citizens. Make an argument instead of a complaint.

This is a tough position for many debaters to be in. It is faster to make the quick "no warrant" response without proof of the opposite. Many judges seem to vote on this. However, you will stunt your own development as a debater if you rely on this crutch. If you are attacked with this argument, you have to appeal to the reasonability of the judge. You have to mention that your opponent makes this response in an attempt to run you out of time. If your opponent makes this response to a quote or an argument where there is clearly a warrant, point it out a couple of time to discredit your opponent's arguments. After the judge sees that your opponent is using this response where warrants are present, the judge will probably just ignore the "no warrant" arguments wherever they appear.

There is no easy strategy to stop people from peppering you with "no warrant" arguments. Your best bet is to stay clear of that response (stick to actual arguments) and hope that your judges are reasonable in their expectations. You need to point out that all of your arguments are warranted (with a strong, tight case they will be) and ignore these gnat-like arguments.

VII. Accuracy in Presentation

The final, and maybe most important, principle of evidence selection and presentation is accuracy. You must take care to accurately represent the arguments and opinions of the people you are quoting. Your primary responsibility in research is proper attribution of opinions (hence the importance of citations). Proper citation of a quote is meaningless if you perverted the quoted material to distort its meaning. The reason you quote anything at all is to rely on some expertise, authority, or rhetorical effect. In the first two cases, accuracy is vital.

The most obvious area where you must ensure accuracy is in the interpretation and presentation of the quoted material. It is your responsibility that you are presenting an argument that the author would agree with. The quoted authors need not agree with everything in your case, but they need to agree with your use of their arguments. This means that you must read the context of all of your quoted material. Make sure that you are using terms in the way that they are used in the original material. Make sure that you are reading the quote accurately. Make sure that you are focusing on the appropriate material within any quote.

It is appropriate for you to cut evidence down to a presentable size. You cannot include pages of material in your case for every quote you want to use. Feel free to cut the original quote down to a manageable portion (but, remember to include warrants where necessary). You can even cut out individual words in a sentence where the words are secondary to the argument or confusing in the context of you case. However, be sure that any cuts preserve the author's intent. Consider the long Benson quote. It is too long to read in a rebuttal or case. You need to cut it down. However, you must preserve the meaning. You can cut vague or introductory material like the first sentence ("Today even more than twenty years ago, this value of decentralization seems of outstanding importance".). If you were pressed for time, you could cut the card down to this form.

> Benson, George C. S. 1961. President of Claremont Men's College. ("Values of Decentralized Government." ESSAYS IN FEDERALISM. Ed. By Benson, George C. S. Claremont, CA: Institute for Studies in Federalism. Pg. 8)
> During my experience in Italy and Austria, I was constantly aware that over-centralization had robbed these people of an opportunity for political self-development and had stunted their sense of political responsibility. Where all directives had come from afar, not only had the actual local officials lost the powers of effective decision, but interest in politics had become atrophied in men whose capabilities should have fitted them for the important work at hand.

You lose some of the strength of the warrant in this cutting. You no longer have the detailed explanation about the military officials looking for people to take over administrative functions. However, the argument is preserved. The warrant is weaker, but you may need the time. The "right" cutting depends on your strategic needs and the time you have to make argument. Notice that this quote still relies on expertise. The judge will only accept the warrant as reasonable if the judge feels that Benson is qualified to judge the qualities of political responsibility in Austria and Italy. The longer, more detailed cutting provides more information and relies less on expertise. You will have to judge when you are cutting evidence down to a manageable size what type of warrants you need.

I have seen many egregious violations of the privilege of cutting down quotes. Consider this example.

> Benson, George C. S. 1961. President of Claremont Men's College. ("Values of Decentralized Government." ESSAYS IN FEDERALISM. Ed. By Benson, George C. S. Claremont, CA: Institute for Studies in Federalism. Pg. 7)
> Those who support centralization will on the whole admit candidly that their programs tend to the derogation of state and local governments, but they will maintain that concentration of power is not dangerous while the national government is still subject to "popular control" under free elections.

Here Benson (an anti-centralization author) is describing his opponent's argument. This argument does not represent Benson's view. Cutting this argument down to disguise it as Benson's view would be an inaccurate presentation of the quotation. The following would be a poor cutting of the quote.

> Benson, George C. S. 1961. President of Claremont Men's College. ("Values of Decentralized Government." ESSAYS IN FEDERALISM. Ed. By Benson, George C. S. Claremont, CA: Institute for Studies in Federalism. Pg. 7)
> [C]oncentration of power is not dangerous while the national government is still subject to "popular control" under free elections.

This cutting not only lacks a warrant, it misrepresents the authors view. If you find an argument like this that you want to use, you should track down the people Benson is referring to. Use footnotes. Use references. Do what you need to do to find the original people. Just don't use Benson to make the argument of the people his criticizes. In general, you will want to avoid any quote that takes the form of one author describing the argument of another person. If you want the argument, go to the original source.

Even if you think that the author might agree with an argument, you should not quote him or her when he or she is simply reviewing the work of others. If you find a section written by Benson reviewing the work of other opponents of centralization, you should go to the original sources he cites. You should not quote Benson for his review of other people's arguments. It is sloppy research to rely on secondary sources, that is, people who are reviewing the works of others.

Even with an accurate representation of the quoted material, it is important to describe the quote accurately. Many call this "tagging" the card. You want to describe your quotes accurately representing the arguments contained therein. Consider the following quote.

> Benson, George C. S. 1961. President of Claremont Men's College. ("Values of Decentralized Government." ESSAYS IN FEDERALISM. Ed. By Benson, George C. S. Claremont, CA: Institute for Studies in Federalism. Pg. 7)
> [T]he individual - his support, his opinion - are more respected by the local elected official than by the state or federal official. This fact, in turn, leads to greater political self-respect, greater political interest, and greater sense of participation in policymaking on the part of the individual. Government cannot long remain truly democratic or representative when there citizen qualities are lost.

How would you describe that argument? More than a few debaters would tag the card as "centralization destroys democracy." It might be very useful to have a quote that illustrates that centralization destroys democracy, but this is not it. This quote does not include the terms "centralization" or "destroy". Adding terms like these is called "power tagging". You add meaning to the quote (usually in the interest of a bigger impact or a clearer linkage to the resolution) at the cost of an accurate representation of the argument.

In this case, the power tag is incorrect in a number of ways. The quote does not mention centralization at all. That word is simply not present. To tag the quote as being about centralization is to assume that federalism and centralization are equivalent. When you go outside of the quote for words, you have to assume equivalences like this. It is a dangerous strategy. A skilled debater could point out that your evidence is about federalism, not centralization generally, and potentially undermine the entire evidence because of your power tagging. Just because you can see a link between a concept in a quote (like the relationship between federalism and centralization) does not mean that you can substitute the terms in the tag.

The tag also introduces the term "destroy". This is a very extreme interpretation of the quote. The quote talks about comparative advantage of local officials. It does not say that federal officials will destroy political interest or participation. Democracy is linked to the loss of these qualities. Federal and state officials are only linked to a comparative reduction in these qualities. You are adding a lot to the quote (inaccurately) by arguing that federal officials will completely destroy democracy.

It is better to restrict yourself to words from the quote itself. You should at least avoid adding new nouns, verbs, or descriptive terms. In order to come up with a tag for this quote, you should look for the most important words in the quote. You could pick up on "local elected officials", "political self-respect", and "participation." You can put these together by tagging the quote as "local officials are more respectful of individual participation in policymaking then federal and state officials." This quote is much more limited than the power tagged quote, but it is more accurate. The quote is about federalism, not necessarily centralization. Frequent or egregious power tagging will quickly undermine your credibility in the round.

"Power tagging" does more than just undermine your credibility. It can often put you in the position of defending an argument that the original author was smart enough to avoid. In this Benson card, the author did not argue that the increased influence of federal official would destroy democracy. To do so would have committed him to the proposition that all countries with weak local government are undemocratic. If Benson argued for the actual "power tag" it would also mean that any action to centralize authority will destroy democracy. It is easy for an opponent to argue that this proposition is empirically denied (as in the case of increased centralization of federal power in the Voting Rights Acts of the 1960s that actually increased democracy). If you see people "power tagging" you can often simply provide a counter-example to disprove the "power tagged" cards.

There is a great irony in the use of evidence. The bigger the claim, the easier it is to disprove. Unqualified statements with big impacts (like "destroys democracy") are easy to disprove. All you have to show is that the process of centralization happened at some point where democracy was not destroyed. The pursuit of the bigger impact actually opens the debater up to this criticism. Carefully worded tags making qualified statements are much less likely to get you in to this sort of trouble.

VIII. Conclusion

Evidence is tricky business. Evidence is an important part of debate about public policies whether the debate is normatively or empirically oriented. There are many judgment calls in the process of evidence selection and presentation. As long as you keep these principles in mind, you will be safe. Your goal should not be to trick your opponent. You should not use evidence that you would throw out if you had full information. Instead, stick to fair and transparent evidence that advances your point.

Chapter Five - Case Writing

I. Introduction to Case Writing

About this time, you are probably wondering where the debate part of this debate textbook is. That is reasonable. Most people consider research, topic analysis, and logic as mere prelude to actual debate. I disagree, but I can appreciate their position. From this chapter on, the textbook will deal with topics that are more traditional in LD debate. It is natural to start with case writing.

This chapter will proceed chronologically through a case. After setting up the purposes of debate cases, I will move through the major sections of a debate case. I will wrap up with a few advanced topics in case writing that you may want to work with after you have mastered the basic case writing skills. It is important to note that this outline fits both affirmative and negative case writing. Both types of cases are essentially the same. When there are differences, I will discuss them in the relevant sections. The similarity of affirmative and negative cases is not accidental. Affirmative and negative cases must each fulfill the same purposes in a debate round. Because all cases (affirmative or negative) seek to fulfill the same purposes in LD, the case structures are largely the same.

LD is not an event where debating negative is structurally different from debating affirmative. In policy debate, affirmatives have well defined burdens while negatives have an entirely different set of burdens. In LD, there are no such consensus rules. Many people argue over what the burdens are of each speech. People vehemently disagree over the burdens of the speeches in LD. I do not want to choose a side at this point. My object is to teach you to write the most effective cases. At this point, the safest case writing strategy is to write cases that will upset no one. The case writing method I describe is very unassuming. You do not have to hope that you get a certain type of judge if you follow these guidelines. Instead, a case written along the lines that I am about to describe will allow your arguments to win or lose rounds. It is a lot easier to live with losing rounds because you lost an argument. It is tough to deal with losing rounds because of a controversial case structure. Discretion is indeed the better part of valor.

The safest strategy in case writing, as in most parts of the debate round, is to be straightforward. Write cases in order to make an argument. The best definition of a debate case is an organized, prepared argument. I hope that you plan to use these on both sides of the resolution. If you present an organized, prepared argument on both sides, you are presenting a case on each side.

There are only two differences between affirmative casing and negative casing worth mentioning. The first difference is that the negative speaks after the affirmative has already introduced the topic. I will address the changes this introduces in the case. You will be surprised at how little this changes case strategy. The more important difference is the time allowed for each side. The affirmative has six minutes to start of the debate. This is powerful and you want to take as much advantage of this time as possible. The negative should present a stand-alone argument as well, though he or she has less time. A safe time split is to write a four-minute stand-alone case leaving three minutes to refutation. Other than these differences, affirmative cases are a lot like negative cases and vice versa. Each side should present a clear, persuasive argument. This similarity outstrips the few differences between affirmative and negative casing.

Keeping these issues in mind, I will turn to a discussion of the purposes of a case.

II. The Purposes of Debate Cases

Before we can decide what a good case is, we need to define the purposes of cases. Every part of the debate process has a reason. Every suggestion I make has a purpose. This holds true even more in case writing. Any section of a case that is irrelevant to the purposes of your case is wasted time. In order not to waste time (a precious commodity in debate), you must know the purposes of your case. Why read a case?

A lot of debate is improvisational. Improvisation is what draws many people to the activity. You can not always predict what your opponent will say. However, you can control your own case. You have to take advantage of the few aspects of the debate round that you can actually control. The desire to control what little of the round one can led to the current practice of preparing a debate case. There is no rule that says that you have to read a case. You could just ramble without any prepared statement. This tends to be very ineffective. A well-rehearsed and well-prepared speech will always look better than an unrehearsed ramble.

Cases fulfill many distinct purposes. The first purpose is clarity. A well-prepared case makes your arguments clearer than the arguments otherwise would be. After a few weeks of research, you have more arguments in your head that your can ever discuss in a debate round. You have to narrow the range of your arguments. A case forces you to choose the specific arguments that you seek to present. Rambling tends to present many more arguments than you can hope to explain or support. Case preparation requires you to organize your thoughts. Organization and clarity pay dividends.

The second purpose of a case is thoroughness. Unprepared rambles tend to be a mile wide and an inch deep. This is the worst of all possible arguments. Preparation allows you to develop the specific arguments that you select. Developing arguments allows you to be much more thorough. The thoroughness of a case argument makes each argument stronger. A thoroughly prepared argument includes a well-defined basis and justification. You can develop defenses and clarify your intent. Rambling tends to leave arguments vague and undeveloped.

Finally, prepared cases are more persuasive. The previous two reasons for case writing feed into this factor. A clear case is more persuasive than a disorganized ramble because it communicates more effectively. A thorough case is also more persuasive because it is logically stronger. However, case preparation adds to your persuasive potential in other ways. Case writing gives you a chance to rehearse. This improves your presentation immeasurably. The first time you read a case you often trip over unfamiliar words and awkward phrases. Rehearsal of a prepared case allows you to smooth out your presentation. Words become more familiar and you can replace awkward phrases. The result is a clear and persuasive presentation. A choppy presentation is unimpressive and erodes the sense of authority and confidence you need to persuade a judge. Who would believe someone who can barely get the words out of their mouth?

The three purposes (clarity, thoroughness, and persuasion) all motivate the reason to use a case. The structure of a case should complement these purposes. Every part of a case should seek these purposes. Nothing that contradicts these purposes should remain in a case. If a part of your case confuses rather than clarifies, fix it or remove it. The same holds for the other purposes. When you are done, you will have a compelling argument.

The three purposes of case preparation underscore the importance of writing a case like a speech. A case is not simply a list of arguments. A list may be clear but not persuasive or thorough. Instead, a case is a speech. That means that you should follow the conventions of speech writing in order to structure a case. The conventions have lasted since antiquity for a reason. The act of communicating an argument to an audience places certain requirements on the speaker. There are certain things that the speaker must do in order to be clear, thorough, and persuasive. These "things" are all included within the parts of a case. Whenever you write a case, you should return to this thought. A case is a speech. It must communicate.

III. Starting a Case

An old adage in LD holds that a judge will only remember the first and last things that you say. I am not sure this is right. I have seen judges not even pay attention to this much. I would contend that judges often listen to the first fifteen seconds of your speech and, if your lucky, the last fifteen seconds. If you do not make your point in this time, you may have lost your chance. If you interest the judge in your case, you can extend this time considerably. It is important to recognize that it is your responsibility to interest your judge.

You need to design your case so that it starts with a bang. You need to hook the judge in order to ensure that they will pay attention to your arguments. To hook the judge, you need bait. Your introduction is your only opportunity to bait the hook. You need an interesting introduction if you want to attract judges.

There are many ways that you can bait your hook and interest judges. The most common format may be the most effective. Most cases start with a quotation about the importance of the topic. After the judge hears how important the topic is, you hit them with the thesis of you case. The judge knows that the topic is important, now they should know what your case is. Finally, you should present the actual wording of the resolution. At this point, they should actually care enough to listen to the specific arguments in your case. If you do not interest them with some attention-getting opening statement, you will lose them by stating an often-formalized debate topic. Consider the following opening quotations (all of these quotations are from the PARADIGM RESEARCH LD TOPIC ANALYSIS Nov/Dec 1998 if you want the full citations).

Example 1

Before the British Parliament, John Stuart Mill argued,

> "When there has been brought before home to any one, by conclusive evidence, the greatest crime to the law; and when the attendant circumstances suggest no palliation of the guilt, no hope that the culprit may even yet not be unworthy to live among mankind, nothing to make it probable that the crime was an exception to his general character rather than the consequences of it, then I confess it appears to me that to deprive criminal of the life of which he has proved himself to be unworthy - solemnly to blot him out from the fellowship of mankind and from the catalogue of the living - is the most appropriate as it is certainly the most impressive, mode in which society can attach to so great a crime the penal consequences which for the security of life it is indispensable to annex it."
>
> Because I agree that the death penalty is the most appropriate response to heinous crimes, I stand resolved that capital punishment is justified.

This example has a clear format. You have a quotation that should serve to hook the judge. You then have a clear presentation of the actual resolution. However, this introduction is not compelling. The quote may be accurate, but it does not inspire interest. Vague references to values and principles do not motivate judges to pay attention. Mill never actually mentions the language of the resolution. The judge has to pay close attention to understand the linkage between the quotation and the topic. Mill also uses very vague value language. He suggests that the death penalty is "appropriate" which does not inspire. You want to make a judge realize that values they hold dear are in danger. You may have a good way to explain the importance of intergenerational justice, but judges will not jump from their seats to join your revolution. You need to use appeals to widely held values that judges will naturally want to defend.

It is possible to go too far in this respect. Some people start their cases with appeals to justice or morality. I have not found this to be very persuasive. Justice is simply too large a subject for a judge to digest at the start of the case. Specific rights and principles can be persuasive, but vague values just confuse or distract. Appeals to injustice and immorality are too vague and too common in LD to actually inspire judges. Try to avoid these vague principles in the introduction, there will be time for vague values later.

The best bet is to choose a middle range principle that you can reasonably assume that your judges will support. I have found constitutional rights and principles to be good examples of middle range principles. Judges will pay attention when you argue that the rule of law is at stake. Judges will listen after they are afraid of political oppression or the denial of due process. Strangely, more judges will listen to an appeal to the right to bear arms than an appeal to justice or the right to revolution. It is far easier, and more effective, to appeal to commonly held values than to try to convince people that they should value something new. There will be time to justify the importance of unfamiliar values later in your case. For now, you want to refer to commonly held values.

Additionally, this quote is too long. You only have fifteen seconds. One, long argument will lose the judge as fast as a barrage of short arguments. This may be a very good argument but until you interest the judge, it is wasted space. You will leave the judge staring at the wall or confused. Neither situation is one you would want. Keep your introductory statement to a couple, simple sentences. You want to project a direct tie between your side of the resolution and a principle that the judge holds dear. The introduction is not an argument, so do not try to support as you would later in your case. It should just be a taste of your case. If you lose the judge with long opening quote, they will never actually listen to your thesis.

Example 2

(this example is completely fictional, though similar to introductions I have actually seen)

In 1993, John Doe was arrested for killing 5 innocent victims. This was only the most recent arrest for John who is a serial killer. The only fair punishment would be to kill John like he killed him victims. Unless we support capital punishment, we allow serial killers like this to continue living. We need to kill John in order to tell all the serial killers, that enough is enough. Because I oppose serial killers, I stand resolved that capital punishment is justified.

At this point, I should not have to say much about the second example. It is long and not very compelling. It may be nice to start an oratory or other speeches with a story or an analogy but it is not good in LD. LD cases address different issues than many oratories. You want to stay above the fray and not personalize the arguments. Furthermore, you want to come across as professional and polished. Stories and analogies send the wrong signals. Your best bet is to stick with quotations related to the topic. Stories and analogies may be just as effective at attaching values to your side of the resolution, but they do not come across well. Stick to the coin of the realm, opening quotes.

Example 3

Professor Ernest van der Haag contends,

"Punishment is not intended to revenge, offset, or compensate for the victim's suffering, or to be measured by it. Punishment is to vindicate the law and the social order undermined by the crime."

Because I agree with Professor van der Haag that punishment should serve to protect the social order, I stand resolved that capital punishment is justified.

This introduction pulls together the most important components of an opening quote. It associates your side of the resolution with a widely cherished value (the social order). It is direct and clear. Finally, it has a sense of authority and professionalism. This sort of introduction tells the judge that your case is important and well thought-out.

After the opening quote, you only have about 5:45 left of the affirmative case. However, the opening quote sets the pace and tone for the rest of the case. Everything else should link back to the opening quote, if only tangentially. After you have the judge interested, you need to hit them with your thesis.

Your thesis is the essence of your case. The easiest way to write a thesis is to summarize your case in one sentence (sometimes two sentences). If you can not summarize your case in two sentences, your case is unfocused and you need to go back to the drawing board. Think about what you want to see the judge write as his or her reason for decision. You want them to write a couple sentences that justify your side of the resolution. It is easier for the judge to write the reason for decision if you give them a short, easily digestible thesis. Here are a few examples of clear and concise theses.

Example 4

Capital punishment is vital to deterring violent crime.

Human genetic engineering is the only option for curing some diseases.

The need to protect whistle-blowers justifies the right to shield confidential sources.

In these examples, you connect a particular side of the resolution with a specific principle. Remember this principle. It will become the criterion later. The concrete principle on which you focus your thesis will be the focus of all of your more specific arguments. Make sure that you can state your thesis very clearly. If you can not summarize your case, it is unlikely that your judge can either. If your judge can not summarize your case, it is hard to vote for you. An unclear case is easier to ignore than a clear one. Clarity starts with your thesis.

You will want to connect your thesis with your opening quote. The hook should lead naturally into your thesis. If you are talking about deterrence and crime, these should be prominent in your opening quote. The linkage between your opening quote and your thesis will also make your transition smoother. It works best when your thesis is a short summary of the opening quote. Then you can integrate the resolution into your introduction.

If your opening quote interested the judge and your thesis was clear and compelling, stating the resolution is easy. You can simply state that because of your thesis, you have to accept or reject the resolution. The resolution will grow naturally out of the other introductory material.

Your introduction is your one shot to take advantage of your judge's full attention. Take advantage of the opportunity. You can set the terms of the debate and impress the judge with the importance of your case. If you are unclear or long-winded, you will lose this chance. Do not just throw an introduction together. Take time crafting it and you will see the dividends.

IV. Definitions

I hate to devote an entire section to the subject of definitions but recent experience suggests that it is important. As long as you are nice with your definitions, they will not present a problem. Ideally, you will only need definitions when terms in the resolution are unclear. Definitions are great for clearing up vague terms. They are horrible at making arguments. If you use definitions appropriately, they will never cost you a round.

Consider the resolution we have looked at throughout this book (Resolved that capital punishment is justified). What terms do you need to define? Do you think that your judges are ignorant of capital punishment? Unlikely. Possible, but unlikely. I suspect that a case can be pretty clear without any definitions in this case. You may want to define capital punishment just in case, but it is not vital.

Other resolutions do require specific definitions. Many judges way have no idea what the sanctity of life actually is. I am not sure that I do. You would want to define a term like that. Any term that reasonably intelligent high school students would not know is grounds for a definition. The key is to find a definition that clarifies the concept. A definition that refers to other abstract concepts is not very useful. You could define the sanctity of life in reference to inviolability, but it would not be very informative. If I do not understand sanctity, I am unlikely to understand inviolability.

There is a temptation to use definitions to make arguments for you. Often people will find definitions that exclude prominent areas of the resolution. The strategy is to define your way out of debating. If you can define capital punishment such that it does not include the possible execution of innocents, you preclude a specific negative argument. This is a common strategy now. The problem is that people often end up debating issues unrelated to the original topic after two debaters have tried to define each other out of the round. In all cases, this just leads to unhappy debaters and bad debates. Your best bet is to use the simplest, most direct definitions you can find.

There is a quick rule of thumb for this. If you use a definition in your case, would you accept it on the other side of the topic? If not, the definition is probably unclear or unfair. Definitions should make it easier to debate, not harder. If a definition leaves your opponent looking for an issue on which to clash, the definition is probably inappropriate. All of our topics leave room for debate on both sides.

After you list you definitions, you need to describe your source for the definition. Make sure that the source is appropriate to the term. Do not use Webster's to define "human genetic engineering." Use sources that are from areas that commonly use the term. If you have a medical term, use a medical dictionary. If you have a legal term, use a legal dictionary. If you have a philosophical term, use a philosophical dictionary. Using Webster's is often a sign that you do not really need a definition. If a term is common sense, when Webster's is appropriate, then you do not need a definition. In some cases, though, Webster's is useful for defining more difficult qualifiers and descriptive terms. Webster's might be good for defining something like "curtail" or "antithetical" where the terms are not from a specific vocational vocabulary (medical, legal, etc.). Again, use your common sense. Match your sources with your reason for having a definition in the first place.

Definitions are useful for clarifying debate. They can set up the issues in the round. However, definitions should never decide issues in the round. When you start to get tricky with your definitions, you start to confuse judges and lose rounds. Live by my primary rule, do not surprise your judge too much. Surprised judges tend to be confused judges. Confused judges tend to vote against you. If the judge feels that you have defined a topic to narrowly, you may not like the results.

V. Values and Criteria

Values and criteria are the hardest parts of LD case writing to master. I am not sure that anyone has really mastered them. Writing about values is a lot like writing about riding a bicycle. I can tell you how, but you can only learn by actually trying it out yourself. After that self-defeating prophecy, I will actually try to explain how to make values and criteria work for you.

Together, values and criteria make up the "philosophical" part of your case. These two segments deal with all of the arguments about what one ought to do and what one ought to avoid. This is where you get to describe what is "good" and what is "bad." In that most of LD is about deciding whether a social practice is "good," this is a very important part of your case. Good debates focus on this portion of the case. If your case can not stand up to that sort of scrutiny, you will have problems.

Remember when I said that all topics have a standard of evaluation; every topic describes at least one social practice and asks us to evaluate that practice. We may want to know whether a certain practice (like capital punishment) is justified or moral. We may want to know whether we ought to value one principle (like the sanctity of life) or a different principle (like the quality of life). The case should allow you to answer the resolutions evaluative statement one way or another.

The value is the direct statement of the evaluative term. If we need to know whether capital punishment is justified or not, the value is the standard by which we evaluate whether any practice is justified. How do we know if something is justified? Your value should be the answer to that question. Your should be able to say that anything is justified if it meets the standard of my value. For example, anything is justified if it is just. Alternatively, you could use social good as your value. Using the social good as your value suggests that you can tell if something is justified by whether it promotes the social good. In this last case, the social good is the standard by which you judge justification.

So far the examples have been pretty easy. Many resolutions are not that clear. What is the standard of evaluation in the following resolution? Resolved that the principle of majority rule ought to be valued above the principle of minority rights. Suddenly things are not as clear. The answer is in the term "ought to be valued above." In this resolution you must evaluate what obligations you hold to each principle. Your evaluative standard is the way you can tell how much you ought to value something. In this case, you need a standard that can tell you which principle generates a stronger obligation. Standbys like justice and morality will probably work here, but so will less common values such as autonomy and legitimacy. The trick to this type of resolution is that the resolution is very passive. All the resolutions say is that we ought to value something. You have to provide a standard that decides what one ought to value.

Now you see why topic analysis is so important. You must be able to identify the standard of evaluation to define your value. Without a standard of evaluation, it is unclear what judgment you need to make. Without knowing what it is you are deciding, you can not tell whether you have proved the resolution. There is a simple way to think out these issues. Write out a resolution. Ask yourself how you would know whether the resolution is true or not. The answers to the second question are potential values. I will run through a series of examples of this process.

Example 5

Resolved: that human genetic engineering is morally justified.
How do we know if something is morally justified?
If it saves lives.
If it respects human dignity.
If it supports the social good.
If it respects autonomy.

Resolved: that the right to shield confidential sources ought to be protected by the First Amendment.
How do we know if a right ought to be protected by the First Amendment?
If it protects the public interest.
If it serves the intended function of the First Amendment.
If it preserves the free flow of ideas in our society.
If it protects privacy.

Resolved: the sanctity of life ought to be valued above the quality of life, when in conflict.
How do we know what principles we ought to prefer?
If the principle protects human dignity.
If the principle ensures public safety.
If the principle is objective.
If the principle respects the autonomy of human beings.

Resolved: that civil disobedience is justified in a democracy.
How do we know if a form of political protest is justified in a democracy?
If the protest is intended to combat injustices.
If the protest uses the established means of protest.
If the protest serves the public interest.
If the protest serves the purposes of democracy.

Example 5 cont'd

Resolved: that the society's goal to eliminate discrimination ought to be valued above the right to participate in exclusive voluntary associations.

How do we know whether when a social goal ought to transcend a right?

If the goal serves the public interest.

If the right limits equal opportunity.

If the goal is intended to serve justice.

If the goal is supported by a majority of citizens.

Once you have defined a value, you need to support the value. You need to tell the judge why your value is the best way to evaluate the resolution. On the capital punishment topic, you may want to argue that the ultimate standard is justice. You need to tell the judge why justice is the best way to decide whether the resolution is true or not. In this case, justice is an easy value to support. The resolution asks one to make a judgement about justification. Clearly, justice is an appropriate standard. It is not the only standard. One could argue that principles of social benefit or morality are better forms of justification. Justice is an easy place to start though.

Once you have stated why your value is appropriate, you will need to be prepared to argue against other values. If you are using justice as your value, you need to explain why your opponent's value of social benefit is inferior. This is where good value debates take place. Some of the best debates are over which value (or standard) ought to hold sway in the round. Recently people have gotten away from this type of argument, but it always effective. If you are prepared to challenge the appropriateness of other people's values, you will really surprise them.

Defining and justifying your value is only half of the battle. You also need to define a criterion. A criterion is the way that you can tell whether something is actually achieving your value or not. It is easy to say that justice is important (or morality, or social benefit...). It is quite difficult to say how one determines what is just. This is where your criterion steps in. It should explain how the judge can gauge whether one side of the resolution actually achieves the value (or meets the standards defined by the value).

Consider the ever-popular value of justice. Can you simply look at something and decide whether it is just? It is not that easy. You need some guidance in deciding what is just. Your criterion should provide the judge with that guidance. You can say, for instance, that something is just if it respects people's rights. This is still vague, but it is clearer than justice is. You can make criteria specific or general. The protection of individual rights is a general criterion in that it covers a lot of different applications. General criteria are still vague, but not as vague as the value. Adopting a general criterion like this places a larger burden on you in your contention. You will have to prove that your side of the resolution better protects individual rights. You could also adopt a more specific criterion. Retribution is a specific criterion. It is specific because you can fairly easily tell when you have, or have not, achieved it. Other examples of specific criteria include objectivity, equal opportunity, and consent. Judges will not need much help in evaluating your achievement of these values.

It is important to be careful when using terms like "achieving a value." A recent article in the ROSTRUM (April 1999) argued that it is improper to ever say that we "achieve" values. It may not be proper to say that one has achieved morality. Morality may not be something that you add up or collect. There are no morality points. Many authors (most I hazard to say) consider morality a process of rule-based behavior. I will go into this idea in much greater detail in the chapter on morality. For now, it is only important to look at the rhetoric of morality. Is it right to say that following a rule "achieves" the rule? Probably not. Instead, following a rule means that you act consistently with the rule. Some cases may not require achieving a value as much as they require that we act consistently with a value.

However, there are values where one can properly use the term "achieve." If your value is the social good, you may be able to say that a policy achieves a social benefit. Where values are result-oriented (social good, utilitarianism, happiness, some forms of justice, and equality) it is usually proper to talk about "achievement." When values are means oriented (most forms of morality, most forms of justice, etc.) you should probably discuss consistency. The article in the ROSTRUM makes a key error when it assumes that all values are means oriented. There are many instances where people use result-oriented values and therefore properly use the rhetoric of "achievement." The key is to pay attention. Does your rhetoric make sense? Do you use words in the same way that you would in normal conversation?

Your choice between general and specific criteria is important. General criteria usually have stronger normative force. People will rally behind general criteria in that they are vague and unassuming. However, general criteria are hard to prove. Just like values, though to a lesser degree, they are vague. The ambiguity inherent in general criteria puts a tough burden on you to prove that your side of the resolution supports a vague concept. It is tougher to inspire people with specific criteria. Go objectivity. That just does not sound right. However, you can prove objectivity much easier than general criteria like happiness. You have to decide whether you like the clarity of a specific criterion or the persuasiveness of a general criterion.

It is also possible to combine criteria and use many of them at once. This makes sense in many instances. One may need to satisfy multiple criteria in order to be just. Maybe it requires that one protects individual rights and provides equal opportunity. Many of our ethical theories suggest this sort of system. By using both criteria you suggest that individually these criteria are insufficient. Protecting rights is not enough by itself. You need both. This can be very effective. It makes things more complicated, but often more compelling. There is a danger with this approach though. If you say that two criteria are necessary to meet justice, you need to prove both. You give your opponent much more room to attack you by spreading yourself out. This is a choice you will have to make when you write your own case. There is no simple answer as to whether one should use a single criterion or multiple criteria. Use what best reflects your thesis. If your thesis requires that you have multiple criteria, use them. If your argument is very simple, stick with the simple single criterion.

Once you have defined a criterion, you must justify your choice. There are many possible criteria for every value. You have to narrow the value. Narrowing involves leaving something out, while keeping other things. You should justify your choice based upon these issues. Why did you narrow your value to a specific criterion? Why did you say that justice is best illustrated by equal opportunity? To me, this is the hardest part of a case. Linking specific criteria to vague values is tough but necessary.

There are a couple of good strategies in selection of criteria. The first is topical relevance. You can say that a particular criterion of justice is best for a round based upon the context of the topic. It is hard to say that retribution is the appropriate standard of justice when you are debating education. You will find that certain criteria of justice are better suited to deal with questions of social policy. Others are better suited to dealing with interpersonal conflict. Choose a criterion that seems to address the topic at hand. Secondly, you want a criterion that addresses the essence of your value. If you think that the essence of justice is equal opportunity, the equal opportunity is a better choice than other possible criteria. This is a tough argument to make. Debates over the essence of justice or morality are difficult. However, they are at the heart of LD debate. Like debating the appropriateness of values, debates over the appropriateness of criteria are tough but valuable.

The key to writing successful values and criteria is integration. You need to have a clear thesis in order to present a coherent case. Once you have a clear thesis, your value should be obvious. The hardest part is linking your criteria to your values. You have to justify you choice of value and your choice of criteria. Good sets of choices will all hang together. Your justification of your value should lead naturally into your justification of your criterion. Appropriateness arguments should all work together. If you argue that the topic area justifies your choice of values, your choice of criteria should also seem appropriate.

Example 6

(This example assumes the capital punishment topic.)

The value for today's round is justice. Justice should guide our evaluation of this resolution for three reasons. First, the topic is an evaluation of justification. Justice is the clearly the implied standard. Second, the purpose of any criminal justice policy ought to be justice. Justice is then the best standard by which one can evaluate a criminal justice policy like capital punishment. Third, justice is the value that all social policies should promote. John Rawls, in A THEORY OF JUSTICE, writes, "justice is the first virtue of social institutions." Rawls contends that social institutions must focus on the neutral resolution of dispute and therefore all social institution must value justice.

In order to judge whether a social policy like capital punishment is just, I suggest the criterion of retribution. Retribution is the best criterion for justice in this resolution for two reasons. First, retribution is the basis for justice in the criminal justice system. The criminal justice system is based on the proposition that all crimes require punishment. As long as the focus of the criminal justice system is on punishment, retribution ought to be the standard of justice. Second, retribution most effectively evaluates what people are due. Justice is historical in that what people are due depends upon their actions in the past. Retribution incorporates the importance of history to the value of justice.

From this you should see how to put together a value and a criterion. You present and define each component. Then you justify your choices. The advantage to this approach is that you force your opponent to actually argue. This example provides three reasons why justice is the most important value. If your opponent wants to use a different value, he or she will first have to show that these three reasons do not justify a focus on justice. You force them to argue your case before they can build his or her own. If they ignore one or all of your reasons, you should point that out to your judge. You should then point out that by ignoring your justification, your opponent must concede the importance of justice. This will often make their case either irrelevant or much less important than your own. The same logic applies to the criterion. If they do not argue your criterion, they must concede that your criterion is the best criterion for your specific value. By placing justifications for your value and your criterion in your case, you immediately put your opponent on the defensive.

The hard part of the case is over when you write your value and criterion. However, you have not proven anything yet. All you have done at this point is set up what you have to prove. Your value and criterion establish standards that you have to meet. Defining those standards is the hardest part. Once you have established the standards, you have to meet them. That is where contentions come in.

VI. Contentions

Once you have set up the standards, you need to argue that your side meets those standards. If you have said that your criterion is the protection of individual rights, you must show how your side of the resolution protects individual rights. Presumably, you have already set up the linkage between the protection of rights and your value and finally the resolution. This is where topic research really comes in handy. You will need to make specific claims and back them up with proof.

The ideal contention is easy to describe. You have to link your side of the resolution (such as capital punishment) to your criterion. You should be able to state the thesis of each contention easily. Every contention should take a form like this. "My side of the resolution meets my standard because of..." For example, "Capital punishment provides for the social good by deterring crime." This thesis is simple and directly to the point. In this example I linked my side of the resolution (capital punishment) to my value (social good) through some specific argument (deterrence). This concise statement should be the first sentence of your contention. This is often called the "tag." Your tag should be very simple and you should memorize every tag so that you can immediately refer to it verbatim.

Each contention should be a distinct reason to vote for or against the resolution. You should have as many contentions as you have distinct arguments. I would suggest that you limit your cases to two or three arguments. If you use more than this, you are probably not developing your arguments enough. At the same time, don't use multiple contentions if you only have one reason to vote. This just needlessly complicates the case. Shoot for a couple of arguments and develop them well. A well-developed argument will beat any number of bad arguments.

After you state your contention's thesis, you should set out to prove the contention. Every contention will be a little different. There is a simple format to start from though. At the least, you need two arguments in each contention. You need one argument to link your side of the resolution (capital punishment) to the linkage argument (deterrence). You then need a second argument to connect the linkage argument (deterrence) to the criterion (social good). In that every contention should have some sort of linkage argument, you need to have argument to fulfill at least these two requirements. You need some proof that your resolutional object (capital punishment) holds some quality or has some effect (deterrence). You then have to prove that the quality or effect (deterrence) meets that standard you defined as your criterion (social good). If you want to get more complicated, you can have multiple steps in this proof.

The best approach to developing more complicated arguments within your contentions is to start with a simple two-argument setup like the previous example. Then you can break each argument down further to get more specific. You can get more specific on the linkage between capital punishment and deterrence. You may want to describe exactly why capital punishment deters future crime. You may want to discuss the specific sorts of crimes that it deters. You can incorporate any of these clarifications within the contention framework.

There is a second advantage to developing contentions as a simple thesis and working out from there. When you force yourself to relate every section of your contention to the contention's thesis, you will be much clearer. This clarity will make writing transitions much easier. Everything will flow, as a good speech should. When you are done, you should have a nice, clear outline of each contention. It should look something like the following example.

Example 7

Contention 1 - Capital punishment promotes the social good by deterring crime.

A. Capital punishment deters crimes

1. Capital punishment raises the cost of getting caught for a crime.
2. Raising the cost of getting caught will lower the incentive to commit crime.
3. Lowering the incentive to commit crime will result in less crime.

B. Deterring crime promotes the social good.

1. Lowering rates of crime will prevent physical harm to citizens
2. Lowering rates of crime will prevent economic harm to citizens.
3. Preventing harms to citizens will promote the social good.

You can see from Example 7 that a simple outline can still get very complicated. You can elaborate any point that you want to. Each point should have some form of proof. You need some evidence or logic to establish each of the points on this outline. The outline, in fact, shows you where you need evidence and what arguments are most vital to your case.

Once you have this outline, you need to translate the outline into an actual speech. This should be easy if you use complete sentences in your outline. Your thesis becomes your first sentence. You can summarize your proof of the thesis by stating the major subheadings. Next, you move to your first subheading. You use each outline heading as a thesis followed by evidence. Finally, you use simple transitions from argument to argument.

Example 8

My first contention is that capital punishment promotes the social good by deterring crime. I will prove this contention by showing first that capital punishment deters crime. Then I will show that deterring crime promotes the social good.

On the first point, capital punishment deters crime by lowering the incentive to commit crime. Capital punishment raises the price of getting caught for capital crimes. If one knows that one can be killed for committing a crime, one is much less likely to commit a crime. Raising the cost of crime lowers the incentive to commit crime. When one faces death, the potential costs of crime will outweigh any potential benefits. Lowering the incentive to commit crime will result in less crime. When people avoid crime due to the lack of an incentive, aggregate crime rates will naturally drop. Through lowering the incentives to commit crime, capital punishment deters crime.

Example 8 cont'd

> Additionally, deterrence promotes the social good. Lowering rates of crime will prevent physical harm to citizens. When people are less likely to commit capital crimes, criminals are less likely to commit murder. The drop in murder rates represents a prevention of physical harm. Secondly, deterring capital crimes prevents economic harm. When people fear capital punishment, they will be less likely to commit economic capital crimes. Deterrence, therefore, prevents economic harms. Preventing these harms promotes the social good. Quite obviously, the social good is a product of the interests of all citizens. When you protect citizens from various types of harm, you therefore promote the social good.
>
> In conclusion, capital punishment promotes the social good by deterring crime. Because it provides for the social good, capital punishment is justified.

Note that each part of the contention starts with a succinct statement of the theme. You need to use short statements that will stay with your judge. In the preceding example, the judge may remember statements like, "capital punishment deters crime." They will also remember, " deterrence promotes the social good." If you use complicated grammatical structures, it is harder for the judge to remember your arguments. Later you will want to be able to refer to your arguments quickly, so short argument tags are vital. Each argument in a contention, like an argument in a rebuttal, should consist of a short tag, some form of support, and a link back to the argument thesis.

Note also that the contention concludes with a direct appeal to the resolution. If you do not end an argument with a direct appeal to the resolution, it is unclear how the argument relates. You want to ensure that the judge sees how every argument proves the resolution. You never want to leave the judge thinking, "So what?" The best way to do this is to refer to the exact wording of the resolution early and often.

Contentions are the workhorses of your case. They are not the hardest part of the case to understand or to write, but they are the focus of most debates. If you keep your contentions simple and support your arguments, you can let your values and criteria win your rounds for you. Remember that contentions are the actual arguments of your case. This is where you meet the standards you set up in your value and your criterion. Take time to write out an outline and contention writing will be easy.

VII. Conclusions

Like any speech, a debate case needs a strong conclusion. The judge may well perk up as you finish your time. Take advantage of this just as you do with introductory material. You want to close out your case with a final appeal to your thesis. At this point the judge knows why your thesis is true. You can then relate it back to the resolution more explicitly than you do in your contentions.

You may want to write a conclusion like a closing introduction. You can restate your thesis and then provide some quick, compelling quote to support the general thesis. This will grab the judge's attention one last time. Just like an introduction, you can really control what they last hear.

A more advanced use of the conclusion involves establishing rhetoric. Your conclusion should be memorable and therefore fresh in the judge's mind as your opponent presents their next speech. You can set the judge up to listen for certain phrases or arguments. Preparing the judge for certain phrases defines the rhetoric for the debate, a strong advantage. If you use strong rhetoric about retribution, they should still be thinking about retribution when your opponent speaks. If you direct the judge to listen for your phrases and rhetoric, they will be less conducive to accept or even remember your opponent's argument. Ideally, the phrases you set up in your case conclusion should be the same phrases that the judge elects to use when they write out the ballot. If you can control the rhetoric, you control most of the debate.

VIII. Case Writing Strategies

Up to this point, I have described a chronological case writing strategy. Following the above system you would start with your introduction and write the case straight though. This is more for descriptive than strategic reasons. Before you can write a case, you have to see the purposes behind each section. The purposes for each section are easier to see when you go straight through a case's structure as I did above. In the trenches, you will seldom write a case straight through. In order to inject some reality in to this discussion, this section deals with actual writing process.

There are two major strategies for case formulation. The first approach is value centered. You start with a value and work from there. This approach is good for vague resolutions where the value is central to the debate. The second approach is contention centered. You start with specific claims and then try to link them into a value later.

The value-centered approach is a lot like the chronological approach. You first look at the resolution and see which values look more interesting to you. You then decide upon a value-centered thesis. From this point you should be able to tell what contentions you will need. After you have the contentions you will finally write your introduction and conclusion to cap off your case.

On the capital punishment topic, you may start with a value like the sanctity of life. You decide that justification requires respect for human life. Therefore you want a case that focuses on the value morality. Once you have the value, you must define the criterion. You may argue that morality requires respect for all life. Your criterion is respect for human life. Next you need to write contentions. Ideally you will have ideas for two reasons why capital punishment fails to respect human life. In this case, finding two contentions is easy. After reading on the topic, you realize that there are two distinct reasons what capital punishment fails to respect human life. First, capital punishment kills people and that is not very respectful. Second, the application of capital punishment is racist and arbitrary factors like racism fail to respect human life. Once you have the contentions, you need to go back and write a catchy introduction and a memorable conclusion.

The contention-centered approach to the same case proceeds differently. This approach tends to be research centered. You start by hitting the books. After you have read tons on a topic, you write out all of the arguments you like. These short arguments will probably turn into the titles of your contentions. Try to come up with arguments like "capital punishment protects the social order" or "capital punishment violates human dignity." After you choose the arguments you like, you have to look for a common theme. Then you come up with a value and a criterion that pull together these arguments. This is the easier approach to start up. You will probably be able to generate a list of arguments easily, but linking to a value is tough.

Each approach has strengths and weaknesses. The value-centered approach usually creates a very focused case. Starting with the value guarantees that your case will have a theme. This makes it easier for judges to follow you and, hopefully, vote for you. However, the value-centered approach places a lot of demands on you. You have to be familiar with many different values and criteria in order to get started. If you do not have a strong background in philosophy, this approach is very difficult. Additionally, value-centered cases can sometimes end up ignoring the topic. I have seen some nice discussions of values that had no clear relation to the topic. If you use a value-centered approach, make sure that you keep your arguments grounded in the topic area.

The contention-centered approach is easier on newer debaters. It requires knowledge of the topic rather than philosophy in general. New debaters will not find this nearly as daunting as the value-centered approach. However, you may find yourself trying to combine disconnected argument and end up with a unfocused case. If you use the contention-centered approach, be sure to concentrate on keeping the case focused.

Both of these approaches require that you use a case outline. You should write an outline so that you can see the relationship between your arguments (or see where there are no clear relationships). I have found that the best approach is to write a sentence for each major portion of your case. Write a short thesis. Write a value and a criterion statement. Then write sentences for each contention (hopefully you will have two or three distinct arguments, each of which can be a contention). By breaking down the case into short statements, you will find case formulation much easier. Each individual part is easy. Trying to write it all at once is tough. Once you have the outline, you can start filling in support and evidence. Once you have the outline and the evidence, you are practically done.

Case writing can be quite daunting. In order to overcome this barrier you need to break the case into smaller portions. Each part will be easy to develop. You can do each part and then suddenly you have a case. You just have to be careful to maintain focus on some thesis so that your case makes sense to a judge. Remember that a case is a speech. Use good transitions between arguments. Use compelling quotes to open and close your speech. One of my pet peeves is when people do not conclude a case. They often just read through their last contention and then stop. This is evidence that they have forgotten that their case is a speech. If you follow the general rules of case writing, you will impress many judges.

IX. Suggested Exercises

In order to facilitate case writing, I will provide a series of questions. If you answer these questions you will have most of your casing done. After the questions I will provide a map that will match answers with parts of the case outline. This should be helpful in walking first time debaters through the logic of case writing.

Note that this is a value-centered approach. I favor this approach in most instances so I have shaped the worksheet under this tradition. If you want to adopt a contention-centered approach, you should be able to adapt the worksheet easily.

Case Writing Worksheet

Here are some questions to guide your focus on the issues presented by the resolution at hand.

1. What is the resolution?
2. What is the topic about?
3. How are we supposed to evaluate the subject of the resolution from answer 2?
4. How do we know if the subject meets the standard of evaluation listed in answer 3?
5. What qualities or effects do the subject from answer 2 have?
6. Do these qualities meet the requirements of answer 4?

You should remember that:

Answer 3 is your value.

Answer 4 is your criterion.

Answers 5 and 6 are your contentions.

Consider the following example.

Example 11

1. What is the resolution?

   Resolved that capital punishment is justified.

2. What is the topic about?

   The topic is about whether we should have a death penalty.

3. How are we supposed to evaluate the subject of the resolution from answer 2?

   We have to evaluate whether capital punishment meets standards of justice.

4. How do we know if the subject meets the standard of evaluation listed in answer 3?

   There are many possible ways to test justice. I choose to argue that equality is the best standard for justice. I could use social benefit, liberty, security, or any number of other standards. You only need to pick one at this point.

Example 11 cont'd

5. What qualities or effects does the subject from answer 2 have?

   Capital punishment is applied in a racist manner (or so my research said).
   Capital punishment is irreversible.
   Again there are many possible arguments, you only need to choose a few that relate to your value.

6. Do these qualities meet the requirements of answer 4?

   Racism clearly contradicts equality.
   Irreversibility impedes the due process of law (because you can not appeal death).
   Due process of law is important to equality.

These answers point directly to a logical case outline.

Introduction

Value - The value for today's round is justice.

Criterion - For something to be just, it must be applied equally.

Contention 1 - Capital punishment undermines equality because it is applied in a racist fashion.

Contention 2 - Capital punishment undermines equality because it impedes the principle of due process.

Chapter Six - Rebuttals

I. The Pressure of Rebuttals

Rebuttals are the most easily improved area for most debaters. There are a lot of strategies and tactics that debaters can adopt with only a little forethought. This being the case, you should be able to improve your debate skills in a matter of weeks. Improving case writing skills or persuasion skills takes time. Research skills take a long time to develop. Rebuttal skills can give you an immediate payoff. All you have to do is think a little bit about what rebuttals are.

Rebuttals are your chance to refute your opponents' cases. The focus on refutation makes rebuttals easier than case writing. It is generally easier to beat an argument than to support one. This is quite simple when you think about it. It only takes one faulty assumption to topple a case. It is possible to beat a case with only one argument. Supporting a case requires a complex relation between various arguments. Refuting only requires a single premise. The relative ease of refutation makes rebutting cases easier than supporting them.

On the other hand, you can take weeks to write your case. You only have three minutes of preparation time to prepare your rebuttals. The limited time available in rebuttals makes them more difficult than case writing. Many people take the time limitations as carte blanche to have sloppy rebuttals. This is not the case. The key is to prepare as much as you can for rebuttals. The biggest step you can take to improve your debating ability is to prepare for rebuttals just like you prepare cases.

In order to prepare, you need to break down rebuttals into component parts. A rebuttal requires refutation of your opponent's case. A rebuttal also requires rebuilding your case following your opponent's refutations. These are the parts of the rebuttal that you can prepare for before the round. Rebuttals also require organization and persuasion skills. These are much harder to prepare for. Your goal should be to prepare for the parts of your rebuttal that you can, and leave only the true surprises to preparation time.

II. Arguments and Refutation

The easiest part of a rebuttal to prepare for is refutation. You can prepare for most of the arguments you will see at a tournament. Before you can prepare refutation, you need to see exactly what a rebuttal argument should look for. After you see the components of good refutation, I will illustrate how you can prepare for refutation.

Just about anything can pass as a LD argument now. People can rifle through arguments in LD rebuttals. People just rattle them off and hope that the judge figures out what you mean. This is a recipe for disaster. Well-structured arguments are easy to follow and will not confuse judges. The funny thing is that well structured arguments are just as fast as unstructured arguments. In fact, you may find that well thought out refutation strategies will increase the number of arguments you make at the same time that you increase the clarity of your arguments. There is no trade-off.

An argument must include several components. To make a real argument, you must have a claim. You then must support the claim. Finally, you must explain the implication of the claim. This is a little obscure, but it will be clear very soon. I will discuss each part in detail. Just remember that all arguments have three parts: a claim, proof, and some explanation of relevance. An easy way to remember this is that all arguments must be TPI ("tippy"). You must have a (T)ag, (P)roof, and an (I)mplication. If you make all of your arguments "tippy", you will see an immediate payoff.

The tag is the most familiar part of an argument. This is about all people use as refutation. Example 1 has various examples of claims.

Example 1

Capital punishment does not deter crime.

Individual are due their right to life.

Capital punishment is not applied in a racist manner.

Each of these tags can respond to common claims on the topic. The first responds to the argument that capital punishment stops crime. The second claim could respond to the argument that capital punishment is "due" punishment. These are not arguments. These are simply tags. Tags are only the first part of an argument. You need proof and impacts as well, but tags are where you start.

There is an art to writing good tags. A good tag is a simple statement of your argument. The first requirement is that a tag should be clear. This is important for a couple reasons. First, clear tags are easier to follow. Second, clear tags are easier to write down if your judge is flowing. Both of these reasons should make clarity a priority.

To write clear arguments, start with simple language. Make sure that all of the words in your tags are clear to a reasonably intelligent high school debater. Maybe you really want to talk about supererogation, but this should not be in your tags. Judges tend to forget tags that confuse them. If you want to use complicated words, save them for the internal parts of your arguments and only use them when you define them clearly. Never assume that your judge will know a technical term. You may know what recidivism is after your research on the topic, but your judge will not likely be familiar with the term. Avoid technical terms in your tags.

You should also avoid complex sentence structure. Complex sentence structure is useful for communicating complex arguments and can help with your vocal variety. Again, tags are simply not the place for complexity. Use direct, active sentences when at all possible. In most cases, you will be arguing about the implications or qualities of some object. You may be talking about the capital punishment or human genetic engineering. Arguments will ascribe qualities or consequences to these practices. You may also argue about vague terms like justice or morality. In all of these cases, direct tag lines are important. Consider the tags in Example 2. The indirect tag lines all make the same claims as the direct tag lines. The only difference is that the second set is hard to follow.

Example 2

Direct tags

Human genetic engineering saves lives.

Capital punishment deters crime.

Justice requires equality of opportunity.

Morality requires treating all people with dignity.

Example 2 cont'd

Indirect or awkward tags

People's lives are saved when doctors use genetic engineering on humans.

Criminals are not likely to commit crimes when the government practices capital punishment.

You need to give all people equal opportunities before you can be just.

Dignity serves as the basis for any moral judgment.

I have found that many debaters make arguments too complicated. Debaters try to cram too much into their tags. They try to throw around fancy philosophical terms because they are expected to. Debaters get a kick out of using technical terms. That is fine in its place. Technical terms are a great way to communicate technical points to people who share the same technical background. When you start debating in front of judges who may or may not share the technical background, you want to get rid of the technical jargon.

The final concern of tag lines is relevance. You have to prove relevance when you explain the implication of your argument, but you want to make sure that your tags have face relevance. Face relevance is a simple test. Does the tag seem to have a direct relation to the argument it aspires to refute? The clearest relevance is direct contradiction. If the argument says that capital punishment is racist, a tag that states that capital punishment is not racist is clearly relevant. If your tag instead argued that objectivity is an illusion, judges may not see the direct relevance (even if the argument is relevant in the end). Never write a tag that a judge could simply dismiss by thinking, "so?"

After you state a tag, you need to provide some kind of proof for your claim. You can not merely assert that capital punishment is not racist. You need to prove that it is not racist. Each argument requires a different kind of proof, but you need something. Fit your proof to your argument. In some cases, this will require evidence from experts. You may need to refer to an expert as to whether capital punishment is applied in a racist fashion. Some other arguments may only require examples or logic. If you are arguing that a technology is prone to abuse, an example of the abuse may be enough. If you are arguing that justice requires equal opportunity, you will need some logic. The key is having something. You must have some type of proof that can support your claim and convince your judge that the tag is true.

You can be fairly loose with some of the proof. However; you should never mischaracterize evidence. You should never make up evidence. You can paraphrase it. If you are pressed for time, you can refer to evidence (for example a statistical study of capital punishment and race) without quoting the study itself. If you do refer to evidence that you do not quote, be prepared to defend your reference. When you can, it is best to quote the actual evidence in the words of the original author. When this is not possible due to technical complexity or time pressure, you can refer to evidence but be ready to provide the full evidence if asked.

Example 3

TAG: Capital punishment is not applied in a racist fashion.

PROOF: In 1994, the Washington Times quotes Patrick Lanagan, senior statistician at the Bureau of Justice, as stating, "I don't find evidence that the justice system is treating black and whites differently."

After you have stated your tag and your proof, you need to state the implication of the argument. This is the rarest component of arguments. Very few people actually explain the implication of the argument. Debaters like to quickly state a refutation of an argument and leave it to the judge to figure out why the refutation is important. It should be no surprise that debaters are often disappointed when judges ignore the argument. A good implication will make a judge remember the entire argument.

Arguments in LD can have various types of implications. The simplest is direct contradiction. If you show that a case argument is not true, all of the proof that depends on that argument falls. If you show that capital punishment is not actually racist, the negative can not win because based on racism. Stating a direct contradiction is not enough. Direct contradictions are clearly relevant. It is not as obvious that a direct contradiction has relevance in the big picture of the round. When you make a direct contradiction you need to explain the implication of rejecting the original argument. If you prove that capital punishment is not racist, you need to explain how the loss of the racism claim undermines the negative's positions.

Another type of argument is a logical press. A logical press contends that an argument is logically flawed for some reason. If an argument commits a logical fallacy (ad hominem attacks, the ecological fallacy, post hoc ergo propter hoc, see a practical logic text for a list of these fallacies). You then argue that the judge should reject this argument because it is flawed. Just like when you use direct contradiction, you still need to explain the implication of rejecting the flawed argument.

A final type of argument is a linkage argument. Instead of arguing that a claim is false, you can argue that the claim does not prove the argument it is supposed to. This is a type of relevance argument. Instead of arguing that capital punishment is not racist, you can argue that racism is not a reason to reject capital punishment. You may argue that racism is bad, but racism is inherent in the system not in capital punishment. Racist applications of capital punishment may exist, but maybe they do not show that capital punishment itself is not justified. Instead, the argument shows that racist judges and juries are not justified. This argument does not refute the racist claims; it attacks the implication. When you adopt this strategy, you must be careful. It is hard to explain the implications of these arguments. In linkage arguments, you must spend about twice as much time on the implication as you would with the other two types of arguments.

Refutation can combine any of these arguments. You can simultaneously claim that capital punishment is not racist and that racism is not relevant. You can even combine all three types of attacks for a particularly devastating attack. You can simultaneously argue that capital punishment is not racist, racism is not enough to dejustify capital punishment, and that that racism argument incorrectly assumes that we are talking about the US context. The first claim is direct contradiction. The second is a linkage argument. The final argument is a logical press. Each of these arguments is independent. Your opponents will have to answer each one. This means that you will have to explain each argument independently and make sure that they are "tippy."

Example 4

TAG: Capital punishment is not applied in a racist fashion.

PROOF: In 1994, the Washington Times quotes Patrick Lanagan, senior statistician at the Bureau of Justice, as stating, "I don't find evidence that the justice system is treating black and whites differently."

IMPLICATION: Lanagan's conclusion shows that experts do not think that there is evidence of racism in the justice system. This evidence suggests that you should reject the argument that capital punishment is racist and racism is not grounds to reject capital punishment.

Refutation is the fun part of LD. This is where you actually get to attack your opponent's points. Do not let your zeal take over, though. You need to prepare for refutation just as if you prepare cases. You need to think out your arguments and write them out ahead of time (to the extent that this is possible). You would not go into a round without a written case; similarly, you should not go into a round without prepared refutation arguments.

The appendix to this chapter includes a detailed exposition on how to prepare refutation arguments. The basics are simple. You should list all of the arguments you think that you will hear at a tournament. Cases are seldom so clever that you can not see them coming from the first week of topic analysis. After a good topic analysis, then, you should have a very good list of likely arguments. You should take this list and prepare answers to every argument. Think of this as an extension of the case writing process. You have to prepare cases. You also have to prepare refutation arguments. Once you write out the arguments, you should check to make sure that each argument is "tippy." It is much easier to check your arguments when you prepare them ahead of time.

III. Rebuilding Your Case in Rebuttals

Refutation is only half of the battle. As inconvenient as it may be, you actually need to prove something. This means that you need to rebuild your case in rebuttals as well as refute your opponent's case. Rebuilding requires very different skills than refuting. As I noted above, building is much harder than destroying.

Before discussing rebuilding skills, a word about time allocation is in order. Rebuttals are very short. More often than not, you will run short on time. You need to balance your refutation arguments with your rebuilding arguments. I have found that a half-and-half split is usually best. You will usually have about as much to refute as you will need to rebuild. Put limits on your refutation and your rebuilding so that you get to all of each. If you spend all of your time refuting arguments, you may still lose for lack of rebuilding your case. If you rebuild your case, your opponent may still win for all of the arguments you neglected to refute. You may find some reasons to focus on one phase more than the other, particularly when many arguments are repeated all over the round. You can deviate from the even split, but only do so when there is a clear reason.

The first key to rebuilding your case is having good material with which to work. Rebuilding a well thought out case is much easier than rebuilding a thrown together hodgepodge of arguments. A clear case will pay off dividends in your first affirmative rebuttal. In many ways, a good case is the precondition for a good rebuilding rebuttal.

The first part of using your case writing is using your tags. In your rebuttals, you do not have time to re-explain your arguments. You have to be able to refer to arguments by their tags. Good tags are vital to this process. If you used clear tags in your case, you will be able to refer to specific arguments quickly and clearly. Note, this does not mean that you should refer to arguments by their position on the flow. You should refer to argument ("Moving to my first contention that capital punishment meets a societal obligation to punish criminal...") not just tags ("Moving to my first contention..."). Referring to tags runs the very real risk that you will confuse the judge. Confused judges will not even listen to your rebuilding.

The second part of using case writing to set up rebuttals is to write very specific arguments. Use very precise wording. If you use precise wording, your opponent will not be able to mischaracterize your arguments. This eliminates many of the most annoying arguments in rebuttals. It is hard enough to rebuild your arguments; you should not have to defend arguments you did not make. Using very specific wording will help with that.

The last part of using case writing to set up your rebuttals is to use "spikes." Spikes are arguments built in to cases designed to respond to arguments you think opponents will make. Spikes are rebuilding arguments built directly into your case. Consider the argument that one is never justified in intending to kill another person. One could expect that people would argue that capital punishment saves more lives in prevented crime than are lost at the electric chair. You do not want to have to make the same answer to this argument in each rebuttal. Your alternative is to build the response into the case argument. After you make the argument that one can not will the death of another individual, you can put a "spike." The "spike" may consist of saying that this moral rule does not allow for a balancing act. You can not weigh one person's life against another's life. If your opponent argues that they will prevent deaths in the future, all you have to do is remind the judge of your balancing argument. It is easier to remind the judge of the previously stated argument that it is to build the argument in rebuttals.

"Spikes" can come in many forms. Some of the best "spikes" are simply good evidence. If you have good evidence, you can respond to bad responses by referring back to the expertise represented by your evidence. Many pragmatic arguments will inspire bad refutation. If you think that you need evidence to prove a claim, you probably need evidence to contradict the claim. If you need evidence to prove that capital punishment is racist, your opponent needs to use evidence to prove that capital punishment is not racist. They can make linkage or logical arguments without evidence, but direct contradiction of empirical claims requires evidence. If your opponent makes a direct contradiction argument to an empirical claim without evidence, refer back to your evidence. Point out that your opponent is making an empirical claim without evidence then simply point out that your evidence is the only proof on the subject. This can quickly deal with annoying, unfounded contradiction and make your opponent look bad.

Some techniques that make rebuttals easier do not depend on forethought in case writing. They are not as effective as the case writing techniques, but they are important in their own right. The most important of these techniques is grouping. You often face too many arguments to address individually. You have to group arguments together in order to deal with all of them. In many cases, clusters of arguments will all make the same incorrect assumption. Sometimes this may be because the answers do not really respond to your argument. Opponents may simply assume faulty interpretations or deliberate mischaracterization of your argument. You can deal with all of these together by grouping them and making the one refutational argument that deals with all of them simultaneously.

Example 5

This example assumes a case argument that capital punishment upholds a governmental obligation to punish criminals. The negative contends punishment can not extend to a death penalty because individuals are obligated not to kill for two reasons (reasons omitted for sake of clarity).

Example 5 cont'd

> I would like to move now to the discussion of the government obligation to punish criminals in my first contention. My opponent's two claims that individuals can not be obligated to kill are both flawed because capital punishment is a governmental policy. Only governments apply capital punishment. Governments have different obligations than individuals do. Saying that capital punishment contradicts individual obligations does not contradict the justification of capital punishment as a social practice. Without these two arguments, my original contention stands. Capital punishment upholds the governmental obligation to punish criminals.

You can start your grouping strategy in cross-examination. If arguments sound similar, ask about them in cross-examination. Ask questions about what each argument assumes. Find the pattern of assumptions shared by various arguments. You can then respond to these assumptions in the round, grouping will look natural. You can also pick up clear replications of arguments. You can simply ask if the argument in one place is different from a suspiciously similar argument in their case or elsewhere in the round. If they are the same, grouping will be obvious. You can just refute the argument once and refer back to refutation each time you hit the same argument repeated elsewhere.

Grouping is a very powerful strategy. LD debaters tend to make very similar refutation arguments. If you can group them, you can deal with them simultaneously. This will speed up your rebuttals while also making your rebuttals clearer. This is another example that you do not have to sacrifice clarity to cover more arguments. When you become clearer, you will usually cover more arguments.

Rebuilding cases in your rebuttals requires a variety of skills. The most important skills are related to case preparation. You have to plan rebuttals to take the pressure off you when time is short. Preparing good tags and "spikes" will help your clarity and coverage. Within the speech, you can focus on grouping arguments and eliminating repetitive claims. Taken together, these strategies should help alleviate problems in the hardest part of the debate round, rebuilding cases.

IV. Organizing Rebuttals

It is important to remember that rebuttals are speeches. You can not ignore all the requirements of a good speech. You have to have an introduction, a thesis, arguments, and a conclusion. Debaters often forget these essential elements and then wonder why judges get confused. While this may seem like quite a burden, using good structure will actually help your debate skills. Forcing you to choose a theme is a great way to make you think about the relationship between arguments. Like in the above skills, organization does not trade off with coverage. Good organization will help you cover more arguments in rebuttals, and cover them better.

You should open each rebuttal with an introduction. You do not have to have a formal quote for each speech. Just state what your main argument will be and how that supports your positions. This sets the judge up for the major thrust for your upcoming arguments. With a little practice, you can start writing the judge's ballot with your rebuttal introductions and conclusions.

Introductions can also serve to condense your arguments. In many rounds, there will be one argument you will want to use against five or six of your opponent's arguments placed in a variety of different places. You can avoid repeating your self by starting with this argument. You can say that the round revolves around a simple claim. The simple claim being the argument that you will use in various places. Explain the argument, and then moved on to specific arguments. Whenever you want to use your first argument, often called an overview, you just refer the judge to your initial explanation. This gets you out of having to repeat your analysis throughout the round. This strategy works best with issues where your opponent has misinterpreted your case or the resolution, but it can work on just about anything.

I have one last word of warning about introductions and overviews. Do not start with an argument that you are not sure is a compelling reason to vote for you. In some instances, a procedural or interpretative issues will be important in many places on the flow. One would be tempted to use this as an overview to save time. That may not always be a good idea. Many procedural or interpretive issues are tedious to non-professional judges. You may be right that your opponent's arguments make an improper inference from the resolution, but judges may not think it is a big deal. If you use one of these issues as your overview, you may draw attention away from your more compelling arguments. Be careful. Overviews can be useful, but they should not divert attention from the most compelling reason to vote in the round.

After you have introduced your speech (with or without an overview) you need to organize your speech. In some rounds, this will be easy. If both the negative and the affirmative cases are well structured and focused, you can simply take your pick. Some people prefer to start with refutation and leave rebuilding for the end of the speech. Others prefer the reverse. If you use an introduction, these strategies and interchangeable. Start with the case that makes the most sense in relation to your introduction.

It is very common to move straight through a case in the order that it was presented, to either refute or rebuild it. Debaters often do this because they do not know that there are other ways to refute a case. In some instances, going through the case in the original order is fine. If a case is clear and the argument's flow into each other, attacking or rebuilding them in order makes sense. If the case is a loosely bound collection of diverse arguments, you may want to adopt a different strategy.

Do not feel constrained to use the case's original order. If there is one argument that really stands out, go to it first. Be careful though. If you plan to jump around, make sure the judge always knows exactly where you are going. If you get in a hurry and forget to sign post your position, judges will not know where you are and will not remember the arguments you make. I would only jump around when one argument is central to the entire rebuttal.

The best organizational plan is a synthesis of jumping around and accepting the original order of the case. If one argument stands out, go to it first. Be very clear that you are jumping ahead in order to point out an essential argument. Then return, with the important argument dealt with, to the original order. This is particularly effective when your opponent ignores an argument towards the end of your case that deals with all or most of their refutation points. It also works in your own refutation if your opponent ignores an important argument, usually a linkage argument, which undermines their entire position.

After you have dealt with all of the arguments, you should still have time to conclude your rebuttal. Conclusions are a lot like introductions. You should summarize the most important argument in the rebuttal. In the conclusion you should go a step further and say exactly why the rebuttal should convince the judge to vote for you. This is where you should write the ballot for the judge. Precisely state your reasons for affirming or negating the resolution. These should be the arguments on which you focused in the rebuttal. The conclusion should summarize these points and integrate them into a nice statement. Give the judge something to write as a reason for decision on the ballot. Most judges (including myself) are lazy. I do not want to think for you. It is difficult and often subjective. I would rather have you state exactly why I should vote for you. If you state your position concisely at the end of each of your rebuttals, you will often win by default. It is easier to vote for concise reasoning than to dig through reams of arguments to figure out what an unfocused debater is arguing. Make it easier on the judge, and rounds will be easier on you.

Planning the organization of a rebuttal speech is tough. You have a lot to consider. This takes time. Unfortunately, there is little you can do to prepare for rebuttal organization. Organizational issues are idiosyncratic, they differ from round to round. You need all of your preparation time to work on organizational issues. That means that you must already know what you are going to argue and have your arguments ready to go. You can prepare arguments before the tournament. I will discuss this in detail in the last section of this chapter. You can also write out the arguments while your opponent is speaking. This requires practice but it can be learned. If you know the arguments and can write out your arguments quickly, all you have left for preparation time are organizational issues. Use the time to work out your introduction, structure, and conclusions.

V. Conclusion

It is much more difficult to make persuasive rebuttals than a persuasive case. This does not mean that you should give up. It only means that you have to work twice as hard on your persuasion in rebuttals. There are no easy tricks to improve your persuasion. Persuasion will come along when you start presenting good arguments within well-organized rebuttals.

The key to successful rebuttals is clarity. Judges are much more likely to vote for the debaters whom they understand. You will find that organization and strict use of "tippy" arguments will pay of in terms of persuasion. You still need to work on all of the persuasion skills in the chapter on that subject, but rebuttal skills pose no conflict with good persuasion.

VI. Suggested Exercises

Rebuttals have spawned more skill drills than any other part of LD. This is more evidence that people are generally weakest when it comes to rebuttal skills. In this section, I will review some of the more common rebuttal skill drills and what you can learn from each. I will then wrap up with a discussion of the most productive preparation for rebuttals, refutation briefing.

The best form of skill drill is the repeated rebuttal drill. In a repeated rebuttal drill you simply take a round in which you wanted to do better (you may or may not have won this round) and redoes the rebuttal. You sit down and take your time figuring out the arguments you want to make. Take your time organizing the speech. Take your time writing out introductions and conclusions. After you take your time setting up the speech, deliver it under normal time constraints. Redoing actual rebuttals from real rounds adds some reality to the exercise. It also better approximates round conditions.

Repeated rebuttal drills are easy to organize. You can conduct these drills individually. All it takes is a past round. You can do these drills at school. You can do these drills at home. You can even do these drills during competitions. You can take your dead time to practice.

You can also conduct repeated rebuttal drills with groups. Group rebuttal drills can be brutal, but educational. A person reads their case and then explains the refutation they saw in the round. Before starting the rebuttal, the entire group discusses the arguments and the organization. After there is some consensus on the arguments, the fun begins. One person (presumably the person who provided the rebuttal information) starts the rebuttal and everyone else listens. When one of the listeners hears something that is incorrect, they hold up their hand. The rebuttal stops and the group discusses the error. This is a great way to work on word economy. It is tough to self-regulate word economy, but you can learn a lot from others. You can also learn a lot from working on other people's word economy.

The other major type of rebuttal drill is an extemporaneous argument drill. In this drill, the leader comes up with a common argument on the topic. He or she tells the group of the argument and gives them one minute to come up with responses. Usually there will be some limits on the responses. I suggest that you allow people to respond with arguments from their cases, but no more of one out of three arguments can be from a case. At least two thirds of the arguments must be original, independent arguments. After the preparation time is up, the leader selects a person. The selected person presents their arguments as if they were responding to a case argument in a debate round.

Extemporaneous argument drills can work on the same skills as repeated rebuttal drills, but they have limitations. The argumentation tends to be poor because it is disconnected from cases and the rest of arguments in a round. It is very hard to make linkage arguments in this drill. The drill will focus debaters on direct contradiction and logical presses. This may be a good limitation, but I think this can cause some argument patterns that weaken argument diversity in rounds. This drill is good when you can not do repeated rebuttal drills for some reason, but it is clearly the second best rebuttal drill.

The best preparation for rebuttals is briefing. The more you can do before the round, the less you have to do during the round. The less you do during the round, the better you can do each part of the debate. It is just that simple. The trick is to prepare briefs that are actually useful to you. Two types of briefs are quite useful.

The first type of brief that is useful in rebuttals is a research brief. This brief simply contains evidence that you may find useful in rebuttals. In general, the best evidence is proof for empirical claims. You often have to make empirical claims (for a detailed discussion of empirical claims, read Chapter One Logic and Argumentation). When you make these claims, you want to be able to support them. If you want to argue that capital punishment does not deter crimes, you need to provide evidence for this claim. You want to have a variety of studies available on this matter.

After your topic research, you will probably have many quotations. You want to take the empirical evidence (studies, expert opinions, etc.) and sort it by subject. You want all of your "Deterrence Works" evidence in one pile and all of your deterrence fails evidence in another pile. Once you have piles for all of your empirical claims, you want to collect all of the evidence on to briefs. Simply write the topic at the top of the page (for example, capital punishment deters crime, capital punishment is applied in a racist manner) and put all of your quotation on this page. If you run over, use multiple pages and put the title and number on each page.

It is important that you put the full citation for each quote on the brief. There is no excuse for losing a citation. If you can not put a full citation, you should not use it. Be sure to have the author, source, date, page number, and publisher for each quotation. When possible also include any relevant subtitles and qualifications for the source. Qualifications will be very important in any empirical clash.

You will want to leave most of your research off these briefs. These are only for empirical evidence. In some resolutions, there will be very few empirical claims and therefore very few empirical briefs. You do not want to brief all of your evidence when some of it is non-empirical. It is generally not useful to have reams of quotations from Rawls on a subject about justice. I, as a judge, simple do not care if you have a quote that says that justice is more important. You need to tell me why justice is more important. You need analysis, not evidence. Research on these subjects is still very important (even more important than empirical research on some subjects) but it is not necessary to brief all of it out as you do empirical claims. In general, these briefs will be most useful for supporting direct contradiction arguments. Linkage arguments and logical presses do not need empirical evidence, so research briefs will not be central to these claims.

Normative claims (like "justice is the most important value", etc.) are important for the second type of brief, the rebuttal brief. A rebuttal brief consists of exactly what you want to say against an argument. You will be able to read from briefs in the round. The idea is to deal with all of the predictable arguments before the round. You can then spend your time in the round on organizational issues and tough arguments.

A rebuttal brief starts with the argument to which it will respond. This argument is the title for the brief. In the text of the brief, you should write a general transition and then a series of arguments. You can have as many arguments you want on the brief because you only have to read some of them in any given round. You can select the most appropriate in a given context. Make sure you know which arguments you read, though.

Each argument is the exact statement you want to make in the round. The trick is that you can write them before tournaments and work on the wording without time pressures. You can eliminate superfluous words and work on the clarity of the argument. Everything you fix before the tournament is one mistake you did not make in the round.

These briefs are very flexible. You can include direct contradiction, linkage arguments, and logical presses. You can pair them up however you want to in the round itself. You can quote studies or refer to them (if you have the full text in your research briefs). After you select the arguments, most of your refutation is done. Hypothetically, you can hand these briefs to anyone, tell him or her what to read, and he or she could deliver your refutation. You should be able to do it better (since you know the arguments and can work on pacing, voice inflection, and other delivery issues), but anyone should be able to read and understand them. With the refutation work done, you can work on other parts of the round.

Here are templates for a research brief and a refutation brief.

Research Brief

Name
School
Resolution (topic, year, months)

Title (the claim that this evidence supports)

Citation (including author, year, qualification, title, publisher, page number)
Quotation (including the complete text or enough to see the evidence and the context)

Citation (including author, year, qualification, title, publisher, page number)
Quotation (including the complete text or enough to see the evidence and the context)

Repeat this form for all evidence that supports the title claim.

Refutation Brief

Name
School
Resolution (topic, year, months)

Title (the claim that the brief responds to)

Transition

Argument 1.
Transition
Tag
Proof
Implication

Argument 2.
Transition
Tag
Proof
Implication

Repeat this form for every argument that you have that refutes the title claim.

Chapter Seven - Presentation Skills

I. Presentation and Persuasion: A Holistic Approach

I often hear references to good speakers. People seem to believe that speaking skills are inherent properties of individual personality. Some people have a speaking presence and other do not. I dispute this perspective. Anyone can be a good speaker if he or she works at it. Work, as always, is the key.

One can secure the speaking skills needed to impress judges by looking at all arguments from a communicative perspective. Everything you do in a round communicates to the judge. It is ironic that judges who are least likely to listen or to pay attention to every word in a speech are the most likely to listen to the signals that you may not even be aware that you are sending. Judges listen to arguments as well as non-verbal cues and facial expressions. Once you acknowledge the all-inclusive, holistic, nature of the communication process, you can work on your LD charisma.

It is interesting to note that the original popularization of the word "charisma" comes from Max Weber. He uses the word "charisma" to define a supernatural power of personality. We have taken the word to stand for a strong personality, without the supernatural connotations. Even without reference to supernatural sources of personality, charisma is mysterious. It is unclear what a charismatic person does that others do not do. I will say that the major difference is the acknowledgement of the holistic nature of persuasion. Once you recognize that all of your actions send signals, you can work on all of the non-verbal signals. Then you too will seem to possess uncanny powers of persuasion.

This chapter is a little different than the others in this section of the Road Guide. Presentation and persuasion skills require more hands on instruction than other parts of LD. It is hard to get across a unified theory of persuasion. At best, my theory can be stated as "Be clear. Be professional." Most of this chapter, therefore, consists of hints and tactics. More so than any other part of LD, presentation requires practice. All of the theorizing about presentation is useless unless you spend time practicing. I simply hope that this chapter provides you with things to look for in your own speaking style.

Your final goal of debate is to persuade a judge that a stated resolution is true or false (depending on your side). Most of this book is dedicated to the use of logical argumentation to achieve that goal. However, logical argumentation is irrelevant if you are not able to communicate the arguments to the judge. In order to persuade a judge to vote for you, you will need to combine arguments with communication.

The most obvious combination point is verbal communication. If you can not explain your position to a judge, the judge can not vote for you. You must be able to communicate your points in clear and direct language. Without verbal communication skills, the arguments never get to their intended destination; the judge. Careful work on verbal communication skills helps ensure that your logical arguments get to their target.

You must also use non-verbal communication skills in order to support arguments. The key here is credibility. None of the arguments in your case will be completely proven. You have to assume something in order to build an LD argument. Logic alone will not prove or disprove the resolution. You must combine logic with credibility. If you are credible, the judge will accept your arguments. If you are not credible, your arguments will seem less compelling. Credibility is the mysterious factor that separates the charismatic debaters from those missing that charisma.

In order to reinforce your credibility, you will need to use all of your communication skills together. You need to provide logical proof for many of your arguments. Judges are more likely to listen to an authoritative source than the unsupported reasoning of a high school debater. However, you have to combine logical proof with persuasion skills. Judges will give you more credibility if you seem to be in control. If you seem prepared, they are less likely to question the validity of your proof or your arguments themselves.

Persuasion becomes particularly important when you debate values as you do in LD. It is not possible to prove a normative proposition with authoritative sources. It is very unlikely that you will provide a thorough logical proof in six minutes (much less the amount of time you actually have to devote to your value and criterion). You have to rely upon your judge accepting your assumptions. This is where persuasion, as a whole, becomes vital. You need to persuade a judge that liberty is more important than equality, you can not prove it to them. You need to make your assumptions and values seem reasonable. A controlled, prepared, persuasive effort will be very effective for this purpose.

It is worthwhile to think about the notion of persuasion for a moment. Persuasion generally means to make a person believe something that they did not believe before the act of persuasion. Persuasion is the act of changing someone's mind on an issue. In LD persuasion is slightly different. In debate persuasion is goal directed. We want to convince a judge to vote for or against a specific proposition. This may or may not require a change of their mind. If your judge is against capital punishment to begin with, you do not have to persuade them to win if you are negative.

The notion that debate seeks to persuade comes from the argument that judges should be blank slates. The theory of LD is that two competitors seek to convince a neutral judge of their positions. This may be great if we can ever say that a judge is neutral or a blank slate. This is never the case. Some judges are able to ignore their personal prejudices about specific social policies (just because I may be for capital punishment does not mean that I will never vote negative). However, no judge can completely abandon his or her preferences. It is hard to ignore deeply held convictions about right and wrong. Judges will usually keep these convictions and evaluate arguments from the perspective of their own moral system. In fact, we rely upon this. We do not define the principle of individual rights every time we refer to rights. We assume that the judge will have some notion of the word "equality" when we start the debate. We debate within the context of the judge's moral system.

What effect does this have on LD? You can persuade people of the value of specific value propositions, but you are very unlikely to persuade a person that their values are wrong. It is much harder to persuade someone that they are wrong about the value of justice than it is to persuade them that they are wrong about the value of capital punishment. In order to avoid taking on too large a burden, you should work within a traditional moral framework. Telling someone that autonomy is an illusion and individual rights are bad may be logically valid, but they are not likely to persuade a judge.

You may ask, "What does that leave?" Quite a bit, it turns out. You can argue that certain commonly held values are more important than others are. It is easier to argue that equality is more important that liberty than it is to argue that liberty is bad. This goes back to debate over the appropriateness of standards within a certain context. LD topics will always give you an option along these lines. The authors of LD topics try to find resolutions where conventional values conflict. They do not usually require one side to defend a radical position. You will probably not debate whether individual rights are justified. The negative arguments put too much of a burden on the judge to be objective. While it is nice to assume that judges ought to be objective, it is a psychological myth.

In the end, persuasion in LD is quite different then the conventional sense of the word. It is usually better to show people how their pre-existing values apply rather than attack those values. You are welcome to criticize commonly held values. If you do so within the context of other common existing values, you are safe. If you criticize commonly held values (like equality) by suggesting unfamiliar values (like authenticity), you will likely run into problems. Keep it simple, and you will do fine. Your object is not to surprise your judge. You want to prove or disprove a statement. Use of commonly existing values is the simplest way to persuade the judge of this position.

II. Persuasion in Case Writing

Case writing is the first step toward presenting a judge with your position. Cases are completely under your control and you can take as long as you want to work on them, so they should be near perfect representations of your persuasive approach. Cases are your chance to talk to the judge in exactly the way you wish. All of your issues are lined up in the order you want. All of your evidence is neatly integrated in to arguments. Cases should be the epitome of your persuasive efforts. If you use a case correctly, you can effectively persuade judges. If you fumble though your case, you will have a hard time building credibility.

I will not dwell on the structure of a case in this chapter (for a thorough discussion of case structure, see Chapter Four). Instead, I will focus on the aspects of the case that are most important to persuading your judge. Some of these are parts of the structure, but the verbal presentation is our current focus. Your introduction and conclusion are the most important parts of a case for the purposes of persuasion. You need to package the case with these two components in order to motivate and persuade a judge. However, there are many things in-between arguments that can help your persuasiveness.

The most important persuasive aspects of case writing are transitions. You must maintain the judge's attention and remain comprehensible. One way to do this is to write effective transitions between arguments. You want each argument to flow into the next argument. The only breaks should be between contentions. Your introduction should lead naturally to your value. Your value should lead naturally to your criterion. If you have spent time thinking about the relationships between your introduction, your value, and your criterion this will be easy. Your contentions are harder to tie together. Hopefully you will have a couple of independent arguments that link to your criterion. State that you will present two separate arguments. Tell the judge what the arguments are with short taglines. Finally, move on to the first argument. After you have concluded your first argument with a link back to the resolution, state clearly that you are moving to your second argument. The judge must be absolutely clear that you are moving from one justification to a second justification. Repeat these transitions as necessary between all of your independent justifications.

Example 1

(This example only consists of the transitions between arguments. The arguments themselves are assumed to be in omitted contentions. The transitions start with the criterion of governmental obligation.)

There are two ways that capital punishment upholds governmental obligations. First, capital punishment upholds the government's obligation to punish violations of the law. Second, capital punishment upholds the government's obligation to protect citizens from harm. I will address each of these obligations in separate contentions.

Example 1 cont'd

I move first to Contention 1: The government's obligation to punish criminals justifies capital punishment.... From this discussion, you can see that the government must punish violators of the social contract. In so far as the government upholds its obligations when it practices capital punishment, capital punishment is justified.

Now I would like to focus on a second obligation that justifies capital punishment.

Contention 2 shows that the government's obligation to protect its citizens justifies capital punishment...From this contention, you can see that the imperative to stop crime justifies capital punishment.

In conclusion, there are two governmental obligations that justify capital punishment....

When writing transitions, you want to work the structure of the case into your rhetoric smoothly. Do not have abrupt breaks where you drop one argument and proceed to another argument. If you write your transitions effectively, you will be able to accommodate both the non-professional judge and the professional judge. It only takes about three seconds to actually put in transitions between arguments and it is time well spent.

You will need transitions within arguments as well. Look back at Example 8 from Chapter Four. That example contention has two major components. The simplicity of this structure allows you to avoid detailed numbering. All you have to do is set off the first argument ("first....), and the second argument ("additionally...").

For reference, Example 2 contains a list of effective transition phrases.

Example 2

Transitions for starting an argument:
- First,
- Initially,
- To start,

Transitions between arguments:
- Next,
- Additionally,
- Another important thing to realize is...
- Second,

Transitions to the last part of an argument
- Finally,
- In conclusion,
- In summary,

Choose transitions that sound best for the argument. If you only have a couple of parts to your argument, just saying "next" or "additionally" is probably enough. If you have a complex argument with more than 4 parts, you will want to number the arguments. Incorporate the numbering into the transitions, rather than just write your case as a series of points. With smooth transitions, your cases will naturally flow.

Another part of persuasion is clarity. You want your arguments to leap to the judge's mind. In order to help your argument's chances, you need to make your arguments easy to remember. One way to do this is to write short tags for your contentions. Sometimes this is hard with awkwardly long topics, but it can be done. Your tags should be short active sentences that the judge will understand immediately. If you use careful word choice, you can write direct tag lines that the judge will remember in rebuttals.

Example 3

Capital punishment protects life by deterring crime.

Capital punishment is fair to criminals.

Capital punishment is applied in a racist manner.

Capital punishment does not respect human dignity.

Capital punishment upholds reciprocity.

This is only the tip of the iceberg. As you write cases, you will get a better feel for transitions and tag lines. After you write out your cases, always go back and read every sentence. At each sentence, ask yourself if there is a more effective way to word each sentence? After you comb through every sentence, you will have a much better case.

There are also important non-verbal strategies for case writing. The overall strategy is to be professional and prepared. If you can present an image of preparation, you will be more credible to the judge. In order to seem prepared, you need to devote time to the little things.

Type or write out your cases neatly. You should not have to struggle to read your cases. Make sure that you can read all of the pages easily. Any struggle to read your case will break the natural flow. You want to have every part of your round, particularly presenting your case, to seem natural and easy. Additionally, you want to avoid mismatched pages. It looks very bad to judges if you have to shuffle through crumpled pages. A neatly prepared case will tell the judge that you are professional and prepared.

Maintain eye contact with your judge. Eye contact exudes confidence. People are more likely to respect you if you look them in the eye. You will want to incorporate this eye contact in to your cases. You may want to memorize your case in order to ensure you have the necessary flexibility. I do not think that memorizing your cases is absolutely necessary. You can do without memorizing your case if you are careful. You do need to memorize your case's tags. You also need to memorize portions of your cases so that you can look up. If you have the time to memorize your cases, there is no harm. Just be ready to revise your case. I have found that many memorized cases stay the same over time. You must revise cases from week to week, so if you memorize cases be prepared to memorize multiple versions.

If you take care to prepare your cases, it will show. Judges respond very well to prepared cases. They notice when your cases are neat. They notice when you actually make eye contact and know your case thoroughly. Preparation also breeds confidence. After you get off to a good start with a prepared case, you are more likely to maintain control in later speeches. Spend your time before rounds preparing case and the entire round will seem easier.

III. Planning Your Presentation in the Round

The previous section dealt mostly with what you can do before rounds. There are also a lot of strategies you can adopt in the rounds in order to increase your persuasiveness. Again, the traditional focus is on verbal presentation skills. Because LD is a speaking event, this is entirely appropriate. However, one must not ignore the non-verbal presentation skills or organizational issues. This chapter deals with organization. Before you can hope to manage the individual arguments, you must manage the big picture. A good organization is the first component of persuasion in the round.

As in case writing, every speech needs good organization. You must take time to organize your speech. Even if all of your individual arguments make sense, you can confuse a judge if you do not organize your speech correctly. Good organization is using good arguments in an appropriate order.

Discovering the appropriate order is difficult. Sometimes running straight through the argument in the order presented in cases is fine. Other times, its is suicide. Clarity is key. You need to devise an organization that most efficiently and clearly expresses your arguments. There are a couple of strategies for this.

The first strategy is top-down. If the issues are muddy, organization is difficult. If your opponent is discussing very different issues than you are, the round can quickly become confusing. You will need to impose order on this chaos. You must find the points of disagreement and address them first. Then you can deal with specific issues. The best way to discover the points of conflict is to fall back on values. Where do your values or criteria conflict? In most rounds, this will be obvious. You will then take this normative clash and use it as the focus of your debate. You will start with the value or criteria clash and then proceed to the contentions. If you set up the value clash well, the contentions will fall into place. Once you have the value debate settled, it will be easier for the judge to see what is important.

When there are a lot of diverse issues, selectivity is important. You can not hope to win every argument in a round. You have to narrow down the arguments. I deal more with the logical aspects of this in the chapter on rebuttals (Chapter Five). From the angle of presentation, though, selection is important in order to have a clear message. If you adopt a top down approach, selection is easy. First, you must win the value or criterion clash. Then you discuss the arguments that link to the superior value. Winning the inferior value is irrelevant. By narrowing down the normative issues, you can eliminate the pointless arguments. This will often reduce the number of arguments by half.

Sometimes the top down approach is not possible. When two cases are running the same value framework (utilitarianism, individual rights, etc.) you can not "win" the value debate. All of the arguments in the round point relate to the same standard, so you can not dismiss any of them as you can with the top-down approach. This problem is common recently since everyone is running the same values and criteria. There is a way out. You need to use a bottom-up strategy.

In a bottom-up strategy, you focus on the contentions rather than the values. This will often be pragmatic debate. You need to narrow the arguments if you can. In order to impose order in this situation, you will need to focus on the most important arguments. If you lose a couple, winning the big arguments will still justify the ballot. Start your speech with an overview that sets up one argument as more important than others are. If you are debating individual rights, tell why one of the rights (presumably one you can win) is more important than the rights that your opponents is discussing. If you are arguing about utilitarianism, explain how one of the consequences is much larger than all the other consequences. These approaches will focus the debate on a few issues and be clearer.

In both of these approaches you will want to start your speech with an overview or introduction. This will let you make the arguments about which value or right or consequence is most important. An overview also lets you set the rhetoric for the discussion. You can influence the judge with your introduction. You will want to influence them with arguments and persuasive technique. The major persuasion technique is to establish the way you will talk about issues. Your overview rhetoric will influence the judge more than the rhetoric during the speech, so make it count.

Direct statements are influential here. If you start your speech by stating that the debate is coming down to a conflict of rights, your opponent will be hard pressed to ignore words like "conflict." This is particularly important when you arguing about a conflict while your opponent is ignoring the conflict. If you state that there is a conflict at the beginning, the judge will remember. If your opponent then ignores the conflict arguments, you can bring them up again and your judge will notice that your opponent is not discussing the conflict. I have found this technique quite powerful. If you have a short concept, three or fewer words, that you want to focus on, an overview will embed it into your judge's mind.

You want to repeat this theme at the end of your speeches as well. After you have primed the judge with an introduction, you want to leave them with the same thought. In the above example, if you want to focus on conflicts between rights, you will want to open and close your speech with this issue. If you close your speech with a theme, the judge will be looking for it at the start of your opponent's next speech.

Organization of arguments should take up most of your preparatory time. If you have prepared briefed arguments, you will not need much time to think of answers to your opponent's arguments. Instead you can spend the time planning your speech. You can look over the flow to see what arguments are most important and which seem peripheral. You can figure out what your introduction and conclusion will be. Spending preparatory time on organization helps you see what is important. This big-picture perspective is essential to persuasive speaking.

A clear organization is vital to communication. It also adds to your credibility. When you adopt an organizational approach, all of the arguments should fit into place. You will not dwell on irrelevant arguments and relevance itself will be obvious. You use values to argue what certain principles are important. You use organization to make certain arguments seem important. If you talk about something from the start, the judge is more likely to see the importance of that argument. If you relate everything to a specific standard, the judge is more likely to see the importance of that standard. Furthermore, when you are organized, you exude control and confidence. This pays off when judges have to decide who is credible.

IV. Verbal Communication in the Round

To many people, verbal communication is the essence of debate. Clearly, it is one of the most useful skills you can acquire in LD. LD all comes down to a discussion between two people and a judge. It only makes sense that verbal communication skills are important.

Like in the previous sections, I will present some concerns you should have about verbal communications. While this is not an exhaustive list of concerns, eliminating these problems from your speaking style will greatly contribute to your persuasiveness.

The first problem that a judge will notice is hesitation. When we speakers hesitate, they often interject filler sounds. As a placeholder, people will add "ummms" and "uhhhs" to their conversation. As placeholders, these filler words make you look unprepared. You need every second of your speech time. You do not want these sounds to absorb your speech time. Additionally, these sound bad to judges. If you do not believe me, just say "ummm" for ten seconds while you look in a mirror. That is how you look when you use filler words. You will soon want to eliminate these sounds from your speeches.

In order to eliminate filler words, you simply need to prepare your speeches. If you have a lot of arguments, you will not need to kill time. If you are direct and state your arguments clearly, it will be obvious when your argument is complete. I have found that most uses of filler words occur when a person is unsure if they are through presenting an argument. It is not confusion about where to go, but whether to leave an argument. If you plan out your responses, you will know exactly what you have to say. Trying to say more than you need leads to the need for filler material as you mentally search for ways to elaborate your positions. If you know exactly what you want to say, you will not find yourself searching for arguments in rounds and therefore not using filler words.

It is very unlikely that you will be completely ready for any eventuality. Sometimes you will need to improvise in a round. You will have to think of a new way to explain your position. You may need to come up with arguments during your speech. In these cases, you can still take steps to eliminate filler sounds. If you need to think, stop and think silently. Silence is a lot better then filler sounds.

The next major problem is vocabulary. Many philosophers have developed a detailed vocabulary with which they explain their arguments. This makes arguments clearer, but more specialized. You have to be careful not to use vocabulary that a reasonable judge can not follow. Not every judge will know what recidivism is. If you just throw that word around, judges may not understand you. A good test is whether your non-debate friends understand a word, judges likely will also. If you use too many technical terms, your judges may not understand your arguments enough to even pay attention. Replace technical terms with short phrases or clearly define the technical term within your case.

A related concern is jargon. Jargon has over run LD debate in some areas. There are many types of jargon. Some jargon words serve as shortcuts for expressing common processes in LD ("cross-apply", "extend", "drop", etc.). Other jargon words serve as short cuts for expressing common philosophical principles ("the social contract" is the most notorious example of this). It is unclear whether non-professional judges have any idea what these jargon words actually mean. Some may pick up the meaning by context. Other judges may not. It is best not to rely upon them at all. If you are sure that your judge knows what some of these jargon words mean, then you might be safe (though some professional judges simply hate the words even if they know what they mean). Your safest bet is to say what you mean. Say, "my argument applies here as it did above" rather than "cross apply my argument here." In particular, avoid philosophical jargon. It is very unlikely that a judge will pick up the meaning of "the social contract" by the context of the round. If you want to use a philosophical concept like "the marketplace of ideas", be sure to define it explicitly.

A final concern with verbal communication is speed. This is a touchy matter. Some areas of the country are very sensitive to speaking fast. In these areas, speed is a reason to vote against someone. On the other hand, some areas expect speed. Going slow in these areas will result in you having more arguments to discuss than you can ever hope. You need to play this by ear. Listen to what your coach and your teammates say about speed in presentation. Follow their lead.

I have not seen many rounds where people ever truly needed speed. In most cases, people try to go fast in order to state more arguments. It seldom works out that way anymore. I have seen people go very fast and say very little. I have also seen people go very slow and say a lot. If you are prepared, speed will not be a problem. Direct arguments take up very little time. If you are prepared on the issues, you will be able to deal with bad arguments quickly. This will leave you all of the time you need.

Verbal presentation is the most direct way that a judge can evaluate you. They may not know if your evidence is good. It is often hard to tell how good a person's arguments really are. However, judges will evaluate your verbal presentation quite quickly. If you stumble with filler words, you will fail to impress them. If you blitz them with jargon, the confused judge will be more impressed by a clear opponent. Speaking skills are the easiest way that a judge can evaluate you. If you are clear and organized, judges will give credence to your arguments. If you confuse the judge in a flurry or speed and jargon, the judge is much less likely to accept your arguments over a clearly stated alternative.

V. Non-verbal Communication in Debate Rounds

Non-verbal communication sends signals to the judge as loudly as verbal signals. You want to give the judge the impression that you are credible. Part of this is organized and well-stated arguments. There are also other levels of communication. Your appearance and your non-verbal mannerisms can and do contribute to judges' evaluations of your credibility.

The first thing a judge sees about you is the way you look. This is very important. If the judge sees you as disheveled, they will expect you to be disorganized. This expectation will influence their perception. Their expectations will magnify any slip up. First impressions are all important.

In order to ensure that you have a good first impression, take your appearance seriously. You do not have to shell out hundreds of dollars for a nice suit or dress. All you need is some clothing that looks neat. You should wear something that you would be comfortable interviewing for a job in. Dressing up will tell the judge that you take debate seriously. This is particularly important for non-professional judges. They will only take you as seriously as you take yourself. If you dress nicely, they will pay you more respect. This leads naturally to credibility.

Dressing nice is not enough to ensure that you present the correct appearance. You will also need to keep yourself looking clean and proper. This means that you should keep your hair under control. You do not have to cut your hair in any particular way. Just make sure that it is under control. The same holds for jewelry. There is nothing wrong with wearing some jewelry. Just do not let it distract the judge or yourself. Unkempt hair and excessive jewelry tends to give you something to fidget with in speeches and looks very unprofessional. Keeping your appearance simple, your clothes should not distract from your speech.

The last major part of non-verbal communication is attitude. It is really impossible to explain how you should work on attitude. I do not think that I can provide any thorough description here. Instead, I will describe you of the telltale signs of good attitudes.

The first sign of a good attitude is posture. At all times, you should stand and sit straight. Posture is one of the most obvious signs of confidence. I can not tell you how to be confident, but good posture will make you seem confident regardless of your actual feeling. You should carry your posture through your speeches. When you speak, stand straight and hold any papers in front of you. If you hold a notepad, hold it level with your sternum. In this position, you should be able to read without straining or obstructing your face. Posture will also force you to speak outwards toward the judge. When you speak down toward your notepad, you look meek and unsure. In all parts of the round, good posture will make you look confident in your arguments.

The first sign of an insecure attitude is fidgeting. Even if you do not have hair in your face or excessive jewelry, nervous people will find things to fidget with in rounds. When I competed, I had to empty my pockets and take off my watch to make sure I would not play with them in rounds. You should eliminate as many of these as possible. In my experience, you should simply keep as few loose objects on you as possible. Once you limit the amount to things that will tempt you to fidget, you have to resist the essential objects. Pens are a constant temptation. Notepads are also common victims of fidgeting. Most fidgeting is sub-conscious, so limiting fidgeting is hard. You have to do as much as you can. Fidgeting makes you look nervous. This is probably true. If you are not nervous, you probably do not care enough. The trick is to be nervous without looking nervous.

This leads to the last point of non-verbal communications, nervousness and anxiety. One of the best advantages that a debater can have is confidence. No one completely overcomes nervousness. Even confident people get nervous. The difference is in how you express your nervousness. If you can keep your nervousness under control, the confidence will come in time. The other, more concrete, tactic is to control your breathing. In between rounds, make sure that you take steps to relax. The most effective relaxation technique I have found is deep breathing. It looks a little funny (so don't do it in rounds), but between rounds take a couple of minutes to breathe deeply and clear your head. Deep breathing naturally helps you relax. Simple tactics like this will help you focus and be confident in rounds.

Finally, remember that this is only debate. You should work hard for anything you want. You should devote yourself to debate if you want to succeed. However, it is only debate. Losing any particular round is not a big deal. Do not get worked up over debate rounds. Work hard and prepare hard, but do not think that debate is the end-all-be-all. Go in and do your job. Let the chips land where they fall. Once you start preparing thoroughly, all you have to do is step up and debate. Everything will come. You can not win any round by worrying. So be a good debater, don't worry about any particular round.

Non-verbal communication skills are elusive. I often refer to them as the Jedi mind tricks of LD. Attitude and physical mannerisms tangibly contribute to wins. Someone watching may attribute these wins to charisma or luck, but you know better. Non-verbal skills may be a mystery to some, but now you know better.

VI. Conclusions

Persuasion is a complicated subject. In order to be persuasive you need good arguments, good organization, good communication skills, and intangibles. Once you recognize how all of these requirements contribute to your credibility. You need to work on all of these skills in order to become a charismatic debater. Working on your persuasion skills can be daunting, but it is one of the most enduring skills you will acquire in LD debate.

VII. Suggested Exercises

The only way to learn presentation and persuasion skills is practice. Speak, and speak often. I found extemporaneous events to be very good practice. Many of the same skills involved in persuasive LD are involved in extemporaneous events. Competing in these events can only help.

The most important tactic to make your practices efficient is to involve a group of people. Make sure that you practice with someone. They can give you feedback when your rhetoric is unclear. They can also see some of the sub-conscious mannerisms you may never notice by practicing alone.

When you practice speaking skills, you do not need to have great arguments. There is a time and a place to work on the quality of arguments. Instead you can focus on actual presentation. I have found that there are a couple of group exercises that are entertaining. The most entertaining is improvisational argumentation. The discussion leader selects a topic on which every one will have some sort of opinion. Current event topics are great for this. The discussion leader announces the topic and gives everyone a minute to prepare arguments. After the minute is up, the discussion leader takes volunteers or chooses a speaker. The speaker than has to discuss the issue for a minute or two.

You can focus this drill on any aspect of speaking skills. You can tell the participants to focus on organization or on rhetoric. You can work on hesitation or speed. You can focus on anything you want. After each speaker, the entire group can discuss the strengths and weaknesses of the previous speech. This requires a commitment to constructive criticism and some degree of thick skin, but those qualities are needed with any group exercise. This drill is very flexible and can inject some variety into practices, so it is great if you have a group that will take advantage of it.

If you have to practice by yourself, there are still some good techniques. Even talking in the shower is practice. Every time that you set out to give a good speech, you are practicing. In order to notice the sub-conscious mannerisms that can distract judges and detract from your speech, you need to watch yourself. You can do this by speaking to a mirror or by taping yourself. There is little more effective, or as embarrassing, as watching yourself speaking on videotape. The advantage to videotape is that you can pause and rewind to really break down errors. Additionally, videotaped speeches allow you to watch your skills develop over time.

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Chapter Eight - Cross Examination and Crystallization

I. Introduction

One of the nice aspects of LD is that it incorporates many different skills and activities. Even after you have mastered case writing and refutation skills, you have to face cross-examination. At the end of the round you have to choose which issues are most important to discuss. These skills, cross-examination and crystallization, are often ignored but they are quite important. This chapter focuses on these parts of the LD round.

Both cross-examination and crystallization share the quality that they are hard to teach. Most of LD is hard to teach, but these skills are so distinct that they are more difficult to teach than rebuttal skills. In order to take a stab at these skills, I will introduce each topic separately and discuss the purposes of each activity. The purposes will naturally lead to the skills associated with each activity. You will begin to see how these seemingly distinct activities are part of the larger picture of an LD debate; both cross-examination and crystallization are integral parts of persuading a judge of your position.

II. What is Cross-examination?

Cross-examination is that "other" part of the round. To many people, cross-examination is an afterthought. The real debate goes on in rebuttals. These people are missing one of the most interesting and useful parts of the LD round. This is your chance to interact with your opponent. This is also the only time where the judge can directly compare you and your opponent. These qualities make cross-examination very important. If you blow it in cross-examination, you can really lose credibility. At the same time, a good cross-examination can help establish your arguments.

The interactivity of cross-examination is useful. To refute an argument, you must first understand the argument. Cross-examination gives you a chance to piece together arguments you may have missed. The most effective way to understand the argument is to ask questions, cross-examination is your chance to do that. You can probe into the implications of arguments as well as the assumptions of your opponent's case.

The direct comparison inherent in cross-examination is very important to judges (if they recognize it or not). A lot of LD is about building credibility relative to your opponent. You need to seem more organized and more prepared than your opponent. Being prepared during rebuttals and case presentation helps, but cross-examination drives the point home. Your judge can actually see you standing beside your opponent and make a direct comparison. Any credibility you build in cross-examination will help convince the judge to accept your arguments and reject those of your opponents.

In cross-examination, you have two possible goals: clarification and establishing arguments. Most people only use cross-examination for the first goal. This is not a misuse of cross-examination; it is just a very limited use. You can also set your self up for easier arguments. The second goal is significantly harder to do, but it is possible.

Clarification can take on many forms. The most obvious is to fill in arguments that you missed. If you did not understand the argument that someone made in the vase, you can ask in cross-examination. If you heard the argument but you are unsure that you understand it, cross-examination can clarify the underpinnings of arguments. These uses of cross-examination are non-controversial and non-adversarial. Your opponent will probably appreciate the opportunity to re-explain his or her arguments. Clarification can be friendly interaction to build some rapport with your opponent and to show the judge that you are cooperative.

Establishing arguments is more adversarial and more useful. You can build arguments based on answers (or in this case, concessions) that your opponent makes. Ideally, you can use cross-examination as proof of all of the premises in your case. If you can do this, the debate round will be easy. Rarely will you have a case so clear or an opponent so dense that you can do this. Instead, you can seek acceptance for a limited number of key premises.

Cross-examination is hard because you have to guide your opponent to do work for you. If your statements are argumentative, you are using cross-examination inappropriately. You want your opponent to say useful things. Whether you are working on clarification or establishing arguments, you need your opponent to say things. Because you have to "use" your opponent to accomplish your goals, cross-examination is a challenge. This challenge can make cross-examination the most rewarding part of LD.

III. Clarifying Arguments in Cross-examination

The first use of cross-examination is clarification. What does one need to clarify? Anyone who has watched an LD round can tell you that people need to clarify a lot. Debaters have often read a lot about a topic and write cases for people who have similarly researched the topic. Furthermore, people often write to themselves. They expect all people to understand the same language and logic that they do. This can lead to confusion. Cross-examination can help you over come that. You can clarify your opponent's arguments and your own if asked.

Many types of arguments require clarification. The most common need for clarification stems from hasty explanations. These are arguments that are not complicated, but under explained in a case. Other arguments are both under explained and complicated. The latter arguments require a lot of clarification. The final common type of clarification is structural. Structural clarification explains what refutations relate to what arguments. These clarification help organize the debate by describing relationships between arguments. All of these forms of clarification are very important.

Clarifying simple arguments is easy. In most cases, your opponent wants the judge to understand the arguments. The argument is unclear due to some communication breakdown. Since both you and your opponent want the argument to be clear, you will cooperate in explaining the argument. You want the argument to be clear so that you can defeat it. Your opponent wants the argument to be clear so that they can win. You will find little resistance to this level of clarification.

You can ask simple clarification questions to clarify simple arguments. These are your basic "who, what, when, where, how" questions. What is the argument? Why is the argument true? What implications does the argument have? These are all very simple arguments with important consequences in the round. Unless you know what the argument says and what the implications are, it is very hard to evaluate (or refute) the argument.

Your first step should be to pin down the arguments. Clarity makes an argument stationary. A clear argument can not change during the round. When everyone understands the argument, a debater can not simply change the argument in rebuttals. An unclear argument can, and often does, look like different arguments at different times. Some people even deliberately use unclear arguments so that their arguments can change shape over time. They change their arguments to avoid refutation. You must pin these people down to a single argument and stop the argument's transformations.

The best way to pin someone down is to ask simple questions. Do not ask open-ended questions. Your cross-examination time should not be an extra few minutes for your opponent's case. Short, limited questions will force your opponent into short, limited answers. You can ask, "What is the thesis of your first contention?" You should not ask, "what is your first contention." The second question begs your opponent to launch into rebuilding their case. If you pin them to specific explanations in cross-examination, they can not claim that you misunderstand the argument in rebuttals. Better yet, if the answers are very clear, you can show the judge how the arguments change over time. Specific questions make sure that debaters will not try to pull a fast one with a moving target argument.

This process becomes more difficult with deliberately misleading arguments. Some people will argue complicated cases in the hopes that the confusion will benefit them in the end. They know that people will not respond to cases they do not understand. They hope that you will not actually force them to explain their arguments. They hope that you will be too afraid to ask questions. Never be afraid to ask questions. If you do not understand an argument, there is a good chance that your judge is confused as well. If you prepared for the debate, you have seen most of the major arguments. There is no embarrassment in missing a couple arguments in your research. Ask simple questions to clarify the seemingly complicated argument. If some words are confusing, ask your opponent to define the terms. If the argument does not seem to relate to other issues in the round, ask your opponent to draw the relation for you. The worst thing you can do is let a complex argument remain unclear. You will find that most of the fancy, complicated arguments are very simple and sometimes easily defeated. You just have to know what you are debating. If you ask clear questions, you will either clarify the argument or your opponent will look like they are dodging questions.

Other questions ask your opponent to relate their arguments. How does your first contention relate to your value? How is your first contention different from your second? How does your criterion relate to your value? If they have problems answering these questions, they will lose credibility. Your goal is to have your opponent give you short linkages between arguments that you can refute. If the linkages are very clear, you can knock out the corner stone, and not worry about the other supports. Every case is interconnected. No argument proves the resolution by itself. Yet, some debaters seem to think that if they win one argument, they win the round. If you show the judge the relationships between arguments, they will not vote on a single argument. They will see that every contention relates to a criterion and the value. If they lose the central arguments, the judge will not vote for the peripheral arguments.

Clarity is important in cases and in rebuttals. Unfortunately, you have no direct control over the clarity of your opponent's presentation. Unclear cases (by you or your opponent) make rebuttals very hard to follow as arguments meld together or change over time. Cross-examination gives you an indirect control of the clarity in the round. You can pin your opponent down to short descriptions of their arguments and the relationships between arguments. Short, clear explanations will make your rebuttals much easier to organize. There are a couple of questions to have in mind for every argument in the case.

1. Is there a short, clear way to state the argument? Short tags are easier to use in rebuttals. You can attribute the tags to your opponent's arguments in cross-examination.

Example 1

Is it fair to say that your first contention claims that capital punishment deters crime?

Does your second contention claim that the state can not have an obligation to kill?

Does your criterion contend that all forms of retribution are justified?

2. How does this argument relate to the issues in the round? How does the contention relate to the criteria and the values?

Example 2

How does deterrence relate to your value of justice?

How does the social contract prove that the government can not kill a criminal?

How does Kantian individual morality relate to governmental decision making?

3. What proof exists for this claim?

Example 3

On what basis do you argue that capital punishment is applied in a racist manner?

Why is the social contract the best way to decide if a public policy is justified?

Why is justice a more important value than morality?

IV. Establishing Arguments in Cross-examination

Establishing arguments in cross-examination requires great care and considerable creativity. It will take time to pick up this skill, but it will pay off in the end. Arguments established in cross-examination are quite easy to win. What better way to build up premises than to base them on your opponent's concessions in cross-examination.

The trick to establishing arguments in cross-examination is to recognize that all arguments are the combination of premises (for a detailed exegesis on this matter, see Logic and Argumentation). You can use cross-examination to gather some of the premises. You must guide your opponent into agreeing with premises that you will eventually use to build your arguments.

Establishing different types of premises requires different skills. It takes different techniques to establish normative premises than it does to establish empirical premises. The former premises require sometime tedious examples and vague discussion of values. The empirical premises are much more cut and dry. Factual questions are usually easy to establish.

Establishing normative arguments requires the most guile. This is also cross-examination at its best. You can set up refutation or build your case arguments. Usually cross-examination over values proceeds by example. You focus on the implications of certain value judgments. What actions would a particular value support? What actions would a certain value forbid? Are the prohibitions and the requirements consistent with the case? These are the easy questions, but the bare minimum. It is quite devastating when someone can point out that the value contradicts the case or the criteria. This is often the case when a debater, in cross-examination, can reveal a scenario where the value and the criterion suggest opposite actions. If you built your case in an integrated fashion, this will not likely be a problem. If you are presenting a hodgepodge of arguments, it will be tough not to contradict yourself at some point.

A more advanced line of questioning compares the implications of the value with commonsense notions of examples. Ideally, no scenario can undermine a value. Ideally, all actions are guided by value, only values can defeat values. This is simply not the case. Most people weigh values relative to the how they act, not vice versa. This opens entirely new strategies for cross-examination. You can compare the implications of values to what most judges would regard as "good."

Consider the value of the social good. The first approach to establishing arguments against the social good would focus on the assumptions in the concept of the social good. The value of the social good assumes that people's happiness is comparable (and thus one can aggregate happiness). The value of the social good assumes that one can actually identify what is good for society. The value assumes that there is something that is good for society. These are all set-ups for refutation of the value. These questions set up analytical arguments that the concept of the social good is somehow flawed. This is an entirely appropriate approach. However, another approach is available.

People do not generally judge values in this way. Maybe they should, but they do not. In general, people compare the implications of certain values to actions that the judge "knows" is good or bad. As long as human beings judge LD, this approach will be important. You can compare the value to certain ethical dilemmas. If the value leads someone in a direction the judge objects to, you can argue that the judge should reject the value. This is not analytically pure. You should only argue with premises, not examples. However, since this is a persuasive event, examples are important. In fact, I suspect that most moral reasoning proceeds by example. You can take advantage of this, or you can ignore it.

Some examples of this approach have come under scrutiny lately. People abuse this approach by linking every resolution to Nazis and slavery. Sometimes these comparisons are appropriate, most of the time these comparisons are a stretch. The key is to get your opponent to apply their value in certain instances. Develop the instances so that they must uphold revolting actions. Using the social good as an example, one can easily portray social good in a way that will convince judges to discount or reject it. If the social good is the sole value, can we protect minority citizens? Is it ok to violate rights if it is good, in the end? Judges will answer these questions in the negative (in most cases). You want to associate your opponent's philosophy with some despicable activity. The judges will reject the value just as they do the activity.

Do not think that this is some slimy cross-examination technique. There is a long tradition of this form of argumentation. Rawls adopts a modified form of this when he discusses the reflective equilibrium. I will not go in to details but he suggests that we must compare principles derived from logic (like his principles of justice) to our impressions of justice. We should reach a point where our principles support our action and our actions support our principles. This is exactly what you are asking to the judge to do. You want them to compare abstract principles (like values) to things that they know are wrong (like slavery, genocide, rights violations, etc.). This is a pragmatic check to ensure that ambiguous values are actually good as applied in the real world.

Another example of this approach comes from the greatest text on philosophy and cross-examination in history, Plato's REPUBLIC. The entire book consists of cross-examination. One of the most memorable exchanges deals with notions of justice. Socrates asks someone to apply their system of justice (ironically, the giving each person his or her due definition) to a real world scenario. He asks if you should return a borrowed axe to an agitated friend. Should you give him or her their axe, as is due them by rights of property? The respondent answers that you should not return the axe if doing so could cause harm resulting in the respondents rejection of their initial definition of justice. Socrates illustrated that the principle of giving each person their due property did not hold up under specific conditions. He then suggested that we should look further toward a better, more general definition of justice.

I suggest you use cross-examination the same way that Rawls uses the reflective equilibrium and Socrates used scenario-based reasoning. Does your opponent's principles stand up to application? If not, the judge should reject them. Cross-examination is the perfect time to force you opponent to deal with these scenarios. A word of warning is in order. Do not use scenarios that seem very contrived. You need to find a reasonable scenario as a test for the principles. You do not want a scenario that clearly illustrates that your opponent's definition of justice can not deal with Albanian property claims. The judge simply will not care. You need a simple scenario to which one would reasonably think a principle should pertain. Justice should resolve common interpersonal conflicts. If it can not deal with common interpersonal conflicts (or its answer is repugnant) it is probably not very useful. It is always best to use scenarios from within the scope of the resolution. In the capital punishment topic, your scenarios should probably relate to criminal justice. It would seem strange to spend a minute of cross-examination discussing Nazism during these debate. There is usually plenty of material within the topic area to use, stick with it.

You can merge the two approaches to cross-examination by using differentiating questions. Look for instances that differentiate between "good" applications of principal and "bad" applications of the principle. Then ask what distinguishes the "good" from the "bad" applications? You can look for underlying standards with this method. What is the difference between the government's use of deadly force and an individual citizen's use of deadly force? Many people assert a difference without specifically stating what the difference is. In most cases the answer (if there is one) is that the government is more objective and more subject to legal constraints like judicial oversight. If the difference is based on objectivity, you may be able to argue that the racism inherent in capital punishment undermines the government's justification for capital punishment. This is just one example of how asking your opponent to justify distinctions in cross-examination may give you a link for a powerful argument.

The same lessons hold for answering cross-examination questions. Answer every question as honestly as you can. If you are presented with a tricky question, point out the trick and answer to the best of your ability. Your best option is to answer honestly and then point out that the question ignores some possibility. This works for the wife-beating question. Some questions only give you two, bad options. People can ask, "do you still beat your wife." Either way you answer the question you have to imply that you have at some time beat your wife. This is an illegitimate question. LDers love these questions for some reason. All you need to do is point out that another possibility exists. You can answer, "I have never beat my wife." If your opponent gets agitated and yells at you about answering with a yes or a no, just explain to do so would make the question a logical fallacy. You want to give your opponent as much credit as possible so you answered in a manner consistent with the valid form of the question. Furthermore, if they accuse you of avoiding an answer to a yes or no question, simply ask them "have I been in some way unclear." Denying the premise that you ever beat your wife is pretty clear. Anyone still trying to get a yes or no answer will look stupid, so let them.

Establishing arguments in cross-examination is a lot of work, but it is worth it. You have to trick your opponent into doing your work for you. That is no small task. There is one cardinal rule. Never ask a question to which you do not know how your opponent will answer. You do not want surprises. Ask them about their values, they will answer predictably. Ask them about clear examples, they will answer predictably. Ask them about vague values about which they have not thought, who knows what you will get? Maintain control by only asking obvious questions. You should leave your opponent with two choices. They can answer as you want or they can get a strange look from the judge.

V. Presentation in Cross-examination

Like all other parts of the round, you need to communicate during cross-examination. The judges will see both debaters side by side, so presentation is very important. You want to come across as in control just as you do in rebuttals.

The first part of seeming in control is to look prepared. Cross-examination requires different types of preparation. At the very least, you want to avoid loose papers. This holds true in cross-examination just as it does in rebuttals. Similarly, you want to avoid loose objects like jewelry. The most common presentation mistake in cross-examination is taking a pen with you to cross-examine your opponent. If you learn something new (like a tag or a definition) write it down after cross-examination. You do not want to be taking dictation in the round. The moment you start writing, you loose control.

Once you abandon pens and flowpads you will start looking better in cross-examination. However, this puts more attention on you and your presentation skills. This is not bad. You want the attention on you. However, be aware of the attention. When the judge is looking at you, you can not get away with slack non-verbal cues. You must stand straight and maintain good eye contact. You can (but should not) hide behind flowpads and other papers. Once you remove these distractions, there is nowhere left to hide.

You must also refrain from extreme hand gestures. These tend to be more a problem with cross-examination for some reason. You should envision a box in front of you. It is as wide as your shoulders and consists of the space between your waist and your shoulders. Keep all of your gestures within this box unless you want to draw attention to your gesture (and away from you). You can do plenty within the box so there is little reason to use extreme gestures.

Using extreme hand gestures takes you into a dangerous area of cross-examination. Extreme gestures, vigorous movements, and loud voices all make you seem aggressive. This is mistake. You want to seem assertive and in control. You do not want come across as belligerent or aggressive. Aggressiveness makes you look as if you have lost control. If you lose your patience, you appear to lose control.

In order to avoid seeming aggressive, you should follow a few simple rules. First, you should always smile (at least a little). Smiling dissipates aggression in yourself and in your opponent. Second, do not make any drastic or sudden movements. All of your movements should flow rather than jump around. Third, maintain a steady volume. Loud speeches seem fast (whether they are fast or not) and they make you seem mean or aggressive. You will be amazed at what you can get away with when you speak in a calm, consistent tone. Finally, maintain a constant physical presence. Do not jump around during your speech. Do not sway or lean. During cross-examination in particular, do not try to upstage your opponent. It really looks silly when two debaters think that they are somehow more persuasive when they stand in front of their opponents. They both slowly creep forward until they are close to the judge and cramped together. It looks silly. Do not try to upstage. If your opponent moves forward, just look at them and maintain your position. They will look aggressive as they close in on the judge.

I will leave the discussion of cross-examination with an analogy and an example. Cross-examination is very under-appreciated because few people understand it. You must see cross-examination for what it is. Cross-examination is a verbal knife fight. You must use short direct questions with an immediate follow up. Judges will not often follow a long line of questions ending with a bang. Instead, think of questions in pairs (and practice them in this way). You should set up a premise by having your opponent answer in a predictable way. With that answer fresh in their mind, you ask the follow up which makes them invalidate another of their arguments or accept a repugnant action (if you are looking to set the judge against the principle). Either way, you should try to use two questions.

Example 4

(The negative argued that a just government should not kill.)

Question 1

Can a just government kill? (You know the answer to this because it is the basis of the case. You just want your opponent to reiterate the claim and make it fresh in the judge's mind).

Question 2

How does a just government defend itself in the case of foreign invasion? (They will either have to concede that a just government is a victim waiting for invasion, or they will have to admit that there are instances where a just government can kill. The latter answer opens up the possibility of mitigating circumstances or countervailing responsibilities)

You could also pair Question 1 with a different avenue of attack (depending on your own strategy). Question 2 leads to a general attack on the prohibition against killing. If you want to take a more limited approach, such as saying the government has an obligation to protect as many lives as possible, you may want to use Question 3.

Question 3

Can a just government allow someone to die by its inaction? (This question is tricky. You can probably bet that the person will say that the just government cannot allow death in the same way that they can not kill. If they say that the just government can allow death, you should press them on the difference between killing and allowing death. The moral distinction between action and inaction makes less sense when evaluating political institutions than it does individual morality. Political inaction is a deliberate decision.)

Cross-examination is a wonderful and rare strength. You can really surprise people with a strong cross-examination strategy. Use these techniques to make cross-examination work for you. For various reasons discussed above, cross-examination is a powerful source for persuasion. You can use it, or you can lose a wonderful opportunity. Take the time to add cross-examination to your arsenal and you will really scare your opponents. Few people know how to handle cross-examination.

VI. Cross-examination Exercises

Cross-examination is more difficult to practice than other parts of the round. Obviously, it takes at least two people to practice. Furthermore, it is tough to cross-examine someone unless you have actually heard his or her case. When you do get a chance, though, cross-examination practices can be very rewarding.

The simplest form of cross-examination practice is a gang cross-examination. In my first year of debate, this was the exercise of choice on my debate team. We would meet at someone's house and one person would read his or her case. Then all people would take terms asking questions. This was very free form as people would jump in with a few questions and then back off to allow others. This really helped iron out obvious problems in cases, but did not produce detailed insight. It was a very good way to help inexperienced student's cases and helps improve critical thinking skills because people can actually see how their teammates think.

You can simulate this exercise anywhere. All you need is one person with a case and a cooperative group of debaters. You can involve as many people or as few people as you want. If you extend the exercise to include more than four people, you will probably want to introduce some organization. You may want to limit the number of questions or the time allowed to each person. You may also enforce a rotation to ensure that all people will be active in the exercise. With a well-organized section, all people can benefit from reading their cases and seeing the questions that come to their teammate's minds.

The gang cross-examination exercise helps with cross-examination but mostly improves casing. If you want to focus on cross-examination, you should adopt a very limited drill. You still have one person read a case. Then every one takes a minute to formulate a line of questioning. The instructor or drill leader then selects a questioner (by volunteer or draft) to conduct a line of questioning for one minute. After one minute of cross-examination, the questioner explains what his or her goal was. The entire group discusses the effectiveness of the line of questioning and makes suggestions. The discussion should focus on the effectiveness of the questions and not the importance of the questions. This should not become a discussion of particular arguments. Instead, you should focus on whether the questioner could ask questions that are more exact or more effectively achieve his or her goal.

You can vary this exercise in many ways. You can limit the amount of information the questioner has by having them question someone in regards to a specific contention or value. You can even assign the goal and see how they formulate questions. The only limit is that the respondent should not hear the goal. If they hear the goal, they will naturally evade answers that lead in that direction. They will not even have to guess where a line of questions is going. This is not an effective simulation of cross-examination for the questioner or the respondent. You can also limit or extend the time allowed for questioning. I have found that one minute is really the maximum. You should be able to establish a line of questioning within 30 seconds. Alternatively, you can limit the questioner to a certain number of questions. You can allow them three or four questions. More than that and you are probably digressing from the goal. Limiting the parameters should not influence the utility of the drill much. It can focus on efficiency by limiting time, but all variations seem to be about as effective.

VII. Crystallization in LD

Crystallization has become a common buzzword in LD debate. The term has lost much of its original meaning. When used properly, crystallization techniques offer an opportunity to clarify the relationships between arguments. When used improperly, crystallization is simply an extension of preexisting bad habits.

Crystallization should help you package your arguments for a judge. Most LD rounds have a lot of arguments. Sometimes these arguments do not clearly relate to each other. Without crystallization, judges are left to fend for themselves. As some one who has judged, this is tough. You have no obvious reason to choose one argument over another. Invariably, someone is unsatisfied with the decision. Accusations fly that you "intervene," and the accusations are correct. If the debaters do not do a good job of relating arguments, the judge must look to themselves for the relations. That is classic intervention, the judge's preferences become influential. Believe or not, most judges hate this situation.

Crystallization techniques help you think for the judge. The less thinking the judge has to do, the less they will have to intervene. If you weigh arguments and relate them to other arguments in the round, you will not have the unpleasant surprise of judges ignore your key arguments and voting on issues you think are unimportant. The less thinking the judge has to do, the more likely you are to win. Judges often simply choose the path of least cognitive resistance. If you give them something they can write on the ballot, they often will.

As with most skills, this is easier said than done. Crystallization requires more high-level thinking skills than any other part of the round. It is very difficult. As you learn more about each topic and about popular philosophical arguments, you will become better at crystallizing them. This is cold comfort for novice debaters, but it is true. However, there are strategies to crystallization that you can immediately use. These skills will increase your learning curve but they can not replace experience and philosophical knowledge.

Crystallization consists of three skills: integration, clarification, and selection. Integration involves collapsing the number of arguments into sets of related arguments. Sets of related arguments are much easier to deal with and weigh. Clarification involves the simplification of arguments to easily understandable positions. Finally, selection involves eliminating the unimportant arguments from the debate. Unimportant arguments divert attention from the major issues and make decisions harder to make. There are strategies that you can use to incorporate each of these skills into your cases.

The skill most unique to crystallization is integration. The incentives in case writing and rebuttals make people offer more arguments than they probably should. Integration in crystallization is the only part of LD that combats that tendency. With crystallization, you should combine arguments into groups. Natural groupings of arguments allows you to deal with several arguments simultaneously and simplify the decision making process that the judge will have to use. A good integration can reduce even a complicated round to two or three major issues or groups of arguments. Dealing with the groups is much easier than dealing with the component arguments spread all over the round.

The trick to integrating arguments is in finding good groups. You should not group arguments based solely on their position in the round. You need to find reasons to group, the justification for the group will make it obvious why the arguments are together. There are two major types of groups. You can group based on underlying premise. The second type of grouping is grouping by purpose. If there are arguments that share a purpose, you can group them and then argue that the purpose is irrelevant. Each of these types of grouping very useful in simplifying debates and weighing issues. In the end, like all parts of the round, crystallization techniques will help you communicate your arguments to judges.

Integrating based on common premise is the most common type of grouping, and the most useful. Many cases will have a series of arguments all assuming a common premise. This type of grouping allows you to deal with them all at once. If your opponent's case assumes a utilitarian premise, you can group all of the arguments that assume utilitarianism and simply refute utilitarianism. This makes your refutation more efficient and clearer. Grouping in this way also tells your judge what arguments are important. If you link a refutation to arguments throughout your opponent's case, the judge will see how important the refutation is. Executing these groupings is easy. You simply have to point out that your opponent makes various arguments that assume a common premise. You then refute the premise. Your best bet is to state the grouping towards the beginning of your refutation. Mention each arguments that assumes the premise you will refute, but do not spend much time on the list of arguments. Then refute the group as you would a single argument. Then, and this is vital, as you refute the argument individually, you must mention the refutation from the grouping. This places the argument in two places in the debate round. Judges tend to forget or never listen to the composition of the initial grouping and refutation. If you mention in refutation of a specific argument, though, they will remember the refutation.

I must stress that you should only mention the refutation. The refutation is already in the round. You do not have to make each mention of it "tippy." You should just start each individual refutation noting that the early grouping is the first reason to reject the argument for reasons already explained.

Example 5

Against my opponent's first contention that capital punishment saves lives I have three arguments. First, this argument also assumes a utilitarian moral framework as discussed above. Second...

The rest of the refutation should be "tippy", but the cross application of the grouping can simply be a mention. One way to think of it is an argument where you already have the proof and the implication (stated with the original grouping). In this way, the argument is "tippy" though spread across the round. Mentioning the argument is a burden (since the judge should simply remember all of the arguments that you grouped) but it is a practical necessity.

Grouping arguments based on a common purpose is more rare. Grouping by purpose combines arguments that fulfill similar purposes in the round. These arguments are a little tricky. Usually, you use grouping by purpose to make a linkage argument. Grouping by assumption makes logical presses and direct contradiction earlier. Grouping by purpose facilitates linkage arguments. In that linkage arguments are rare, it makes sense that grouping by purpose is rare. You will group the arguments and then make a linkage argument that applies to all of the arguments. You may want to argue that the contentions do not relate to the criterion. To do this, you would group all of the contentions and prove that there is no obvious relation. You would then explain the implication of the linkage argument (probably that the contentions don't prove the criterion or value and therefore there is no proof of the resolution).

You can take the same approach for criteria. Many criteria have no obvious relation to the value. People will have a value of justice and then just state their criteria without any argument linking the criteria to the value. You can group the criteria and argue that the lack of linkage fundamentally undermines the case. This is a very easy argument that applies to many cases. It is a wonder that few people use it. I know many judges who would love to vote on such an easy issue. Linkage arguments, as discussed in the chapter on rebuttals, have the advantage of being easy but influential. Grouping by purpose can have the same result. You just group, make the linkage argument, and then point out how the case falls apart. You only have to mention the grouping in relation to each contention of criteria then (just like grouping by premise). These are the types of issues that many college judges and debate coaches like to vote on (though many non-professional judges will undervalue linkage arguments. This is just a word of warning).

Crystallization also includes a component of clarification. Clarification pushes the crystallization metaphor further. The process of natural crystallization makes something organized and structured (just like the process of integrating arguments). Crystallization also produces a clear substance. The organization contributes to the clarity, but clarity is important in its own right. You need to present a clear summary of your major arguments in crystallization.

The most important skill to increase clarity is to use consistent rhetoric. If you want to talk about rights, all of your arguments should discuss rights. If you use only rights rhetoric, it will seem natural to combine the arguments at the end of the round. The combination will seem appropriate (because they are all the same type of argument) and the relationship will be clear. This is a relatively simple exercise. Just makes sure that you use the same types of claims for your arguments. If you want to discuss rights, use all rights claims. If you want to discuss utility, use social good claims. Mixing rights claims with social benefit claims leads to a nasty question of how to compare rights to other benefits. It is best to stick with comparable claims (on the assumption that social benefit claims are comparable to each other. There will be more on this in the social good section).

Clarity also requires simple, active sentences. Simple, active sentences will force you to think in simple relational arguments. This makes the argument much easier for the judge to understand. Simple sentences will map qualities to justifications. It is easier, and clearer, to say that capital punishment prevents crime than it is to say that capital punishment protects individuals' right to life. The latter argument may be important. You may even want to connect the prevention of crime to the rights to life, but you should use two simple sentences rather than a single complicated sentence. Remember that your goal is to write the ballot for the judge. Simple sentences are easier to remember and therefore more likely to remain in your judge's mind.

The final skill in crystallization is issue selection. There are a lot of issues in every debate round. You can not hope to cover them all. You will have to neglect some arguments if you want to cover the important arguments adequately. You must cut out the unimportant arguments in order to focus on the most important arguments. This pruning process is issue selection.

Issue selection may be the hardest crystallization skill to learn. You have to sit back and see what issues the judge will think are important. You may have a different opinion, but the judge's opinion is the one that matters. You must develop a sense for judges' opinions as well as some objectivity to ignore the arguments that you are biased to favor. There are no hard and fast rules. Issue selection is subjective and impressionistic, but there are some guidelines that should help you.

Issue selection depends entirely on the flow of the round. If one argument has taken up a lot of time, you should not ignore the argument. It is very possible that the round has focused on a peripheral argument that does not really prove the resolution at all. You may think that a simple argument dismisses the argument entirely. Even if this is the case, you probably will want to focus on the argument simply because your opponent has focused on it. This may seem unfair or illogical, but it is the nature of the beast. Judges subjective judgements of importance are heavily influenced by the amount of time your opponent spends on the argument. Even if the argument is bad, the judge may think it is important. Do yourself a favor and focus on any argument (strong or weak) that your opponent focuses upon.

After you have dealt with any central arguments, the choices get tougher. Think about how close each argument is to the affirmation (or negation) of the resolution. Focus on the arguments closer to the affirmation. This may mean pruning important arguments that focus on the philosophy in lieu of pragmatic arguments. This all depends on the round. If your judge seems to respond well to examples, focus on the pragmatic arguments. If your judge responds to philosophical arguments, focus on the values and the criterion. Most importantly, deal with the issues you must win. These are the arguments that are absolutely necessary for your case to stand. Then you can go to refutation of the arguments that disprove your position. Only then can you look to arguments that do not bear directly on the resolution.

Crystallization requires diverse skills. You need to use all of your higher level thinking skills to integrate, clarify, and select complex arguments. You will develop valuable skills if you learn to boil down these arguments. You will find that most people do not want to hear complicated ontological arguments. They are important, but it is more useful to be able to present the arguments in a clear fashion. Crystallization skills will follow you in all of your future education and thinking.

VIII. Crystallization in LD Speeches

Each speech requires different types of crystallization (though they all require some measure of crystallization). As you move through the round, you should change your mix of integration, clarification, and selection. You must respond to the particular demands of each speech with your crystallization.

In both affirmative and negative cases, crystallization is important in the conclusion of your speech. You are not at a point where you must select issues. It is much more important to be clear. Integration should not be a problem. If you followed the model of the case writing chapter (Chapter Four), your case should be fairly well integrated. You should focus your crystallization efforts to write a clear conclusion that presents a clear affirmation or negation of the resolution.

Once you begin the actual refutation phases of the debate round, crystallization becomes tougher. In 1NR, you should start the active integration of the arguments. You are not at the point where you have to select arguments yet. You should start grouping arguments so that the judge can see how the arguments relate. Start grouping the claims by type (rights, privileges, utility claims, etc.) for easy comparison. You should also start weighing the claims against each by arguing that your claims are more important than the claims that your opponent asserts. Once you get toward the end of the speech, you can start clarifying the issues with a traditional conclusion. You should refer to the major arguments and leave the judge with a couple sentences worth of arguments to lead in to 1AR.

In 1AR the pruning begins. You probably can not cover all of the arguments in the round in four minutes. You have to select issues. You will have to ignore some issues in order to adequately deal with others. To be blunt, integration almost completely gives way to selection in this speech. You will find that you can be fast and clear (in fact faster if you are clearer), but integration takes too much time. You will have to focus your efforts elsewhere. Look for the issues that are immediate voting issues for the negative. Don't ignore anything that the negative can claim is an independent reason to vote negative. At least cover those issues. Then you should rebuild your case so that you can state at least one reason that the judge should vote for you. Then, and only then, you start making arguments about the more peripheral arguments.

This makes for a jumbled 1AR. 1AR is the hardest speech to organize. Your best bet, in most cases, is to start by refuting the negative case before rebuilding your own case. If there is one argument that stands out in various parts of the round, go there first. You should refute the major negative arguments (which are most likely in the negative case) and then cross-apply your arguments every time they show up in refutation of the affirmative case. You can do this just like when you mention a grouping. You refute the argument (in full "tippy" fashion) then you mention the argument each time it applies. 1AR is the hardest speech in LD. These skills can help, but nothing can replace experience, word economy, and preparation.

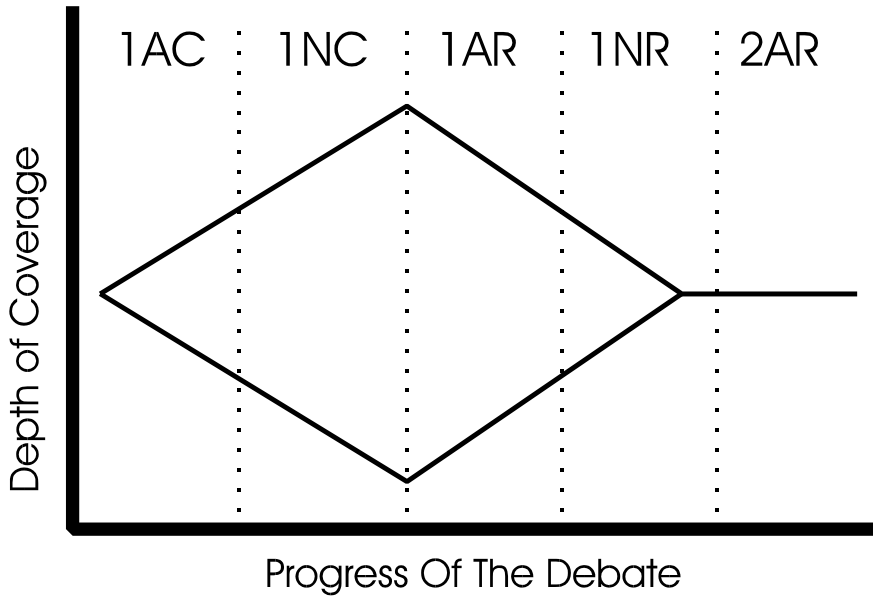
In 1NR, integration takes the lead. 1NR was always my favorite speech. You have disparate strands of arguments jumbled across the round. You job is to pull them together and present a meaningful argument. You should think about all of the arguments that can affirm the resolution. Deal with those arguments first. That usually involves starting with the affirmative case after 1AR. After you have refuted the affirmative's rebuilding efforts, you can close with your best arguments. Move to all of the reasons that the judge should vote negative. Leave some time at the end of the speech (about 30 seconds) to package the round. Leave the judge with a couple sentences that they can write as their reason for decision.

Your 2AR speech brings all of the skills of crystallization together. This should be a circumspect speech. Look over the round and see what is important. Think about how to explain it. Then integrate your points into two or three major groups of arguments. It is best if these three groups each present a reason to vote affirmative, but sometimes they are simply defensive. You should really boil the arguments down at this point. Make the round simple. Make the arguments clear. Make it easy for the judge to vote for you. At this point, you are not making any new arguments. All you have to do is weigh arguments. Show how your claims are more important than your opponent's claims. The simpler the 2AR the better, and the more likely that you will win.

In terms of crystallization, the round should have a diamond shape. You start from nothing and add arguments in 1AC and 1NC. At 1AR the round is bulging with arguments. You have to start pruning. You ignore the unimportant arguments and the size of the round starts to drop. In 1NR, you start integrating arguments further bring down the size of the round. Come 2AR, you integrate to the point where the round is very small, maybe even one argument.

Example 2

A visual representation of a round.



IX. Crystallization Exercises

Practicing crystallization should be a component of every rebuttal drill. I will not repeat all of the rebuttal drills here; instead I will discuss what to look for in a crystallization drill. In every drill, you should place a premium on integration and selection. In full practice rounds, you can work on selection, but it is tough to teach selection in smaller drill exercises. Watch for repetitiveness and work on consistency of your rhetoric. The latter is something that is easy to work on in practice and hard to work on in the heat of battle.

Lastly, and most importantly, work on the clarity of all presentations. If you lose someone in practice, you will definitely lose your judges. Your squad knows what you mean because they are used to the topic and used to your perspective on the topic. It should be easy to be clear to your squad. It is much harder to be clear to an outsider like judges and opponents. To account for this, you should be picky about clarity. If anything is ambiguous or distracting, fix it in practice. Like in sports, you play like you practice. Fix your mistakes in practice, and you will debate well. If you don't practice or you don't fix problems in practice, you will make the same mistakes in rounds.

X. Conclusions

It is tough to take a combined message away from cross-examination and crystallization. They are distinct skills. In many ways their only common feature is the distinctiveness. These skills are unlike traditional refutation and case writing skills that people spend the most amount of time on. However, these skills are as important to a well-rounded debater as rebuttal skills. A great case writer can do poorly if he or she does not have strong cross-examination skills. A debater with great refutation skills will lose without good crystallization skills. These skills are under-appreciated, but very important. You may find, like me, that these end up being your favorite parts of debate.

You can use this blank page for making notes!

THE 2ND EDITION

Lincoln Douglas Road Guide

SCOTT ROBINSON

Part 2

EXAMPLE DEBATES

Chapter Eight - Example Debates

Following are transcripts of three hypothetical debates on the capital punishment topic, decentralized power versus democracy, and parent control versus student rights. In these transcripts, you'll be able to observe the actual implementation of many of the ideas expressed in the preceding chapters. Look for the decisions that the hypothetical debaters make in their case writing and in their argument selection. Furthermore, look at how the debaters express the arguments. This transcript illustrates how the preceding lessons can work for you.

Like any debate, these speeches will be imperfect presentations. There is never enough time to make all of the arguments you want. Furthermore, intelligent people will disagree over which arguments are better in any given circumstance. These transcripts are not intended to represent ideal debate rounds. On the contrary, they should be viewed as achievable markers of "good" debate.

Scattered throughout the first transcript (listed at the end of second and third transcripts), you will find numbers embedded in the text (like this: <1>). These numbers point toward a commentary section immediately following the transcripts. Each number represents a note about that particular point in the debate. The notes will discuss the reasons for choosing certain arguments or the reasons for presenting an argument in a certain way. The notes will also discuss some of the more subtle points in case writing and rebuttals. Some notes will even walk you through the thought process that a debater would have in preparation time. Finally, some notes will point out blatant errors that are common in LD. Read together, the commentary and the transcript should give you new insight in to LD debate.

Now, on to the show.

EXAMPLE DEBATE ONE - Resolved: that capital punishment is justified.

First Affirmative Constructive (1AC) -- [6 minutes]

> "Punishment... is not intended to revenge, offset, or compensate for the victim's suffering, or to be measured by it. Punishment is to vindicate the law and the social order undermined by crime." <1>
>
> Because I agree with these words by Professor van Den Haag, that punishment exists to protect the social order, I stand resolved that capital punishment is justified <2>.
>
> Before proceeding to prove the resolution, it is important to define a key term <3>.
>
> Capital punishment, from the Catholic Encyclopedia, is "the infliction by due legal process of the penalty of death as a punishment for crime <4>.
>
> In order to decide if capital punishment is indeed an appropriate use of political power, I offer the value of legitimacy. Legitimacy is the quality that makes a government's action binding on its citizens. Legitimacy defines which powers a government can appropriately use and which powers a government can not use. Legitimacy, then, is the best way to tell if a governmental policy, like capital punishment, is justified <5>.

First Affirmative Constructive (1AC) cont'd

In order to tell whether a power is legitimate, we need to assess the government's rights and obligations. John Locke provides a useful system for defining these aspects of government. He states, "to understand political power... we must consider the estate all men are naturally in." People create governments. The rights of government are nothing more than the rights that people give to society. This transfer of rights from the people to the public creates a contract that binds all citizens together, and binds government to pursue certain goals. This social contract therefore establishes the rights and obligations that bind government. A governmental power that is consistent with the rights and obligations inherent in this contract is legitimate <6>.

I will show that capital punishment is consistent with a government's rights and obligations under the social contract. In particular, capital punishment is consistent with a government's executive right to punish and government's obligation to protect the public interest. Because capital punishment is consistent with the rights and obligations under the social contract, it is a justified power of government <7>.

Contention 1, capital punishment is consistent with government's executive right to punish <8>.

<9> When there is no government, there is only the law of reason to constrain individuals. Each individual has to rely upon their internal sense of reason to guide their action. When other individuals violate those laws of reason, each individual has to punish the criminal. Locke writes that when a person sees a violation of the law of reason, "every man hath a right to punish the offender and be the executioner of the law of Nature. <10>"

When the violations of the law of reason represent a threat to a person's life, the right to punish includes the right to kill. Locke continues, "it being reasonable and just that I should have a right to destroy that which threatens me with destruction... one may destroy a man who makes war upon him..." For this reason, each individual possess the right to take the life of a criminal who threatens their life <11>.

This is not an ideal situation. No one wants to live with the constant uncertainty that exists where there is not a government. People create a government to address the uncertainty generated by individuals each trying to enforce their own law of reason. Locke notes "Wherever... any number of men are so united into one society, as to quit everyone his executive power... and to resign it to the public, there and there only is political, or civil society." It is the process of transferring the executive power to the public that creates a government. The government has all of the executive powers that individuals had when there was no government. Just as the individuals had the right to eliminate threats to themselves, the government has a right to eliminate threats to its citizens. Capital punishment is justified as an expression of the government's executive power <12>.

Contention 2, capital punishment is consistent with the government's obligation to protect the public interest <13>.

The transfer of rights to the society obligates the government to protect the public interest <14>. People only transfer their executive powers to society because doing so makes them better off. This creates an obligation for the government to remedy the problems that motivated its creation. In particular, the government must prevent violations of its citizen's rights to life, liberty, and property. Though it is impossible for the state to stop all crime, it must do all it can to minimize rights violations <15>. Locke writes," the first and fundamental positive law of all commonwealths... is the preservation of the society and (as far as is consistent with the public good) of every person in it <16>."

First Affirmative Constructive (1AC) cont'd

It is important to realize that punishment does not violate the rights of a criminal <17>. When a criminal harms a citizen of a government, the criminal gives up his or her rights and must accept the executive will of the government. Locke argues that a violent criminal "puts him in a state of war against whom he has declared such an intention, and so has exposed his life to the other's power to be taken away by him, or any one that joins with him in his defense..." The government, now possessing the right to execute punishment, must execute any criminal who has entered a state of war.

Capital punishment is necessary to uphold the government's obligation to protect society because capital punishment deters crimes <18>. Justice for All, a criminal justice reform organization, states,

"The individual deterrent effect is proven by many, perhaps thousands, of individual, fully documented cases where criminals have admitted that the death penalty was the specific threat which deterred them and/or others from committing murder. Indeed, one study showed that criminals, by a 5:1 ratio, believed that capital punishment was a significant enough deterrent to prevent them and/or others from murdering their victims <19>."

Capital punishment serves to stop crime and protects citizens from capital crimes, particularly murder. The government's obligation to protect the public requires that they utilize this option to deter crime. Therefore, capital punishment is justified because it upholds the government's obligation to protect its citizens from crime <20>.

In conclusion, the social contract defines the rights and obligations of government. Every government possesses the executive right to punish. Furthermore, each government is obligated to protect its citizens. Capital punishment is fully consistent with these rights and obligations and is therefore justified <21>.

Thank you, I am ready for cross-examination.

First Affirmative Cross-examination - [3 Minutes] <22>

Negative (N) - Can the government take any action it sees fit to protect the public interest <23>?

Affirmative (A) - No, the rights of its citizens limit the powers of government. A government that violates the rights of its citizens violates the social contract and loses its legitimacy <24>.

N - What rights do the citizens hold that limit the powers of government?

A - Broadly stated, each citizen has rights to life, liberty, and property. The state can not violate a citizen's right to life, liberty, or property.

N - Can the state violate a citizen's rights if in doing so they protect the rights of more people.

A - No, one can not sacrifice one person's rights in order to serve other people's interests.

N - Do accused criminals have any rights <25>?

A - No, criminals have given up their rights by committing a crime.

N - So we should not worry about giving criminals rights at all?

A - No, we should be much more concerned with the rights of law-abiding people.

First Affirmative Cross-examination cont'd

N - Is it justified then to dispense with due process rights in order to convict more criminals <26>?

A - We should weigh the interests in convicting criminals against the risk that a criminal justice system may make mistakes. The due process rights exist to protect the innocent, not the guilty <27>.

N - Okay, Let's turn for a moment to your claims about deterrence. How does capital punishment deter crime?

A - Criminals refrain from murder or other capital crimes when they fear the possibility that they will die. Basically, capital punishment increases the cost of getting caught for murder. When the costs of getting caught go up, the likelihood that people will commit murder go down.

N - So you make the criminal think twice about committing a capital crime by increasing the possible costs of the decision?

A - Yes, people will commit less crime when the costs of getting caught go up.

N - Ok. Let's turn to your criterion for a moment. You suggest that the government must meet obligations inherent in a social contract. What happens when the obligation to protect the public interest requires an action that is inconsistent with the rights of the citizens.

A - As I described earlier, the rights of the people serve to limit the powers of government. The government can not violate rights even in the name of the public interest.

N - So the rights of the people trump the government's obligation to provide security and social order?

A - Yes.

N - If an action violates individual rights, can it be justified if it upholds the public interest.

A - No.

N - So any violation of rights outweighs the implications of your second contention?

A - Well, you would have to weigh the competing claims. <28>

N: Why do we weigh if, as you said earlier, the rights of the people serve as absolute limits on the powers of the state?

The judge announces that time is up.

First Negative Constructive (1NC) <29>

Supreme Court Justice Harry Blackmun stated, "twenty years have passed since this court declared that the death penalty must be imposed fairly and with reasonable consistency or not at all, and despite the effort of the states and courts to devise legal formulas and procedural rules to meet this... challenge, the death penalty remains fraught with arbitrariness, discrimination... and mistake... <30>"

First Negative Constructive (1NC) cont'd

Because I agree with Justice Blackmun that capital punishment is fraught with problems, I must stand in negation of the offered resolution. The arbitrariness of any real world application of capital punishment make such a punishment unjustified.

In order to support this argument, I offer the value of justice. Clearly, the resolution asks a question about justice. When we are asked whether something is justified, we are asked if that practice is consistent with the tenants of justice. In order for the affirmative to prove that capital punishment is justified, s/he must show that capital punishment is just <31>.

A primary component of any social justice system is the rule of law. Professor John Rawls writes in his book A THEORY OF JUSTICE that, "To be confident in the possession and exercise of... freedoms, the citizens of a well-ordered society will normally want the rule of law maintained." Rawls continues, "the rule of law implies that similar cases be treated similarly. Men could not regulate their actions by means of rules if this precept were not followed... The precepts force them to justify the distinctions that they make between persons by reference to the relevant legal rules and principles." In order for a capital punishment to be justified, it must be consistent with the principle of the rule of law <32>.

Capital punishment is inconsistent with the rule of law for two reasons. First, capital punishment is applied in an arbitrary fashion. Second, capital punishment undermines the remedies required in an inherently imperfect penal system. For these two reasons, capital punishment is not justified.

Contention 1, capital punishment undermines the rule of law because it is arbitrary.

Capital punishment is applied unequally. Hugo Adam Bedau, a Professor of Philosophy at Tufts University, states that, "[capital punishment] is applied randomly - and discriminatorily. It is imposed disproportionately upon those whose victims are white, offenders who are people of color, and those who are poor and uneducated." In all of the ways cited by Bedau, capital punishment treats criminals unequally based on arbitrary distinctions.

Furthermore, the bias seems to be inherent in the system. Justice Blackmun states, "perhaps one day this court will develop procedural rules or verbal formulas that actually will provide consistency, fairness, and reliability in a capital-sentencing scheme. I am not optimistic that such a day will come. I am more optimistic... that this court eventually will conclude that the effort to eliminate arbitrariness while preserving fairness 'in the infliction of [death] is so plainly doomed to failure that it and the death penalty must be abandoned altogether' (from GODFREY v. GEORGIA)." We can see from Justice Blackmun's statement that the only hopes for eliminating arbitrariness is to eliminate capital punishment. This is reason enough to conclude that capital punishment is not justified.

Contention 2, capital punishment undermines the rule of law because it deprives criminals of legal safeguards.

Capital punishment eliminates the chance to benefit from new evidence. Bedau continues, "[capital punishment's] imposition is often arbitrary, and always irrevocable - forever depriving an individual of the opportunity to benefit from new evidence or new laws that might warrant the reversal of a conviction, or the setting aside of a death sentence." Capital punishment eliminates the chance for redress guaranteed by due process under the rule of law. In this way, capital punishment undermines the protections that criminals deserve under the rule of law and due process. This serves as a second reason why capital punishment is not justified. Capital punishment violates the rule of law by undermining due process.

First Negative Constructive (1NC) cont'd

In conclusion, even accused criminals have rights. These rights stem from the requirements of justice and the rule of law. Capital punishment is not justified because it is inconsistent with the protections due accused criminals under the rule of law.

I will now turn to refutation of the affirmative case.

My opponent tries throughout his/her case to sanitize capital punishment <33>. His/her definition of capital punishment illustrates this tactic. First, his/her definition of capital punishment assumes that the death penalty can be applied with due process. Remembering the analysis of Justice Blackmun, we know that this is not the case. Capital punishment is always biased. We must reject the portion of the definition that assumes that due process is satisfied <34>.

Second, this definition abstracts capital punishment from how it is used in the real world. If we want to say that a social policy is justified, we need to evaluate how it is used in the real world. Therefore, the affirmative needs to justify the real world applications of capital punishment.

Let's move on to my opponent's value and criterion. I will discuss them together because they are all part of a single argument about the legitimacy of the social contract. First, this standard is very vague. You should reject this value and criterion on the grounds that it does not clarify what rights and obligations the state has. This is reason enough to prioritize my criterion of the rule of law.

Second, this analysis illustrates the importance of the rule of law. The government provides benefits because it can uphold a consistent system of justice. The rule of law is this consistency. If you value the legitimacy of the social contract, you should uphold my criterion of the rule of law.

Now we can turn to my opponent's contentions.

My opponent's first contention exaggerates the rights of the government and the people. First, even in the state of nature, the right to punish is not unlimited. Locke argues that individuals in the state of nature can only punish people proportional to the crime. The law of reason creates this proportionality requirement. Because murder is never proportional, the right to individual punishment would not include a death penalty. Therefore, people can never transfer a right to kill to the government.

Second, the transfer of the right to punish creates new limits. The state only overcomes the dangers of the state of nature if it upholds an objective authority. All uses of the transferred rights must, Locke argues, be objective. In order for the government's right to punishment to hold, my opponent will have to show that the right does not violate the rule of law.

In summation, my opponent must prove that capital punishment is proportional and consistent with the rule of law before the rights are legitimate under the social contract.

Finally, we can turn to my opponent's second contention <35>.

First, it is important to realize that this contention is irrelevant until my opponent assures you that capital punishment does not violate any rights. As s/he stated in cross-examination, government's desire to protect the public good can not trump individual rights. Therefore, any rights violation implications will outweigh the implications of this contention.

First Negative Constructive (1NC) cont'd

Second, capital punishment can not deter most crimes. First, Bedau argues that capital punishment will not deter most crimes because it will not deter premeditated crimes. Criminals in premeditated crimes seldom consider the possibility that they will be caught. Second, The US Catholic Bishops continue to argue that capital punishment will not deter crimes of passion because again these criminals do not consider the consequences of the their actions. For these two reasons, raising the costs of crime will not deter crime. Criminals too seldom consider the risks of their actions <36>.

In conclusion, my opponent's case tries to sanitize capital punishment <37>. When one considers all of the problems inherent in implementing capital punishment, the affirmative's case falls. The rights and obligations of government are irrelevant when the policy violates the very reason for government, protection of rights under the rule of law. Because capital punishment is inherently inconsistent with the rule of law, you must reject capital punishment.

I stand ready for cross-examination.

First Negative Cross-examination - [3 minutes]

Affirmative (A) - What is the rule of law?

Negative (N) - The rule of law demands that all people be treated equally before the law. No race or gender deserves separate or unequal treatment.

A - Are all inequalities unjustified?

N - No, some inequalities are justified. It depends on the nature of the inequality.

A - Does a hard worker deserve more money than a lazy worker does?

N - Yes.

A - So, inequalities are acceptable if the parties willingly choose the inequalities. In this example, inequalities in pay are acceptable because people choose to be hard workers.

N - Yes.

A - Let us get back to criminal justice for a moment. Is it just to jail a convicted criminal?

N - Yes.

A - Should we put all people in jail, in the name of equality?

N - No. The rule of law demand equality of treatment under the law. In this case, we have to treat all accused criminals equally under the same legal standards. If the due legal procedures produce a guilty verdict, the person can justly be placed in jail. The key is equality under the law, not equality of condition.

First Negative Cross-examination cont'd

A - If all people are subject to the same procedures, are the procedures justified <38>?

N - Yes.

A - Let us turn to your argument about the definitions now. Why do you reject the notion of a due process associated with capital punishment?

N - As the evidence in my case stated, no capital punishment system has ever been fair.

A - Do you therefore assume that no capital punishment system could ever be fair?

N - Yes. If we have tried for years and failed, I agree with the Justice Blackmun that we should assume that there are inherent problems.

A - Is the problem inherent in the idea of capital punishment or in the particular courts that have applied capital punishment in the United States?

N - The evidence is uniform. All capital punishment systems have been arbitrary.

A - Do you have any evidence from other countries?

N - No.

A - So your argument that the flaw is inherent in capital punishment is based entirely on evidence from one country in one period in time.

N - My evidence is entirely from expert sources regarding the most relevant applications of capital punishment. This evidence is limited, but the results are uniform. All of the systems are biased.

The judge announces that time is up.

First Affirmative Rebuttal (1AR) - [4 minutes] <39>

I will address the definition of capital punishment first. I will then refute the negative case before returning to build my own case. Is the timekeeper ready? Is the judge ready?

My opponent contends that my definition of capital punishment is flawed because it is too abstract. I contend that the definition is appropriately general. The resolution is itself very general. It does not state a specific country or a specific time period. We should be discussing the inherent qualities of capital punishment. Any flaws in the implementation of capital punishment are irrelevant to the analysis of capital punishment itself.

Now I will move on to my opponent's case. While I agree with my opponent's concern for justice, his/her standard for justice is too limited. Remembering the analysis of Professor van Den Haag, punishment is meant to redeem the social order. The rule of law requires we fight crime. As I show in my second contention, capital punishment is an excellent tool for reducing crimes. Therefore, capital punishment actually supports the rule of law.

First Affirmative Rebuttal (1AR) cont'd

Against my opponent's first contention, I have two arguments. <40>

First, bias is a problem in implementation and is not inherent in capital punishment. As I argued in my overview, implementation problems are not grounds for negating the resolution.

Second, the evidence in this contention is too limited. If my opponent want to prove that bias is inherent in capital punishment, s/he needs evidence from all capital punishment systems. The evidence in the negative case is based on the experiences of one country over a very short time period. The evidence is insufficient to prove that bias is inherent in capital punishment. The bias argument, therefore, does not negate the resolution.

Against my opponent's second contention, I have one argument. The criminal justice system includes a system of appeals. This system of appeals guarantees due process even where there is capital punishment. For this reason, one can still benefit for appeals in a system where there is capital punishment. Capital punishment is therefore consistent with the need for appeals. Contention two does not negate the resolution.

I will now turn to rebuild my case.

Against my value and criterion, my opponent first argues that legitimacy is a vague standard. As I pointed out in cross-examination, equal treatment and the rule of law are also vague standards. Since we both suffer from some ambiguity, just throw this argument out.

Second, my opponent argues that the rule of law is required for legitimacy. I agree. However, I better uphold the rule of law for two reasons. First, capital punishment reduces crime. A reduction in crime supports the social order on which the rule of law is based. Since crime is a violation of the rule of law, capital punishment reduces violation of the rule of law. Second, there is no reason that capital punishment is inherently inconsistent with the rule of law. All of the arguments in the negative case are based on implementation problems in specific penal systems. This does not address the general language of the resolution. For these two reasons, capital punishment is consistent with the rule of law.

Against my first contention, my opponent claims that punishment must be proportional. I would contend that capital punishment is completely proportional to the life-threatening nature of capital crimes. Since the right is proportional, you should continue to accept the uncontested logic of the contention about the transfer of rights from the people to the government. Since the individual right is proportional, the government does have the right to use capital punishment.

Against my second contention, my opponent argued first that the public interest is less important than rights violations. The problem with this argument is that upholding the public interest actually protects individual rights. This should be obvious when we are talking about preventing crime. Stopping crime stops rights violations. Both contention, therefore, relate to rights. In fact, this is the most important argument in the round. My opponent and I both talk about rights. This argument is the only one to directly discuss rights. Because capital punishment prevents right violations inherent in crime, capital punishment is justified.

First Affirmative Rebuttal (1AR) cont'd

Second, my opponent argues that capital punishment does not deter all crime. I will concede this. There is still some crime when we have capital punishment. However, every individual crime capital punishment prevents is a reason to vote affirmative. Capital punishment prevents some crime. It therefore protects some rights. Each crime it prevents stops a rights violation. Every individual crime it stops is a reason to vote affirmative.

In conclusion, we should be discussing the nature of capital punishment, not the flaws in how specific states and countries have applied capital punishment. The death penalty prevents some crimes. It therefore helps the state upholds its obligations to its people. The rule of law and legitimacy both require that we use all available tools to prevent the violation of rights.

First Negative Rebuttal (1NR) - [6 Minutes] <41>

I will go straight through the affirmative case and then rebuild my own. Is the timekeeper ready? Is the judge ready? <42>

The clash in this round focuses on difficult interpretation issues. My opponent wants to avoid discussing the reality of capital punishment. I suggest that we argue on the only factual basis we share, the American experience with capital punishment.

This takes me to the definitional debate. My opponent contends that we must look at inherent qualities, not implementation. However, the only way that we can define capital punishment is to look to the actual policies we call capital punishment. Qualities that exist in every application of the policy must be inherent to that policy. We should not evaluate capital punishment with blinders on. A true justification of capital punishment must deal with capital punishment as it exists.

My opponent then argued that capital punishment is consistent with the rule of law. First, notice that s/he never refutes the importance of the rule of law. It stands, therefore, that the affirmative must prove that capital punishment is consistent with the rule of law. Inconsistency with the rule of law is an immediate reason to vote negative. This is uncontested in today's round.

My opponent gives two reasons why capital punishment is consistent with the rule of law. The first is that capital punishment prevents crime. However, this assumes that all steps that reduce crime are consistent with the rule of law. It may reduce crime to create a race-specific curfew. However, the race-specificity of the curfew violates the rule of law. The rule of law places limits on the actions we can take to reduce crime. Since capital punishment is biased, it is inconsistent with the rule of law regardless of the results. My opponent's second argument is that the bias is an implementation problem. Remember the quotation from Justice Blackmun. Everywhere they have tried capital punishment the application has been biased. If the bias is universal, it must be inherent in the system. For these two reasons, capital punishment is inconsistent with the rule of law. Remember that the importance of the rule of law is uncontested in today's round. Inconsistency with the rule of law is an immediate reason to vote negative.

First Negative Rebuttal (1NR) cont'd

Moving to my opponent's first contention, s/he argued that killing is a proportional response to a threat. Kant argued in regards to proportionality that all people are of infinite worth. If all people have infinite human dignity, then there is no way to balance or offset the loss of life. There is nothing proportional to infinity. Killing is not a proportional response to anything. For this reason, even in the state of nature people do not have the right to capital punishment. That means that the government can never have the right and capital punishment can never be legitimate. You can vote negative on the grounds that the government can not have a right that the people never held, by my opponent's argumentation.

Secondly, I would like to extend my argument that the transfer of rights creates additional limits on governmental power. The social contract, by my opponent's explanation, limits how the government can use the rights given to it by the people. The rule of law is one of these limits. This provides a second basis for arguing that inconsistency with the rule of law is an immediate reason to vote negative.

I will now move to my opponent's second contention regarding the public interest. S/he argues that preventing crime will uphold the public interest and stop rights violations. The problem with this argument was clear in cross-examination. The government can not take any step it feels necessary to accomplish even noble goals. The power of the government is limited. My opponent conceded that rights of people serve to limit the scope of political power. If the rights of people are sacrificed in any policy, even a noble policy, that policy is illegitimate. My opponent can not justify capital punishment on the grounds that it protects the public interest unless s/he can assure you that no one's rights are being violated. Remember from cross-examination, the government can not sacrifice one person's rights even in the name of the interest of a greater number of people.

Keeping in mind that my opponent must prove that capital punishment is consistent with the rule of law, let us turn to my negative case.

Against my value, my opponent argues that crime violates the rule of law. His/her implication is that reducing crime supports the rule of law. As I argued before, this is false. The rule of law serves to limit the steps that government can take to reduce crime. We can not use race-specific policies or other biased policy instruments to achieve the society's goals. My opponent must prove capital punishment consistent with the rule of law or it is unjustified.

Moving to my first contention, my opponent argues that the evidence of bias is only a sign of implementation problems and is based on limited evidence. Against these claims, I have two responses. First, the US evidence is the best case we have to consider how capital punishment actually operates. There were various attempts in various states to create unbiased capital punishment systems. They all failed. This should be convincing evidence that the bias is inherent in capital punishment. Second, my opponent provides no counter evidence. S/he gives you no support for his/her contention that capital punishment could be implemented fairly. The limited evidence I present clearly outweighs the speculation on the part of the negative. For that reason, it is clear that capital punishment is biased. You should vote negative because of the bias inherent in capital punishment systems.

First Negative Rebuttal (1NR) cont'd

Finally, I would like to move to my contention that capital punishment undermines due process. My opponent contends that the penal system already includes a system of appeals. This is only true in the US. It is not true universally. My opponent apparently wants to talk about the US system now. In that case, my first contention negates the resolution. If my opponent wants to drop this argument, then my second contention is uncontested. With no other refutation, you must see that capital punishment undermines due process. This is another reason to vote negative. If you choose to ignore my opponent's response, my second contention negates the resolution. If you chose to accept the argument, my first contention negates the resolution. Either way, you can see that capital punishment is inconsistent with the rule of law.

As both of us have agreed, political power is limited. The government must respect individual rights. I have shown you that for two reasons, capital punishment is inconsistent with the limitation that the government must rule by law and not be arbitrary. For these reasons I ask you to vote negative.

Second Affirmative Rebuttal (2AR) - [3 minutes] <43>

There is much in today's round on which my opponent and I agree. Foremost among the points of agreement is that government ought to protect rights. Today's round comes down to who best protects individual rights. After some preliminary definitional issues, I will spend the rest of the speech discussing individual rights.

Before we can look at the implications of capital punishment, we must first understand what capital punishment is. My opponent has suggested that we should look to the implementation of capital punishment in the United States to define the realities of capital punishment. This is flawed for two reasons.

First, my opponent never refuted my contention that the general interpretation is more appropriate for a general resolution. The resolution is not limited to the United States. It is therefore inappropriate to limit the resolution to the American experience with capital punishment.

Second, implementation should not be considered part of capital punishment. One should not blame capital punishment because racist or biased judges have used it inappropriately. The same judges could misuse any type of criminal sentence. That does not make the principle of sentencing unjustified. We should condemn racism. We should be on guard against bias. We should not throw out a useful political tool because specific racist judges have misused it. For these two reasons, we should retain the general definition of capital punishment. We should consider whether the principle of having capital punishment is consistent with the rights and obligation of government.

Those definitional issues aside, we can now turn to the most important issue in the round. Does capital punishment protect individual rights? This question comes directly out of my criterion of legitimacy. My opponent accepts this criterion when s/he argues for the rule of law. The justification for the rule of law standard is that it protects individual rights. My opponent makes this argument directly in discussing my first contention.

Since we both agree that the round comes down to the protection of rights, we just have to compare a world with capital punishment to a world without it. You should affirm the resolution if the world with capital punishment provides a more secure environment for individual rights. This is the case for two reasons.

Second Affirmative Rebuttal (2AR) cont'd

First, capital punishment deters crime. My opponent has argued that crime will still exist when there is capital punishment. I concede that capital punishment can not prevent crimes of passion. However, my evidence from Justice for All is still conclusive that capital punishment does deter some crime. The result is that capital punishment reduces crime, even if some crime still exists. If the government could eliminate all crime with capital punishment, it should. Even when it can only prevent some crimes, it should prevent those crimes that it can. Simply stated, capital punishment reduces the levels of some crimes and that protects individual rights.

Second, capital punishment does not inherently violate anyone's rights. My opponent's case is based on the implementation of capital punishment in the United States. As I argued at the beginning of this speech, we should evaluate capital punishment in general terms. This precludes the use of implementation problems. One should not reject capital punishment because some racist judges misuse it. Don't throw the crime prevention baby out with the racist bath water.

In conclusion, capital punishment offers an important opportunity to reduce crime. We should do all we can to stop the right violations inherent in crime. Capital punishment, in general terms, does not violate rights. We should use it to reduce as much crime as we can. Capital punishment is justified as a tool to reduce crime and protect citizens from those who would prey upon them. For these reasons, I ask you to affirm today's resolution.

Commentary

Each of the following numbers comes from a passage from the debate transcript. Read each note along with the transcript passage to see some of the thought that goes in to each passage.

1. The introductory quote immediately sets up the theme of the affirmative case. This case is talking about the role of punishment in protecting social order and the laws of society. It is just as important to note what areas the quote sets off as irrelevant. The quote states that revenge and reparations for victims are not the motivation of punishment. This limits the affirmative, which serves to focus the approach. Notice how the quote associates the affirmative with positive values (the rule of law and the social order) while distancing itself from negative values (revenge). The positive associations will feed directly into the thesis. The debater should try to tie these themes through the case and the rest of the round.

2. The statement of the thesis unites the introductory quote with the resolution. It carries the positive connotations of the "social order" through to the specific resolution that the case will affirm. Notice that this is a concise statement of exactly what the case argues. The thesis sums the case up in one sentence. Everything from this point forward will go toward one of two purposes. The first purpose (in the value and criterion argumentation) will go to show that legitimacy is a good standard by which we can say that a type of punishment is justified. The second purpose is to prove that capital punishment does indeed uphold legitimacy.

3. For this topic, definitions are pretty easy. Topics that include many, complicated words may require a larger amount of time devoted to definitions.

4. This definition is deceptively simple. Sure, everyone knows that capital punishment involves the death penalty, but it means a little more than that. Capital punishment, by this definition, assumes that there is due process. This eliminates debates about private punishment associations (which are improbable to begin with) and distances a due process negative. The latter quality of the definition will make it controversial. This definition uses vague language to denote an ideal punishment system. Maybe this is the best way to evaluate the resolution, maybe not. This is just another example of a situation where definitions, like all other parts of the debate, are important and debatable.

5. There is a lot of hand waving in this portion of the case. Notice that there is no explicit definition of "justified" or "justice." There is not even a clear definition of "legitimacy." Instead, this section relies on common sense. It makes sense that legitimacy is a good standard. It just seems appealing that this is a question about the appropriate powers of government. This is enough in most cases. You can probably get away with this, but watch out. If you see other people doing this, it probably reveals a weak link. You can exploit the ambiguity by attaching your argument to a vague standard like this.

6. I find criteria to be the hardest part of a case to write. It probably shows here. This section tries to describe the social contract quickly without a loss of specificity. This entire section only goes to explain that there is a social contract that can serve as a standard to judge government powers. The criterion does not go on to describe all of the parts of the social contract. I defer discussion of the specific rights and obligations to the contentions. It may be possible to go further in the criterion to list the specific rights and obligations created by the social contract, but I think that is too many arguments for the criterion portion of a case. Don't try to make the criterion do too much work for you. Keep it simple. The contentions are a better place to elaborate and make arguments more complicated.

   On the other hand, the lack of specificity can confuse judges and give opponents a place to attack. Deferring explanations can be a dangerous strategy. An enterprising negative can attack this criterion because it says that there are rights and obligations of government but it does not say what they are. An attack of this sort would make the affirmative look shaky. Why did they choose these particular focal points for their case? Are there more rights? The negative can simply claim that the government is obligated to their value as well as those in the negative.

7. The case is very vague up to this point. All the case has done is set up certain burdens. The affirmative still has to show that capital punishment upholds the rights and obligations inherent in the social contract. This section serves to sum up the case to this point and tells the judge where the case is going. This lays out a roadmap for the rest of the speech and lets the judge catch up. The more you can tell the judge about the structure of your case the more they are likely to remember.

8. Notice how direct the contention title is. It is strong and straightforward. There should be no uncertainty about the argument. The title sets up the subjects the judge should prepare himself or herself for. In this case, the judge should look for discussions of rights, punishment, and government. Most importantly, the title is easy to write down or remember.

9. This is a very abrupt transition. You can uncover problems like this by reading the case out loud. When you get confused or tripped up between sentences, you have likely found an awkward transition. These are easy to miss if you read your own case. Try to get someone to read your cases out loud for you. If you have a team, you can trade cases and read other people's cases out loud to look for awkward transitions.

10. This is a very confusing paragraph. The confusing language of Locke's theory is compounded by the awkward transition. Many cases have a lot of paragraphs like this. It is clear if you know what the author intends. The judge never has such a privilege. This is another flaw that you can spot by trading cases with other people or having some one read the case for you.

11. This background is essential to the use of Lockean theory for this case. It may seem obvious to some people, or inconsequential to others. It is neither. The background establishes that there is a general right to punish. Second, the background establishes that the right to punish (in its original incarnation) extends to the possibility of taking a criminal's life. This is important because it discusses the foundation of these two rights that you must assume exists. Furthermore, this presentation makes each right seem reasonable. It makes sense that these rights exist in a situation where there is no government. This will provide a burden for the negative. The negative will have to explain how their arguments will affect the original rights to punish. If the negative makes very general arguments, they may contradict these reasonable arguments. You should take him or her to task for it in cross-examination.

12. This paragraph has a different problem than the last. While the ideas are a little simpler, the language is more complicated. It is always tempting to assume that judges will know what you mean by "executive power." Even simple concepts like the "civil society" can be confusing. Maybe everyone knows what the civil society is, but it is not a term used in normal conversation. This paragraph is full of these sorts of concepts. They may be clear individually, but together they can confuse judges. In cases like these, try to simply your rhetoric by using words common in conversation.

13. This tag is also direct, but less so. It can be a little wordy. All in all, it is acceptable.

14. Unlike in contention one, this contention starts with a direct, powerful statement. The transition is much clearer. The clarity of the contention must start with this sort of clear transition.

15. This is a textbook spike. This argument sets up the idea that one has an obligation to prevent crime, even if the prevention is not very effective. This leaves an escape in case people argue that capital punishment does not prevent certain types of crime.

16. This is an alternative citation style to the previous contention. Instead of making the quotation talk for you, you can use the quotation to merely reiterate your point. This is particularly effective when quotes are archaic or hard to follow.

17. This is another spike. The affirmative guesses (and rightly so) that people may argue that capital punishment violates the rights of criminals. This spike sets out the argument that criminals do not have rights. Placing the spike here means that the affirmative will not have to make the argument from scratch in the time-pressure of 1AR. The signal that this is a spike is the introductory phrase. "Another important thing to realize" wakes the judge up and prepares them for a slight change of subject (as is often the case with spikes). This transition is particularly useful when one switches from offensive to defensive arguments within a single contention.

18. In order to return to normal argumentation, you need another powerful, direct sentence. This transition is a lot like the transition to launch a new contention. You are switching gears so you want the judge to still follow you.

19. When you have good evidence, let it work for you. The quote is self-explanatory so you do not need to support it much. It stands on its own (unlike the archaic rhetoric of Locke earlier in the case). The clarity of this evidence can serve to support the argument throughout the round. A catchy source name, like Justice for All, does not hurt either.

20. Don't forget to conclude the contention. The conclusion wraps up the argument and clarifies the importance of the contention to the judge. This conclusion links the specific arguments about crime into the general value arguments about governmental obligation and justice.

21. The conclusion mostly reiterates your structure. All you want to do is leave the judge with a capsule review of the case. This is just a nice tidbit for them to write on the ballot. This is the part of the case where clarity is most important.

22. The negative has been waiting for his or her shot at the affirmative. Here it is. Now the affirmative has to choose a strategy for cross-examination. The value and criteria were vague, so cross-examination may want to target those portions of the case. There is also a lot of ambiguity in the social contract arguments. The explanation leaves open many potential rights deserving protections. Most importantly, the negative needs to setup the arguments he or she will make in the negative case. The affirmative can actually learn a lot about the negative case from the first cross-examination period. The direction of the questioning usually points towards the thesis of the case.

23. Notice the short, direct questions. Let your opponent talk. Short questions put the pressure on them to respond quickly. Short questions are also clearer to judges.

24. Just as the questioner should use short questions, the answerer should use short replies. This puts the pressure on the questioner to have a follow up. Short, direct statements of all kinds exude confidence.

25. The affirmative messed up here. Be very careful when answering questions containing words like "all" or "any." Those can set you up for the questioner to come back with an exception. Even if the exception is irrelevant or distracting, it can undermine your credibility.

26. This is the final punch line for the cross-examination up to this point. There have been sub-goals. The negative wanted to set up arguments about rights and limits on governmental power. Previous questions did just that. However, this question is a vicious conclusion to the line of questioning. When you can include rhetoric like "dispense with due process" you are on the right track.

27. Weighing is a weak response indicative that the affirmative figured out the trap (though a little too late). Weighing is the equivalent to saying, "it depends." This is a very weak answer after the set-up questions. Weighing suggests that you did not do your work in setting up the arguments. In most cases, this error suggests that the case was not well thought out. This is a little humiliating but it happens if you are not careful.

28. It is very hard to time questions in cross-examination. To do so, you have to guide your opponents time allocation as well as their answers. If you get a chance to end a cross-examination with a strong conclusion like this, take it. This can be the most influential part of a round.

29. The negative comes out of cross-examination quite strongly. He or she has established key aspects of his or her case in cross-examination. The affirmative conceded that there are limits to political power. Furthermore, the affirmative conceded that a government ought not to sacrifice one person in the interests of other people's rights. This puts the 1NC in great position to extend the position. He or she should rely on the concessions in cross-examination to buttress his or her refutation.

30. I find Supreme Court justices to be very persuasive. If you can find them taking a clear stance like this, quote them. They have as much persuasive authority as any other type of source. This makes them superb introductory quote authors.

31. There is some controversy over how you should refer to your opponent. Some judges want you to refer to your opponent in very neutral, generic terms (like "my opponent" or "the affirmative"). Other judges like to see a more personal touch. Some coaches teach people to refer to their opponents by name if they know it. I suggest a conservative approach. Not many people will mind referring to your opponent in neutral terms. Some judges (like me when I am in a bad mood) do get upset at over-personalized rhetoric. When in doubt, stay professional. Stick with neutral terms.

32. Compare this criterion paragraph to that of the affirmative case. This paragraph is much clearer. The use of a modern author helps, but as a whole this is a lot clearer than the affirmative's criterion.

33. If you can capture your argument in a catchy phrase, the judge is likely to remember your argument. In this case, the negative wants to focus on the vague characterization of capital punishment. The negative wants to unveil the dark side of capital punishment. The term "sanitize" captures all of these connotations in an easily remembered attack.

34. Notice how this refutation ends with a clear statement of the implication. Even if the logic is a little muddled the judge can easily follow the implication.

35. This transition makes a common error. Did you catch it? You should transition between arguments, not tags. Do not move to contention two. Move on to the argument that capital punishment upholds the common good.

36. Is this argument "tippy?" Try to outline the argument. Can you make it "tippy?"

37. End where you began. Bring the round back to your major theme stated in the introduction of the refutation. This debater should continue these themes for the rest of the round.

38. This is an argument negation strategy. The affirmative wants to show how troublesome the concept of the rule of law is. This can do two things. First, it can mitigate the ambiguity argument attached to his or her social contract discussion. With a little more ambition, it can also serve as a justification for capital punishment (if there is time enough in 1AR).

39. The 1AR is the hardest speech in LD. This is more proof of that proposition. The affirmative must choose his or her arguments carefully. In this case, the affirmative chooses a mitigation strategy against the rule of law. The mitigation strategy simply tries to minimize the importance of the negative case. The affirmative will not try to disprove the case (though that option is open). The affirmative has to choose and given the context and the number of negative arguments. The mitigation strategy is probably safer. It is quicker to mitigate an argument than it is to disprove it.

40. This is another slip in transitions. These are forgivable under the incredible time pressure of 1AR.

41. In terms of strategy, 1NR is the easiest speech in LD. You can sit back and pick the issues you want to debate. The negative in this case sees that the proportionality argument is not very compelling. He or she may choose to drop or undercover it. The one worry is the definitional debate. The entire negative case may be irrelevant if the negative is unable to convince the judge that empirical bias is a relevant concern. This should occupy a prominent position in the speech.

    Another concern is to feed off of the argument the affirmative gives you. The affirmative slipped at the end of the 1AR. His or her rhetoric leads right into the negative case. The negative may want to bypass preparation time to jump on that slip. You should only do this if you are very confident that you are in control of the round. When it works, it can make your speeches quite impressive.

42. You might have noticed this in 1AR. This is a little trick to stretch your time a couple seconds. When you give your roadmap and then ask about the timekeeper, the timekeeper will reset his or her watch. This stops the timekeeper from charging you for the time you spend on your roadmap.

43. The text of the speech suggests what you should be looking for going in to a 2AR. You want to tie all of the important arguments together. Find the quickest way to affirm the resolution and walk your judge down that path. That usually consists in a general introduction, a discussion of the value standards, and finally discussion of the specific arguments. The 2AR should be very clear. State the problem. State the relevant value standard (the value that stands in the rounds). Show why you better uphold that standard (these are the contention arguments you win). Leave them with a clear story to write as a reason for decision.

EXAMPLE DEBATE TWO - Resolved: Decentralized governmental power ought to be a fundamental goal of democratic society.

First Affirmative Constructive (1AC)

<1> Professor of Political Science Dora Orlansky wrote, "[s]ince bureaucratic rigidity and inefficiency are often attributed to excessive centralization, decentralization reforms in the public sector have become a worldwide trend for liberating managerial potential."

Because I agree with Professor Orlansky that decentralization is the key to developing a strong democracy, I stand resolved that: decentralized governmental power ought to be a fundamental goal of democratic society.

In order to support this proposition, I should define one particularly ambiguous term, decentralized government. Dora Orlanksky defines decentralization as the opposite of unitary government. A unitary government is characterized by "a single or multitiered government in which effective control of government functions rests with central government".

Decentralization is, therefore, a government where effective control rests outside of the central government; where power is dispersed.

The resolution requires an assessment of the relationship between decentralization and democracy. My value for the round is democracy. I will show through my case how decentralization is needed in a democracy. To do this, I must first establish the necessary conditions for democracy. I will then show that decentralization is a vital part of these necessary conditions.

As Professor Dahl of Yale University argues, democracy represents a "process for governing an association [that] satisf[ies] the requirement that all people are equally entitled to participate in the association's decisions about its policies." This quote reveals that the key to democracy is effective participation by the citizens of the state. I will show in my contentions that decentralization supports the participation of individuals in their government and thus that decentralization is fundamental to democracy.

Contention one, decentralization ought to be a fundamental goal of democratic society because it brings people in to government. When a government feels distant, either by geography of other separations, individual citizens begin to feel that the government is separate from them. Professor Douglas Yates of Yale University argued, "decentralization experiments unquestionably create more direct democracy than has existed before in American cities. Even in the relatively unsuccessful initiatives, more neighborhood residents participate and have a more powerful role to play than ever before."

First Affirmative Constructive (1AC) cont'd

It is important to note that participation in a decentralized government fundamentally transforms the citizens participating in government. Citizens who are allowed to participate in a decentralized government are more likely to protect the rights of local people. Professor Benson of Claremont Men's College observed this process in his journeys through Europe after World War II. Professor Benson argued, "the individual - his support, his opinions - are more respected by the local elected officials than by the state or federal official. This fact, in turn, leads to greater political self-respect, greater political interest, and greater sense of participation in policy-making on the part of the individual." Benson also noted that a lack of a local government prevented people from developing the decision-making powers needed to participate in government. Benson continued, "over-centralization had robbed these people of an opportunity for political self-development and had stunted their sense of political responsibility. Where all directives had come from afar, not only had the actual local officials lost their powers of effective decision, but interest in politics had become atrophied in men." In conclusion, decentralization of governmental power is essential to democracy because it is essential to promoting citizen participation in government.

Contention two, decentralization is essential to participation by protecting the rights people need to participate in government. Dahl stated, "when the moment arrives at which a decision about policy will finally be made, every member must have an equal and effective opportunity to vote and all votes must be counted equally." Allowing greater participation is not enough for a democracy. All people must possess the rights necessary to participate. This requires that any democracy protect the rights of all of its citizens. Decentralization is important to the protection of the rights of citizens. The American system of the separation of power and federalism is predicated on the argument that decentralized government power is essential to the protection of individual rights. James Madison wrote, "[t]he accumulation of all powers, legislative, executive, and judiciary, in the same hands may be justly pronounced the very definition of tyranny." It is not safe to rely on good people to always be in charge. As Madison wrote, "if men were angels, no government would be necessary." Instead, the creators of the US Constitution realized that the key to limiting abusive governmental power is decentralized governmental power. In order to ensure that a society continues to be democratic, the state must be limited in its capacity to violate its citizen's rights. Decentralization is essential to any government that can be relied upon to protect the rights of all its citizens.

In conclusion, democracy requires the active and effective participation of all of its citizens. Decentralized governmental power protects the interests of the citizens so as to ensure wide participation in policymaking. For these reason, decentralization ought to be a fundamental goal of democratic society.

First Affirmative Cross-Examination

Negative N - What distinguishes a fundamental goal from a normal goal?

Affirmative A - A fundamental goal is essential to the person or institution that holds the goal. In this resolution, decentralized governmental power ought to be a fundamental goal of a democracy because decentralization is essential to democracy.

N - Is it possible to have a centralized democracy?

A - A centralized democracy is unstable because people will not participate in democratic rule and it will endanger rights.

N - What is it about centralized governmental power that endangers citizen participation?

First Affirmative Cross-Examination cont'd

A - Centralized power creates a distance between the government and the citizenry. This distance alienates the citizens and makes them less prone to participate in law making. The resulting laws are less likely to respect the rights of the citizens.

N - Is it the geographic distance between a centralized governmental power structure and the citizens that causes this alienation?

A - Geography is a large part of the distance. If citizens perceive their representatives to be far away geographically, they will think that their representatives do not truly represent them at all. However, other types of distance matter also.

N - What other types of distance matter?

A - Social distance matters. If citizens see representatives as being from a separate social class they may also experience alienation.

N - What is it about centralization that causes an increase in social distance?

A - There are more people involved in a decentralized governmental structure. The increase in the number of people can involve more people in decision-making and reduce the perception of a unique political class in society.

N - Could you please read the quote supporting your claim that decentralized governmental power better protects individual rights?

A - Sure. Professor Benson stated, "the individual - his support, his opinions - are more respected by the local elected officials than by the state or federal official. This fact, in turn."

N - Thanks. That is enough. Is this quote about decentralized governmental power or localized governmental power?

A - The quote talks about the decentralization of governmental power between local and national authorities in Italy. While the author says "local" he is talking about the effect of a vertical decentralization of authority.

N - Is it not possible to have a small, centralized democracy?

A - A local centralized system would be better than a large centralized system, but it would have the same problems as other centralized political systems. No democracy is sustainable, be it small or large, with centralized governmental power.

N - Must we hold all values that are in the long-term interest of society as fundamental?

A - We ought to recognize any goal that is essential to the operation of a democracy as a fundamental goal.

N - What if the suppression of speech is in the long-term interest of a stable democracy? Should we hold that these suppressions are a "fundamental goal?"

First Affirmative Cross-Examination cont'd

A - I am not sure that suppression of speech is a goal at all. However, suppression is not a fundamental goal because it is not essential to democracy. Convenience is not enough.

N - What is a goal?

A - A goal is an end that a system seeks to pursue.

N - Are all actions that one takes to pursue a goal also considered goals?

A - No. Actions that you take in pursuit of a goal are instruments, not goals.

N - Why is decentralized governmental power a goal rather than an instrument, like suppression of speech?

A - Decentralized governmental power is essential to democracy rather than a potential strategy. Because decentralized governmental power is a not a contingent strategy to respond to a specific problem, it is an essential part of a democracy and ought to be a fundamental goal of a democratic society.

First Negative Constructive (1NC)

<2> Professor John Rawls wrote, "[l]iberalism rejects the state as a community because... it leads to the systematic denial basic liberties and to the oppressive use of the state's monopoly of legal force." To declare that democracies have fundamental goals is to declare that the political state is a "community" of ends. Therefore, I reject the proposed resolution.

It is important to understand exactly what the various terms in the resolution mean in order to fully evaluate it. In particular, my opponent never defined the terms "fundamental" or "goal". I will use a definitive source for both definitions: the Oxford English Dictionary.
Fundamental: forming an essential or indispensable part of a system, institution, etc.
Goal: An end or result towards which behavior is consciously directed

From these definitions, we can see that my opponent needs to show that decentralized governmental power ought to be an essential end to a democratic society.

I will argue that it is inconsistent with just political society for democracies to have fundamental goals at all.

My value is justice. All social institutions, like democracy, are designed to mediate the conflicting demands of members. John Rawls of Harvard University argued that this implies that "justice is the first virtue of social institutions". In that democratic institutions are essentially social institutions, democratic institutions are bound by the rules of justice.

Justice demands that states not have fundamental ends or goals. My criterion for identifying just societies is neutrality among all ends.

First Negative Constructive (1NC) cont'd

John Rawls saw the need for all societies to come to grips with what he called the fact of pluralism. Rawls noted, "[t]he diversity of doctrines - the fact of pluralism - is not a mere historical condition that will soon pass away; it is. a permanent feature of the public culture of modern democracies." The key to social order in a just society is the restriction of the justification of social practices to principles upon which there can be common agreement amidst the pluralism. Rawls continued, "Justification in matters of political justice is addressed to others who disagree with us, and therefore proceeds from some consensus: from premises that we and others recognize as true, or as reasonable for the purposes of reaching a working agreement on the fundamentals of political justice. Given the facts of pluralism, and given that justification begins from some consensus, no general or comprehensive doctrine can assume the role of a publicly acceptable basis of political justice."

My only contention is that the pursuit of fundamental goals is inconsistent with a just society's obligation to neutrality. The fact of pluralism leaves only justifications stemming from consensus on means, not ends. We cannot assume that all people share the same ends. We can, however, assume that all reasonable members of democracy agree on a basic procedure for settling disputes. We have to limit our justifications for social practices to attention to procedures, on which disagreeing members of a democratic society can agree, rather than debates over the proper ends of individuals and institutions, on which agreement is impossible given the fact of pluralism. The resolution posits that decentralization ought to be a fundamental goal, or essential end. Because we are bound not to pursue essential ends, we must reject the proposed resolution.

In conclusion, the resolution asks whether democratic society ought to orient its political structure towards the essential end of decentralization. I have shown that declaring anything an essential end of democratic society is unjust in the face of the fact of pluralism. You must reject the resolution to avoid the implications of allowing the state to declare acceptable ends of political life; an act that would undermine the essence of democracy as a peaceable method for resolving conflict within a pluralist society.

As we turn to discuss the affirmative case, we see that the affirmative had failed to meet the standards the he set up. The affirmative case fails to prove that decentralization ought to be a fundamental goal because all of the affirmative arguments are about convenience rather than essence.

Looking at the value, we see that justice must be more important than democracy. Justice provides constraints on what all societies can do. Justice is fundamental to all social systems, not just democratic ones. Before you decide what can be fundamental to a democratic society, you must decide what is consistent with justice. As I show you in the negative case, justice demands a rejection of the resolution. Only if the affirmative shows that justice does not in fact demand a rejection of the resolution can you even bother to consider whether decentralized governmental power ought to be a fundamental goal of a democracy.

The criterion of effective participation is important to democracy. However, you should look particularly to the treatment of minorities in the democratic society. In a democratic society, the majority is in power. The majority has nothing to fear. However, minorities must fear the tyranny of the majority. In order to secure effective participation, you should consider the effect of decentralized governmental power on democratic minorities in particular. As I will show, decentralized governmental power endangers minorities and actually undermines effective participation in a democracy.

First Negative Constructive (1NC) cont'd

Second, as my opponent said in cross-examination, convenience is not the same as essence. To be essential, it is not enough to show that decentralized governmental power is convenient in a democracy. It is not even enough to show that decentralized governmental power is very useful in a democracy. In order to prove the resolution, the affirmative needs to argue that decentralized governmental power is essential to democracy. I will show you how the affirmative fails to do this as I discuss the contentions.

My opponent argues in his first contention that decentralized governmental power increase citizen participation. However, this neither proves the resolution nor accounts for the important position of minorities in a democracy. First, this contention fails to prove that decentralized governmental power is actually essential to democracy. The various arguments only establish the convenience and utility of decentralized governmental power. However, one could create geographically small, centralized democracies. These small, centralized democracies would provide all of the direct democracy and local authority that the affirmative attributes to decentralized governmental power. Because this is possible, it is clear that decentralized governmental power is not essential to democracy and thus ought not be a fundamental goal.

Second, decentralization endangers minorities in a democracy. Remember that in a democracy, the majority is always safe. We have nothing to fear for them. However, democracies can, and often do, persecute minorities. The history of the civil rights struggle in the US suggests that centralizing authority was essential to overcoming racial prejudice and segregation. It took the president sending the troops in to Arkansas to desegregate schools. Decentralization of authority to local decision makers only perpetuated the racism. Because we should pay particular attention to minorities in a democracy, and centralization is essential to protecting minorities in a democracy, we ought to reject decentralized governmental power as a fundamental goal.

The second contention of the affirmative case suggests that decentralized governmental power protects individual rights. I have three responses. First, minority rights are at risk from decentralization. As I discussed in my responses to the first contention, centralization was essential to overcoming racial segregation in the US. This suggests that a concern for rights requires that effective control of policy be housed at the centralized national level, rather than always deferring to decentralization. Second, any acceptance of non-neutrality on the part of democratic society also endangers rights. As I noted in the negative case, accepting anything as a fundamental goal would violate a just society's obligation to neutrality. Accepting a violation of neutrality would endanger rights, particularly the rights of minorities. This is a second reason to reject decentralized governmental power as a fundamental goal of a democracy. Third, decentralized governmental power leaves a country prone to invasion and rights violations by other countries. One of the motivating factors for the US Constitution was the perceived need for a strong, unified nation to handle international conflicts. The decentralization of the Articles of the Confederacy led many to suggest that centralization was essential to effective government. Invasion would inevitably lead to rights violations on a massive scale. The concern to prevent the massive rights violation lead the founders of the US to centralize authority in the US Constitution. Thus, centralization is essential to the protection of individual rights. For these three reasons, we ought to reject the resolution.

First Negative Cross-Examination

Affirmative A - Can a democratic society not have goals like reducing crime, educating children, or fighting drug use?

Negative N - No. To have goals is to impose values on people in spite of the fact of pluralism. This is a violation of neutrality and justice.

A - Would prohibiting murder impose values on potential murders?

N - No. Laws preventing murder do not impose values. They simply stop action.

A - What is the difference between stopping actions and imposing values?

N - Stopping action still allows people to hold whatever values they choose.

A - What about requiring actions like jury duty?

N - As long as the policy does not involve imposing values on a person, the policy does not violate neutrality.

A - How does a democratic society decide to take actions if not through the use of values?

N - Democratic society must limit itself to actions based on an overlapping consensus about the limited role of government. Societies ought not take actions based on comprehensive doctrines that lay out a set of fundamental values.

A - So a society can take actions based on overlapping consensus but not comprehensive doctrines of right and wrong?

N - Exactly.

A - What is the difference between a comprehensive doctrine and a non-comprehensive doctrine based on an overlapping consensus?

N - Comprehensive doctrines seek to guide all activity according to values while doctrine based on an overlapping consensus only regulate actions according reasonable rules of social conduct.

A - Why should we be so concerned with respecting pluralism?

N - The fact of pluralism is a characteristic of all modern societies. To ignore this fact is to transform the state in to a community. To do so would endanger the rights of the various minorities in the society.

A - Is neutrality important because of the need to protect minority rights?

N - Neutrality is important because it is a standard for justice and justice is the first virtue of social institutions.

A - Is justice a goal of society?

N - No. Justice is a virtue.

First Negative Cross-Examination cont'd

A - What is the difference between a virtue and a goal?

N - A virtue regulates conduct while a goal is a purpose for action.

A - How do we regulate conduct without purposes?

N - We have to regulate conduct based on neutral principles.

A - What makes a principle neutral?

N - A principle is neutral if it is based on an overlapping consensus rather than a comprehensive doctrine.

A - How do you know that decentralized governmental power is not based on an overlapping consensus?

N - Decentralized governmental power could feasibly be based on an overlapping consensus, but we could not call it a fundamental goal. It is the declaration that decentralized governmental power is a fundamental goal that is problematic.

First Affirmative Rebuttal (1AR)

<3> Decentralized governmental power is essential to the protection of minority rights. The entire negative case is based on concern for minority rights. I will show that decentralized governmental power protects minority rights and therefore ought to be a fundamental goal of democratic society.

Both the affirmative and negative cases revolve around minority rights. My opponent states this in his response to my criterion of effective participation and in the justification for neutrality in the introduction to the negative case. I accept the negatives demand that minority rights be given primary importance in the round. I will show that decentralized governmental power is essential to the protection of minorities and therefore ought to be a fundamental goal of democratic society.

Turning momentarily to the negative case, you should see that neutrality is a bad standard for the debate round. First, recall that the negative justified the concern for neutrality with a concern for minority rights. The highest value in this discussion is therefore minority rights. As I will show, decentralized governmental power protects minority rights. This outweighs any of the subordinate implications of the negative case to neutrality. This means that the value of justice and neutrality is less important that direct implications protecting minority rights.

Second, the standard of neutrality is unclear and therefore a bad basis for a decision. The negative case is based on concepts like comprehensive doctrines and the distinction between ends, goals, and virtues. These distinctions are very unclear. During cross-examination, my opponent could not clearly distinguish between virtues, which he supports, and goals, which he opposes. One should ignore these unclear standards when one faces a decision potentially endangering minority rights. This lack of clarity is a second reason to reject the negative standard of neutrality.

First Affirmative Rebuttal (1AR) cont'd

Additionally, decentralized governmental power is not a threat to neutrality. Decentralized governmental power is not founded on some comprehensive doctrine of society. Accepting decentralized governmental power as a fundamental goal does no more violence to political neutrality than accepting limitations on murder or the promotion of individual rights. Decentralized governmental power is a process that is essential to the protection of individual rights. Decentralization is not a comprehensive doctrine based on the standards the negative stated in cross-examination, so it is not unjust to accept decentralized governmental power as a goal. It is much more important to consider the implications of the proposed resolution on minority rights. The implications of decentralized governmental power are clear when discussing the affirmative case. Please turn your attention to the affirmative case now.

Against my value of democracy, my opponent notes that minority rights are most important. As I stated earlier, I agree completely. We should accept protecting minority as the most important value. In doing so, we see that minority rights are appropriate goals for society. My opponent says as much when he focuses our attention on minority rights. This further undermines his arguments about political neutrality.

As I will show, minority rights are not as risked by decentralized governmental power. Indeed, decentralized governmental power is essential to the protection of minorities in a democracy.

Against my first contention, my opponent initially argued that small, centralized democracies could reduce the distance between representatives and the citizenry. However, he fails to deal with the breadth of the alienation argument. Any perceived distance between the citizens and the government causes alienation. Having a government located in a distant geographic location is certainly a problem with centralization. Moreover, a small, centralized democracy would include fewer governmental officers than a small decentralized democracy. The expansion of the number of offices naturally reduces the feeling of alienation. Therefore, size is not all that matters. Decentralized governmental power is advantageous in democracies of all sizes. The alienation prevented by decentralized governmental power would reduce participation and increase the risk to all citizens, including minorities. Our concern for minority rights should move us to affirm the resolution that decentralized governmental power ought to be a fundamental goal of a democratic society.

My opponent next argues that increased participation only protects the rights of the majority. This is plainly not true. Alienation in the political systems risks all people, not just minority rights. The implications of alienation therefore should move us to affirm the resolution to protect the rights of all people in the society, members of minority and majority groups.

Finally, my opponent argues that centralization can still reduce alienation by including a large number of people in subordinate local governments within a centralized framework. However, my opponent failed to deal with the heart of my argumentation. As Benson stated, people need to have effective control of important decisions in order to practice the decision-making skills important to a democracy. Any sharing of effective control is decentralization. It is impossible, by the definitions of the round, for a centralized governmental structure to include more effective participants than a decentralized governmental structure. The implications of this argument are clear. Decentralized government power promotes participation in government. This participation is essential to the protection of rights in the society, including the rights of the minority. Decentralized governmental power ought to be a fundamental goal of a democracy because it is essential to the promotion of political participation and minority rights.

First Affirmative Rebuttal (1AR) cont'd

Against my second contention that decentralized governmental power upholds the rights of participation, my opponent focused on the dangers of accumulated local powers. As my opponent pointed out in his attack on my first contention, we should not confuse decentralization with localization. All of the dangers he discusses against this contention are harms to small states with centralized power. It is actually the centralization of power in the local communities that caused the problems of segregation. As soon as the power monopoly in the South was broken up by national intervention in the form of desegregation, the local centralized power was destroyed. This is an example of decentralization protecting the rights of minorities. It is the accumulation of power, as I discussed in my case, which is the threat to rights. Decentralization is the best way to protect rights from these accumulations of power.

It is important to protect minority rights. The best way to do this is recognize that decentralized governmental power ought to be a fundamental goal of a democratic society.

First Negative Rebuttal (1NR)

The resolution asks a very specific question. In order to affirm the resolution, my opponent must show that decentralized government ought to be a fundamental goal of a democratic society. It is not enough for my opponent to show that decentralized governmental power is convenient, or even good. My opponent must show that decentralized governmental power ought to be something called a fundamental goal. I will show through re-establishing my case that such a declaration violates justice. I will also show that my opponent's case fails to establish that decentralized governmental power ought to be a fundamental goal, rather than simply a good idea.

Look first at my case. I established that democratic societies in particular must acknowledge the fact of pluralism. This is undisputed in the last speech. All of our social actions must be consistent with the knowledge that there is no social agreement of comprehensive doctrines. This is where the resolution runs in to problems. My opponent argues that we have many goals in society and that these are all quite reasonable. The problem is that we cannot declare anything to be a fundamental goal. We cannot say that any principle is an essential end for a democratic society. We cannot hold any end or goal so high as to call it a fundamental goal. Even if we accept that there should be some goals in society, we cannot endorse any principle as fundamental to a society because questions of foundations are questions for comprehensive doctrines. To declare that anything is part of a foundation to society is to take a stance for some comprehensive doctrines and against others, in complete defiance of the fact of pluralism. You must reject the resolution because it relies on a sense of foundations when such reliance is inappropriate. My opponent never attacked the linkage between neutrality and justice, so you must accept that the resolution's breach of neutrality also violates society's obligations to justice.

The only remaining attack on my value of justice is that justice is less important than minority rights. However, as my opponent emphasized, political neutrality is essential to the protection of individual rights. Violations of neutrality will likely lead to violations of individual rights on a grand scale. This means that you should reject the resolution due to the society's direct obligations to neutrality as well as the risk that such non-neutrality poses to minority rights. This is reason enough to vote negative. The resolution violates important rules of justice and ought not be affirmed.

First Negative Rebuttal (1NR) cont'd

My opponent attacks my one contention by arguing that decentralized governmental power is a procedure of allocating power, not a comprehensive doctrine. I completely agree. However, the implication of this argument is that you should reject the proposed resolution. If decentralized governmental power is merely a procedure used to secure some distant goals, it is not in itself a fundamental goal. Decentralized power may be useful, which I will show why it is not, but it ought not be a fundamental goal. This response to my first contention concedes that the resolution is false. My opponent proceeds to debate a new resolution that decentralized governmental power is useful. That is not enough to prove the proposed resolution. This is a second reason to vote negative. My opponent's argument that decentralized governmental power is simply a procedure proves that it ought not be a fundamental goal of a democratic society.

Turn now to my opponent's case. As I just mentioned, it is not enough for my opponent to show that decentralized governmental power is convenient, useful, or even very good. My opponent must show that decentralized governmental power is an essential end of democratic society. I showed you through my case how affirming the resolution would violate social obligations to political neutrality. I will show through refutation of the affirmative case that decentralized governmental power is neither an essential end nor even useful.

I agree with my opponent that protecting minority rights is important. However, I disagree that this should be the focus of the round. Even if my opponent shows that decentralized governmental power protects minority rights, my opponent has not shown that decentralized governmental power ought to be a fundamental goal. My opponent has to show that decentralized governmental power is essential, not just useful. Relating decentralization to minority rights is not enough to prove the resolution. By trying to illustrate the utility of decentralized governmental power, rather than its relationship to the essential nature of democracy, my opponent has already conceded that the resolution is false.

My opponent is not able to prove that decentralized governmental power protects minority rights. In fact, decentralized governmental power threatens minority rights. I will prove this as I respond to my opponent's two contentions. In my opponent's first contention, she argued that decentralized governmental power protects participation in government. In her last speech, my opponent argued that decentralization is essential to developing democratic capacity and direct democracy. However, this is not related at all to the rights of minorities in particular. Remember that minority rights are the only rights that should concern us in a democracy. Majorities in a democracy can protect themselves. Minorities need protection from potentially tyrannical majorities. All of the arguments in this contention relate to the empowerment of all people and have no direct relation to minority rights. This contention therefore does not relate to the standard discussed in my opponent's last speech. It is far less important than the danger to minorities discussed in the second contention. Regardless, even if decentralized governmental power protects minority rights, it does not need to be regarded as a fundamental goal.

First Negative Rebuttal (1NR) cont'd

In my opponent's second contention, she argued that decentralized governmental power protects individual rights. I argued that minority rights require centralization of authority to stop abuse by local authorities. In her last speech, my opponent argued that the experience of the civil rights movement in the United States illustrated the problems of centralization of local power. However, my opponent's explanation of the civil rights movement misunderstands the nature of political power. It was the effective control by a federal power that stopped civil rights abuses. If effective control of political power was truly decentralized, Southern states could have simply have resisted decentralization interminably. Effective control had to be vested in a large political unit to resist the racism of the subunits. If this power were decentralized, no one would have the strength to over come local power monopolies. Even though this example considers decentralization as related to federalism, the problem is inherent in power sharing. If power is always shared, there is no one to check abuses. Abuse by one holder of power cannot be checked by anyone else. This endangers minorities in a democratic society. Majorities have little to fear from unchecked power. However, decentralized governmental power endangers minorities by removing the potential overseer of the political system.

Also note that my opponent never responded to my argument about foreign invasion. It stand that decentralized governmental power endangers individual rights to all people because it leaves countries open to invasion. My opponent cannot possibly prove that decentralization better upholds individual rights, so you must vote negative.

There are three simple reasons to vote negative. First, the resolution violates the requirements of political neutrality. Second, my opponent's arguments suggest that decentralized governmental power is an instrumental process to pursue other ends. This means that decentralized governmental power is not a fundamental goal. Finally, decentralized governmental power endangers minority rights and therefore contradicts my opponent's standards.

Second Affirmative Rebuttal (2AR)

My opponent is obscuring this round with a series of semantic arguments. My opponent makes fine distinctions between virtues and goals and comprehensive doctrines. Each of these terms is supposed to have a distinct definition. However, upon cross-examination my opponent was not able to explain the distinction between goals and comprehensive doctrines. Yet, my opponent criticizes my case for not meeting the demands of this poorly defined distinction. Just remember my argument from my last speech against his value that the confusion of the various terms is a good reason to focus our attention on important concerns of individual rights. In his last speech, my opponent did not clear up any of these distinctions. There are important concerns for minority and individual rights. We should not get caught up in these semantic arguments. Because my opponent never responded to my argument that the confusing nature of the various definitions in the negative case make the argument less important than the clear clash over rights, we should direct our attention exclusively to individual rights. This decision is made even safer when you recognize, as I pointed out in my last speech, that the original justification of political neutrality in my opponent's introductory quote was the need to protect individual rights.

It is now clear that we should focus our attention on individual rights. This makes the debate come down to whether decentralized governmental power better promotes individual rights than centralized governmental power.

Second Affirmative Rebuttal (2AR) cont'd

Please turn your attention to my first contention where I argued that decentralized governmental power better protects individual rights because it promotes active participation and stops the alienation of political distance. My opponent only argued that this argument was not related to minority rights in particular. However, the general arguments about individual empowerment were conceded. I now only have to show that this empowerment protects minority rights. This is the case because alienation is particularly important to minorities in society. As I argued in my last speech, alienation is the product of various kinds of political distance. As I clarified in cross-examination, this includes social distance. Minorities live with the alienation of social distance all of the time. Majority political leaders seem distant to them. This makes minority populations in the society particularly attuned to the alienating effect of centralized governmental power. The broader access to political office will necessarily increase the access to power for minorities and reduce their alienation. Minority populations have the most to gain from decentralized governmental power. You should affirm the resolution in order to protect the most marginalized parts of democratic society from the alienation that plagues centralized governmental power.

A second reason to affirm the resolution is the need to prevent the accumulation of power discussed in my second contention. My opponent argued that the centralization of power was essential to protecting civil rights. In this argument, my opponent draws our attention to the need to check political power. Decentralization is the best check on power available. If we centralize power, we check some subordinate power centers like states in the American South. However, we create a political leviathan that is beyond all political checks. In order to check all political power you must decentralize all power. This is far more important to minority populations because majorities have nothing to fear from themselves. This is more important than the phantom fear of invasion. This argument is not tied directly to minority rights and, by my opponent's arguments, is not as important as the protection of minority rights protected by decentralized governmental power.

Don't be caught up in the semantic arguments of the negative. My opponent and I agree that individual rights are of primary importance. Focus on this issue because all of our arguments go back to this issue eventually. You must affirm the resolution to protect minority rights by preventing political alienation and the accumulation of power. As you consider this round ask yourself a simple question. In a democracy, who watches the watchmen? Only decentralization provides the checks needed to protect individual rights. For this reason you should recognize that decentralized governmental power ought to be a fundamental goal of democratic society.

Commentary

1. This round represents a more complicated level of argumentation than in the first example debate over capital punishment. Both the resolution and the cases are more complicated than in the previous debate. Instead of annotating the debate at every line, I will simply mention a couple of issues at the beginning of each speech. Use these issues to guide your reading of the transcript. Look for the errors identified in the previous example debate in this transcript. Use this debate to practice your skill of identifying and correcting errors. In this speech, consider the complexity of the resolution. How does it differ from most resolutions? How does that effect what the debaters have to argue? Does the affirmative do this?

2. The negative case represents a recent trend in LD to use semantic argument to attack the resolution independent of any arguments proposed by the affirmative. Rather than trying to show that the affirmative principle is worse than an implied negative principle (like the support for centralization), the case attacks the resolution without suggesting an alternative. What do you think of this approach to the negative? What are the strategic implications of writing a case that attacks the resolution without taking the opposite of the affirmative position?

   I should point out that this is also illustrative of the recent trend in that it takes a specific semantic interpretation of various arguments. I seriously doubt that these arguments represent Rawls' view. Instead, the arguments are based on fine distinctions between terms and specific meanings of words that may not be common. The specific meanings are used to attack the resolution. How compelling do you find this kind of argumentation? How does it effect the persuasive value of the speech to attack the affirmative case and seemingly promote centralization as a better means to protect minority rights?

3. This is a tough speech for the affirmative. The affirmative has to deal with the unique negative case as well as traditional attacks on the affirmative case. How well does the affirmative do? Is the order of the arguments appropriate? How well does the affirmative integrate the cross examination in to the speech? Do you buy the arguments about the relationship between clarity and importance in the round? What did the affirmative neglect? Was there a reason for this?

4. The negative has to go back over all of the issues. Watch carefully how the negative balances the novel sorts of arguments in the negative case against the traditional clash against the affirmative case. Has the strategy in case writing paid off? How? How well does the negative do in defending the attacks on the negative case as more than simple semantics?

5. How well is the 1AR strategy coming together? Did the 1AR set up a strong 2AR? What does the affirmative do to package this speech in as persuasive terms as possible? How does the affirmative deal with the coverage issues in the 1AR?

6. Who won?

EXAMPLE DEBATE THREE - Resolved: limiting the freedom of expression of adults is justified by society's interest in protecting children.

First Affirmative Constructive (1AC)

<1> In discussing the Communications Decency Act, Bruce Taylor argued that "[w]hile those who provide patently offensive sexual or excretory depictions may well incur some costs in order to attempt to screen their depictions from children, the costs to children of their failure to do so in incalculable."

Because I agree that there are tremendous social costs associated with allowing free speech that harms children, I stand resolved: limiting the freedom of expression of adults is justified by society's interest in protecting children.

The resolution requires a judgment about the justification of limitations on free speech. This implies a value standard of justice. We must ask whether it is just to limit adult expression in order to protect children. In that justice requires each person get what he or she is due, we must ask if individuals are due the right to express themselves in ways that hurt children. My opponent must show that adults in society are due rights to free expression that harm children.

First Affirmative Constructive (1AC) cont'd

Answering this question requires a standard for justified expression. Thomas Emerson, Professor of Law at Yale University, stated that, "[a]ny system of freedom of expression must also embody principles through which exercise of these rights by one person or group may be reconciled with equal opportunity for other persons or groups to enjoy them. At the same time, the rights of all in freedom of expression must be reconciled with other individuals and social interests." As Emerson makes clear, a system of free expression requires equal access to expression. All people are owed a part of the system of free expression. This is only possible in a situation where limitations are placed on the activities of some to ensure the access of all. A limitation of free expression is justified if it serves the purposes of the system of free expression in allowing all people access to rights.

I will demonstrate that the protection of children is an important part of the system of free expression by showing that unlimited free expression will prevent children access to the benefits of the system of free expression. I will do this in two contentions illustrating the importance of limitations on adult free speech in the areas of violence and obscenity need to protect children.

Before moving to the discussion of the specific harms of unregulated expression to children, it is important to clarify the nature of the resolution. The resolution calls for an assessment of the motives for limiting free expression, not the method or implementation of limitations. Our discussion must be limited to whether the protection of children is a justified motivation for limiting free expression. We ought not to focus out attention to the details of how we one can best implement the limitations once justified. Arguments that are contingent on a specific plan for implementing the limitations cannot serve as a sound basis for affirming or negating the resolution.

My first contention is that limits on the expression of violence are justified in order to protect children. Exposure to extreme violence on television and in movies tangibly harms children. James Hamilton, professor of political science at Duke University, stated, "Research shows that television violence does increase levels of aggression, fear, and desensitization among some who consume it. The strongest impacts are on the youngest viewers." Professor Hamilton makes clear that exposure to violent media harms children. The content of this speech is not essential to operating a democratic government. The United States will do just fine without the grim and violent cop shows that dominate television. We will not lose any information vital to self-government if we restrict adult's free expression by forbidding violent programming on television. Because limiting adult free expression to protect children from violent programming provides social benefits without significant offsetting costs, these limitations are justified.

My second contention is that limits on the expression of obscene material are justified in order to protect children. Exposure to obscene materially harms children. M. Kendall Brown from Enough is Enough wrote, "With just a few clicks, a youngster can summon images that would be ruled offensive by any school board anywhere. The public is right to be concerned. [E]xposure to sexually-explicit speech on the Internet will gravely harm children." Obscene material will actually harm the development of children. Brown continued, "An individual's sexual identity develops gradually through childhood and adolescence. As they grow up, children are especially susceptible to influences affecting their development. Moreover, information about sex in school, and presumably, most homes, comes in age-appropriate incremental stages based on what parents, educators, physicians, and social scientists have learned about child development. Pornography distorts this natural development of personality. The result to the individual is that it becomes difficult for the person to seek out relations with appropriate persons." By distorting the development process of children, unlimited free expression can prevent children from developing the inter-personal skills then need to participate freely in society. In order to defend children as developing members of a system of free expression, it is essential that we justify limitation on adult free expression.

First Affirmative Constructive (1AC) cont'd

In conclusion, children across the country are at risk. Constantly deluged with material of an inappropriately violence and sexually explicit nature, children's natural psychological development is at risk. Limitations on adult's freedom of expression are essential to protecting children as future members of a system of free expression.

First Affirmative Cross-Examination

Negative N - In general, what limitations on free expression are justified?

Affirmative A - It is justified to limit free speech in order protect equal access to the system of free expression.

N - Why is access to a system of free expression important?

A - Any limitations on free speech must be consistent with the entire system of free expression.

N - Can we simply limit any inconvenient expression like political protest or obscene artistic expression?

A - We should not limit political expression. Limiting obscene material is justified as a means to protect children.

N - Why is it justified to limit obscene material and not political expression?

A - Political speech is important to our democratic process. Obscene material has no importance at all.

N - How can you tell what is obscene and what is politically relevant?

A - The differences are pretty obvious.

N - Is A PORTRAIT OF THE ARTIST AS A YOUNG MAN protected expression or obscene material?

A - I am not familiar with that book.

N - Is CATCHER IN THE RYE protected expression or obscene material?

A - I am not familiar with that book, either.

N - What about HUCK FINN?

A - That is a classic book. It is an important cultural and political criticism. It should be protected.

N - Many people have tried to ban HUCK FINN because it is offensive. What is to guarantee that the limitations of free expression won't serve to ban these types of books in the future?

A - I don't want to get bogged down in to the details. That is just an issue of implementation.

N - What makes an issue a question of implementation?

First Affirmative Cross-Examination cont'd

A - The resolution is stated as a general principle. We should discuss the general principles and not get wrapped up in the details.

N - So we cannot look at risks or disadvantages associated with potential systems of limitations?

A - No. We should focus on principle.

(N). What distinguishes questions of principle from implementation questions?

A - Principle questions deal with general statements while implementation questions deal with specific examples.

N - Is it safe to simply assume that the governing body will choose limitations that protect children while limiting only irrelevant and useless speech.

A - For the purposes of evaluating this resolution, yes.

First Negative Constructive (1NC)

<2> "The government can not reduce the adult population to reading and viewing only what is appropriate for children." Because I agree with these words from civil libertarian Bruce Ennis, I stand opposed to the proposed resolution.

The resolution calls for an analysis of the justified limitations of individual freedom. British philosopher Jeremy Bentham designed the principle of utility to address just this sort of occasion. He wrote, "[b]y the principle of utility is meant that principle which approves of disapproves of every action whatsoever, according to the tendency which it appears to have to augment of diminish the happiness of the party whose interest is in question. I say of every action whatsoever; and therefore not only of action of a private individual, but of every measure of government."

This principle is appropriate for determining the justification of a proposed limitation for two reasons. First, the principle is tailored to issues of government measures, as Bentham mentioned. This makes the principles particularly appropriate for the adjudication of limitations on free speech that will inevitably be enforced by a government action. Second, the principle is egalitarian. It forces the consideration of all affected parties. It does not focus attention on the interests of some and ignore the interest of others. All have an equal right to consideration. For these reasons we have to accept the principle of utility as the basis for justification.

John Stuart Mill further clarifies that the principle of utility requires an analysis of the long-term interest of mankind. Mill wrote that social utility must be "utility in the largest sense, grounded on the permanent interest of man as a progressive being." This establishes a clear criterion for the principle of utility. A limitation of freedom is justified if, and only if, the limitation is shown to be in the long-term interest of mankind.

I will show in one contention that the long-term interest of mankind requires the rejection of limitations on free expression.

First Negative Constructive (1NC) cont'd

Contention one, limitations on free expression are contrary to the long-term interest of mankind.

Society is not justified is silencing the opinion of any adult. Mill eloquently stated, "If all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person , than he, if he had the power, would be in silencing mankind... [T]he peculiar evil of silencing the expression the expression of an opinion is robbing the human race; posterity as well as the existing generation, those who dissent from the opinion, still more than those who hold it." The peculiar evil of silencing opinion robs society of the opportunity to confront and discuss the opinion. Discussion is required for the social progress in the long-term interest of society. Mill wrote that freedom of the expression of opinion is recognized as a necessity to the mental well being of mankind for four reasons. First, silenced opinion may be true. Second, silenced opinion may be false but the discussion about it may help us find the truth. Third, a silenced false opinion may prevent the discussion that reinforced our faith in the truth. Fourth, a silenced false opinion may allow us to keep our own opinion when that opinion has decayed due to inattention. Free and unlimited dialogue is essential to the long-term development of society and all of the individuals therein. Mill concluded his defense of unlimited free expression by saying, " [t]he worth of the state in the long run is the worth of the individuals composing it. A state which dwarfs its men in order that they may be more docile instruments in its hands even for a beneficial purpose, will find that with small men no great thing can really be accomplished."

Turning now to the affirmative case, we will see that the affirmative tries to gloss over the problems of regulating free expression. The affirmative case says more in its silence on implementation issues that it does on all of the rest of the case. Looking specifically at the value, my opponent argues that just limitations of free expression must give people what they are due. I agree with this. The negative value of utility provides a clear explanation for what people are due. People are due equal consideration in the justification of policy. People are due no more and no less. The highest value is the social interest and we should look in the long term. This means that we need to consider the implications of the limitations on free speech for adults as well as children in this generation as well as future generations. In order to show that the limitations on free expression are giving people what they are due, the affirmative needs to show how the limitations are consistent with the long-term interests of all in society.

My opponent's criterion is the provision of access to the system of free expression. This is consistent with my first contention argumentation about the marketplace of ideas. However, there is no reason to guarantee access to an empty marketplace of ideas. The resolution threatens to empty the marketplace of any non-traditional thinking. The result would be free access to a useless social tool. In order for access to matter, my opponent needs to show you how the proposed limitations on free expression do not risk the content of the marketplace of ideas as well as guaranteeing access.

Before looking at the specific contention, I want to direct your attention to the observation. The observation seems innocuous enough. We don't want to get bogged down with details. The problem is that in this case, the details really matter. It is easy enough to say that regulations will be written and enforced by well-meaning policymakers. However, there is no guarantee that this will be the case. History suggests that policymakers abuse content regulations of free expression in the implementation. As a general principle, we should not empower policymakers to choose "good" art and "bad" art. While I agree that we need not worry about a lot of details, we need to consider the fact that it is impossible to clearly define obscenity and excessive violence. The resulting discretion in the hands of policymakers threatens to undermine the entire system of free expression and the long-term interest of society.

First Negative Constructive (1NC) cont'd

Turn now to the first contention where my opponent argues that children ought to be protected for excessive violence. I have four responses. My first response is that this is a subjective basis for regulating expression. There is no clear definition of what is excessive violence. Without subjectivity, the policymakers are able to exercise considerable discretion in applying the limitations. This could endanger the marketplace of ideas. Such subjectivity is not in the long-term interest of society and ought be rejected. Second, this argument is not linked to access to the system of free expression. Without such a linkage, it is not clear why we should be concerned about these vague problems with violent programming for children. We should be much more concerned with arguments that directly affect access to the system of free expression and the long-term interest of society like the potential for abuse of subjective criteria. Third, this basis for regulating free expression can be used to limit access to important literary works. For example, one could imagine Beowulf and the Illiad could be banned for their frank depiction of violence. Banning such important literary works would clearly harm the long-term interest of society and bankrupt the marketplace of ideas. Fourth, this is only one example of potential limitations on free expression justified by the desire to protect children. The chosen example is not exhaustive. We don't know what else could be justified under this same argument. Justifying a general limitation by referring to a couple of specific examples is a dangerous way to consider public policy. We don't know what other limitations we might also be allowing. We do not want to make a judgment on the long-term interest of society based entirely on a couple of isolated examples.

My opponent argues in the case's section contention that children ought to be protected from obscene material. I again have four responses. First, parents should be the primary protector of children, not the government. Parents are better able to decide what their children ought and ought not see. Eugene Volokh, a professor of law and UCLA, wrote, "it is probably sounder to leave parents, rather than the government, with the ultimate decision. Children of the same age vary widely in maturity, and parents usually know their children's maturity better than do prosecutors, judges, or juries. If parents believe that there's educational value in giving their children access to supposedly `obscene-as-to-minors' material, there's good reason to defer to that judgment." This justification for deferring to parents is all the more important in a case where standards are subjective because there is less to fear from parental power than there is to fear from governmental power. For this reason, it is in the long-term interest of society to reject governmental censorship and allow parents to make judgments for themselves. Second, obscenity is famously subjective. What was obscene in the 1950's is accepted on prime time television now. As I discussed above, this subjectivity is a dangerous power to give to government and a reason to reject the proposed resolution. Third, obscenity regulations could also lead to the banning of important works of culture. Bans on obscene material could lead to the banning of such books as Voltaire's CANDIDE or Joyce's PORTRAIT OF AN ARTIST AS A YOUNG MAN. It is not in the long-term interest of society to risk empowering the state to ban such works. Fourth, obscenity is just another isolated example. As I discussed against the previous contention, we should not justify general policies based on isolated examples. No one else knows what other limitations we are also accepting. We should only consider general principles, as my opponent agrees in cross-examination, and we should not generalize. Even if there are a couple of potentially useful limitations on free expression, we would not want to endanger the entire system of free expression by accepting a general limitation on all speech.

First Negative Cross-Examination

Affirmative A - How do we know if something is in the long-term interest of society?

Negative N - We have to weigh the long-term costs and benefits of an action.

A - What are the long-term costs of accepting this resolution?

N - If we were to accept this resolution, we would endanger the marketplace of ideas that is the very basis of social progress. We would limit our capacity to learn from errors and adopt beliefs based on truth.

A - Would a generation of maladjusted, aggressive children be in the long-term interest of society?

N - No. But, first, this is not a risk as long as we trust parents to regulate their children's access to mature materials. Second, governmental regulation would produce a generation of adults unable to operate within an unfettered marketplace of ideas.

A - Why would keeping pornography away from children turn them in to a generation of zombies?

N - When the government takes it upon itself to make decisions for its citizens, it eventually robs them of the capacity to make decisions for themselves. In Mills' language, the state finds that with small men no great thing can be accomplished.

A - So what is the great social value of pornography?

N - Even when there is no value in an individual piece of pornographic material, it is in the long-term interest of society to reject content restrictions on expressive material.

A - Would restrictions on the time or place of expression be acceptable?

N - That would depend on nature of the restriction.

A - Would it be acceptable to tell people that they cannot sell or present obscene material before 10pm?

N - That is irrelevant to the resolution that calls for restrictions on expression, not sales.

A - Would it be acceptable to tell people that they cannot express obscene material before 10pm?

N - That would be a very limited type of restriction. It would not be a good reason to affirm a general proposition about limitations.

A - How should we support general propositions if not by examples?

N - We should consider the implications of general principles and the full diversity of potential limitations supported by the resolution. We should not consider isolated examples.

A - Are restrictions of obscenity and violence isolated examples?

First Negative Cross-Examination cont'd

N - Yes. Those are only two of the many possible justifications of limitations.

A - What are some other examples of limitations of free expression that people justify based on the need to protect children?

N - We could limit culturally insensitive expression of excessive advertising?

A - What are the most common reasons to limit expression on behalf of the interest of children?

N - Obscenity is the most common reason to limit expression, with violence closely following. However, we should not support a general resolution based on these two examples.

A - Have we ever limited free expression?

N - Yes.

A - Is there still a marketplace of ideas?

N - Yes, though the marketplace of ideas is weaker because of the restrictions.

First Affirmative Rebuttal (1AR)

<3> Children are at risk in our society. Children's development as citizens and people is endangered by the constant inundation with obscene and violent material. Despite the negatives general exhortations about the marketplace of ideas and the long-term interest of society, we must recognize the importance of limiting free expression in order to protect children.

Look briefly at the negative case. I accept the negative's argument that we should consider the long-term interest of society. However, I will show when discussing my case that the long-term interest of society is in protecting children from dangerous expression.

The only contention of the negative case is that limitations of free expression endanger the long-term interest of society. This argument is deeply flawed. First, as I discussed in my case, harmful speech can actually stunt children's development and make it hard for them to participate in the system of free expression. If this happens, the long-term interest of society will be to provide a safe and nurturing environment for its children. Only if children are allowed to develop appropriately, without exposure to violent and pornographic material, will they be able to grow up to actively participate in the system of free expression. Second, the system of free expression is worthless if people do not have access to it. I will show that access to the system of free expression requires the limitations proposed in the resolution. Restrictions protecting children from obscene and violent material are essential to accessing the system of free expression. Third, this contention is filled with hyperbole. The negative wants you to believe that restrictions on the expression of pornographic material are going to destroy the system of free expression. This is clearly not the case. We have many restrictions on the sale and presentation of pornographic material right now. However, we still have a vibrant system of free expression where none of the books the negative discusses are at all hard to find. The hyperbole of the contention undermines all of my opponent's arguments. We know that the system of free expression is not really at risk from minor restrictions designed to protect children. You should not worry too much about these arguments because there is no real risk involved. You should focus your attention on the specific harms discussed in the affirmative case like stunted juvenile development and aggression and desensitization.

First Affirmative Rebuttal (1AR) cont'd

Look now to the affirmative case. I accept the negative's argument that we should consider the long-term interest of society. However, restrictions on free expression are essential to protecting the long-term interest of society. I will do this as I discuss my two contentions.

Before we can discuss the two contentions, though, it is important to recognize the importance of the resolutional observation. The negative wants to scare you with stories of potential bans on important literary works. However, this should be a discussion of general principle - not a proposal to ban specific list of books or specific restrictions on expression. We should be talking about the usefulness of a general policy of limiting expression to protect children. It is not my responsibility to defend a specific list of books to ban. Nor is it my responsibility to defend all possible abuses of the resolution. Instead, I will defend the resolution as generally true and useful.

Look now to my first contention where I argue that we should limit violent expression. First, recognize that the impacts of violence on children are not in the long-term interest of society. In fact, the long-term interest of society demands that we limit harmful free expression. Second, the dangers that the negative discusses are largely implementation problems. If we assume that evil people are going to be writing the specific limitations, then it only makes sense that these people will abuse their authority. However, it is better to think about reasonable people applying the resolution. Reasonable people will be able to differentiate between dangerous uses of governmental power and appropriate limitations of free expression.

Second, exposure to violence actually causes children to become aggressive and desensitized. This process makes children less able to contribute to the social system of free expression. This is the link that the negative asked for. My opponent never refuted the actual argumentation. Having established the link between exposure to violence and the system of free expression, my first contention is re-established. This specific implication is much more important than the vague and hyperbolic. This alone is a reason to vote affirmative. It is in the long-term interest of society to stop exposure of young people to violent expression.

Third, my opponent charges my contention of being an isolated example. However, this is a very important example. The need to prevent exposure of children to violence involves a broad set of regulations. This is a very general principle, not an isolated example. As my opponent agreed in cross-examination, school violence is one of the leading examples of calls for regulating speech in the interest of children. This is therefore a sound basis for affirming the resolution.

In my second contention, I argued that we ought to limit exposure of children to obscene materials. My opponent first argued that we should leave the limitation of access to obscene material to parental judgment. However, this is unrealistic. We cannot rely on parents to regulate their children's access to obscene material. This was a great paradigm for public policy in the 1950s. With the Internet, media is more freely available to children than ever. It is unrealistic to expect that parents will be able to regulate their children's access to obscene materials at all times in this era.

My opponent also argued that this contention allowed for subjective authority, the regulation of important works of art and was just an example. I dealt with these concerns against my first contention. The same arguments apply here. This leaves the second contention standing as an important reason to affirm the resolution. Unregulated access to obscene materials stunts children's development and causes them problems in building health relationships. This makes it very hard for children to participate in the system of free expression. The long-term interest of society is in stopping exposure to these dangerous forms of expression.

First Affirmative Rebuttal (1AR) cont'd

In conclusion, limiting free expression is essential to preventing exposure of children to dangerous things. When you affirm the resolution, you accept the importance of protecting children and upholding the long-term interest of society. What are we really going to risk by allowing the government to limit access of children to obscene and violent material? We are able to protect children without any meaningful loss of social dialogue. Clearly the long-term interest of society demands that we limiting the free expression of adults where that expression could harm children.

First Negative Rebuttal (1NR)

<4> Giving the government the authority to limit any expression that it deems potentially harmful is a dangerous proposition. The state could potentially justify limitations on any number of important forms of expression. My opponent wants to ignore this problem as a simple inconvenience of implementation. In this case, the devil is in the details. Assuming that the government will play nice is a bad way to distribute political authority.

Look at my case. I argued that the long-term interest of society required the active involvement of all people in a free and unfettered marketplace of ideas. This marketplace of ideas is the only way that society can progress. It is important to consider the role of the state in this process. The state is not a vehicle for social progress. If the state tries to force progress, it ends up stealing the rational capacities of its citizens. If the state is always regulating free expression, the citizens of the state lose the capacity to decide for themselves what is appropriate or important speech. If the state decides what books are appropriate, the people will lose the ability to decide for themselves. This is a recipe for social stagnation. It is clearly in the long run interest of society to maintain a vibrant marketplace of ideas.

Turn to my first contention. My opponent argues that it is important to guarantee access to the marketplace of ideas. This is only the case if the marketplace of ideas involves a vibrant exchange of arguments and practices. Access to a marketplace of ideas that is wholly regulated by the government is useless. In the interest of guaranteeing access, we may very well rob the marketplace of ideas of the most important social processes of social dialogue. When the state steps in to do the job of parents or community organizations, these institutions lose their capacity to function. The community organizations lose their capacity to self-regulate. The coercive powers of the state replace the voluntary powers of the community. The chief danger of this resolution is that in the zeal to protect children, we will give up out powers to take care of ourselves to a state that is more than happy to take care of us. The long-term interest of society demands that we leave as much as possible to the people of a country to regulate themselves. To do any less is to forgo the possibility of social progress.

The implications of this argument are clear. We cannot give up on the marketplace of ideas in order to allow access. Allowing access to an empty marketplace of ideas is useless. We must first protect the freedom of the marketplace before we can concern ourselves with access.

Looking at the affirmative case, we see that the proposed resolution endangers the freedoms that are essential to the marketplace of ideas. This danger is the most important considering in the round because it is most closely affects the long-term interest of society. Without a free and unfettered marketplace of ideas, all is lost.

First Negative Rebuttal (1NR) cont'd

Focus your attention on the resolutional observation suggested by the affirmative. The affirmative would love to be able to ignore the problems inherent to regulation of free expression. When you are trying to justify the delegation of considerable power and discretion to governmental offices, it is nice to assume that the power will not be abused. It would be nice to assume that government would never abuse authority. This has been a bad assumption to make. Trusting government to always do the right thing has led to a number of abuses. In this case, we would have to trust government to make some fine distinctions between dangerous and important works of art and political commentary. Consider the case of HUCK FINN. In the interest of cultural sensitivity, some local governmental officials have called for bans of this important work of literature. The censors just want to protect children. They are looking out for the long-term interest of society. However, in their zeal to protect children they are attempting to ban an important book. Their hope to protect children in the short term drives them to ignore the long-term implications of their actions. It is better not to trust anyone to make decisions about banning books. It is better to allow parents and individuals to make decisions on their own about the appropriateness of expression. It is important to reject the proposed limitation and stop the state from seizing authority over free expression. This is the primary reason to reject the proposed resolution.

Look to the first contention of the affirmative case. The affirmative offers you a tenuous link between exposure to violence and aggressive behavior in children. I have argued that the subjectivity inherent in regulating violence delegates too much authority to the government. The affirmative seems unconcerned with this delegation. The affirmative refers to this as a simple detail of implementation. However, this delegation of power is dangerous. As a general principle, we do not want to delegate too much power to governmental figures. The reason for this principle was established when I discussed my case above. Subjectivity is a great danger to the long-term interest in society. While it is more convenient to wish away the problems of delegation, it is a bad basis for making decisions. The affirmative was never able to show how regulation of violent media is not subjective. The subjectivity inherent in regulating violence makes it a bad as a general principle to accept blanket allowances for government regulation. We should reject the resolution in order to protect the long-term social interest in a vibrant marketplace of ideas.

My opponent next argues that aggressiveness and desensitization prevent access to the marketplace of ideas. First, access is not important if we give up the content of the marketplace of ideas by allowing governmental regulation. This argument is therefore less important than the subjectivity arguments that reveal the dangers to the marketplace of ideas itself. Second, robbing people of the capacity to make rational decisions would lead to the same problems. I have already discussed how replaced parental and community regulation of free speech robs these institutions of the capacity to make judgments for themselves. This process will similarly rob children of the skills they need to participate in the marketplace of ideas. For these two reasons, this contention fails to affirm the resolution and instead justifies the negation of the resolution.

Finally, my opponent argues that the regulation of violent media is not just an isolated example. Remember my discussion of the attempts to ban HUCK FINN. The reasons behind those calls to protect children were the desire to limit culturally insensitive expression. The affirmative would prefer to ignore these more inconvenient calls to protect children. This example serves to show the danger of affirming a general resolution based on a set of isolated examples.

First Negative Rebuttal (1NR) cont'd

Look at my opponent's second contention. In my last speech, I argued that we should leave the regulation of access to obscene materials to parents. Parents are better at taking care of their children and delegating power to parents does not run the risks associated with delegating power to the government. My opponent only says that it is unrealistic to expect parents to be able to regulate their children's access to obscene materials. This is exactly the dangerous mindset that I spoke of earlier. When we believe that the state can better care for children than parents can the state will take control of this social function. The parents will lose the capacity to care for children because they will have delegated that authority to the state. In the end, the productive capacities of the people in society will have been lost. We must help parents take care of their own children. We must ask parents to regulate their children's access to obscene material. To remove the decision from their hands is to give up on parental capacity and to lose one more social function to the state. This is the second major reason to negative the resolution. The resolution cedes authority to the state that we need to leave with parents in society. The long-term interest of society demands that we reject the resolution and leave it to parents to control their children's access to obscene material.

Against this contention, I also argued that the regulation of obscene material was subjective and empowered the state. This is just another reason to reject the resolution as I discussed above. In both of the provided examples, the affirmative has suggested that we delegate considerable discretion to the state. The affirmative never showed how obscenity could be regulated based on an objective standard. Both contentions provide reasons to reject the resolution. The subjective nature of these decisions could lead to a complete degradation of the marketplace of ideas. Remember, access does not matter if the marketplace is empty. The need to prevent the destruction of the marketplace of ideas requires a rejection of the resolution.

In ancient Greece, the population of a city-state decided that a local person was endangering the minds and souls of their children. This person was filling the minds of their children with criticisms of the local gods and the traditional order of society. In the end, they decided that they had to do something about it. They tried and executed this person. The world lost the genius of Socrates when a group of parents decided that he was a grave threat to their children's well being. The resolution not only accepts this decision, it applauds the execution of Socrates. You must reject the resolution and keep the power to censor out of the hands of the government. If anyone can censor, it should be the parents. Reject the resolution and guarantee that a vibrant marketplace of ideas will protect the long-term interest of society.

Second Affirmative Rebuttal (2AR)

<5> Banning obscenity and violent media will not cause a collapse of the system of free expression. We have many regulations on these types of expression right now while still having a vibrant system of free expression. The hyperbole of the negative case continues to infect my opponent's arguments. You should focus your attention on the specific, validated effects of violent and obscene material rather than the vague, hyperbolic arguments that my opponent makes.

Second Affirmative Rebuttal (2AR) cont'd

My opponent and I agree about the nature of the standards for this round. We both agree that we should avoid harming the system of free expression, which my opponent calls the marketplace of ideas. We only differ on whether we should be more worried about access or content regulations. I contend that we should be more worried about access. To use my opponent's phrase, who cares if we have a vibrant system of free expression if no one can show up. I will show how government limitations on free expression are essential to the protection of the next generation of participants in the system of free expression. If we look to the long term, as my opponent correctly implores us to, we must consider the impact of stunted development and desensitization on future generation of citizens. We should focus our attention on access to the system of free expression to make sure that a wide range of people can engage is social dialogue.

My opponent's attacks focus on my observation that we should ignore implementation details. This should not be controversial. We should be discussing a clash of principles. My opponent wants me to present and defend a list of specific works to ban and provide a governmental infrastructure to implement policies to make the ban effective. This is not what the resolution calls for at all. The resolution calls for a discussion of clashing principles. We should consider the general idea of government limitations of free expression and the need to protect children. Is the need to protect children a sufficient reason to regulate the freedom of expression of adults? I have provided two reasons where this is the case. These are important examples that cover the two major reasons that people have advocated limiting free expression to protect children, as my opponent agreed in cross-examination. I cannot and will not give you a plan detailing the organization of government limitations or a list of forms of expression to regulate. I have successfully defended the general principle that government limitations themselves are justified. There is no sense in fear mongering or paranoia. An unjust government will abuse whatever powers it has. We should instead consider the moderate case of a reasonable government. A reasonable government will not abuse the delegated powers to regulate free expression. This means that my opponent's arguments about subjectivity and the banning of important books are not a concern for this round. Having dealt with these issues, we can accept the first contention of the affirmative case that government limitations of violent expression are justified as a means to protect children. This is an independent reason to affirm the resolution.

A second reason to affirm the resolution comes from my second contention. I argued that obscene expression ought to be regulated in order to protect children. My opponent argued that this was the parent's job and that we ought to let parents do it. As I mentioned in my last speech, this is an archaic way to think of parenting. Parenting is a lot different today than in John Stuart Mills' time. With the Internet and cable TV, children have access to a far broader set of media than ever before. Parents will have a hard time regulating their child's access to violent or obscene material. The problem grows worse as social standards become more lax and obscene and violent material becomes common fare on broadcast television and radio. In this environment, it is foolish to ask parents to take on the sole responsibility to regulate their child's access to media. Parents need help. Help has been provided in the past. Government has regulated access to obscene material by children. Government has regulated access to violent movies by children. Somehow we survived all of those regulations. Now I only ask you to affirm the general resolution that these efforts were justified. Understanding that we can help parents without eroding their social function, the second contention becomes a second reason to vote for the resolution. Obscene materials inhibit children's abilities to interact with each other. This inevitably leads to an erosion of the system of free expression. We have to regulate free expression in order to secure the system of free expression in the long-term.

Second Affirmative Rebuttal (2AR) cont'd

These two reasons to vote are quite similar. I have provided to areas where government regulation of free expression is essential to the long-term development of a system of free expression. We must limit access to obscene and violent materials. While free expression is important, we have to take a long-term view. What is it that we are losing when we regulate obscene and violent materials? Not much. The fear mongering of the negative suggested that we would ban classic literary works but any reasonable government would not do so. There is nothing lost by allowing a reasonable government to regulate this material. There is a lot to gain. Regulations would ensure future generations access to the system of free expression while not eliminating anything of worth from the system. For this reason I ask you to affirm today's resolution that limiting the freedom of expression of adults is justified by society's interest in protecting children.

Commentary

1. Like the previous debate, I will leave this debate free from line-by-line annotations. You should go through this debate and look for the sorts of errors pointed out in the first example debate. However, I want to direct your attention to some aspects of each speech that deserve special attention and that were not discussed in the first example debate.

   This affirmative case is typical in a number of ways. It represents of popular class of inductive LD cases. The affirmative chooses a couple of examples of where one would support the resolution as a means to defend the resolution in its entirety. How well were the examples chosen? Are these examples sufficient to affirm the entirety of the resolution? How does this approach affect the value and criterion portion of the case? What sorts of compromises does the affirmative have to make in order to accommodate this style of argumentation?

2. Like the affirmative case, the negative case is typical in its way. The negative case represents the popular negative strategy of arguing vague and generic arguments. If you read through just the negative case, you would be hard pressed to remember the wording of the topic. The negative case talks about limitations of free expression but not about adults or children. The context of the resolution is missing.

   How does the generic nature of the negative case affect the rhetorical choices that the negative makes? Is this approach more or less compelling than the inductive approach that the affirmative makes? Are the implications of the negative case realistic consequences of the resolution or are the exaggerations? How well does the negative tie refutations back in to the resolution?

3. With two typical case structures, you have a very typical affirmative rebuttal. The affirmative needs to deal with the generic negative case and rebuild the inductive affirmative case.

   How well does the affirmative deal with all of the arguments in the round? How well does the affirmative deal with the abstract nature of the negative? How well does the affirmative organize arguments in order to deal with them more efficiently? What could be done more efficiently?

4. The negative gets to pick up the pieces after the 1AR. This can be hard after a good 1AR where there are few pieces left. This can be easy after a poor 1AR if the affirmative left many arguments unaddressed. In this case, the negative needs to rebuild and clarify the negative case as well as continuing pressure on the affirmative case. In a debate like this, the debate is as much over approach as it is over content.

   What is the conflict over approach? Where is this debate located in the rebuttal? Is this a good place to locate a central area of clash? How well does the negative do to persuade you that the affirmative's inductive approach is insufficient to warrant an affirmative vote? How well does the negative do in persuading you of the generic approach? Is the speech started and ended strongly?

5. 2AR is not about covering all of the issues in the round. 2AR is about forging a story about the round in a way that persuades the judge to vote affirmative. This means that 2AR can and should only address key issues, not bothering to cover every argument in the round.

   Were the arguments selected well for the 2AR? What arguments were neglected? Did the affirmative neglect an important issue? How well did this speech address the clash between the inductive and generic approaches? What rhetorical devices did the affirmative use to attack the generic approach? How well did the affirmative remind you of the important arguments in the affirmative case? Was the speech organized well to persuade you to affirm the resolution?

6. Who won?

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THE 2ND EDITION

Lincoln Douglas Road Guide

SCOTT ROBINSON

Part 3

VALUES

Chapter Ten - Justice

Society is rife with conflict. People voice claims to all sorts of rights and goods. It is hard to sort out which of these claims are appropriate and which claims are not appropriate. This problem becomes all the more troublesome when the claims conflict. Justice seeks to sort out these claims. Consider the question of whether a government should respect minority rights or majority rule when the two conflict. Each of these principles (majority rule and minority rights) is a claim that people generally consider good. However, there are many instances where these claims will conflict. Justice should provide a way to sort out these conflicts. In so far as we often debate conflicting claims such as these, justice is often a useful value in LD.

Justice is primarily a social value. By that I mean that justice is germane to interpersonal questions. Justice shines when you have to adjudicate conflicts between people. When you have to decide whether one person's claim is more important than a separate person's claim, justice is clearly appropriate. Classical texts included personal decisions in the discussion of justice. Classical authors may discuss the virtue of suicide within the context of justice, but personal issues were peripheral to the major topic. When people have to decide who gets what, justice comes in. For this reason, justice makes the most sense when you are talking about conflict between individuals.

Let us think about the use of justice in ordinary language. In particular, think about how people use the term "justified." Do we say that someone is justified in giving charity? Usually we talk about charity as beneficent or good, but we seldom call it justified. Charity is not unjustified. Justice is not the relevant standard. This is simply not how we use the term. Instead, we use the term "justified" when we have tough choices. There are many instances where one would prefer not to have to make a choice. Should you steal to feed your starving family? Some would say that this would be justified. Few would suggest that stealing is good, but circumstances and obligations may justify it. In this case, the obligation to feed your family may justify a normally forbidden action. LD resolutions usually involve these sorts of choices. We usually discuss tradeoffs. When discussing tradeoffs, justice is a useful value. Since most LD topics involve tradeoffs, justice is often an appropriate value.

Justice is a value that establishes rules of distribution. Authors who discuss justice use the term "distribution" very broadly. One can discuss the distribution of goods. Should government redistribute income? One can also discuss the distribution of obligations. Who has an obligation to follow laws? Finally, one can discuss the distribution of rights. Who has the right to property? What limits exist on an individual's right to property? All of these questions are distribution questions. The last type of distribution question (questions about the distribution of rights) are the most common use of justice in LD, but they are not the only relevant type of distribution questions.

Consider the most popular definition of justice. Most people in LD define justice as giving each person what he or she is due. This is a distribution rule. Governments and individuals ought to provide all of the goods, obligations, and rights that a person is due. Ironically, this is a definition that Plato rejects (in so far as people are due property). This definition is by far the most common use of justice. What does it mean? What are people due? How can we tell what people are due? How do we resolve conflicting claims over what people are due? The simple definition does not define any of this.

The ambiguity of the definition makes justice a very flexible value. If you use a value of justice, you have to use your criterion to define what people are due. Political and moral philosophy provide many examples of relevant distribution criteria. The trick is finding the most appropriate distribution rule. The remainder of this chapter will focus on various systems that people use to apply justice to LD resolutions.

The most popular system related to justice is the social contract. This probably goes without saying. Your primary question should be "how does the social contract propose that we distribute rights, goods, and obligations?" Most of the theories (there is considerable variance in social contract theories) suggest that some principles of nature or rationality serve as the basis for all rights and obligations (goods are secondary to this analysis). Your responsibility in using the social contract as a criterion for justice is to define universal principles demand specific rights or obligations. You have to use the social contract to describe a specific system of principles.

If you want to rely upon the contractual logic of the social contract, you should probably use a more refined criterion. Specifically, legitimacy serves as a good criterion when you want to discuss a contractual relationship between the government and its citizens. Legitimacy focuses on the analysis of power. A use of power must be legitimate to be just. Legitimacy systems (including social contract arguments) focus on the nature of the use of power in order to decide whether the power is justified. Many of the most important considerations for legitimacy systems include consent, the rule of law, and jurisdiction. Various systems implement these concepts in various ways, but these concepts are all easy to explain.

When debating social contract systems (or legitimacy systems) the key is to use very clear, accessible language. Do not rely on the often-archaic language of many authors. You need to describe the concepts in modern language in order to appeal to most judges. With that in mind, these arguments sound very professional. Use of concepts like jurisdiction and consent project a sense of legalism (a positive image to most judges).

Legitimacy, however, is not well suited to inter-personal conflicts. Whereas the social contract (used generally) does have implications for interpersonal justice, legitimacy is uniquely suited to cases where you need to argue about what rights the government owes to its citizens and what obligations the citizens owe to the government. The social contract authors have many arguments that apply in situations where there is no government. Modern legitimacy systems almost always assume that a government exists (a reasonable assumption in most modern debate resolutions).

One can also use equality (a value in its own right) as a system for justice. The previous two criteria have focused on rights. One can just as easily use social contract logic to suggest that equality should be a criterion for justice. Alternatively, you can avoid the entire social contract debate and appeal directly to the value of equality. Equality is an intuitively appealing distribution rule.

Translations of Aristotle have the most eloquent expression of equality as a principle of justice. Aristotle argues that justice is the act of treating "equals" equally, and "unequals" unequally in proportion to their inequality. This rule sets up equality as the default distribution rule. If you want inequality, you have to prove two things. First, you have to prove that the people are unequal. Then you have to prove that the inequality is proportional (read this also as relevant) to the inequality.

This is a very simple system of justice (especially compared to social contract and legitimacy systems). All you have to say is that equality is a good way to distribute rights. Not many people will contest that simple statement. The trick (there is always a trick) is in defining the relevance and proportionality conditions. Consider capital punishment (though you might be sick of it at this point). Capital punishment is an unequal treatment compared to other forms of punishment. Is it just? You have to answer two conditions. Is the inequality relevant? Is the fact that someone committed a capital crime a relevant difference in terms of punishment? Is the inequality proportional? Is the inequality in capital punishment proportional to the difference between capital and non-capital crimes? These are the types of questions you must answer in any case implementing the Aristotelian equality system.

In relation to justice, remember that equality is an intuitive distribution rule. You must rely on this in any case using the equality system. The simplicity should pervade the round through the rebuttals and the cross-examination. The equality system gives the judge a simple decision rule. In cross-examination fall back on the questions of relevance and proportionality. This focus should continue through all of your rebuttals. You should open and close each speech with your two questions. Whenever you have a simple system like equality, run with it. It can appeal to a wide variety of judges.

Finally, one can use utilitarianism, or the social good, as a system for justice. It is very uncommon to hear this argument in LD, but it is fairly common in the literature. Many theories of justice focus on the need for political institutions to uphold order or safety. Both of these concepts are utilitarian when applied to justice. This is probably the most common of all the systems of justice. As much as people may complain about utilitarianism, most people are utilitarian at heart.

Some utilitarian authors sketch out the relationship between justice and utility. This opens up another potential criterion for you. You can use social good analysis as the basis for justifying a distribution. This has the advantage of being an ends-focused criterion. Most applications of the previous criteria (each can be adapted to an ends-focused case, but it is rare) look to means-focused arguments. They are more interested in how you act rather than what you accomplish. If you want to appeal to justice based on what you can accomplish, you should use the utility based definitions of justice.

You should rely on the intuitive appeal of this criterion. What is the best way to distribute goods to a group? How about in a manner that maximizes the utility of that group? Seems pretty compelling to me. Sure other ideas like equality are nice, but when there is true conflict give me utilitarianism.

This brings up a pet peeve of many judges. When you argue that justice involves treating people equally, you can not say that anything "achieves" justice. If you do not treat people equally (when justice requires that you should) your actions are inconsistent with justice. Treating people equally does not really "achieve" anything. If you use means-centered forms of justice, you should talk about consistency with rules (for example, protecting the right to free speech may be consistent with justice). If you are talking about ends-focused forms of justice, you can talk about achieving more justice (because looking at results allows one to use rhetoric about "providing" justice). Make sure that you use rhetoric that is consistent with the logic of your value.

These nit-picky statements about rhetoric represent deeper logical necessities when arguing about justice. If justice is means-oriented, justice is a "yes-or-no" question. You do, or do not, violate a rule. You can't be a little consistent with a rule. You are consistent or you are inconsistent. If you debate a means-oriented form of justice, you can not claim to be "more" just than your opponent. There are no gradations of rules. If someone uses these sorts of arguments, point this out. If you violate a rule, you violate justice.

However, if you use an ends-focused criterion for justice, you can talk about degrees of justice. If you use utility or the societal good as your rule for distribution, it makes sense to talk about more or less justice. In fact, if you hear people use phrases like "more just", you can bet that they are using an ends-focused criterion for justice whether they realize it or not. It is quite common for people to use ends-focused criterion without knowing it. People may argue that justice requires protecting individual rights. They may then argue that their case provides more rights than you do. They are accepting an ends-focused criterion even if they are talking about rights. They are just saying that one should maximize rights in the same way that one could maximize utility. You can argue this the same way that you would debate a social good criterion, even though they talk about rights rather than utility.

As you can tell from the above discussion, justice is very flexible. You can talk about the social good or individual rights, all within the context of justice. The flexibility of justice is also its greatest weakness. You have to do a lot of work to define the specific expectations of justice. Justice defines what sorts of claims are relevant (equalities, rights, "due", etc.) but it does not define the exact substance of these claims. This opens justice up to about any attack. Just about any value can be attached to justice. If you use justice, your opponent can almost always claim that their value is part of justice. Just about any value can fall under the idea of individual claims.

Justice is so vague that you can almost always attach your criterion or your value to it. Most arguments about justice are about the criteria. One author will contend that rights, not equality, are the proper criteria. Justice incorporates so much that both sides of almost every topic have some claim to it. In this exchange, both people can agree that justice is the primary value, but they may disagree over how to achieve or act consistent with justice.

In most debate rounds all you have to do is argue that justice requires your criterion also. You do not have to prove that your opponent's criterion is bad, you can just attach additional requirements. This really bugs people but they deserve it for running so vague a value. In just about every round you can appeal to justice using any criterion. All you have to do is claim that people are "due" the claims supported in your case. This may be social utility, equality, or anything. The flexibility of justice is a double-edged sword.

There are also philosophical arguments against justice. These are very hard to argue in LD, but it is important to know that they are out there. Communitarians are the most vocal opponents of justice. They argue that justice is a bad value. Some authors contend that if we have to resort to justice, we have lost something. Remember that justice is about resolving conflicting claims. Communitarians (Sandel in particular) argue that we should not focus on resolving conflicting claims, we should avoid conflict altogether. Justice ignores ideas like beneficence because justice assumes a conflict.

This is an appealing philosophical argument, but it is hard to use in LD. As I mentioned before, LD focuses on conflict. Very seldom will we have a topic that does not involve conflicting claims. To a communitarian, the damage is done. Someone has to lose. If someone has to lose, then justice may be appropriate again. The centrality of conflict in LD requires the appeal to justice rather than some more communitarian values.

The more important critique of justice, also coming from communitarians, focuses on the individualistic formulation of justice. Remember that we started by asking what each person is due. Communitarians resist the relevance of each person's claims. The idea that each person is due rights, obligations, or goods is based on autonomy. We have to assume that people are separate if we can meaningfully talk about separate rights. Communitarians contend that people are not separate. We are all parts of a community. It is therefore impossible to talk about individuals as distinct from their communities.

Justice is by far the most common value in LD. It is therefore the most commonly misused value. You need to put some thought into how you plan to use, or refute uses of, justice. I want to leave you with a key tactic when debating justice. Means-based forms of justice only create necessary conditions to justice. These can show that something is unjust, but necessary conditions can not alone prove that something is just. Ends-based forms of justice are more often sufficient conditions to justice. The problem is that these forms of justice are hard to justify. Pay attention to this distinction. It is hard to prove that something is just. It is much easier to prove that something is not just. Be careful to use sufficient conditions for justice when you actually have to justify a social practice. When you only want to show that a practice is unjust, you can use necessary conditions.

Annotated Bibliography

Aristotle. THE POLITICS.
In this classical work, Aristotle sets out various arguments relevant to the discussion of justice. Many parts of Aristotle's political theory are very useful in contemporary LD debates. The most obviously useful argument is Aristotle's discussion of justice and equality. As mentioned before, Aristotle focuses on justice as treating people equally or unequally according to relevant inequalities. This is a great criterion. The entire discussion of it is quite useful for many topics.

His discussions of the state and citizenship are also interesting. Aristotle was very elitist. He was not convinced that all people should be involved in the government. He worried that some people were not qualified to make big decisions. If most people are stupid (as Aristotle believed), then we do not want to turn the reins of power over to them, as a democracy does. However, it is only just to consider the interest of all people. The ideal state, then, is one run by an elite class on behalf of all of the people.

If you want to be serious about debating justice, this is a good place to start.

Beetham, David. THE LEGITIMATION OF POWER.
This text is a very good review of many theories of legitimacy. While I will not list many secondary sources in this section of the Road Guide, this book is a nice combination of secondary and primary analysis. In particular, this book does a good job of illustrating the fundamental requirements of legitimate power such as the rule of law and consent. This is also a good text to begin research on the modern theories of legitimacy.

Hobbes, Thomas. LEVIATHAN.
Hobbes brings the metaphor of the contract to bear on justice. He may not have been the first person to argue that contracts are the basis for justice, but he was the most popular. He differentiates the laws of nature from the laws of society. Laws of nature are unenforceable and thus unstable. People have to create contracts (read "laws") in order to enjoy their lives. The creation of these contracts creates rights. The contract is the basis for all justice. It is just to uphold this contract. It is unjust to violate this contract. This is a pretty simple argument, really.

The catch is that Hobbes argues for a very strong government to enforce these contracts and rights. The key difference between anarchy and stability is enforceable contracts. Someone has to be strong enough to enforce contracts and make sure that people behave. That someone must be the government. This leads to troubling implications. Hobbes is willing to sacrifice many claims that we feel are rights in the name of security. If you want to use Hobbes, be prepared to uphold the extreme measures he will support in the name of social order.

Locke, John. SECOND TREATISE ON CIVIL GOVERNMENT.
When people refer to the social contract as the basis for justice, they usually mean this text. This is essential reading for any discussion of political rights, justice, and the social contract. Locke makes so many arguments relevant to LD debate that it is impossible to begin to list them here. The most important use of Locke is his theory of limited contractual obligations and political reciprocity. People have rights that the government must guarantee. If the government violates those rights, the citizens have the right and the obligation to overthrow the government. This is where he and Hobbes disagree. Locke will allow citizens to overthrow the government where Hobbes felt that one should only rarely overthrow a state.

If you want to debate justice or LD at all, read this book. It is relatively accessible and should be easy to find.

Nozick, Robert. ANARCHY, STATE, AND UTOPIA.
Nozick does not present an entire theory of justice. In this book, he set up a framework and left for other philosophical projects. This does not make his book any less important than other works. You have to be very careful in what you use this book for. The most appropriate use of the book is as a critique of Rawlsian justice. Nozick punches a lot of holes in Rawls' theory and is useful in that regard.

His most useful contribution for our purposes is his arguments for historical justice. Nozick argues that justice must be historical in the sense that the justification of a claim is based on the history of the claim. One can not look at the implications of a claim in order to assess whether that claim is just. Instead, one has to look at where the claim came from. If the claim comes from a legitimate source by a legitimate process, then the claim is legitimate. The effect of the claim is irrelevant.

Plato. THE REPUBLIC.
This is the seminal work on justice. In fact the entire book addresses the question, "what is justice?" It is very hard to read but well worth the effort. The entire book is set up as a long cross-examination. The book is a little obscure compared to the more modern texts, but any student of political philosophy should read this work. It is easily one of the most important texts in Western civilization.

Rawls, John. A THEORY OF JUSTICE.
For years, people thought that the study of political philosophy was dead. The utilitarian philosophers had won. Everyone should just pack up your bags and move on to a more important question. Rawls changed all of that.

Rawls asserts a very egalitarian form of justice. The primary rule of justice is the equal distribution of basic rights. After that equality condition is fulfilled, you can distribute social positions (like access to wealth, education, etc.) unequally only if the inequalities benefit the least advantaged. This argument is a lot less clear than it sounds. I am not sure that anyone knows what basic rights are. Whatever they are, they have to be distributed equally while other (less basic) claims can be distributed unequally. This is a very long detailed theory. It is also the most complete theory of justice out there. This is probably the most influential work in political philosophy in this century.

Rawls, John. POLITICAL LIBERALISM.
This book is very misunderstood. I am pretty sick of urban myths (some of which are probably not far from the truth) about how graduate students or ghostwriters wrote this book. I don't care. Neither should you. This book clarifies some of the more obscure points in Rawls original book. It does not contain a retraction of A THEORY OF JUSTICE. It does not discredit Rawls. It is a clarification that might contain (depending on interpretation) some contradictions.

The key contribution of this book is the elaboration of liberalism. In this text, Rawls focuses on the problems raised by communitarian authors. He discusses the areas of life that a liberal government can regulate without interfering with personal morality. This is mostly a series of fine points. Very little of these arguments will be useful for you. If you want to be a Rawls scholar, you should read it. You can reasonably skip it though.

Sandel, Michael. LIBERALISM AND THE LIMITS OF JUSTICE.
Sandel criticizes Rawls from a communitarian perspective. Whereas Nozick argues that Rawls does not respect rights sufficiently, Sandel says that Rawls pays too much attention to rights. Sandel makes two main arguments. First, a focus on justice diverts attention from communitarian values like beneficence. Sandel argues that we should talk more about avoiding conflict than resolving conflicts. Second, rights-centered theories attribute too much autonomy to individuals. People are products of their community and therefore the individual owes their community obligations. These arguments are very hard to explain in a LD round. I have trouble explaining them when I have an unlimited amount to time. I do not find these arguments useful per se, but they are important to any understanding of modern political philosophy.

Walzer, Michael. SPHERES OF JUSTICE.
Walzer presents another egalitarian system of justice (though he is sometimes classified as a communitarian). He argues that we should look to the qualities of goods, rights, and obligations in order to decide how we ought to distribute those objects. This should sound a lot like Aristotle. You need to look to the relevance of any inequalities. In Walzer's thought, you need to look at the nature of the good to decide which rules apply. I have never seen Walzer used in LD though I have no idea why. Here is your chance to break new ground.

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Chapter Eleven - Morality

What am I obligated to do? What conduct is right? These are the fundamental questions of morality. Morality identifies the obligations that an individual must uphold. The key to debating morality is identifying these obligations and applying them to specific issues and resolutions.

Before one can think about specific arguments about moral obligations, you must think about what it means to be moral. Every philosopher suggests different sets of moral obligations, but many of them agree that morality possess certain fundamental qualities. In order to ask questions about what individuals are obligated to do (without specifying more detail) one must make certain assumptions of individual behavior and morality. I will start by pointing out the most important assumptions of traditional moral theorists as well as the critics of these assumptions. Then I will turn to a discussion of the two major systems of traditional moral theory.

The first assumption is free will. Moral theorists start from the assumption that people are responsible for the actions they take. Only if individuals are responsible for their actions do we attribute any level of morality or immorality to them. If you had no way to prevent harm to a person, we do not blame you for that harm. We only judge you based on the actions you have control over. This is a very strong assumption.

Recent philosophers (many of who fall under the ambiguous title "post-modern" philosophers) question whether we are ever actually in control of anything. They question whether free will exists at all. Our actions may simply be the product of social forces. Alternatively, our actions may be the product of deeply held non-rational beliefs. There are many ways to attack the free will assumption. This is a tough position, however, to sell to judges. Not many judges will even listen to arguments against the existence of free will. Free will is as fundamental to most judges' morality as any other principle. I will stick with the traditional moral theorist who assume free will exists and therefore individuals are responsible for at least some of their actions.

The second assumption is universality. Most of the moral theorists popular in LD try to present universal theories of morality. That is, they want to construct theories of morality that hold in all cases for all people. This is necessary to debate LD resolutions. LD resolutions involve debate over universal (or at least very general) principles. Debates often discuss the morality of suicide or genetic engineering. There are very broad subjects. We seldom know much about the identity of the agent of action or the context of the action. We have to debate in very general terms about very general obligations. The generality of LD resolutions makes theorists who also discuss general obligations very important to LD.

This is also a very strong assumption. Many, many philosophers question the existence of any (much less many) universal moral obligations or rules. Moral theorists of many different traditions (post-modernism, feminism, cultural studies, etc.) dismiss the idea that one could ever create a universal system of morality. How can we say that anything as broad as genetic engineering is moral? Clearly, critics of universality argue, the morality of genetic engineering depends on the use and the context of the process. These authors may have some very strong arguments, but they are hard to sell in LD. The opposite of universality is particularity. Few judges are willing to accept that there are no universal moral rules. This is a tough balance to resolve. Most judges will agree that morality depends, in part, on context (like the particularist arguments suggest). The same judges, however, will not agree that there are no universal obligations. Torture is simply wrong. Genocide is simply wrong. Maybe some questions are hard calls (like capital punishment, genetic engineering, trade sanctions, etc.) but there are some universal rules.

Finally, traditional moral theorists focus on intentions. This assumption is intimately related to the issues of free will and responsibility. The authors I will discuss use morality as a way to evaluate intentions. In part, this is because people are completely in control of their intentions. Control is required by the autonomy assumption (autonomy is another word for free will). I only list this as a separate assumption because so many LDers get it wrong. I have heard many LDers refer to moral theories (the traditional moral theories) as focusing on intentions or ends (meaning results). This is wrong. Even the most die-hard utilitarian (who we will discuss in detail in a moment) evaluates morality based on intentions. Intentions are the subject of morality. You may look at the intended effects or you can look at the intentions relative to moral rules, but you are always looking at intentions.

You must understand these assumptions in order to understand any traditional moral theory. I will now turn to look at the two major systems of morality. Look for the assumptions to pop up into this discussion. I will focus here on the moral foundations of each system.

There are two schools of thought (systems) in traditional moral theory. The first is rule-based morality (also known as deontology). The second school of thought is ends-based morality (also known as teleology). I must repeat that both of these systems evaluate the morality of intentions. The first bases morality on the rules you intend to act upon. The second bases morality on the ends you intend to seek. Despite the assumptions shared by each school of morality, these schools are very distinct.

Deonotological morality seeks to define the rules that should govern moral behavior. The most notable proponent of this school of thought is Immanuel Kant. I will focus on his theory in order to illustrate the mechanics of a deontological moral theory.

Consider the process of theory building. You know what the question is. How ought I to act? But, you do not know how to answer the question. Every author's quest is to define a reasonable answer to the primary question. Kant's approach is to look at the assumptions of the word morality. Moral action must be consistent with the assumptions of morality. This almost takes the form of a logical syllogism. What do I have to assume to say that morality exists? What do I have to assume to say that an individual action can be moral? The answers to these questions make up the logical foundations for morality. These answers also form the boundaries of moral action. This is a very vague. There is no easy way to explain Kant. The best explanation is an illustration.

The first assumption for morality is free will. As I stated above, all traditional moral theories assume that individual possess free will. Without free will, it is unclear what morality means. So, Kant argues that moral intentions must be consistent with the assumption of free will. If your intentions contradict free will, the intention is immoral. The categorical imperative is to follow non-contradictory moral rules.

What does it mean to will a contradiction? This is very unclear. It is very hard to think of intentions as a set of assumptions that may or may not contradict. Some examples are pretty clear though. Paternalism is a contradiction of the free will assumption. Paternalism is the process of limiting liberty in order to protect a person from himself or herself. This may take the form of religious education or prohibition of alcohol consumption. The essence of paternalism is that one person (a legislator) assumes that he or she knows more about the citizens' interests than the citizens' do themselves. This is a contradiction of the free will assumption. I can not consistently assume that I have free will but that other people should not have free will. I can not morally assume that other people should not be able to choose.

This example sneaks in a second assumption. My intentions must treat all people (or actions) the same. I can not differentiate between one person and another. In the paternalism example, I can not differentiate between citizens and legislators. This is a simple, and persuasive, assumption. This introduces the most commonly used portion of Kant's moral theory, universality. If a moral argument does not differentiate between people, it must hold for all people. If the moral theory holds for all people, it is a universal moral theory. This is the second formulation of the categorical imperative. The second formulation (universality) is merely an application of the first formulation (consistency), but many LDers argue as if these are distinct arguments. They compound the error by arguing that respecting free will (an application of the universality requirement) is a distinct third formulation. At a basic level, all three formulations of the categorical are one argument. Moral intentions are non-contradictory.

The trick to applying this moral theory is in defining what violates the twin requirements of consistency and universality. Kant's theory, like most moral theories, falls back on a sense of reason. What distinctions are reasonable? Maybe we can not differentiate legislators from citizens, but can we differentiate between children and adults? Many people support paternalist laws (like curfews or restrictions on the purchase of firearms) for children that they would not support for adults. Kant does not provide an easy answer.

As you can tell, Kant's moral theory is very hard to explain. I can pour over this chapter for weeks and still never be happy with it. The pressure to explain Kant becomes almost too much to handle when you are under time pressures. I would almost never suggest using Kant as the basis for a case for this reason. I think Kant is an important moral theory. In fact, I think it is one of the most complete moral theories anywhere. However, one must be very cautious in using Kant's complicated theory.

Beside the complexity of Kantian morality, there are analytical problems you must beware. What do we do when rules conflict? What do you do when it is morally wrong to will an action and yet morally wrong not to will an action? The most popular attack on Kant's moral theory (in LD) is to create a situation where action and inaction are both immoral. What do you do when an SS officer asks if you are harboring Jews (in this case assume that you are in fact harboring Jews). Do you lie? That would be immoral (lying is immoral by Kant's arguments). Do you turn over the Jews? That seems repugnant (and may be immoral by Kant logic as well). Do you remain silent? In that case the SS officers capture you and the Jews. That seems like a worse case scenario. Rule-based theories are notoriously bad about defining ways to resolve such conflicts. Kant relegates his answer to a footnote. Others refer to an undefined higher law (which really defeats the point). Potential conflicts are the Achilles heel of rule-based moral theories.

This flaw is a big problem in LD. Most of the resolutions we debate involve a conflict between at least two moral obligations. There is always some moral obligation that you can use on either side of a topic. This transforms the debate into an issue of choosing moral obligations. By bringing up contradictory obligations, you can confound Kantian morality.

Another problem with Kantian morality is that it is purely negative. Kant does not give you a simple test to prove that something is moral. There are various simple ways to argue that an intention is immoral. There are a million ways to prove that something is inconsistent or particular. It is very hard to prove that something is universal or consistent. For this reason, Kant is a much stronger position on negative than on affirmative. Kant creates various necessary conditions for morality, but few (or vague) sufficient conditions for morality.

There is an alternative in the form of ends-based moral theories. Here I will use the theory of Jeremy Bentham to illustrate the point, but many others could have worked. Bentham is the father of the utilitarian school of morality, the most popular ends-based moral theory. He faces a similar problem in building a theory of morality. He wants a universal theory. However, he wants a compelling, easy to apply theory. Bentham concludes that morality is based on the intended effects of your actions. You are responsible for the changes you want to bring to the world. The hard question is then, what are moral effects and what are immoral effects?

Bentham answers this with what could be a tautology. We are morally obligated to seek happiness. What is happiness? Well, that is not clear. I will leave that point for later. Bentham thinks that there is something we call happiness (we will accept this assumption for now). This is the basis for all moral intention. A moral action increases happiness. An immoral action increases suffering (or decreases happiness). Denying happiness by inaction is effectively the same as causing suffering.

This is where people really start to misunderstand Bentham (and his fellow utilitarian thinkers). He argues that all people have an equal claim to happiness. When you consider whether your intentions will increase happiness you must include the happiness of all people affected by your action. No person's happiness counts for any more that any other person's happiness. This includes the moral agent. You can not consider your own happiness to be more important than the happiness of any one else. This theory is very egalitarian. It is the egalitarianism of utilitarianism that makes this theory very compelling.

Here, again, an illustration is helpful. Let us return to the question of paternalism. Is it moral to protect people from themselves? Bentham would argue that if paternalism prevents more suffering (in the form of whatever harm it prevents) than it causes (in the form of the loss of liberty), then paternalism is moral. One can argue (and Mill does) that the suffering that paternalism causes is greater than the suffering prevented by paternalism. Utilitarianism makes the decision focus on the happiness (or suffering) of the policy.

The problem still lies with the concept of happiness. What is it? How can we measure it? Bentham seemed to suggest that happiness was a quantifiable concept. You could count the amount of happiness you will generate with an action. He created a complex formula for determining the happiness (or pain) generated by an action including such concerns as propinquity (how close you are to the happiness), intensity (how strong is the happiness), etc. Morality is like a giant math problem. Even other devoted utilitarian thinkers reject this characterization of happiness. Arguments over how to measure happiness dominate much of the utilitarian writings after Bentham. If you can not know how much happiness is generated by an action, you can not know whether that action is moral or not. Measurement is the Achilles heel of ends-based moral theories (particularly utilitarianism).

Another concern is the role of rights in utilitarian theory. If every moral decision is based on happiness, then there is only one right. All people have the right to equal consideration. No more, no less. There are no rights to free speech. Free speech rights only exist as long as they increase happiness (which they very well may do). Some utilitarian authors adopt the language of rights, but they all have to accept that rights only exist when convenient. This is very controversial. While utilitarians probably would not condone slavery, they may condone a host of smaller rights violations.

There is an important exception to this disregard of rights among utilitarian authors. Mill uses utilitarian morality to build one of the most eloquent defenses of individual rights. He argues that one must take a very long-term view of the social good. One can not possibly predict all of the effects of any public policy. Instead, one should follow certain rules that will tend to produce utility. These rules will tend to promote long-run utility even when they may cause short-term suffering. These rules may consist of rights-like protections. It may cause short term suffering to allow free speech, but in the long run free speech will increase happiness.

These right-like protections may look like rights, but they are different than most forms of rights. The basis for the rules is utility. The rules only exist because they protect long-term utility. This is still a very shaky foundation for rights. There are no inviolable rules. There are only convenient approximations of rights. The ambiguity and slipperiness of Mill's eloquent prose compound this problem.

These two schools of morality (ends-based and rule-based theories) dominate the literature of traditional moral theory. As I mentioned before, recent authors have questioned the most fundamental assumptions of these traditions. I will leave it up to you whether you want to look into the modern critics of these schools, but with a word of warning. These two schools of thought have dominated moral theory for centuries for a reason. They are both very compelling. Each school has deeply influenced moral discourse in our country (and others for that matter). When you question them, you question the basis for moral reasoning that many judges use. Be careful. I have not seen the critics used well.

I am not sure that LD is the right venue for the critics of traditional moral theory. I support research into the criticisms of free will and universality. I support research on anything. However, if you try to compete with cases based on a rejection of universality, you are making some powerful assumptions about the impartiality of the judge. It is tough to make a judge reject a notion so fundamental to most moral and religious doctrine as free will. You are welcome to take the challenge, but don't get disappointed if some judges simply reject the arguments.

Annotated Bibliography

Bentham, Jeremy. PRINCIPLES OF MORALS AND LEGISLATION.
This text sets out the most complete statement of utilitarianism. Bentham, a legal theorist as well as a moral thinker, uses this text to set out both his theory of moral and legal obligation. He spends considerable time sketching out a foundation for utilitarian moral theory. His legal background shows as he turns to applying his moral theory to the process of writing and implementing laws. He sees law writing as a natural analogue to moral action. In particular, he spends a considerable amount of time discussing the morality of punishment and incarceration of criminals. His writing is quite accessible and is an underutilized source of moral theory in LD.

Kant, Immanuel. THE METAPHYSICS OF MORALS.
This books goes by many names. I think I know four different titles for the introduction alone. In general, just look for the phrase "metaphysics of morals" and you will be in the clear. I find the recent translation by Gregor to be very good (and bad translations can make this book completely impenetrable). This is one of the most difficult texts in the canon of LD. I, however, do not agree that people should not read it. It is tough, but rewarding. I feel this is the most complete moral theory around. It is not perfect by any means. However, one must commend Kant for the amount of detail he spent outlining his theory. If you are up for a challenge, this is a good bet. This theory is particularly good on issues regarding universality and sacrifices. Sacrifices are, by definition, not universal. Someone is losing so that someone may win. Kant presents a thorough discussion of why sacrifice of other people is immoral.

Mill, John Stuart. UTILITARIANISM.
Mill's utilitarian theory is a little hard to characterize. He wants to combine the good points of both Kantian and Benthamite moral systems. Doing so, he creates rule utilitarianism. He still holds that morality is based on happiness. At heart, he is still a utilitarian. However, he wants to take advantage of the universality of Kantian arguments. To that end, he fundamentally alters Bentham's theory. Mill argues that morality is based on upholding rules that themselves are justified by their impact on happiness. You use happiness (a la' Bentham) to create general rules. You then use rules to guide your action (a la' Kant). His other major contributions include a critique of Bentham's system of happiness. Mill differentiates higher forms of happiness (knowledge, classical music, etc.) from lower forms of happiness (lust etc.). Mill's theory is also useful in that he deliberately describes the relationship between morality and justice.

Singer, Peter. PRACTICAL ETHICS.
Singer is the modern proponent of utilitarianism. This book includes applications of utilitarian thought to various moral arguments in our times. Singer applies utilitarianism to medical ethics in ways that classical authors could not have foreseen. He does not describe utilitarian theory much, but he does go to great efforts to illustrate the egalitarian implications of pure utilitarianism. This is a great text for a modern, accessible exposition of the theory and applications of utilitarian thought.

Chapter Twelve - Liberty

Every person must define the boundaries of their actions. There are actions that individuals are justified in doing. There are actions that are never justified. This is a central topic in many LD topics. The key to debating these questions is presenting a coherent system of rights that can stand up to scrutiny.

Before discussing specific systems of liberty and rights, it is important to consider the assumptions of liberty. Like many other classical values, the value of liberty and rights are contingent on free will. Rights mean very little if one can not choose to use them. This simple statement has important implications. Is a right valuable if one lacks the material means to utilize the right? Does one have the right to vote if one lacks the money to pay the poll tax? Does the right to life have meaning if you are starving? This leads to important critiques of rights theories. Are rights empty claims? Is their value contingent upon their use? Many modern authors criticize classical rights theory for granting liberty (like free speech) while ignoring the important claims to needs (like food and shelter).

It is also important to note that the literature on rights and liberties adopts a language of "granted rights." Someone (or something) grants all rights. Are our rights granted by the Constitution? Would we not have a right to free speech if there were not a document declaring the right? If the Constitution is not the source of our rights, where do they come from? The key question is "granted by whom? To whom?" This distinction will serve as the basis for categorizing theories of rights.

Finally, the most important question for any rights theory is "what are the limits to rights?" Almost all (but not all) topics that involve rights focus on the limits of rights. Whenever you present a theory of rights, you are responsible to define the limits of rights. You should not advocate a right to free speech unless you are willing to define the limits of free speech. If someone presents a theory of rights, ask them about the limits of those rights. While many discussions may seem to focus on the source of rights, it is the question of limits that make the theory powerful. Questions of whether something is or is not a right are definitional debates. These are important but rarely compelling. A theory earns its acclaim by how it answers the hard questions, the questions about limits.

Keep these three issues in mind. Just like in our discussion of morality, free will is important. Also remember that you should ask the hard questions of any theory. If you can not articulate a clear answer to the limit question, the theory is insufficient. A lot of theories will seem nice until you ask this question. Any theory that fails the limit test is definitional subterfuge (and therefore not a sound basis for debate).

Before describing the various types of rights theories, I should spend a little time discussing language. To this point, I have used the terms "liberty" and "rights" interchangeably. Most theories make some sort of distinction between these words. The problem is that different theories make different (sometimes contradictory) distinctions. I, therefore, ignore these distinctions as artificial. It is important that you pay attention to how each authors use of the terms. You do not want to make incorrect distinctions based on the distinctions drawn by some other author. Keep your language and meaning consistent with the language used by the authors you quote.

As mentioned before, there are two major types of rights theories. The first type of rights theory is natural rights theory. I use this term very broadly to include all theories where rights are granted by "something" outside of the political system. The external source of rights may be nature, a divine being, or rationality. The key is that these theories argue that the source of rights stand above political authority or government.

This idea of a "natural" basis for rights has important implications for government. Government's role in natural rights theory is to protect rights, not grant them. The government merely implements the rights granted elsewhere. The government does not grant the right to free speech, it protects the right to free speech granted by nature (or God, or rationality). Government is merely an agent designed to defend rights. It has no unique value. If the government fails to protect the right, it serves no purpose and may be dissolved (how this operates differs from theory to theory, but the possibility of dissolving government is nearly universal in natural rights theories).

The possibility of dissolving an abusive or lax government exposes the government to revolution. The possibility of justifiable political revolution is the key difference between natural rights theories and other theories of rights. Almost no other theory allows for violent revolution as a means to overturn governments. If the source of rights is the government, one can not logically claim that the government violates rights. Only if there is some external source of rights can a would-be revolutionary logically argue that the government can violate rights.

Most classical treatments of natural rights theories (e.g. Locke, Hobbes, etc.) derive rights from divine will. This is a tough sell in LD. Most judges will not accept divinity as a source for a rights theory. However, recent authors have taken up the theory and provided an alternative. Recent natural rights theories have adopted the term dignity. Dignity is the secular/humanist version of the classical divine source for natural rights. It is generally acceptable to argue that all people have inherent dignity. This dignity is then the source for other, more specific, rights. In most cases, this is more definitional subterfuge. Dignity is the "inalienable rights" argument without the "endowed by their creator" baggage.

The chief problem with natural rights theories (even the modern dignity based theories) is subjectivity. Natural rights theories sound nice until you have to apply them. No natural rights theory can clearly define the limits of human action. They may throw around terms like "liberty" and "license", but they are very hard to apply. If you are debating a natural rights case, you can easily press them to apply the vague notions of "natural rights" in specific cases. Most of the recent debate resolutions have required discussion of very specific rights. Natural rights theories are strong in discussions about the "right to life" or "liberty" generally. You will probably need to find a more specific theory if you want to discuss the right to free speech or the right to bear arms.

Luckily, there are alternative theories of rights (though the natural rights theories are the most common rights theories in LD). The most obvious alternative to natural rights theory is positive rights theory. The subjectivity of natural rights theory caused a backlash in the rights theory literature. Some authors began to look for rights in written laws. Positive rights theory argues that the discussion of natural law is a distraction and a dangerous inducement for revolution. Positivists contend that the only sound basis for rights is written and agreed upon law. Subjective natural law theories lead to social conflict and revolution.

This theory will sound harsh to anyone accustomed to the normal LD discussion of rights. It is fairly hard for judges to accept that the only rights you have are the rights that the government has chosen to grant you. While this overcomes the subjectivity of the natural rights theories, positivist theories sound too oppressive. While positivists are intellectually important, they are not a very persuasive source for LD.

You can sneak in positivist arguments using reference to Constitutional rights. Arguing that we should respect rights because they reside in a written constitution, is a soft positivist argument. This is generally acceptable to most judges. Be careful, though, not to get caught in the trap of reading the Constitution as an exclusive list of rights. This is the document that once supported slavery and denied women's suffrage.

The final system of rights theory is utilitarian rights theory. This is a bit of a misnomer. As I discussed in the section on morality, utilitarianism does not have a good track record with individual rights. However, some of the staunchest defenders of individual rights are diehard utilitarians. The key to a utilitarian theory of rights is to accept the limits of human knowledge. If it is very hard to define the full long-term impact of any policy, you will have to depend on simplifying rules. You may still want to increase happiness. You may simply not trust individual judgment to assess the implications of all actions. In order to protect the long-term interest, you may then accept limitations on moral action.

A utilitarian rights argument can be commonsensical. A right is good if it will increase the long run happiness in society. Sometimes rights look like they are disruptive, but they will increase utility in the long run when you allow individuals certain protections. This is the essence of Mill's justification for liberty. In that most people are closet utilitarian thinkers, this argument can be very persuasive. Just keep it simple.

Annotated Bibliography

Locke, John. SECOND TREATISE ON CIVIL GOVERNMENT.
Locke's text is the stereotypical natural rights argument. In this book, Locke sets up the foundation for the typical LD theory of rights. To many LDers, Locke's social contract theory is "the" social contract. This is the starting point for any discussion of natural rights. Just about every other theory is defined by how it differs from Locke's argument. Beyond the discussion of natural rights, this book also includes very good arguments about majority rule and the right to political revolution.

Hobbes, Thomas. LEVIATHAN.
Hobbes theory predates Locke's but few read him in LD. Hobbes reads like a pessimistic version of Locke's theory (or maybe it is Locke that reads like an optimistic Hobbes). Hobbes spend more time tracing out the relationship between contracts and justice so it is curious as to why LD has practically abandoned his work. You should read Hobbes to see how one can use contractual reasoning (and natural rights) to justify a centralized and powerful government (as opposed to the minimal Lockean state).

Hayek, Friedrich. THE CONSTITUTION OF LIBERTY.
Hayek is not trained as a political philosopher and it shows. His argument does not take the form of a sophisticated modern contract theory. Instead, Hayek comes from an economic perspective. He uses an implicit utilitarian argument to justify freedom and a limited government. His work is mostly focused on economic freedom, though he includes a nice discussion of freedom generally. He argues that individuals do not posses sufficient knowledge to fully assess the costs or benefits of any action or product. Only the free market can efficiently "price" goods and actions. This applies to lifestyles as much as software. Every person must be allowed to experiment (and fail) with their lifestyles if we (as a society) can learn and grow. In the end, this is a sophisticated re-statement of Mill's ON LIBERTY.

Dworkin, Ronald. TAKING RIGHTS SERIOUSLY.
Like Hayek, Dworkin does not write in the traditional form of political philosophy. As in Hayek's case, this probably makes Dworkin's work more readable than many classical texts. Dworkin sketches a dignity-based argument for individual rights from a legal tradition. He argues that rights should be trumps. In card games, trumps serve to beat any other suit. Rights beat any other social concern when there is a conflict. Dworkin then concludes that rights serve to beat other social concerns (like the social good or the public interest) and protect individuals. A right should trump any concern for safety or social order. The book is much weaker on issues defining the source of rights. Dworkin argues that all rights stem from a fundamental right to equal concern. If you are looking for nice rhetoric about how important rights are, this is a good place to look. If you want arguments that define the source or limits of rights, look elsewhere.

Mill, John Stuart. ON LIBERTY.
This is probably the most eloquent book in political philosophy. Mill's writing style is catchy and compelling. His argument, however, is a little hard to follow. In a nutshell, Mill argues that social utility requires that we allow individuals autonomy. When people are free to experiment with different lifestyles, society as a whole can see the successes and failures. This experimentation process allows for social progress. The only limit on experimentation is that one can not harm another person. The latter condition is probably the clearest limit argument in all of rights theory (and the most common in LD). The eloquence of the argument glosses over some important problems, though. Mill's definition of liberty and autonomy seem to shift chapter by chapter producing a moving target. This is a great read and an important source for LD arguments, just use it with care. Like Locke, this is a must read for all LDers.

Narveson, Jan. THE LIBERTARIAN IDEA.
Narveson is a modern libertarian. This book sets out a simple introduction to modern libertarian arguments. It is a clear and accessible source. There is not much in the way of new ground broken with this book, but it is a good place to start with the modern literature (who tend to be hard to follow). As a whole, this book argues that liberty places an absolute limit on the powers of government. Narveson then applies the libertarian perspective to various modern philosophical problems. I suggest this book mostly as a dictionary (of sorts) to the modern language of rights theory (though it is from a libertarian perspective).

Chapter Thirteen - Equality

Equality is a value that most authors (and judges) will embrace in some form. For that reason, it is a very persuasive value. However, judges will often think of equality in different (sometimes contradictory) ways. One judge may use equality to justify massive social engineering. Others will argue that equality demands a small, libertarian state.

A small, libertarian state would make sure that all people have the same rights. Everyone could vote. Everyone could express his or her opinions. This state could preside over a great deal of income and wealth inequality, but all people would have equal rights. Other philosophers argue that equal rights are a sham if there is a great deal of income or wealth inequality. Is a society truly equal if all people can vote, but some can not eat? Is the society responsible to limit the inequalities of resources as well inequalities of rights?

Different conceptions of equality lead to very different policy suggestions. The debate over education programs in particular seeps with contradictory equality claims. Authors often justify public education as a means to equalize opportunities for all citizens. On face, then, equality should be an important concern for education programs. However, what is equality in education? Do vouchers create an equal right to private education or do they erode the egalitarian public education system? How does an egalitarian system justify funneling resources into advanced placement and honors courses for those obviously educationally advantaged? Would dropping all students into the same classes be truly egalitarian? All of these concerns are various types of equality issues. Both sides of each argument claim equality of come kind. Your responsibility it defining the appropriate kind of equality that one should value.

Consider equality as similar treatment. Is treating people the same always good? Probably not. I can shoot everyone (and thereby treat all of the people equally) but the equality itself is not valuable. It is better that fewer people are shot than all people are. It is best that no one is shot, but equality holds whether all people or none are shot. It is not equality that is good. We should talk about equality of something valuable.

At this point, Aristotle's definition of justice becomes very useful. To recap, Aristotle argues that justice is treating equals equally, and unequal people unequally proportional to their inequality. Justice is equality. The trick is correctly applying equality principles. It is not justified to treat all people as criminals. Only criminals should get punished. Criminals, therefore, should be treated unequally according to their status as criminals.

The key to correctly applying equality is identifying the relevant distinctions between people and the proportional responses to those inequalities. Keep two key concepts in mind, relevance and proportionality. The simple application of equality decrees that there are no relevant differences between individuals. If one person should have a right to free speech, all people should have the right to free speech. The previous application of the simple equality is compelling. Similarly, one can argue that no person deserves to die. There are no relevant differences that can justify murder; therefore all people have an inalienable right to life. These simple arguments are very compelling.

These simple arguments tend to break down. After all, there are exceptions to every rule. There are people who deserve to be shot. Capital criminals, invading barbarians and other should be shot. The key to justifying the treatment is in proving the relevance and proportionality of the treatment. How are criminals different from other people in a way that justifies shooting them?

Relevance is related to the nature of the treatment. A relevant difference is somehow related to the good or right being distributed. Family membership may be a relevant characteristic to some distribution decisions and not others. If you have to decide whom to give a birthday present, you may want to know whether a person is in your family. You can reasonable argue that you do not have to give a present to a stranger. If you have to decide whom to give the right to free speech, family membership is probably not relevant. You must fit the distribution to the good. For most rights, you must work very hard to justify inequalities (in legal terms, this would be strict scrutiny). For most material goods, you can be a little more lax and justify inequalities.

Proportionality is a tougher nut to crack. I have never found a good discussion of proportionality. You will have to lean on persuasion and issue specific research to buttress proportionality arguments. You can rely upon the same analytic process as American jurisprudence, make it up and sound good. You may be able to find general principles of proportionality in the literature, but you should probably rely on topic specific arguments for the most effect.

Up to this point, the discussion of equality has been very general. The Aristotelian justice framework is a powerful tool for generating arguments, but it is very vague. You will have to supplement the general framework with more specific arguments. This is where more traditional texts on equality come in handy. Traditional texts will help you set up the relevance and proportionality conditions for specific issues and topics.

The traditional literature has many different systems, but two in particular are important. The first system is equality of opportunity and treatment. This is the simple form of equality discussed earlier. Within the Aristotelian framework, the equality of opportunity system suggests that the only relevant difference is merit. You can not deny someone a right unless they take some action to warrant that denial. On the light side, this means that you can not deny someone the right to free speech without a warrant. The person has to deserve the curtailment of their rights.

In most cases, there are strict rules for rights curtailment. One only warrants a rights curtailment by directly harming someone else's right. For instance, one deserves the right to bear arms until one commits a felony. Arguing that possession of a gun could harm people is not enough. Only a deliberate action to harm another person justifies rights curtailment. This is more of a rights theory than an equality theory (but you will soon see that it is hard to separate rights theories and equality theories).

Recently, authors have criticizes this system of equality. Equality of treatment can lead to gross inequalities of outcomes. It is not the existence of inequality that bothers most of these people, but the quality of that inequality. Some people are so poor that they can not even feed themselves. Health care and security are a distant dream. Equal treatment is pretty shallow when people start from such different origins.

It is a misnomer to call the alternative system equality of outcomes. While some radical authors contend that all people should have the same outcomes, most critics of equal opportunity theories have more modest goals. Most authors simply argue that gross inequalities override specific property claims (thus allowing for progressive taxation). They do not contend that all property should be put in a pile and doled out equally. Instead, there should be some minimal guarantee of goods and services. All people deserve a house, food, health care, education, and other basic claims.

The call for equal human rights to food and housing, for instance, can be a curious argument. In most cases, the policies to support the universal, equal rights to housing involve the unequal treatment of people. Some people will have to pay taxes. In most systems, some people will have to pay more taxes than other people do. You will have to treat some differently (unequally) in order to support equality. You must create inequality of treatment to guarantee minimum claims for all people. In the case of social programs (like housing, food stamps, etc.) the redistribution of income involves trading on inequality (tax code inequality) for another inequality (inequality of condition). The rhetoric of equality explodes at this point. Equality concerns point in opposite directions.

To further illustrate, consider affirmative action hiring programs. The mandate for affirmative action lies in historical inequalities. Racial minorities, and women, have long been denied access to the best jobs. In order to overcome this inequality, a new inequality is introduced. With affirmative action, white males are treated unequally in order to equalize the hiring system. The previously advantaged people are treated unequally in order to advance the interests of the previously disadvantaged.

Is affirmative action compatible with the equality? It depends on the system you choose. Affirmative action is a textbook case of inequality of treatment. Dominant groups are disadvantaged while the other groups are advantaged. People are treated unequally based on their history and social position. However, this policy is designed to allow for equal access. Inequalities of treatment may increase the equality of access to important social positions. This is why affirmative action is such an interesting political question.

As you can tell, equality is a compelling value but it is hard to use. Equality can take on completely opposite meanings to different people. One could construct equality-based arguments for or against the two social policies discussed above. I encourage you to consider the value of equality in relation to most topics, but think carefully. If you want to focus on equality, be prepared to defend your conception of equality as well as the value of that conception.

Annotated Bibliography

Aristotle. THE POLITICS.
This text includes a discussion of equality and justice. You should note that Aristotle is not an egalitarian. He feels that some people are intelligent and would make good citizens. Some people are probably only useful for manual labor. Aristotle is very elitist in this regard. This is common for his time. You will want to use his arguments without the elitist baggage that comes along with this ancient philosopher.

This is a case where you may want to read the book, but you will not likely use extended quotes. Trying to keep a judge's attention through an extended quotation is a bit too much to ask. Instead, read Aristotle for his ideas. Don't both looking for extended quotes on specific topics.

Dworkin, Ronald. TAKING RIGHTS SERIOUSLY.
Dworkin's theory of rights is very egalitarian. He discusses the different types of equality at length. He concludes that true equality is equality of concern. Equality of concern may lead to unequal treatment. Equal concern, in Dworkin's book, means focusing resources on the disadvantaged rather than the advantaged.

This text is an easy read even though it is a little wordy. You should be able to find many applications of equality to contemporary problems.

Rawls, John. A THEORY OF JUSTICE.
Rawls' theory is an egalitarian modern social contract theory. He takes elaborate steps to argue that all rational people would have an egalitarian state. He contends that one must first assume that all want equal basic rights. He then argues that a just society should redistribute some resources in order to overcome inequality. The tension between liberty and equality is very obvious here. I find it very difficult to decide what it is that Rawls really wants. Read this book for great arguments, but expect confusing conclusions.

Rousseau, Jean Jacques. THE SOCIAL CONTRACT and THE ORIGIN OF INEQUALITY.
Rousseau presents the most egalitarian traditional social contract. Rousseau illustrates the implications of equality, which can be quite frightening in a social contract theory. He contends that inequality is a evil that exists wherever there is property. Society should, in part, minimize inequality. It can do so by treating all people as equally contributing members of a body politik. A just society is egalitarian because it weighs all people's interests equally and privileges no one.

Walzer, Michael. SPHERES OF JUSTICE.
Walzer proposes a system of complex equality. He concedes that equality is a troubling concept. Equality seems good in some instances. All people deserve equal human rights, for instance. However, equality is absurd in other instances. I should be able to treat my family members different than strangers. Walzer suggests that the solution to this problem is to relate specific good to specific forms of equality. Some goods (like human rights) should be distributed equally. Other goods (like property) can be distributed based on other systems. I find this argument a nice modern application of Aristotle's argument. Walzer is a little vague as to how one can apply complex equality to different types of goods, but the argument is compelling.

Chapter Fourteen - Life

How should I protect people? It is fairly commonsensical to argue that upholding "life" is good. Few people will question the value of "life." The hard part is in defining the relevant aspect of life. What about life makes it so important? How does on go about protecting "life?"

Justifying the value of life is pretty easy. Almost no one will argue that life is not a good value. No one will argue that we should not value life. This can give you an advantage. You can take advantage of the simplicity of your value. Point out how simple it is to value life. Show how appealing it is. Then argue that your opponent's value (maybe something like justice, or a complicated moral theory like the categorical imperative) is complicated and distracting. If you can not justify your case in terms of a value as basic as life, you will lose a lot of rounds. You can sneak a lot of wins away from good, but confusing, debaters by using a simple value such as life.

If you take this approach, you need to keep all of your arguments simple as well. Keep all of your implications focused on life and death. Make all of your implications simple and direct. This will further illustrate the simplicity of your case relative to more complicated moral systems. Use this to your advantage, simplicity is quite important.

There are many two major systems regarding the value of life. The simplest can be called the "mere life" school. This system argues that life is sacred. The "mere life" school argues that life itself, without any other information, is worth protecting. The unconditional value of life is the sanctity of life. It does not matter what condition the life is in or who (or what) holds that life. All life is worth protecting. The second school of thought is the "good living" school. The "good living" school argues that the value of life depends on how that life is being lived. It is not life itself that is valuable, it is the "quality of life" that holds value. The "good living" school argues that the value of life is contingent on some other value and is therefore not intrinsic to all life.

These systems bring up some very fundamental questions about morality and value. The first question concerns the basis for life. What is life? Is a brain-dead person alive? Is a fetus alive? These are very controversial issues. If "mere life" is valuable, what is life? If only "good living" is valuable, which of these forms of life are valuable? How valuable are these lives compared to other values like liberty?

There are even harder questions when we make choices between species. Is the life of a spotted owl more important than the convenience of a human? Is the life of an owl worth the same as the life of a human? If all life is equally valuable (as some radical proponents of "deep ecology" argue), how do we eat? Animals and plants are equally alive. If taking life is immoral, vegetarians are as immoral as carnivores. These are two hard questions. What is the basis for life? What things are considered alive in a moral sense? What is the scope of relevant life? What lives are important for moral consideration?

The "mere life" system inspired many authors to value the sanctity of life. Life is intrinsically valuable. It is good without reference to any other value. This formulation of the value of life means that taking life is always wrong. All living things deserve life, therefore it is always wrong to take life.

The hard question for "mere life" thinkers is from where does the sanctity of life come? In most cases, the sanctity of life comes from some higher law of morality. Some authors refer to natural law, others to religious law, but they all refer to some higher law. Sanctity is a religious word. When you refer to life as sacred, you are making a religious statement. This makes sanctity of life a tough sell in LD. People shy away from purely religious arguments. They prefer thinly veiled religious arguments like natural law. Anyway around it, people have a hard time proving that life is intrinsically sacred.

The strongest "mere life" arguments refer to the potential for rationality. They argue that all life (in this case they mostly mean human life) has the potential to be rational. All people have the potential to plan their own lives and seek their own goals. All people deserve life because each person is an independent goal seeking entity. Even tough cases (coma patients, fetuses, etc.) have the potential to seek goals.

The latter strategy has a major strength. It is fairly easy to implement a moral rule that values all life (at this point, human life). The evidence of goal seeking is fairly obvious. This rule, therefore, is pretty objective. You can rely on this rule to provide the same answer when different people use it. The objectivity of the sanctity of strength position is its major advantage over other systems.

A second argument, related to objectivity, is the conservatism of the sanctity of life principle. You can't really go wrong by letting someone live. It is an easy, safe call. If there is any question, fall back on preserving the sanctity of life. This is a simplistic argument, but it can be very compelling. When in doubt, don't kill seems pretty compelling.

You may notice that many of these arguments have the flavor of rule-based morality. That is because in most cases, these arguments come from rule-based morality systems. The sanctity of life is the product of a rule. It does not allow for trade-offs or compromises. Sanctity of life may be the clearest example of a purely rule-based moral decision. The sanctity of life principle comes down to a simple statement. Killing is wrong. It is wrong because it violates a rule known as the sanctity of life. If you want to use the sanctity of life argument, you will need to couch it within a rule-based morality system. It is very hard to argue an ends-based morality system and the sanctity of life.

The sanctity of life system has the same weakness of a rule-based moral system. Sure, it is easy to say that we should follow rules. Living by those rules is much more difficult. What do you do when you have to choose? What happens when any action risks life in some abstract sense? Capital punishment clearly violates life. However, not deterring crime may also passively take lives. Either way, people die. What is the right action by the standard of life? It is hard to tell. Rules like this sound good, until they face hard choices.

The second weakness of the sanctity of life system is its ambiguous foundation. Why is life sacred? Why is sanctity of life inviolable relative to other concerns like liberty and justice? You can use a rationalist moral system (though it is tough) to answer this question, but in most cases this comes down to a non-rational beliefs. In many cases this is a religious belief in the soul (or something life a soul that resides in all life). When decisions come down to non-rational beliefs, you are on shaky ground. You have to rely on your judges moral predisposition toward life, but don't be too obvious about it.

The "good life" school argues that the value of life depends on some other activity that life allows. Life itself is not valuable. Instead, life is valuable because it opens up the possibility of valuable activities. In this capacity, life is an instrumental good. This argument usually takes the form of the quality of life principle. Maybe life is good because it allows for autonomy and freedom. If life is merely useful as a means to secure freedom, then freedom is logically more valuable. In this argument, life without freedom is worthless.

The quality of life principle says that a life is only as valuable as the holder of that life values it. We should be worried about increasing quality of life not the mere existence of life. This becomes a happiness/utility question. If a life does not possess the qualities that make life valuable, one does not have the obligation to continue life. People do not usually interpret this as a reason to kill someone or allow one to die. You do not kill someone because they are unfree. Instead, the quality of life principle allows each person to decide whether his or her life is worth living. Taking your own life is then moral if you feel that it lacks quality. If a person feels that their own life is without value (maybe because they do not feel free) then the individual can take their own life.

The difficulty with this argument is that it is impossible to measure someone's quality of life. It is very hard to tell whether one is actually increasing a person's quality of life or not. If the concept of quality of life (or happiness, or utility) is squishy, it is hard to override the principle of the sanctity of life. Remember that the sanctity of life is safe. It is hard to make mistakes preserving the sanctity of life. Pulling the plug is irreversible. You have to be very convincing that a person's life is ever so bad that they can morally take it. This is the most subjective concept in moral philosophy (in that it is essentially the same concept as happiness, the essence of subjectivity).

As hard as it is to argue that the quality of life is a good guiding value, there are many examples of people taking risks with their lives in the name of other values. Every violent revolution prioritizes some quality of life (usually rights or liberty) over life. This prioritization holds for other people as well as the decision-maker. The revolutionary must decide that their cause is worth risking other people's lives (in the inevitable crossfire of a violent revolution). The revolutionaries risk their lives, but also the lives of all the people that live around the battleground. All of our "justified" revolutions prioritize the quality of life over the sanctity of life.

The same logic applies to more mundane matters. Everything we do is risky. Everyday we risk our lives (even if imperceptibly) in order that we can be happy (and thus increase our sanctity of life). Driving a car prioritizes my happiness over my own life (in that it is risky to drive, particularly in College Station) as well as the life of others (the people that may also get hurt in an accident). As hard as it is to define the quality of life, we make a lot of decision every day based on it. The logical problems inherent in evaluating the quality of life do not prevent us from relying on it every day.

The literature on the sanctity of life and the quality of life is not very good. The best material is purely derivative of larger moral theories. One can use Kant to make a good defense of the sanctity of life. He does not directly discuss the sanctity of life (in fact, one could argue that it is autonomy, not life, which Kant values). One could also use Bentham to write a good quality of life argument. Bentham's theory is not primarily a quality of life author. The specific literature (some of which is included in the bibliography) is not very good. In some cases it is amateurish. In others, it is just too complicated. If you want to debate these issues well, the key is to tie your conception of life into a larger moral framework (like rule or ends-focused morality). You can then debate the framework rather than life itself.

Annotated Bibliography

Beauchamp, Tom L. and LeRoy Walters. CONTEMPORARY ISSUES IN BIOETHICS. FOURTH EDITION.
Beauchamp and Walters have collected a series of readings on a variety of bio-ethical issues relevant to the discussion of life. Though most of their selections are focused on particular issues like abortion or euthanasia, the text is still very useful. It is at its best when tying complex moral arguments into positions on practical problems. This book serves as an excellent example of how one can apply complex value arguments to specific problems.

Bentham, Jeremy. THE PRINCIPLES OF MORALS AND LEGISLATION.
This text is only peripherally related to the value of life, but is quite important anyway. Bentham's discussion of the nature of morality and value supports a strong quality of life position. You can use his moral framework to gird any quality of life arguments in a variety of instances. Though the discussion of punishment is not useful here, the discussion of the foundations for a utilitarian morality (and thus a quality of life ethic) stands as the best anywhere.

Kant, Immanuel. THE METAPHYSICS OF MORALS.
Kant's argument supports much more than the sanctity of life, but it is a good place to start looking for a non-religious sanctity argument. Sanctity arguments fit well within Kant's rule-based system of morality. The objectivity of sanctity of life principles allows for some strong arguments from a Kantian perspective. You should be careful, however. Sometimes it seems that Kant values autonomy, not "mere life." In that case, he may actually accept some quality of life arguments. Like with all applications of Kant, you should be very careful. He is tricky.

Pojman, Louis. LIFE AND DEATH.
This is an introductory ethics book that focuses on issues of life and death. It is very accessible and a great starting point for any discussion of the place that life holds in our value pantheon. I find this book particularly good at pushing the implications of various conceptions of life. Though the text is biased towards a quality of life position (or so it seems), it does a good job of presenting down-to-earth arguments about the value of life. You can also look for Pojman's companion volume of readings that coincide with this textbook.

Schweitzer, Albert. CIVILIZATION AND ETHICS.
Schweitzer is the most popular proponent of the sanctity of life position in common parlance. To be honest, I do not find this writing very useful. It is full of throwaway lines and philosophical sound bites. Furthermore, Schweitzer seems to take the position that all life is equally valuable and we should never kill any forms of life. I guess that makes my autoimmune system worse than Hitler. Anyway, it is a must read for the sanctity of life position even is it is more rhetoric than analysis.