

Policy Debate Arguments in Lincoln Douglas

The Role of Policy Concepts in Lincoln Douglas

By William H. Bennett

Theory and argument constructs formerly reserved to policy team debate are increasingly used or encountered in Lincoln-Douglas debate. Why? What is happening that good coaches and contestants need to know? How should participants react?

WHY?

At least four factors explain why policy debate concepts are infringing on Lincoln Douglas debate. Of course this “infringement” can be beneficial or harmful, depending upon how you use it and or react to it.

1. *The judging and coach pool.* A large number of judges are policy debate alumni and or coaches. They bring to the L.D. tournament round or coaching session that team debate background. They use what they learned in policy to coach or critique debaters. Even the significant number who know that L.D. is “different”, that it is value rather than policy, realize that there is large overlap between the two activities and use their knowledge in one arena to help or critique students in the other.

2. *Policy debate is shrinking.* In the early 1970s there were literally thousands of debate teams, now some research says there are less than six hundred. Alumni and coaches who stay involved in high school speech are likely to now be utilized in what many consider the “closest” even to team debate. And that is Lincoln Douglas debate.

3. *Try it, see if it works.* One of the most commendable things about good minds, be they good coaches or good

students, is the ability to cross-apply concepts and strategies. Just because we label a tactic as policy, or an approach to issues as empirical, does not mean it cannot be helpful or successful in Lincoln Douglas. Successful competitors know that and borrow freely from all arenas.

4. *Topics have changed. Topic wording has changed.* Unlike the early years of L.D. today’s topic wording invites or encourages policy concepts.

Typical of pre-2005 topics is this one from 1998: “Resolved: A just social order ought to place the principle of equality above that of liberty”. Note the value-laden words that predominate in the topic: just, equality, liberty, ought.

But now topics are just as likely to focus on policy concepts, two of the last four have even been worded as policy resolutions! Consider the September 2006 topic “Resolved: A just government should provide health care to its citizens”. The topic focuses on a policy action promotion (should) and argues for or identifies a plan or policy (health care for its citizens) as well as an agent of action (government). The March 2006 L.D. topic was also a “should” resolution. And where there are policy proposals there will be disadvantages, counterplans, and solvency issues.

WHAT POLICY ARGUMENTS ARE ENCROACHING?

At least eight policy debate concepts and strategies have entered or expanded their role in Lincoln Douglas debate within the last very few years. (2)

1. **TOPICALITY.** Long overdue is the question of whether or not the affirmative

case meets the intent and or letter of the debate resolution. If it does not meet the intent or wording it can be attacked as “untopical”.

Topicality? The affirmative must either show or be prepared to show that her case falls under the intent and or the key words of the topic. If the affirmative case or advocacy does not call for the change or belief that the resolution advocates then the affirmative is “untopical”.

Possible elements in a topicality attack are the definition of the key topic word or phrase, the violation (an explanation of how the affirmative fails to meet or advocate the key word), a standard (telling the judge the criteria he should use to select between your definition and a possible opponent’s definition), and possibly the “voting issue” claim (where the debater tells the judge why this issue should decide the ballot). In Lincoln Douglas most of these options are omitted but they are all options, and the affirmative must be prepared to respond to any and all of them.

Consider two examples. In November of 1997 N.F.L. students debated “Resolved: An adolescent’s right to privacy ought to be valued above a parent’s conflicting right to know”. Several affirmative debaters used cases that *assumed* a “right to privacy” but only gave examples or evidence of how teenager’s are hurt when their privacy is invaded. One possible negative response was that the affirmative case was untopical because no right to privacy exists nor did the affirmative ever show that such a “right” existed.

Or consider the November 2006 topic

◆ Lincoln Douglas Debate

“Resolved: A victim’s deliberate use of deadly force is a just response to repeated domestic violence”. One case talked about women who defended themselves but never evidenced that any of them *deliberately* used deadly force. A topicality attack could have effectively argued that in the heat of self-defense many victim’s are not aware of deadly verses injurious force and thus the affirmative case was untotypical because it violated the word “deliberate”. Another affirmative case talked about a mother who defended her children by shooting her husband. But neither the case nor the evidence claimed she acted after several attacks, and therefore the negative attacked the case for being untotypical for violating the word “repeated”.

2. COUNTERPLAN. A counterplan is a negative substitute for the affirmative plan. Or, in Lincoln Douglas debate, it is more likely to be a substitute for the action (or agent of action) advocated in the wording of the debate topic. Occasionally the topic itself might suggest replacing one plan with another.

Possible elements of a counterplan include the mandate (what is the negative proposing that is untotypical, what policy or different action?), solvency (how does the negative proposal solve the problem?), advantage, how the counterplan is untotypical (otherwise both sides support the resolution and that helps only the affirmative win the ballot), and competitiveness (which explains why we cannot or should not have both the affirmative and negative action or plan at the same time).

Two topics are good examples. In March 2006 the topic was “Resolved: Juveniles charged with violent crimes should be tried and punished as adults”. Without calling them counterplans many negative debaters used counterplan arguments. In as little as one sentence or as much as a whole case some negative debaters argued that juveniles be tried as adults but be punished in a new category of jail or prison rather than adult jails, other negatives suggested that adult criminal law

is seriously flawed and should be rewritten before anyone is put on trial. Still another negative counterplan was to replace all existing prison punishment, whether of juveniles or adults, with counseling, restitution, and community service. The counterplan strategy under this topic was to say that “even if” there is a problem there is a better nontopical way to deal with it.

Or consider the November 2005 topic, “Resolved: Judicial activism is necessary to protect the rights of American citizens”. The negative often offered agent-of-action counterplans: let congress, or the president, or the states take the lead on protecting rights. Pass new laws, change the constitution, do anything but let judges turn activist. All these other options, regardless of what they were called in the debate, are counterplans.

3. DISADVANTAGES. A disadvantage shows a harm that comes from, or is exacerbated by, supporting the debate resolution. Negative Lincoln Douglas debaters have used disadvantages since the event was created but, until recently, rarely used the word disadvantage.

A disadvantage can have one or more of the following factors: causal link, brink, uniqueness, impact, and or decision rule. A causal link explains what the affirmative case or the resolution does that creates the new harm. A brink shows that the affirmative or resolution causes enough change (literally pushes us over the brink of the cliff) to create the new harm. Uniqueness shows or evidences that the new harm does not currently exist, or does not exist if the resolution is not supported. The impact shows how big or important the new harm is. A decision rule tells the judge why the disadvantage should be the issue that decides her ballot.

Disadvantages are especially easy when the resolution itself is a plan. For example, the January 2006 topic was “Resolved: The use of the state’s power of eminent domain to promote private enterprise is unjust”. By implication the topic’s plan was to abolish state power to use eminent domain to promote business. Thus negative cases included

disadvantages on lost jobs, increased poverty, urban blight and decay, an increased rich-poor gap, and socioeconomic tensions.

The Nationals topic for 2006 was “Resolved: In matters of collecting military intelligence, the ends justify the means”. The implied topical plan was to restrict the means used to collect military intelligence, e.g. restrict torture. Thus the negative case often included disadvantages that identified increased risk of nuclear attack, dirty bombs, biological terrorism and or national crisis because we lacked the means to effectively gather intelligence in a timely manner.

4. SOLVENCY and SOLVENCY ATTACKS. Solvency is the issue that asks the question, will the change the topic advocates solve the problem he is talking about. A case can have partial or complete solvency. Partial solvency means that the topic or affirmative approach solves part of the problem, complete means all is solved.

For a first example return to the November 2005 topic on judicial activism to protect rights. An affirmative case which evidenced that judicial activism protected almost all rights would have great but not complete solvency. A negative which showed how activism actually reduced rights would have a great solvency attack.

Or consider the Nationals topic for 1999, “Resolved: Capitalism is superior to socialism as a means of achieving economic justice”. To be solvent the affirmative needed to show how capitalism achieved economic justice. Any negative attack that denied improved economic justice or, better yet, showed that capitalism actually reduces or harms economic justice had a great solvency attack.

5. JUSTIFICATION. Justification attacks ask the question “Did the affirmative prove we needed the entire topic?”. If not, the negative side argues, then the topic has not been proven true. Proving part of a question is not enough to prove the entire question. In Lincoln Douglas debate, unlike policy debate, topicality and justification attacks often overlap.

◆ Lincoln Douglas Debate

Consider the November 2006 topic “Resolved: A victim’s deliberate use of deadly force is a just response to repeated domestic violence”. Assume for a moment that the affirmative case convinced you that women who are repeatedly battered have a right to defend themselves. Would that position prove the topic true? No, the topic tries to justify more than defense, topic wording attempts to justify *deadly force*. And a good negative would include among his attacks the justification attack that the affirmative has never proven a key phrase, deadly force, to be true and thus has not proven the topic true. That is a justification attack.

6. BURDEN OF PROOF and PRIMA FACIE. Prima facie is a Latin phrase meaning “on first view” or “at first face”. In policy debate an affirmative case has the burden of proof, the obligation to show that a reasonable person would find the resolution to be true. As a first step the affirmative must show in their very first speech a prima facie case, a case complete enough to convince a neutral person that the resolution is true.

In Lincoln Douglas debate the wording of the resolution determines who has the burden of proof. Most of the time, but not always, it is the affirmative side. Consider how the Nationals topic was worded in 1998. “Resolved: In the United States’ justice system, due process ought to be valued above the pursuit of truth when they are in conflict.” When one thing must be valued above another the side which assumes that obligation has the burden of proof. Why? Because if they are equal the topic advocate, the affirmative, has lost. It is like we’re standing on the fifty yard line of a football field and if we stay there the negative wins; the affirmative must move us her way or lose.

The word “should” in the resolution creates a burden of proof. The September 2006 topic read “Resolved: A just government should provide health care to its citizens”. Should means that policy which ought to be and thus creates an affirmative burden. Middle ground, neutral ground, goes to the negative.

Not all topics create a unique or one-sided burden. Under the November 1998 topic, “Resolved: Capital punishment is justified”, both sides had an equal burden. There was no middle ground. We either have capital punishment or we do not.

7. PRESUMPTION. Policy debate took presumption from our legal system. In American and British law the accused, in this case the present system or current beliefs, is *presumed* to be innocent until proven guilty. Thus in policy debate the affirmative always has the burden of proof, because in team policy debate the resolution always advocates a new policy.

In Lincoln Douglas debate topic wording determines who has presumption. (It is possible neither side does. Some topic wording avoids assigning presumption.)

Consider the example of the January 2006 topic “Resolved: The use of the state’s power of eminent domain to promote private enterprise is unjust”. Who has presumption? The negative. Why? Because the present system allows the use of eminent domain to promote private enterprise, and presumption attaches to the present system.

But look at the January 1999 topic, “Resolved: In the United States, a journalist’s right to shield confidential sources ought to be protected by the first amendment”. With this topic the affirmative can claim presumption. The present legal system almost always protects a journalist’s right to shield sources. And when you are defending the present system presumption attaches to your side in the debate.

8. KRITIKS (sometimes spelled “critique”). There is a growing library of well considered writing on kritiks in Lincoln-Douglas debate. For an in-depth look at this controversial topic readers are referred to *Kritiks in Lincoln Douglas debate* (CDE, 2007, www.cdedebate.com), the third edition of *Advanced Value Debate* (CDE, 2007), and articles by Rodriquez and Woodhouse in the 2005 *NFHS L.D. Annual* (www.nfhs.com)

All things change. This article does not claim that all changes are for the better, only that the wise coach and student must understand and be able to confront change. Knowing more about the role of policy concepts in Lincoln Douglas, as well as how to use and or defeat them, will be increasingly critical for good debaters in the next few years.

(1) **William Bennett** is Chair of the CDE National Institutes and author of multiple standard textbooks on both policy and Lincoln Douglas debate.

(2) For a deeper understanding of and introduction to policy debate terms and strategies see *BEGINNING DEBATE, fourth edition* and *VARSITY DEBATE, second edition*. Both are 2007 editions authored by William H. Bennett and available from CDE. Or look at the latest edition of Austin Freeley’s *ARGUMENTATION AND DEBATE*.

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