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Number 3

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“Focus on Lincoln Douglas Debate”



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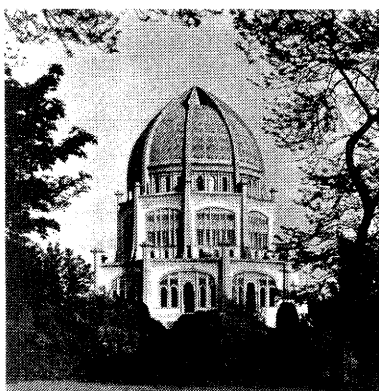
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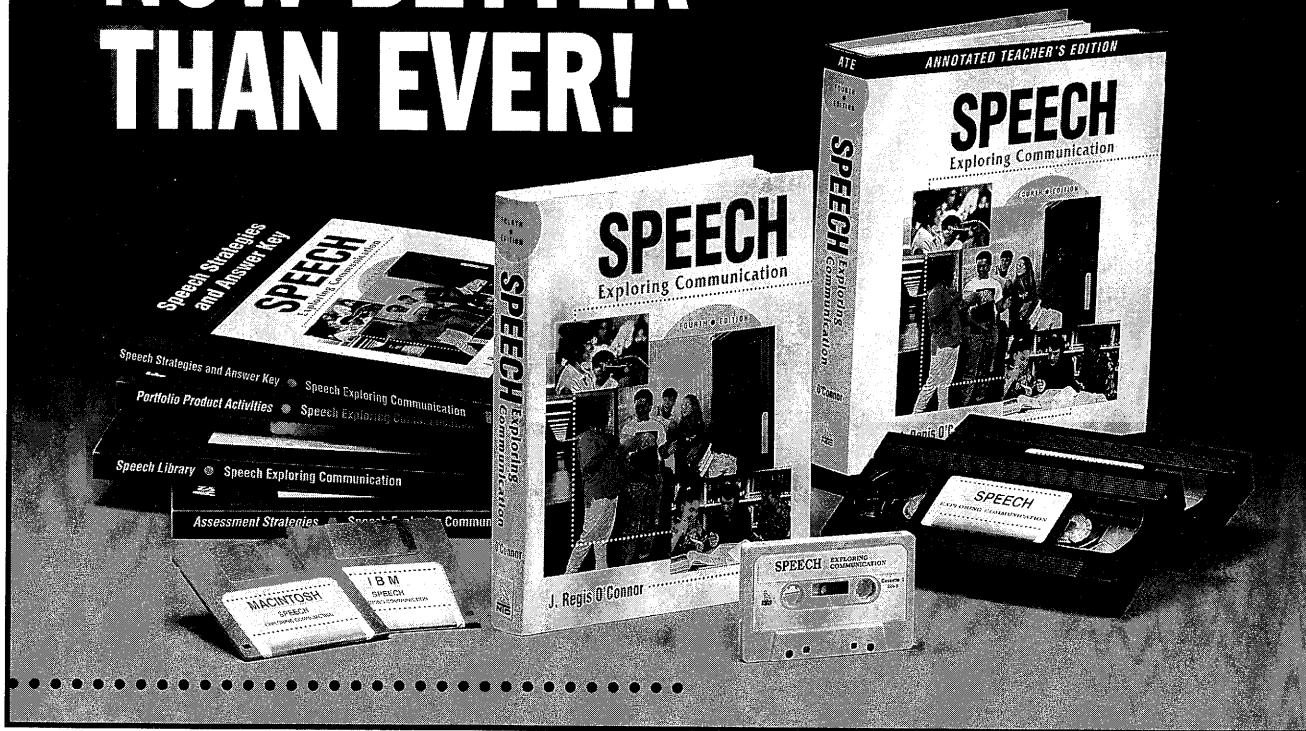
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On the Cover: Lincoln Life President Jon Boscia presents a \$4,000 scholarship to National L/D Champion Justin Osofsky.



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Next Month: Focus on coaching. Diamond  
Key Announcements.

## THE ROSTRUM

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### SUBSCRIPTION PRICES

Individuals: \$10 one year; \$15 two years. Member Schools \$250 each additional sub.

## DUO INTERP NOW AN NFL EVENT

The Executive Council has voted to adopt Duo Interp as a district and National event for a one year trial period. Duo will be offered at all NFL District Tournaments and at the Phillips 66 NFL National Speech Tournament. The Council has further stipulated: Selections may be humorous or dramatic; the event will be memorized, not scripted; each of the two performers must each play a sustained character, with the two roles as balanced as possible; schools may enter a maximum of four duo teams of two students each at the district tournament, one duo team does not count against the school entry quota (school quotas will remain the same as expressed on the chart in the District Manual page TDI). No double entry is allowed between duo and D.I. or H.I. Duo students may double in the non-interp events if district rules permit doubling. In order to qualify for bonus entries at district a school must enter a duo team (2 students), a debate team (2 students) and 2 students in each other event: L/D, USX, FX, DI and HI.

A majority of the council has agreed that in duo focus must be indirect (off stage) during the performance but that focus may be direct during the introduction and narration. Changes in rules are noted below.

### Interpretation Rules

1. *Divisions* Separate contests shall be conducted in Dramatic, Humorous, and Duo Interpretation, each presented as memorized selections and without the use of physical objects or costume. Presentation shall not exceed 10 minutes.

2. *Selections* Selections used in these contests shall be cuttings from published, printed novels, short stories, plays or poetry. Recorded material that is not printed and published is unacceptable. Adaptations may be for the purpose of continuity only. Mono-

logues are acceptable in *Dramatic and Humorous Interpretation*. In Duo Interpretation each of the two performers must play one sustained character; the two roles should be as nearly balanced as possible. [If the selection is prose or poetry and contains narration, either or both of the performers may present the narration in addition to the one sustained character.] During the presentation the contestant/ team must name the author and the book or magazine from which the cutting was made. The original source must be available at the tournament.

3. *Cutting*. A cutting must be from a single source.

4. *Focus*: In Dramatic and Humorous Interpretation, use of focal points and/or direct contact with the audience should be determined by the requirements of the literature being interpreted. In Duo Interpretation, focus may be direct during the introduction [the performers may look at each other] but must be indirect [off-stage] during the performance itself.

5. *Re-Use*. A student may not use a cutting from a source that the student used in NFL district or national competition in any previous contest year.

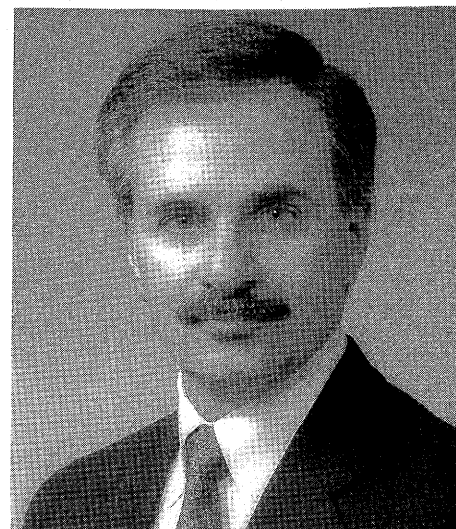
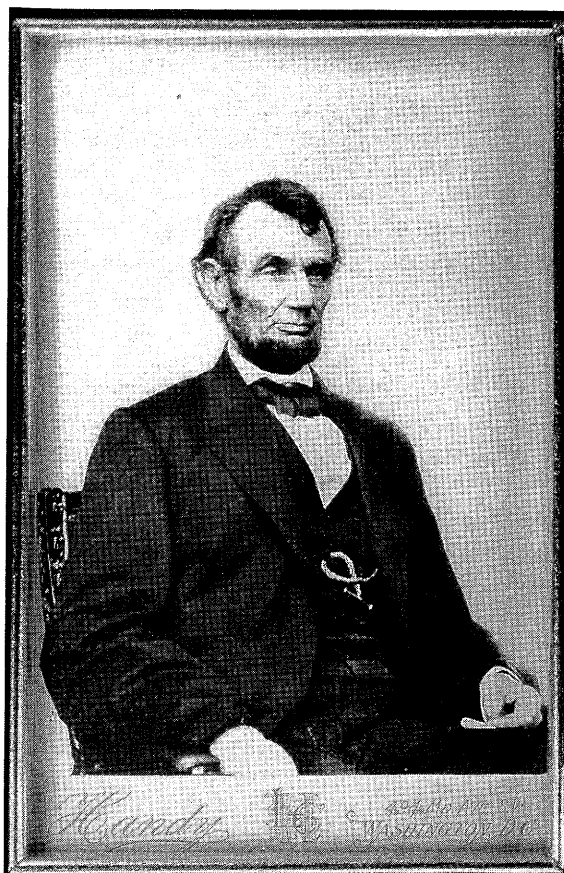
6. *Entry*. At the NFL district and NFL national tournaments no student is allowed to enter *more than one interpretation division/event during a single contest year*.

7. *Source*. The contestant in any NFL interpretation event must bring the original source (book, magazine, playbook, etc.) and not a copy to the tournament. This original source shall be immediately available in case of protest. Failure to present the original source may result in disqualification. A microfiche or microfilm copy is acceptable.

*The Rostrum provides an open forum for the forensic community. The opinions expressed by contributors to the Rostrum are their own and not necessarily the opinions of the National Forensic League, its officers or members. The National Forensic League does not recommend or endorse advertised products and services unless offered directly from the NFL office.*



# PRESENTING LINCOLN LIFE ... NFL L/D SPONSOR

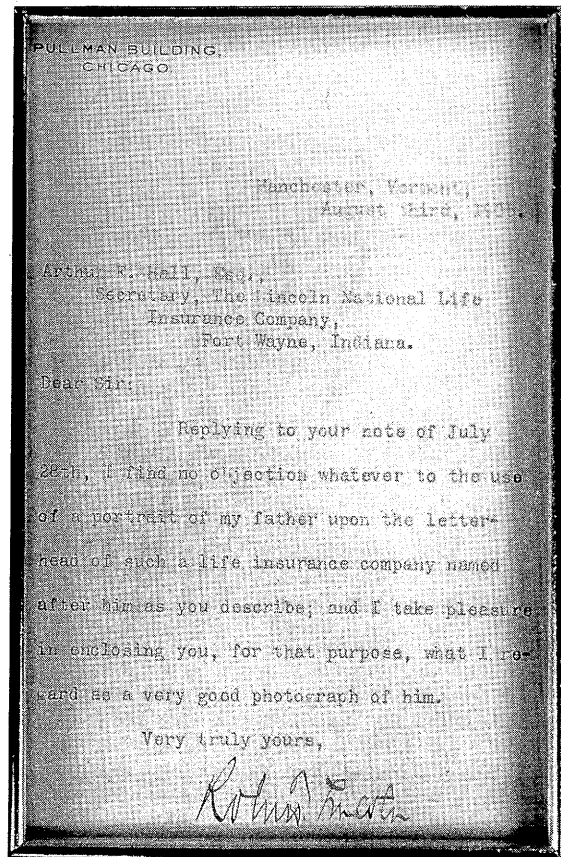


Jon A. Boscia is President and Chief Operating Officer of Lincoln National Life Insurance Company. He also serves as a director of Lincoln National Investment Management Company (LNIMC), Lincoln Advisor Funds, Lincoln National Income Fund and Lincoln National Convertible Securities Fund, listed on the New York Stock Exchange. Boscia is also a board member of Nat Re Holdings, a NYSE listed direct writer of P/C reinsurance.

Bosica joined Lincoln National in January 1983 as vice president of strategic planning for Lincoln National Pension Insurance Company (LNP). In May 1985, he was elected a senior vice president of LNP and executive vice president of LNIMC. Prior to his appointment in May 1994 as President & COO of Lincoln National Life Insurance Company, he was president of LNIMC and executive vice president and chief investment officer of Lincoln National Corporation.

Prior to joining Lincoln National, Boscia was employed by Mellon Bank, Pittsburgh, in various investment, product development and marketing positions. He holds a bachelor's degree from Point Park College and an MBA from Duquesne University, both located in Pittsburgh.

Active in community affairs, Boscia is chairman of the board for Parkview Memorial Hospital and the Fort Wayne/Allen County Convention Authority. He also serves on the investment committee of the Northeast Indiana Conference of United Methodists.



# LEAVING IT TO LINCOLN

by Gerald J. Prokopowicz

Abraham Lincoln remains the towering central figure in American history. When I go into a second grade classroom, I can hold up an old beaverskin top hat and hear every child in the room shout his name. At the museum where I work, a steady stream of visitors from all over the world comes to learn more about "Honest Abe." The National Forensic League reports that its Lincoln-Douglas debate program is the fastest-growing segment of its high school speech and debate honorary society. Advertisers use his image to sell cable TV in Massachusetts, lottery tickets in Illinois, and bail bonds in California. He's the one president whose legacy candidates from both parties consistently try to claim, no matter how badly they had to twist his political views to match their own. Even the jaded postmodernists of the Organization of American Historians still select Lincoln each year as the historical figure they most admire. At a time when the only creature held lower in public esteem than the lawyer is the politician, the lawyer-politician Lincoln remains the single person in our national history to command the respect, if not the reverence, of most Americans.

There is an unhealthy imbalance between the adulation we accord to Lincoln and the glee with which we seize upon the failings of other political leaders of the past and present. The problem is not that we admire Lincoln too much, but that we respect others who have borne the mantle of leadership too little. For the past thirty years, we have been at war with the very notion of heroes in our past. Those of us who are today writing and teaching history were for the most part born before 1960. We grew up listening

to Johnny Horton's "Battle of New Orleans," watching Daniel Boone and Davy Crockett on TV, participating in the President's Council on Physical Fitness programs, and pledging allegiance to the flag of the United States. We shared our generation's sense of betrayal when the president turned out to be a crook, and our nation's flag became a partisan symbol stuck on car windows to impugn the patriotism of protesters. We came to view American history through the same prism of disillusionment. Pioneers like Boone and Crockett, we learned, brought untold suffering to the natives they displaced, and the glorious battle of New Orleans was actually a pointless bloodletting that occurred weeks after the treaty ending the War of 1812 had been signed in Europe. As our understanding of history grew more sophisticated, we rejected the concept of virtuous, selfless political leadership as simplistic and naive. Even Lincoln came under attack in the 1960s, when it was discovered that if taken out of context some of his remarks on race did not seem to meet modern standards of sensitivity.

Lincoln has since largely recovered his heroic status, but he sits alone in his Memorial, the only president for whom expressions of unabashed admiration do not sound absurd. No modern leader can ever hope to join him, now that our insatiable appetite for scandal requires the media to seek out and magnify every public figure's minutest imperfection. Meanwhile, historians have for the last thirty years found new ways of telling the nation's story without individual heroes. In their place, groups often serve as the protagonists of modern versions of American history. The "National Standards for United

States History" that so upset the Senate last year is a good example. It's accurate, fair, and well-written, but it emphasizes the lines of race, class and gender that divide Americana rather than the political ideals and shared values that unite them. As a result, the standards convey no uplifting sense of pride in being part of a grand collective enterprise, but instead leave the reader with a faint sense of disgust at being associated with a society that has so unrelentingly failed to live up to its ideals.

Now that the horse of human frailties is out of the barn of political hero-worship, we cannot and should not try to lead it back. But in teaching the story of America to our children, we need to emphasize the virtues of past (and present) politicians, not just point out their shortcomings. Abraham Lincoln grew up in an era when the Founding Fathers were seen as demigods, living embodiments of the superhuman achievement of founding a new nation.

Early in his own political career, Lincoln idolized the legendary Kentucky Senator Henry Clay as his "beau ideal of a statesman." If we want to raise another Lincoln, we need political heroes for him or her to see and emulate. We ought to recognize the good in our public servants, both contemporary and historical, with some of the same enthusiasm that we now reserve for condemning their shortcomings. The alternative is to leave Abraham Lincoln to carry the burden of our civic ideals alone, a burden that even he cannot bear forever.

*(Gerald J. Prokopowicz is the Lincoln Scholar at The Lincoln Museum, Fort Wayne, Ind., one of the largest collections of Lincolniana in the world.)*

# THE *OTHER* NFL

by John Lucas, CLU

As I drove from Boca Raton to Fort Lauderdale the evening of June 22, I wasn't sure what to expect. My destination was the National Forensic League's Sponsors' Dinner. The dinner was the first of a series of events that would transpire over the next 36 hours -- events which would cause me to become a big fan of an "NFL of a different sort."

It had been years since Lincoln Life had sponsored anything, and I supposed that if it had been put to a vote, those of us in the regional marketing offices might have chosen other venues for corporate sponsorship -- race cars, golf tournaments or even Alpine skiing. In fact, I'll bet that more than one or two expressions went from smiles to frowns when it was learned that the "F" in NFL did not stand for "football." But I arrived at the hotel looking forward to an evening that would be a combination of things: seeing friends from the Lincoln Life home office and other regional marketing offices, and having my curiosity satisfied about who the NFL was and what this sponsorship really meant to me.

The Sponsors' Dinner was just that -- a dinner hosted by the NFL to honor those companies and foundations who support the NFL through sponsorship and donations. But for some reason I thought that the dinner was being held just for Lincoln Life. It slowly dawned on me that most of the other people that were present were representatives of other groups that sponsor the NFL -- and what an interesting group they were. In addition to the corporate world, there were representatives from academia, private foundations, and a former U.S. Ambassador. All of them couldn't stop

talking about the NFL, and how the competition was going, and who would be competing in the finals. That's what threw me; that's why I didn't realize that these people were other sponsors. They were talking about the NFL as if they were on the payroll! I found it interesting, to say the least, that there was not much talk about their own foundations or work. What would impress people so much, I wondered, that they became not merely sponsors, but champions for the National Forensic League?

The regional CEO of Lincoln Life's Nashville office, Tom Coffey, had been a debater in both high school and college and is an alumnus of the NFL. He offered a comment that was to become clearer and deeper the next day. Tom said, "The Lincoln-Douglas Debate sponsorship is a natural tie-in for our company." Tom had some insight into what the rest of us would soon find out.

The reason the NFL was in Fort Lauderdale was for its National Speech Tournament: the culminating event of the high school speech and debate competition which takes place throughout the school year across the nation. It became obvious that for students, coaches and parents, this was the equivalent of the World Series and the Super Bowl rolled into one. After all, this was the distilled talent from 91,000 students who participated in the 1994 - 1995 school year from more than 2,500 high schools.

I could feel the tradition the event had. The NFL has been in existence since 1925. Some of Tom Coffey's fellow alumni include Presidents Nixon and Johnson, Attorney General Janet Reno, Supreme Court Justice Stephen Breyer, actors

Daniel J. Travanti, James Dean, Patricia Neal and Shelley Long. Oprah Winfrey, Jane Pauley and Ted Turner are also NFL alumni, as are Indiana Senator Richard Lugar and Oklahoma Senator David Boren.

At the dinner on Thursday night I began to piece together how the National Speech Tournament works and what events generated the most interest. It began to come into focus for me Thursday evening, and became crystal clear Friday morning when we walked into the auditorium for the final round of Lincoln-Douglas Debate, that one event was considered head-and-shoulders above the rest. Its unique format and attractive but difficult topic make it the star attraction. A coach would groom only the elite few for this event. Now we understood, as we took our seats, that the crowning championship of all the NFL events, the one that brought the most prestige to the victor and was considered the premier showcase for the NFL, was the Lincoln-Douglas Debate.

The Lincoln-Douglas Debate format was introduced by the NFL in 1980, and it has become the fastest-growing and most prestigious event. The appeal of the debate format is that it allows two individual students - rather than teams - to debate important moral and value issues, rather than questions of policy. This year, the "right to privacy of the individual" versus the "safety of others" in regard to infectious diseases was debated.

It was truly great to watch to two finalists present their cases, then cross-examine each other, and finally summarize. Let me tell you, no quarter is asked and certainly none given. I could tell in an instant that



hundreds of hours of preparation and rehearsal had gone into both candidates' positions. After the final round, Jon Boscia presented the winner with a replica of the \$4,000 scholarship awarded as first prize. Second, third and fourth places received \$3,000, \$2,000 and \$1,000 scholarships, respectively.

Friday evening, Lincoln Life hosted a reception for all the students who were finalists in the Lincoln-Douglas Debates, their coaches, and any parents who had travelled to Fort Lauderdale with their children. I have never in my life had so many quality people come up to me and say over and over how

grateful they were for the sponsorship and support of Lincoln Life. Dave Burch (Lincoln Life's Atlanta Regional CEO) remarked how the appreciation expressed by the NFL Executive Committee and staff was heartfelt.

To say that the room was filled with the best and the brightest of America's youth is not hyperbole. I was dazzled by these kids. Tom Coffey put it best when he said, "These students are tomorrow's business leaders. They will carry a very positive image of Lincoln Life to their adult professions because our involvement is sincere and unselfish." Charlie Woodward, Jacksonville Regional CEO, was just as knocked out, saying, "We

have created a positive and lasting impression on some of our country's most intelligent young minds."

As the reception came to a close, there was one last gesture to be made: a demonstration of how overwhelmed we Lincoln Life people were by the quality of the students and the NFL, and

their eyes. In my vicinity, at least a half dozen under-class competitors wheeled to their coaches and started talking about next year. It was, quite frankly, one of the most marvelous moments in my Lincoln career.

Later that evening, we sat in the auditorium watching the

multitude of awards being handed out. When it came for that time in the program for the Lincoln-Douglas Debate trophies to be awarded, NFL President Donus Roberts announced to the audience that Lincoln Life had doubled the scholarships. He then asked Jon Boscia to join him on the stage and hand out the trophies.



*Lincoln Life President Jon Boscia is pictured with the recipients of Lincoln Life's Lincoln-Douglas Debate scholarships: Justin Osofsky, Shimon Whiteson, Adriann Esquerro and Jessica Dean.*

how moved we were by their genuine gratitude. Jon Boscia wrapped up the reception by delivering a few remarks. He congratulated the four scholarship-winners and then made two very short comments. Jon must come from the Winston Churchill School of Public Speaking: Keep It Simple! Make an Impact! Jon simply stated that because of the positive reaction Lincoln Life felt from the NFL, we had decided to increase the scholarships. Jon said we had decided to DOUBLE them. For a split second there was a stunned silence. Then the room erupted in cheers and clapping. I saw one student's knees buckle, and several coaches were dabbing tissues to the corners of

phies. Dave Burch later told of the reaction, "When Jon Boscia walked to the stage, the entire auditorium erupted in a standing ovation."

I am convinced that the goodwill Lincoln Life generated that night and through the sponsorship will grow exponentially. Our commitment helps finance some of America's best young people to higher education as well as rare treat to participate in one of the training grounds that prepares this country's future leaders.

*(John Lucas is the Regional Chief Executive Officer of Lincoln Life's Boca Raton, Florida, Regional Marketing Office.)*

# UNIVERSITY OF KENTUCKY

25th



Annual

## "NATIONAL TOURNAMENT OF CHAMPIONS"

FRIDAY, SATURDAY, SUNDAY, MAY 3, 4, 5, 1996

### ★ 2-PERSON VARSITY DEBATE ★ LINCOLN-DOUGLAS DEBATE

#### ELIGIBILITY: TWO-PERSON DEBATE

High school debaters may qualify for the TOC two-person debates by meeting any TWO of the qualifications listed below. **TEAMS MUST QUALIFY AS A UNIT. PLEASE NOTE:** If any two debaters from the same school have qualified with different partners, they should submit for an at-large. Invitations mailed only on request.

1. By reaching the OCTAFINALS in any of the following tournaments:

Bronx High School of Science	University of California-Berkeley	Emory University	The Glenbrooks Tournament	Greenhill High School
Harvard University	Montgomery Bell Academy	Redlands University	St. Mark's School	Stanford University
Wake Forest University				

2. By reaching the QUARTERFINALS in any of the following tournaments:

Edison, Virginia	Isidore Newman High School	Lexington, Massachusetts	Loyola University, California	New Trier H.S., Illinois
Princeton of Cincinnati	Westminster, Atlanta	Mid-America Cup, Valley		

3. By reaching the SEMIFINALS in any of the following tournaments:

Arizona State University	Alta, Utah	California Warmup at Stanford	East Grand Rapids	Georgetown Day
Iowa Caucus, Cedar Rapids	Jesuit, New Orleans	Ohio Valley Invitational	Omaha Westside	Vestavia Hills, Alabama
Westchester Classic, Lakeland				

4. By reaching the FINALS in any of the following tournaments:

(Must have 50 or more teams in Varsity Debate from 5 or more states. Otherwise, do not submit)

Andrews, North Carolina	Appleton East, Wisconsin	Blake, Minnesota	Carrollton, Georgia	Churchill, Texas
Florida State	Heart of the Northwest	Hendrick Hudson, New York	Lewis and Clark, Oregon	University of Massachusetts
Newark Science, New Jersey	Newburgh Free Academy, N.Y.	North Texas State, TOC	Oak Park-River Forest	University of Oregon
St. Francis, Kansas City	St. Joseph's, Villager	Samford, Alabama	Watertown, South Dakota	Florida Blue Key
Calhoun, GA	Houston Memorial, TX	Whitman College, WA		

5. Teams who were in the elimination rounds of the 1995 TOC will automatically be invited to the 1996 TOC. Both members of the 1995 team must return as a team.

6. At-large applications MUST be received in Lexington by MARCH 15th.

#### ELIGIBILITY: LINCOLN-DOUGLAS DEBATE

High school debaters may qualify for the TOC Lincoln-Douglas debates by meeting any TWO of the qualifications listed below. Invitations mailed only on request.

1. By reaching the OCTAFINALS in any of the following tournaments:

Bronx High School of Science	University of California-Berkeley	Emory University	The Glenbrooks Tournament	Harvard University
St. Mark's School	Stanford University	Wake Forest University		

2. By reaching the QUARTERFINALS in any of the following tournaments:

The Greenhill School	Hendrick Hudson, New York	Holy Cross University	Homewood High School, Alabama	Iowa Caucus, Cedar Rapids
Isidore Newman	Jesuit-New Orleans	Mid-America Cup, Valley	Princeton of Cincinnati	St. Joseph's University
Vestavia Hills High School	Monticello High School	Crestian Tourn., FL	Omaha Westside	

3. By reaching the SEMIFINALS in any of the following tournaments:

Andrews, North Carolina	Appleton East, Wisconsin	Arizona State	Edison, Virginia	Florida Blue Key of Gainesville
Lexington, Massachusetts	Loyola University, California	Samford, Alabama	Watertown, South Dakota	Westchester Classic, New York
Yale University	Princeton University	Florida State Univ.		

4. By reaching the FINALS in any of the following tournaments:

Decatur High School	La Cueva, New Mexico	Newburgh Free Academy	University of Oregon	Pacific Lutheran University
Project Pride	Stanford Univ.-Fall Tournament	San Francisco State	North Miami Beach	University of Penn.
Manchester High School	Alta, Utah	Calhoun, GA	Houston Memorial, TX	Apple Valley, MN
Miami Killian, FL	North Hills	Claremont McKenna	Whitman College, WA	

5. Individuals who were in the elimination rounds of the 1995 TOC will automatically be invited to the 1996 TOC.

6. At-large applications MUST be received in Lexington by MARCH 15th.

Contact: Dr. J.W. Patterson  
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"TRADITIONS OF EXCELLENCE CONTINUE"

# AGAINST BALANCE NEGATIVES

by Jason Baldwin

Mark Webber asks in the May *Rostrum*, "why so many people feel that the valuing of the negative side of the debate 'equally' is not a valid refutation of a resolution that asks the affirmative to prove something is 'valued greater.' Why is it assumed that the negative has an inverse burden of proof?" To the extent that the questions about Lincoln/Douglas debate can be important, this is an important question. Many coaches and debaters seem to believe that a position which advocates the equal valuation of two conflicting alternatives is adequate to negate a resolution which affirms the priority of one of the two alternatives. Despite widespread support, such balance negatives (as I shall refer to them) blunt the essential aim of the debate conflict and are inappropriate for use in competition.

Initially, let us note that many resolutions require the negative to directly contradict the affirmative position, because they do not employ the language of competing claims. Examples of such resolutions include, "That human genetic engineering is morally justified," or, "That terminally ill patients have the right to die when and how they choose." These topics demand a simple yes or no answer; they do not allow equivocation on the part of the negative. The resolutions at issue are of a different sort. They pit two values or courses of action in a clear conflict, typically declaring that one value is "greater than" the other, "ought to be valued above" the other, or "ought to be prioritized above" the other. On such topics, one may intelligibly, although not appropriately, argue that both values are important and should be valued equally.

This issue is difficult to discuss without an actual resolution in mind; let us take as our example, "That when in conflict, the spirit of the law ought to take priority over the letter of the law." The affirmative must defend the priority of the spirit of the law. A balance negative would assert that both spirit and letter have their place in law, and that neither one should be subordinated to the other in the long term. A legitimate negative would defend the priority of the letter of the law.

Perhaps the temptation to value the two alternatives equally arises from the honest reflection on the resolution,

**... balance  
negatives blunt  
the essential  
aim of the de-  
bate conflict  
and are inap-  
propriate for  
use in competi-  
tion.**

which inevitably leads one to conclude that, in truth, both values are important in their own right, and that neither one should be subordinated to the other in all cases. Everyone wants to speak the truth, and it would seem that a balance negative allows one to disagree with (negate?) the extreme position of the affirmative by proposing a more moderate appraisal of the values in question. This is a perfectly natural reaction to debate resolutions which appear to imply that the truth lies in the extremes, that there are no mitigating circumstances, and that, in our case, the letter

v. the spirit of the law is an all-or-none proposition. Most of us do our moral reasoning from examples, whether we admit it or not. Why is utilitarianism bad? Because it could allow slavery. Why is Kant wrong? Because he wouldn't allow Gentiles to hide Jews from the Nazis. We find that there are compelling examples on each side when we analyze any debatable resolution. Whole-hearted dedication to either alternative seems to allow for unacceptable injustices. Thus, we discover cases of great injustice perpetrated in the name of the letter of the law, but we also find situations in which the letter of the law seems to provide the only sure guide, and the spirit of the law leaves open a dangerous latitude for the individual to ignore the laws as written. The most intuitive way out of this dilemma is to reject the affirmative argument for the exclusive priority of the spirit of the law, and to argue instead that both letter and spirit have their proper place in jurisprudence, and that some cases will call for the spirit while other cases call for the letter. This is the proposal of the balance negative, which tries to account for our often mixed moral intuitions.

As true as this negative position may sound, it is not appropriate because it destroys the equality of burdens under the resolution. While the speeches in L/D are structured differently for each side, both sides have equal time, and their burdens are understood to be roughly equal. The affirmative is to defend a proposition of value while refuting the counter-claims of his opponent, and the negative is to do the same. The NFL L/D Topic Committee strives to select and word topics which present each de-



bater with a roughly equal burden, so that there is no substantial presumption for or against either side. Balance is destroyed when one side (the affirmative) may claim the inherent advantages of only one of the resolution's two values, while the other side (the negative) is allowed to claim the advantages of both values--the best of both worlds, so to speak. It is unbalanced and unfair to ask one debater to defend the spirit of the law in all cases, while allowing his opponent to claim the advantages of both spirit and letter, picking and choosing as particular conflicts arise. Although it may sound less true to say that the letter of the law ought to be valued above the spirit of the

... (if) we encourage students to believe that they are, through debate, engaged in an immediate search for truth.

law than to say that both letter and spirit are important, this is no more untrue than the affirmative's assigned position that the spirit of the law ought in all cases to take priority. If each side defends only one of the two values in the resolution, both sides have roughly equal opportunities to argue the advantages and disadvantages of the two positions. Balance cases greatly expand the opportunities of the negative while leaving the affirmative with much less ground.

Note that I am subordinating the truth of the resolution to its value as a competitive instrument. If there are advantages to be gained from academic debate, those advantages spring from the processes of prepara-

tion and competition, and not from a direct apprehension of the truth. Fairness in the process is more important to the educational value of debate than an objectively true result. We are misguided to the extent that we encourage students to believe that they are, through debate, engaged in an immediate search for truth. When so taught, students are likely to end up as mushy moral relativists; they conclude that because compelling examples exist on both sides of every resolution, neither side is really true or false, and moral questions have no conclusive answers. Coaches *must* explain, as explicitly as necessary, that debate resolutions are carefully chosen and framed to place students on the horns of a dilemma; that they are not necessarily representative of moral questions in general; that simply because the students cannot settle on a conclusive position on the resolution does not mean that there is not a true position; and that their task is not to settle on the final truth, but rather, to use the tools at their disposal to define the most compelling arguments for and against each side of the question. High school debate is not about finding the truth, but about learning how to search for it. With this understanding of the purpose of debate, it becomes much easier to shelve the balance negative, no matter how true it may sound, in the interests of preserving balanced burdens in the competition.

Advocates of balance cases may claim that balance arguments do not destroy the balance of L/D as a whole. Both debaters will still be affirmative half the time, so there's no advantage for any one debater, right? Wrong. This point only holds true if all negatives run balance positions. As long as some debaters choose to defend only the letter of the law on the negative, balance debaters will have an advantage. And who

cares if each debater is affirmative half the time? One might as well say that each debater could automatically be assigned a loss in 1/2 his rounds, since the disadvantage applies to everyone. This is silly reasoning. Friends of the balance may also point out that affirmatives routinely defeat balance negatives, and, therefore, there must be no real advantage. Affirmatives usually beat balance cases because most experienced judges accept that each side ought to have an equal burden, and that a balance negative shirks that burden. If the predominant understanding shifts in favor of the balance, affirmatives will win fewer rounds. Incidentally, many balance positions lose because the

... (then) students are likely to end up as mushy moral relativists... moral questions have no conclusive answers

debaters who run them are simply not as talented as their opponents who are not afraid to take on the full burden of their resolutorial position. Very rarely do balance cases make it to the elimination rounds of large multi-state tournaments; I have never seen one place first.

If balance negatives are not appropriate arguments, debaters and their coaches must make the decision to avoid them, rather than leaving it up to the unexperienced judge to choose for himself. The *media via* of the balance negative will prove very appealing to the frustrated judge who cannot personally endorse either the letter or spirit of the law to the exclusion of the (*Baldwin to Page 24*)

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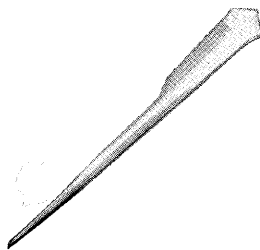






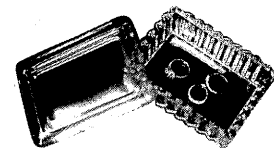
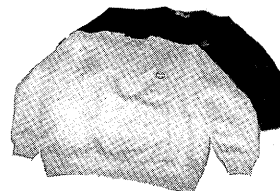
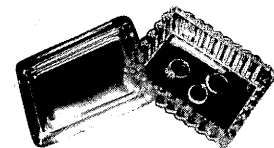





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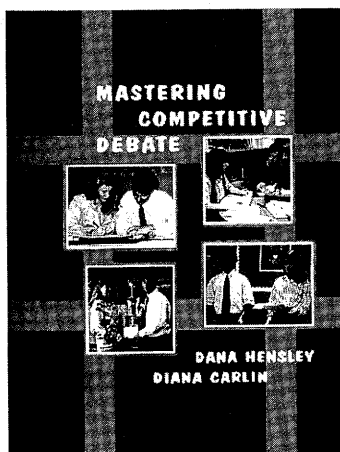
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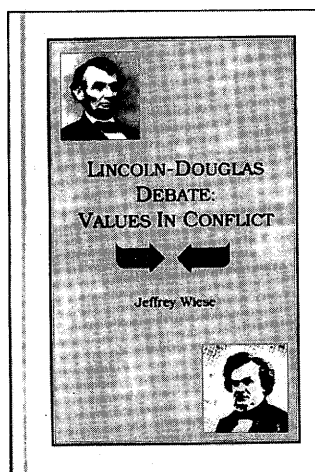
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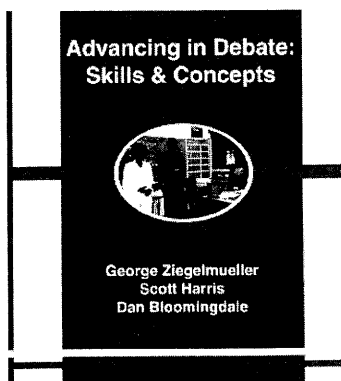


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# BURDEN OF PROOF AND PRESUMPTION IN LINCOLN-DOUGLAS DEBATE: A CALL FOR REFORM

by Minh A. Luong

The lack of presumption and burden of proof standards in high school Lincoln-Douglas debate continues to be two of the most important, yet unresolved topics of discussion for members of the debate community. This essay describes the problems resulting from lack of such standards in Lincoln-Douglas debate, examines several of the most applicable theories relating to presumption and burden of proof standards in value argumentation, and concludes with a call for the National Forensic League to implement necessary reforms by incorporating these argumentation standards in high school Lincoln-Douglas debate.<sup>1</sup>

*I think our theories of argument would be given greater validity and wider utility by grappling with issues such as the nature of presumption and burden of proof, the responsibilities of the advocates, the role of the judge, and the nature of "good reasons" in the context of non-policy propositions. And I think our students would be far better prepared to understand and to apply the argumentative perspective to the wider range of setting in which human beings must make choices under conditions of uncertainty.*

David Zarefsky, "Criteria for Evaluating Non-Policy Argument," *Advanced Debate*, 3rd ed., 1987, p. 392.

*There are no prescribed burdens in L-D...; no "burden of proof" and no "presumption."*

"NFL Lincoln-Douglas Ballot Instructions," *National Forensic League Tournament Manual*, 1995, p. TA-2

## INTRODUCTION

In policy debate, the issues of presumption and burden of proof have enjoyed legitimacy and widespread agreement on their respective meanings and purposes. With the birth of val-

ues-orientated (sometimes referred to as "non-policy") argumentation in the Lincoln-Douglas (or "L-D") format in 1979, however, the potential benefits from presumption and burden of proof standards have been untapped because these two argumentative elements are actually excluded by National Forensic League L-D rules.<sup>2</sup> There are few theoretical issues in the field of argumentation that are acknowledged to be so important, yet has received so little attention, than the issue of presumption and burden of proof standards in values-orientated Lincoln-Douglas debate. Ronald Matlon, one of the first argumentation scholars to advocate debate on value propositions, urged the debate community to discuss the issue when he wrote: "Because presumption is the yardstick by which debate judges should award a decision to an affirmative or negative team, it is essential that the concept be clarified."<sup>3</sup>

The author will argue in this essay that presumption and burden of proof standards are necessary components of argumentation and that the debate community is currently witnessing a "stunting" of the development and maturity of Lincoln-Douglas as a debate event because it lacks a complete argumentative framework. If the high school debate community wants to promote the continued development of this young event, then the National Forensic League needs to implement an upgraded argumentation structure which includes burden of proof and presumption standards.

At present, there are few clear standards from which to debate and judge a Lincoln-Dou-

glas round and it would seem logical that if clear presumption and burden of proof standards could be implemented in this event, three benefits would result: 1) the debaters themselves would have a much clearer understanding of their argumentative responsibilities; 2) judges would have a firmer basis upon which to render sound decisions; and 3) a more unified acceptance of how Lincoln-Douglas debate is practiced and judged will replace the current "patchwork quilt" system of different regional styles and customs.

## CURRENT PROBLEMS

*There is no commonly accepted definition of Lincoln-Douglas debate*

Today in many parts of the country, NFL Lincoln-Douglas guidelines are virtually ignored because local practices and customs now dictate "proper" debating styles and judging criteria. This has led to various regional differences, some significant in key areas, in how Lincoln-Douglas debate is debated and judged. The difference between the philosophical and empirical approaches, for example, typifies the fragmentation of this supposedly national event. Many coaches have found that what is successful in one area is flatly rejected at tournaments less than 50 miles away; a good number of programs have abandoned national and even regional travel because of the lack of uniform standards in L-D debate.<sup>4</sup> It is not surprising that relatively few L-D debaters and judges now possess a working knowledge of either the L-D judging criteria or debating guidelines, creating even more distance between members of



the Lincoln-Douglas debate community.<sup>5</sup>

*Present L-D guidelines promote and reward fallacious argumentation*

The lack of presumption and burden of proof standards lead to irresponsible argumentation. Several serious problems have arisen by not requiring these essential elements of argumentation. Many debaters are not upholding their argumentative responsibilities by proving their own cases, but instead demand opponents prove their arguments false. By explicitly excluding burdens of proof, the Lincoln-Douglas debate guidelines are actually promoting a form of the logical fallacy

"Argumentum ad ignoratum,"<sup>6</sup> in other words, "the argument that I am making needs no proof; it is presumed correct until my opponent proves it wrong."

The most common example of the "argumentum ad ignoratum" fallacy is when affirmative L-D debaters claim that instead of the affirmative needing to prove the resolution true, it is the responsibility of negative to prove the resolution false. Use of this heinous tactic is the sign of a poorly trained and coached L-D debater and continues to be a favorite maneuver employed by hate groups and demagogues.<sup>7</sup>

*No burden of proof standards eliminate the need for clash*

The lack of clash that we are witnessing in many Lincoln-Douglas debates stem from the fact that there are simply no burden of proof requirements; resulting in the absence of substantive support for arguments. Coaches who defend maintaining the current L-D guidelines and judging rules are quick to point to NFL Guidelines #7 and #11, stating that these two rules provide sufficient standards to ensure clash.<sup>8</sup> A careful reading of these two guidelines, how-

ever, reveals several significant shortcomings.

First, Guideline #7 stipulates there is a need for clash and should be focused on all or some of the three primary case components: value premise, value criteria, and the argumentation. Guideline #11, however, undercuts the usefulness Guideline #7 by stating that the only affirmative responsibility is to "support the resolution with value(s) and to clash with the negative position." The negative is to clash with the affirmative by "using refutation and/or opposing value(s)." The scope of Guideline #11 is much narrower than #7, and also quite ambiguous; leaving open the possibilities of many interpretations. Support for ambiguous interpretation of these two guidelines is bolstered by the fact that other guidelines are much more specific and detailed. For example, compare the narrow scope and ambiguity of Guidelines #7 and #11 to the coverage and clarity of Guidelines #1 and #2, which have proven to be far more useful.

Second, even if students were to derive adequate instructions from NFL L-D Guidelines #7 and #11, it may be for naught because the official NFL judging instructions, printed on every NFL L-D ballot, completely contradicts those two guidelines. L-D judging instruction #2 clearly states that "there are no prescribed burdens in L-D debate...; no "burden of proof" and no "presumption."<sup>9</sup> The problem here is that most NFL Tournament Manuals reside on the shelves of coaches' libraries or on the desks of tournament directors while the judging instructions are printed on every ballot and are read by each judge. The two questions that many observers pose are: "Which instruction is going to matter when the judge decides the debate round?" and "Why is there such a contradiction in the NFL L-D rules?"

Finally, judges who are not

knowledgeable in values argumentation theory or L-D practice often take the NFL L-D ballot instructions literally and do not expect debaters to prove their arguments. Thus, debaters who can orate well yet prove nothing are often declared the winner over other debaters who present well-developed arguments but do not possess the skills of the "sophist of the ages."<sup>10</sup>

*Lincoln-Douglas debate is losing its effectiveness as an argumentation event*

Although there are numerous interpretations over how Lincoln-Douglas debate arrived at its present state, one assessment remains clear: Lincoln-Douglas debate lacks consensus on advocate responsibilities and judging standards which has created a multitude of problems that threaten the development of Lincoln-Douglas debate as an argumentation event. Jason Baldwin has observed that "L/D has lost much of the discriminating philosophical character that made it an attractive alternative to policy debate."<sup>11</sup> His concerns include the poor quality of argument construction presented by debaters, reliance on "nonspecific debate conventions"<sup>12</sup> by judges, and the need for "focus on the burdens imposed by the resolution."<sup>13</sup> What Baldwin describes are the symptoms of the problems which plague Lincoln-Douglas debate because there are no clear argumentative burdens prescribed for debaters to uphold and no presumptive assumptions within the L-D judging framework.

Marilee Dukes has read "an enormous number of ballots from very fine adjudicators" who consistently expressed frustration with the lack of "good reasons" to vote one way or another. Dukes conveys what many judges (including this author) have written on countless L-D ballots: "I kept waiting for

you to focus on a reason for me to vote, but it never came..."<sup>14</sup> She also shares the concerns of Baldwin and others regarding the lack of argumentative substance in L-D debate rounds. The two most common problems are speeches full of pleasantries wherein little substantive analysis or support is given to arguments and philosopher "name dropping," where many debaters name a famous philosopher, yet fail to justify or support that philosopher's position.

#### *A need for discussion and consensus*

While certainly not a "cure-all," burden of proof and presumption standards would greatly clarify resolutional burdens and judging criteria in Lincoln-Douglas debate rounds and would prove to be an important first step.

An initial problem, however, has been gaining consensus on an appropriate approach to meet those standards. There was still a lack of substantive discussion on these issues by 1979 when the National Forensic League inaugurated Lincoln-Douglas debate as a national debate event; thus the founders wisely avoided trying to address burden of proof and presumption as argumentation framework issues, fearing the "excesses" of policy debate at the time would "poison" the new debate event. Over the past sixteen years, Lincoln-Douglas debate has formed a unique personality of its own but has since outgrown the utility of the useful, but limited L-D guidelines which have served as rules since the event's inception and is not being served at all by the "patchwork quilt" nature of different regional L-D styles and customs. Although nearly everyone in the Lincoln-Douglas debate community agrees that some measure of reform and improvement is necessary, few want to change their own devel-

oped systems; fearing that their programs will cease to be successful under an upgraded set of L-D guidelines.<sup>15</sup>

The time has come for the high school debate community to undertake a critical assessment of Lincoln-Douglas debate from theory to practice and examine key framework issues like burden of proof and presumption to see how they can be utilized to promote the quality of argumentation and judging in Lincoln-Douglas debate.

#### NECESSARY ELEMENTS

One of the earliest objections to even debating value topics was the lack of consistent judging standards. For example, Thomas Kane speculated in 1975: "We have a consistent set of judging standards for propositions of policy, but on value propositions, tournament judges would vote only on instinct."<sup>16</sup> Many of the concerns regarding value debate which were raised by members of the traditional debate community have been addressed by contemporary argumentation theorists who have applied various methods to define and apply presumption and burden of proof standards to the value debate framework.

Today the debate community has a clearer understanding of the nature and purpose of presumption and burden of proof standards in value debate. There has been more research and scholarship undertaken on these subjects which has sparked lively continuing discussion at tournaments, coaches meetings, and national speech conferences like SCA.<sup>17</sup>

#### *Burden of proof defined and explained*

The notion of "burden of proof" in debate is remarkably straightforward and uncomplicated. Jim Hanson, in his standard-bearer *NTC's Dictionary of Debate*, defines this concept as:

"The obligation to prove a claim or a proposition."<sup>18</sup> While most interpret "burden of proof" with the phrase "the one who asserts must prove," there are actually two types of burden of proof standards: resolutional and argumentative.

Resolutional burden of proof. This debate standard answers the question:

"Who has the responsibility to prove the resolution true or false?" In value argumentation nearly all theorists will agree that in a structured academic debate round where the affirmative has the first and last speeches and a judge renders either a win or loss, but not a tie, the burden to prove the resolution true rests firmly with the affirmative debater.<sup>19</sup> For reasons discussed earlier in this essay, the negative should not have to prove the resolution false in order to defeat the affirmative; the burden of proof for the negative is to simply defeat the affirmative's value, criteria, or case.<sup>20</sup> Thus on a resolutional level, the burden of proof is uni-directional, or in other words, the burden of proof to prove the resolution true is borne by the affirmative speaker.

One strategy which has become popular with negative debaters lately is the "balance" or "equally important" approach. The premise of the argument is that when evaluating resolutions with two value terms, the negative can win by proving the two value terms are equivalent with one not being any more important than the other. The reasoning behind this approach is that if the negative can succeed in proving the two value terms equivalent, then logically the affirmative cannot prove that one is more important than the other. Evaluating this strategy falls outside the scope of this essay, however, Jason Baldwin's treatment of this approach appears elsewhere in this issue of the Rostrum. Suf-

fice it to say that this "balance neg" approach is problematic as it does assume a resolutorial burden of proof for the negative which does not exist and L-D debaters arguing on the negative who employ this approach must solve additional problems concerning logical analysis and strategic options.

Argumentative burden of proof. This burden of proof standard is the most commonly recognized of the two types. Simply put, the burden of proof on an argument level places the responsibility on an advocate to prove her or his specific arguments in a debate round. So while the affirmative has the obligation to prove the truth of the resolution, both debaters have the burden of proof to support their individual arguments. Thus when evaluating particular arguments in an L-D debate, the burden of proof is bi-directional, or in other words, each debater should assume responsibility for sound argumentation.

This model, called the "initiator of argument model" stipulates that the one who initiates the discussion carries the burden of proving its truth and/or significance. Gary Cronkhite (1966) was one of the first advocates of this argumentative analog. This viewpoint was later advocated by Barbara Warnick (1981) and Steven Brydon (1986), among many others. Cronkhite's analog is described by Bill Hill:

According to Cronkhite, the party who initiates a dispute automatically surrenders presumption to the position he/she attacks and assumes the burden of proof for the position he/she advocates.<sup>21</sup>

#### *Presumption defined and explained*

The issue of "presumption" has been described in various ways. Some scholars approach presumption from a policy de-

bate perspective, others derive support from a legal paradigm, and yet a third group has devised their own interpretations of presumption with respect to value debate. Jim Hanson gives us one of the most detailed and comprehensive definitions:

**PRESUMPTION:** The initial beliefs of the judge or audience about the resolution and the argument claims advanced by debaters. Presumption determines who must prove their case and may decide which team wins if the debate ends in a tie. Here are four views of presumption. First, traditional presumption is with the present system. . . Second, risk presumption is against the risk of uncertainty. . . Third, hypothesis-testing presumption is against the resolution or a claim. . . Fourth, psychological presumption is with the judge's or audience's beliefs.<sup>22</sup>

Hanson's definition includes most of the contemporary approaches to presumption and encompasses both policy and value argumentation fields. The following discussion of the leading theories regarding presumption will be relevant to the application of this issue in Lincoln-Douglas debate:

#### Traditional presumption.

Nearly all debate scholars would agree that within the realm of policy debate the "status quo," or current system, is "presumed" (hence, the term "presumption") acceptable until proven otherwise. Many have applied that approach to value debate in similar fashion: "That the currently held value or belief is presumed to be acceptable until proven otherwise." While many in the L-D community wince at the idea of incorporating a "policy" debate concept, this approach is regarded as the simplest solution to the presumption in L-D issue.

Value comparison and risk presumption. The value comparison model is used most often when value propositions stipulate two value terms for consideration. In value comparison debates, presumption favors the value that is demonstrated to be the most desirable or worthy. Austin Freeley stated: "In value debate the presumption favors the greater over the lesser value."<sup>23</sup> Although there are some problems with this approach, such as determination of the worthiness of the value not being made until the end of debate round, many critics determine the initial level of presumption at a *prima facie* (at first glance) level.<sup>24</sup>

Risk presumption is similar to the value comparison model, except it emphasizes the negative side of the values. Instead of comparing the virtues or merits of the values, risk presumption debates focus upon the relative risks or dangers of the values. Thus, whichever value can be shown to be the most dangerous or uncertain shall have presumption weighed against it. Hanson defined risk presumption as:

...against the risk of uncertainty. The larger a policy or value change is and the riskier a value or policy is, the greater the presumption is against that value or policy.<sup>25</sup>

Whichever of the two approaches are selected, the other can be used to attack it. Thus, if an affirmative chooses to support a given value by comparing its advantages to the negative's value, the negative debater has two choices: 1) directly refute the claim by arguing that the negative value is comparatively superior; or 2) introduce a risk presumption argument to discredit or lessen the attractiveness of the affirmative value.

Hypothesis-testing presumption. One of the leading

advocates of hypothesis testing in value debate is David Zarefsky.<sup>26</sup> Although best known for his contributions in policy debate, Zarefsky is also well known for his leadership in developing value argumentation theory. Under the hypothesis-testing model, presumption is always against the proposition for debate. Zarefsky's premise is that the debate resolution is very similar to a scientific hypothesis which should be tested for truth and/or validity. Any successful claim against the hypothesis would yield a negative result; thus disproving the hypothesis. The burden is on the affirmative debater to prove the truth of the resolution. Zarefsky describes presumption under the hypothesis-testing model:

Presumption is placed against the specific proposition being debated. This procedure, as described above, assures a rigorous test of the proposition. . . . the hypothesis-tester regards presumption as stipulated rather than natural. . . . One might ask why rigor is served by placing presumption always against the proposition; indeed, it might seem that to do so is to fail to test rigorously the arguments advanced by the negative. But the negative is not proposing a thesis for adherence; its aim is only to negate. Rejecting the proposition does not preclude taking any other position. . . . Since rejection involves fewer risks than does acceptance, it is appropriate to locate presumption against the resolution. Such reasoning is analogous to that by which the scientist presumes the null hypothesis.<sup>27</sup>

One important difference between hypothesis-testing in the scientific field and the argumentation field, however, is the level of certainty needed to ac-

cept the hypothesis. In high school Lincoln-Douglas debates, judges need only be sure of its probable or general truth before voting for the affirmative. In other words, in order to prove the "truth of the resolution" the affirmative need not prove the resolution true or desirable in every and all conceivable or hypothetical instances, but rather just prove the resolution "generally true or desirable." Insignificant or atypical claims as well as examples provided by the negative, even if it factually disproves the absolute truth of the resolution, are not sufficient to warrant rejecting the resolution.<sup>28</sup>

Psychological or natural presumption. A few debate scholars and theorists have concerns with presumption simply being assigned to the negative.<sup>29</sup> The result, "psychological presumption" (also referred to in some scholarly journals as "natural" presumption) attempts to focus presumption on the audience's (or judge's) own beliefs and values. Under this model, the values held by the audience would be presumed correct until there was reason to change. Steven Brydon described psychological presumption as "the state of belief actually existing in the mind of an audience."<sup>30</sup> Indeed, other scholars have viewed psychological presumption in a similar manner. Michael Bartanen and David Frank suggested:

Presumptions are *preconceived beliefs of an audience*. In the absence of contrary assertions or claims, an audience will likely hold to a presumed belief until an arguer makes a convincing contrary case.<sup>31</sup> [italics in original]

Naturally, audience analysis would be a key factor in a psychological presumption debate. Debaters will need to ask themselves several questions while

preparing for such a debate: "Is this a homogeneous or heterogeneous audience?" "Do the members of this audience share similar values with me?" "Are the members of this audience willing to change their viewpoints during the course of the debate?" Rybacki and Rybacki warn that presumption could vary by the composition of the audience:

The importance of determining where presumption lies is emphasized when we consider that natural presumption resides in whatever point of view the audience of argumentation may hold.<sup>32</sup>

For many debaters, the thought of presumption shifting from round to round is unsettling. However, supporters of this perspective point out that the natural presumption model more accurately reflects the "real world" and offers the advocate a forum from which to practice adapting to various audiences.

#### A CALL FOR ADOPTION

The author offers the following suggestions intended to be a starting point for discussion. It is the hope of the author that after careful consideration, the NFL will continue to improve the L-D guidelines and judging instructions as well as promote their widespread acceptance throughout the Lincoln-Douglas community.

#### *Incorporate both resolutional and argumentative burdens of proof in L-D debate*

These two argumentation standards represent the most basic and straightforward aspects of debate as an academic activity, yet they remain misunderstood and ignored by many Lincoln-Douglas debaters and judges. NFL L-D guidelines should be reformulated to clearly define the resolutional and argumentative burdens for



both speakers. The last revision of the L-D guidelines represented a vast improvement over the original version, however, students and judges would benefit even more if the guidelines were to be upgraded further by clarifying and explicitly assigning burdens to each speaker.

*Set presumption against the affirmative as the judging standard*

In an unstructured setting such as a casual philosophical discussion around a table, there are no time limits or limits upon the number of times a participant can speak; presumption is neither necessary or desirable. Placed in the context of an academic debate round, however, where cases are structured and a critic must render a decision, artificial presumption against the affirmative is necessary because the affirmative debater receives several substantial advantages against which presumption is intended to equalize.

Initially, the affirmative receives the right to deliver the initial and final speech in the debate. Thus not only does the affirmative set the argumentative ground in the debate, the affirmative also closes the debate selecting the final issues upon which the judge is asked to render a decision. Secondly, the affirmative delivers more speeches which represents additional opportunities to preempt or respond to negative attacks (although speaking times are equal.) Finally, the affirmative has the opportunity to prepare its case well in advance of the debate and thus, should be well-versed in the intricacies and nuances of the affirmative position.

This presumptive approach promotes sound argumentation without imposing any preferential standard nor prescribing a particular model from which to adhere. At the same time, this approach equalizes the substantial advantages the affirmative

enjoys from the structure of academic debate by artificially assigning presumption to the negative.

*L-D topic wording committee should protect presumptive ground by topic phrasing*

Lincoln-Douglas topic wording committees should try to phrase topics so that established institutions or commonly held beliefs are negative ground. Thus, by incorporating models as issue-agenda and psychological presumption, the wording committee can place the burden on the affirmative to present a compelling case for adoption of the alternative value. Admittedly, this will prove to be a challenge, as presumption will vary in different parts of the country, however, attention to this important consideration may prevent a topic from being excessively biased toward one side of the resolution.

*Judging philosophies should be standard tournament protocol*

A judging philosophy is a statement, authored by the debate critic, ranging in length from one to two typewritten pages, which describes any paradigms, argumentative methods and delivery styles that are preferred by that particular judge. It serves as an audience analysis tool which can be used by the debaters to select their arguments, styles, and strategies and provides a forum from which the judge can use to inform the debaters whether he or she has any "pet peeves" or particular dislikes. Judging philosophies are widespread on the college level and are used at some high school invitationals. These statements are partially responsible for an increase in the quality of debating when used properly. A debater who accurately analyzes a judging philosophy statement can determine which model of presumption would be most appropriate

for the critic(s). A judging philosophy can also be given orally just before the debate round as well.

The use of judging philosophies in high school Lincoln-Douglas debate can be especially useful, considering the overwhelming number of debaters who deliver the same "stock cases," regardless of the type of audience. This addresses the frequent complaint about debaters not being responsive to their audiences and would perhaps promote development of Lincoln-Douglas debate away from "two-person oratory" and towards "clash-orientated argumentation."

Considering the large percentage of forensics students who wish to be legislators, attorneys, journalists, educators, and civic leaders, judging philosophies would teach students the art of judge/audience adaptation. Any good speaker would conduct an analysis of the audience before delivering a speech because knowledge of the audience's accepted beliefs and values would be the key to the speech being accepted by the audience. By taking into account psychological presumption, students can develop advanced persuasive and reasoning skills necessary for leadership.

In addition, judging philosophies reduce stereotyping based on race, gender, origin, and appearance. Without any prior knowledge of the critic's judging philosophy, coaches and students would be forced to make assumptions about the critic on potentially misleading information.<sup>33</sup>

*Eliminate contradictions between the NFL L-D guidelines and judging instructions*

The source of the most confusion and argument over Lincoln-Douglas debate practice is the contradiction between the explicit exclusion of presumption and burden of proof stan-

dards in the NFL L-D judging instructions and the guidelines which attempt to prescribe clash and speaker obligations in the NFL L-D guidelines. Perhaps it may be useful to incorporate both into one main document and have one section devoted to judging criteria and instructions which would be included on each NFL L-D ballot. Contradictions between both documents can then be resolved. In this manner, coaches, debaters, and judges can refer to just one document for direction and clarification.

### CONCLUSIONS

Presumption and burden of proof are important and necessary elements of value argumentation and debate. Since the National Forensic League has declared Lincoln-Douglas an actual debate event, it seems only logical to include the requisite argumentative issues which would guide debaters in upholding their duties as advocates and assist judges in rendering sound decisions.<sup>34</sup> The debate community has recognized the importance of value argumentation, as evidenced by the fact that the popularity of values-oriented debate has surpassed policy debate both on the high school and collegiate levels. As Lincoln-Douglas debate has grown and matured, the rules and guidelines which govern the event must be refined and updated to promote continued development of this important argumentation event. A serious recommitment to the issues of presumption and burden of proof would promote better argumentation and teach sound reasoning. As David Zarefsky noted in the first epigraph at the beginning of this essay, the incorporation of presumption and burden of proof standards in value debate would greatly enhance the benefits that participation in Lincoln-Douglas debate imparts.

In this essay, the author has briefly identified some of the

problems occurring in Lincoln-Douglas debate today stemming from the lack of presumption and burden of proof standards, covered several of the leading interpretations of these argumentation standards, discussed several ways these standards could be incorporated into Lincoln-Douglas debate, and concluded with a call for in-depth discussion and eventual refinement of the current NFL L-D debate guidelines and judging instructions.

There has been a great deal of controversy and disagreement regarding the various suggested roles for presumption and burden of proof standards in Lincoln-Douglas debate. The L-D community should begin a "debate on debate" and openly discuss how it may continue to improve the event.<sup>35</sup> It is the hope of the author that the subjects covered in this essay will promote the necessary discussion within the National Forensic League which will result in implementation of much needed reform in the areas of presumption and burden of proof standards in L-D debate.

The phenomenal growth of Lincoln-Douglas debate and development of value argumentation theories have far exceeded the utility and scope of the basic rules and judging guidelines which were hastily established in 1979.<sup>36</sup> The high school debate community simply cannot afford to delay implementing additional reforms to promote the continued growth and maturity of this relatively young and exciting debate format which will allow our discipline to continue to develop active citizens and leaders for the 21st century.

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*(CA), Director of Debate at San Francisco State University, and Director of Forensics at the University of California at Berkeley. Mr. Luong is the only person to have won the National Collegiate Lincoln-Douglas Debate Championship title both as a competitor and coach. He currently serves as a curriculum coordinator at the Stanford National Forensic Institute. He is presently conducting research and working on his dissertation in Cambridge, Massachusetts.)*

### FOR FURTHER READING

[Author's note: I have tried to include not only the primary source, but in addition, any reprints or collections which include these sources which might be more accessible to the debate coach and student. Page numbers, however, corresponds to the source used in the preparation of this essay.]

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## ENDNOTES

<sup>1</sup>Material for this essay comes from a variety of sources, including the author's earlier article on the issue of presumption, "Defining the Role of Presumption in Lincoln-Douglas Debate," National Forensic League Journal 2 (1992): 1-15; in-depth discussions with debate coaches and students at L-D tournaments, summer institutes, and regional seminars over the past several years; and a recent re-examination of the issue by the author.

The author thanks several individuals for their insights and assistance with this essay. Discussions with Joseph S. Tuman (San Francisco State University), Nicholas J. Coburn-Palo (Weber State University), Pauline Jones Luong (Harvard University), Melodi Morrison (formerly from University of California at Berkeley), and Steven C. Clemmons (Loyola-Marymount University) proved especially valuable. In-depth discussions and important feedback from Mark Webber (Memorial HS-Houston, TX and

*The Rostrum*

NFL L-D Topic Wording Committee) are especially appreciated. The author also thanks Jim Copeland, Executive Secretary of the National Forensic League, for his continual support and assistance with this and upcoming essays.

<sup>2</sup>See the 1995 National Forensic League Tournament Manual, Appendix III- Lincoln-Douglas Debate. L-D judging rule #2 states: "There are no prescribed burdens in L-D Debate as there are in policy debate; no "burden of proof" and no "presumption" There is no status quo. Therefore, decision rules are fair issues to be argued in the round."

<sup>3</sup>Matlon, CEDA Yearbook, 8. The word "team" appears in the text because at many Cross-Examination Debate Association (CEDA) sanctioned tournaments, the team format (two partners per side) is utilized to maximize participation.

<sup>4</sup>Countless discussions with coaches from both large and small programs around the country over the last several years reveal what the author considers a disturbing consensus: That Lincoln-Douglas debate means vastly different things to different people, both in theory and practice. Many complain that because the event is approached so differently in various parts of the country, L-D debate is starting to lose its effectiveness as an argumentation event. One coach laments: "I can't even take my state champion L-D debater to NFL Nationals and tell her that she will be competitive when basic things like debate rules and judging criteria are up for grabs." Another coach asks: "Without knowing what is expected of the debaters and judges how can you even have a meaningful debate? Many times the outcome is not decided by the quality of arguments, but who the judges are and what style of L-D they like; it's really a crapshoot."

<sup>5</sup>The author routinely asks his institute and seminar students the following question: "How many of you have read the official NFL Lincoln-Douglas debate judging instructions and debating guidelines?" Every year since 1987, no more than 15% of the students in attendance have ever raised their hands.

<sup>6</sup>Eisenberg, 91. See, for example, Eisenberg and Ilardo's treatment of logical fallacies, which provides both examples and explanations for each type of fallacies. Knowledge of these fallacies should be a part of every debater's education.

<sup>7</sup>The National Forensic League's stated mission is to "Train Youth For Leadership" and an important part of that goal involves cultivating superior analytical reasoning skills. The Lincoln-Douglas debate community can and should do more to promote logical integrity by implementing improved argumentation standards. Considering the number of debaters who go on to become attorneys, educators, journalists, and policy makers, the relevance of this observation takes on an even greater sense of importance.

November 1995

<sup>8</sup>NFL L-D Guideline #7 states: "Since this is debate, clash is necessary. With the exception of the affirmative constructive speech, neither speaker should be rewarded for presenting oratory unrelated to the rest of the debate. Clash in the debate should be on one or more of the following as they are applied to the specific topic: the values premise, the values criteria, the argumentation." NFL L-D Guideline #11 states: "The affirmative obligation is to support the resolution with the value(s) and to clash with the negative position. The negative obligation is to clash with the affirmative position by using refutation and/or opposing value(s)." See "Appendix V: Lincoln-Douglas Guidelines," NFL Tournament Manual, 1995, p. TA-4.

<sup>9</sup>NFL Executive Secretary Jim Copeland stated in a telephone interview with the author that the NFL judging instructions printed on each L-D debate ballot are considered rules in the same way as the NFL L-D Guidelines found in the NFL Tournament Manual serve as rules for the event. Jim Copeland, telephone interview with author, 12 September 1995.

<sup>10</sup>During his tenure as a high school and college coach in Northern California, the author frequently observed first-time or inexperienced judges rendering decisions on what can be charitably considered "bizarre" grounds. When pressed by the tournament director or judging coordinator for an actual "reason for decision," many judges pointed directly to the NFL L-D instructions printed on the ballot, stating that they did not base their decision on the affirmative's nor negative's cases because there was "no burden of proof."

<sup>11</sup>Baldwin Rostrum 1994, 11-12

<sup>12</sup>Ibid., 12.

<sup>13</sup>Ibid., 12.

<sup>14</sup>Marilee Dukes, widely regarded as one of the leading coaches and educators in the L-D community, explains the dilemma of judges who are knowledgeable in L-D theory and practice. Even if judges can render decisions based on sound argumentation principles, the lack of clear argumentative standards and expectations for debaters means that many of these judges will continue to suffer through rounds lacking proper arguments and as a result, be forced to intervene when deciding the debate. A number of excellent points raised in this article would serve as fine starting points for discussions on refining and improving the current NFL L-D guidelines. See Marilee Dukes, "Please! Don't Ask Me To Think!," Rostrum 69.7 (March 1995): 36.

<sup>15</sup>Coaches are not the only ones reluctant to adopt improved rules in L-D debate. In particular, certain summer L-D camps which promote their own "winning approach and records" in L-D debate have a commercial interest in maintaining the present system which lacks unified standards and stands to lose the most if reforms are adopted and accepted nationwide. Such institutes teach L-D as a

"formulaic system" using pre-written cases and briefs which de-emphasizes well-developed, holistic argumentation and promotes parametric styles of analysis (arguing from isolated examples). Such an approach is regarded by most recognized value argumentation scholars as "intellectually bankrupt" and is appropriately excluded by NFL L-D Guideline #5 which states: "Neither the affirmative nor the negative is to debate his or her position exclusively from the standpoint of isolated examples." For the most part, however, instructors at the top two or three national institutes who teach rhetorically-sound argumentation methods have been vocal advocates for improvements in the NFL L-D guidelines.

<sup>16</sup>Kane argued even further that: "... our understanding of propositions of value is in a never-never land."

<sup>17</sup>The Speech Communication Association and its communication organization subunits sponsors panels where scholars present their research and discuss their findings with other members of the academic community. For example, the SCA/CEDA panel on presumption in value debate in 1991 led to several published articles the following year in the CEDA Yearbook, the Cross-Examination Debate Association's annual scholarly journal.

<sup>18</sup>Hanson, 24.

<sup>19</sup>Some critics might argue that burden of proof and presumption standards are impossible to assign due to the evaluative nature of value resolutions, however, the underlying assumptions of this position are that the truth-seeking discussion never ends and that speakers receive an unlimited amount of time to present their points. Such assumptions were first articulated by early Greek philosophers and assumes a continuous conversational "debate" (lasting years or centuries) rather than a structured academic debate round as we have today (lasting 32 minutes).

<sup>20</sup>Sometimes the negative debater has no choice but to argue against the truth of the resolution instead of against the affirmative case because the affirmative has presented a parametric case (arguing from isolated examples) or a "squirrel case" (unusual or marginal case analysis). Instances such as these lend additional credence to the argument for burden of proof and presumption standards, because such standards would require full resolutional analysis (holistic argumentation) and complete *prima facie* value cases (See Tuman, 1987.)

<sup>21</sup>Hill, 25.

<sup>22</sup>The definition included in this essay omits the examples and explanations that accompany the definition. See Hanson, 139-140 for the complete definition.

<sup>23</sup>Freeley, 416.

<sup>24</sup>Other types of judges will allow the level of presumption to fluctuate throughout the debate, as they are persuaded by each side. However, the usefulness of presumption as a decision ren-



<sup>30</sup>Brydon, 16.

<sup>36</sup>Dale McCall is well-known for teaching her students as well as other coaches "that you cannot prove an ought with an is." Many coaches in the L-D community, however, refuse to even discuss the possibility of reform, citing that "there is an L-D rule that says that there

<sup>36</sup>The high school Lincoln-Douglas format was formulated and implemented as an NFL national event in less than a year in response to calls from both within and outside the debate community for an audience-orientated debate event. While the need to promote creative argumentation and differentiation from policy debate were good reasons at the time for issuing basic rules and guidelines, L-D debate has sufficiently developed its own identity to warrant the inclusion of previously excluded argumentation issues such as presumption and burden of proof.

*[Editor's note: L-D debate will be one of the subjects of the Summer 1996 NFL Conference currently being planned by NFL President Donus Roberts]*

If my argument from competitive fairness is not enough to dissuade the zealous balancer, let him look to the wording of the resolutions. The statement of a priority which explicitly includes two values or alternatives implies that each debater is to defend one of the alternatives at the expense of the other. Recently,

we have witnessed a trend toward wording topics of hierarchy with "When in conflict" at the beginning of the sentence. This wording reflects an effort on the part of the L/D Topic Committee to eliminate balance negatives by stressing the necessity of a choice. The debate applies only when the values are in conflict, and one value must be prioritized. Similarly, the Committee has also worded several resolutions with the preface "On balance," implying that the positions to be debated cannot be held to standards of absolute validity in every instance, but instead are questions of the truth of the gen-

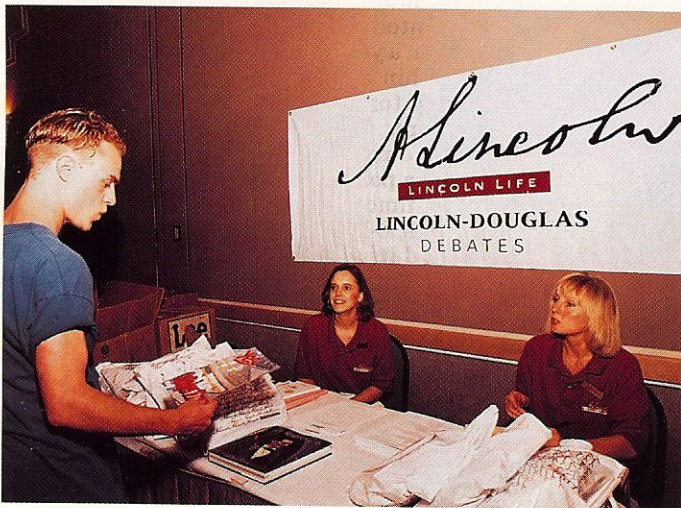
eral principles in their broadest application. Through its wording, NFL has clearly attempted to create as much fairness as possible in the burdens assigned to each side by curbing the possibility of balance negatives. If, somehow, an occasional resolution does not explicitly exclude the possibility of a balance case, coaches and judges should take the initiative to exclude such arguments from competition.

*(Jason Baldwin was the most successful L/D debater on the National L/D circuit. Now a college student, he is a member of the NFL topic wording committee.)*

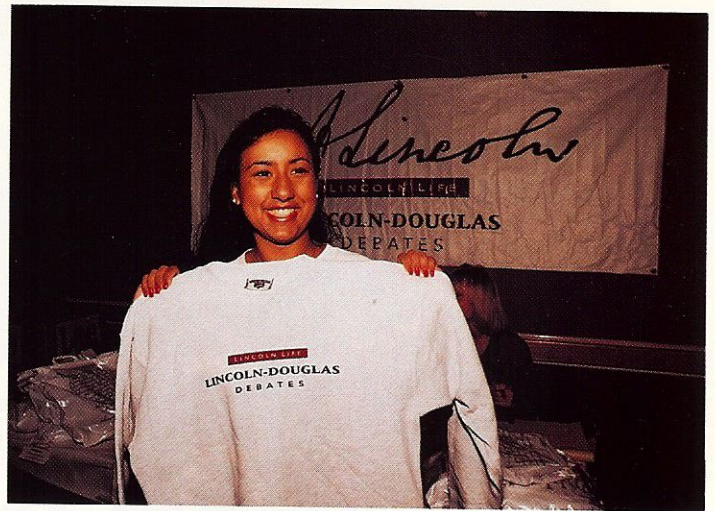
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*Amy Haycox and Lynn Barrett welcome Lincoln Life L/D contestants.*



*Popular Lincoln Life L/D sweatshirts were presented to L/D contestants.*



*Lincoln Life President Jon Boscia discusses the topic with three prize winners.*



*John Boscia introduces the four semi finalists at the Lincoln Life L/D reception.*



*Jon Boscia awards second place to Shimon Whiteson.*



*Winner Justin Osofsky with Lincoln Life regional CEO John Lucas.*



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