

E V I D E N C E

by
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bater, so Jane talks too much), or invalid but true (All music by Bach is sublime, the Mass in B Minor is sublime, so the Mass in B Minor is by Bach), or invalid and untrue (All potted plants are green, my lawn is not potted, so my lawn is not green).

In most L/D arguments, the major premise of the syllogism proposes a standard of moral or political judgment, the minor premise relates the controversial term of the resolution to that standard, and the conclusion affirms or negates the resolution. Take, for example, the resolution that capital punishment is justified. Here is one possible affirmative argument:

M: Any punishment consistent with the categorical imperative is justified.

m: Capital punishment is consistent with the categorical imperative.

C: Capital punishment is justified.

Now clearly this outline leaves the debater with a lot of explaining to do. What is the categorical imperative, why is it always justified, and how is capital punishment consistent with it? (For a treatment of how to answer these sorts of questions clearly, see my "How to [Still] Make Our Ideas Clear," February.) But the syllogism form does at least break the argument down into its component parts so that we can examine it logical validity and truth.

And here we begin to approach the question of evidence. For presumably debaters aim to make their arguments both valid and true, and while we can test the validity of arguments without appealing to external authorities, the truth of arguments will always hinge on the truth of their premises. Sometimes, as in the case of the categorical imperative syllogism above, empirical evidence will be irrelevant to establishing the truth of the premises. Of course, the affirmative debater may wish to quote Kant to explain or defend the major premise, but invoking Kant (or any other authority) is not strictly necessary to argue for the categorical imperative as the correct moral standard (major premise) or for the consistency of capital punishment with the categorical imperative (minor premise). These connections require a combination of moral suasion and concept analysis; they address the normative universe, and no external test of evidence could prove or disprove them. And if

A R A T I O N A L E N

L/D

When Lincoln/Douglas debaters rebuff challenges to their arguments by claiming that "this is L/D, so I don't need evidence," I am never sure whether they speak sincerely or are just covering up poor preparation. But when judges write similar comments on ballots, which they often do, I have to think that at least some friends of L/D really believe that evidence of a factual or empirical cast has no place in our activity. This attitude probably goes back to L/D's origin as a reaction to the excesses of policy debate. It may also have roots in the Enlightenment belief that questions of value are logically distinct from questions of fact; since L/D is values debate, empirical claims are irrelevant. I suggest, to the contrary, that empirical evidence plays a vital role in values debate and, far from being excluded, ought to be positively demanded in many L/D rounds.

To see why evidence is important to L/D, we shall make a brief excursus into the logical structure of arguments. Generally, each contention of the L/D case is designed, or can at least be schematized, as a type of argument called a categorical syllogism.

This is an argument with a major (or general) premise, a minor (or specific) premise, and a conclusion. Here is a simple example:

M: All plays by Shakespeare are great.

m: The Tempest is a play by Shakespeare.

C: The Tempest is great.

Notice that categorical syllogisms relate three terms, in the above example:

1) plays by Shakespeare,

2) being great, and

3) The Tempest.

Each of the two premises relates one term not found in the other premise (greatness and The Tempest, respectively) to a term common to both premises (Shakespeare), and the conclusion joins the two unique terms.

A syllogism may possess two merits: *validity* and *truth*. To be valid, the conclusion must follow necessarily from the premises. To be true, the premises and the conclusion must all be true. Our Shakespeare syllogism is valid because, given those two premises, it necessarily follows that The Tempest is great. The syllogism may or may not be true, however, because it is highly debatable whether all plays by Shakespeare really are great. A syllogism may be both valid and true (*All mortals will die, I am mortal, so I will die*), or valid but untrue (*All debaters talk too much, Jane is a de-*

the connections hold, the conclusion that capital punishment is justified follows logically.

But other times, the nature of the premises is quite different. Consider this possible affirmative argument:

M: Any punishment that deters is justified.

m: Capital punishment deters.

C: Capital punishment is justified.

As with our categorical imperative syllogism, the moral standard proposed by the major premise of this argument is controversial. It must be argued for, though the reasons offered to defend it will not be of an empirical nature. But whereas the minor premise of the categorical imperative syllogism made a claim about the nature of concepts (that the nature of the concept of capital punishment is consistent with the nature of the concept of the categorical imperative), the minor premise of this syllogism makes a strong empirical claim which goes beyond simply understanding the concepts of capital punishment and deterrence. We may know what capital punishment is and what deterrence is, but still be unsure about whether capital punishment actually deters. It will not help to argue that it just makes sense to believe that capital punishment deters, because the major premise does not say that any punishment which it just makes sense to believe deters is justified. If capital punishment does not in fact deter, it will not have been justified by the argument. Those judges and debaters, the vast majority I would think, who do not bring with them a firsthand knowledge of the deterrent effectiveness of capital punishment have little choice but to rely on empirical evidence to determine the truth of such an empirical claim.

Even a cursory review of the arguments offered for or against a given L/D resolution will reveal that many of them depend for their truth on empirical claims which cannot be satisfactorily evaluated without supporting empirical evidence. There are three things to note about the kinds of premises that need evidence. First, they are typically the minor premises of syllogisms, because major premises are usually the sort of broad normative claims that cannot be conclusively proven or disproven; minor premises, in the process of applying those broad claims to particular human practices and institutions, will often make implicit or explicit empirical claims about what exactly those practices and institutions involve.

Second, evidence-hungry premises

usually follow major premises which propose a normative standard based on consequences. Moral rules (such as the categorical imperative formulation of the universal law) which are not based on consequences may not depend on empirical claims to apply the rule to an action, whereas consequentialist moral rules (such as utilitarianism) always evaluate an action on its (usually empirical) effects.

But, third, even minor premises of some deontological arguments may require empirical evidence to adequately flesh out the relation of the subject of the argument to the moral standard. Suppose I argue that suppressing pornography upholds the (deontological) categorical imperative formulation of the end-in-itself. Once I explain what sorts of actions count as violations of the imperative, I may still need empirical evidence to establish that the production, distribution, or consumption of pornography commonly includes those sorts of actions. My argument for pornography restriction does not hinge on any empirical consequences of the action, but it does rely on empirical claims about the nature of pornography that probably cannot be evaluated by the average listener without supporting evidence.

In these circumstances, the distinction between persuasion and evidence breaks down. "Because I say so" is not persuasive proof that socialism makes people lazy, or that gun control makes people feel secure, or that feminism destroys families, or that prioritizing due process increases crime. Our individual experiences simply don't qualify most of us to speak persuasively to these issues. What we need are the kinds of expert research and opinion which good evidence provides to confirm our assertions that the larger world is or is not a certain way. And persuasive power aside, offering appropriate evidence is a basic duty of speakers; coaches and judges, in turn, have a responsibility to call students on unsupported assertions. Little is gained by way of "training for leadership" when we allow students to spin wildly inaccurate empirical webs from their active imaginations.

Evidence is an essential forensic tool which should be part of every debater's education.

Some readers may have noticed that since only certain types of arguments rely on empirical premises, it would still in principle be possible for an L/D purist to remain

evidence-free by avoiding those types of arguments. Indeed, evidence is not logically necessary for every argument. But more and more, L/D resolutions invite empirical study by probing technical subjects such as genetic engineering, weapons of mass destruction, and First Amendment jurisprudence. Issues like these cannot be intelligently treated in an empirical vacuum. And whether or not a debater chooses to base his own arguments on empirical premises, he will in all likelihood have to refute opponents' arguments which are predicated on empirical claims, and he may need to be prepared with empirical evidence to do so.

Even arguments which we usually think of as purely philosophical or theoretical may have empirical claims lurking beneath them. Locke, Kant, and Mill, that mighty liberal triumvirate which occupies most of the known L/D world, might seem immune from the demand for empirical evidence. As I have explained above, Kantian arguments, with their purely deontological major premises, will sometimes not require any sort of empirical support. But Locke and Mill, at least as they are typically (mis) used in L/D, leave a lot to be desired empirically. Here is a syllogistic representation of the typical Lockean social contract argument:

M: We ought to do what we promised to do.

m: When we formed the social contract, we promised to [gist of resolution].

C: We ought to [gist of resolution].

Although the moral obligation to keep promises may be defended on deontological grounds, there is an empirical variable in the major premise that infects the minor premise, as well. According to the major premise, what we ought to do depends on what we actually promised to do. Thus, the truth of the minor premise, which specifies what exactly we are supposed to have promised to do, is crucial to the truth of the conclusion. And promises, at least promises that create contractual obligations, are empirically-verifiable events. A debater who presents a social contract argument in the above form ought to provide some empirical evidence to establish who promised what to whom when. And what there is no good reason to believe that anyone did make the alleged promise? Then the conclusion does not follow and the argument should be revised or, better, abandoned.

In the case of Millian arguments, the need for evidence is clearer still. Of course a forthrightly utilitarian argument should appeal to empirical evidence to show that

affirming or negating will, in fact, maximize whatever sort of good is specified. But here is another popular Millian argument which makes a glaring empirical claim:

M: Whatever promotes social welfare is good.

m: The marketplace of ideas, synonymous with [gist of resolution], promotes social welfare.

C: [Gist of resolution] is good.

Social welfare will always imply some empirically-verifiable state of affairs. Social welfare is a consequence, which means that once the rather murky natures of social welfare and the marketplace of ideas are clarified, the maker of the argument owes the rest of us some empirical evidence that the claimed relation between those two concepts holds. As with the social contract argument, lack of such evidence is good reason to rethink the position. Questions of value, it seems, are not always distinct from questions of fact.

We might summarize the foregoing with the simple rule, empirical claims require empirical evidence. Using syllogisms to examine the structure of arguments, we have seen that many debates about values have empirical claims embedded within them. In fact, the largest branch of the morality family tree, the consequentialist branch, will always make empirical claims of some kind in order to apply its broad ethical rules. Arguments are not either philosophical or empirical; rather, they are often both. And when they are, they cannot be complete or compelling without sufficient evidence.

Of course, empirical evidence can be used in better and worse ways. Good evidence should be clear, concise, and fully cited from a credible source. And knowing when and why evidence is necessary also means knowing when and why it isn't; there are many normative premises in arguments where a quoted authority is no substitute for persuasive explanation and original analysis. But given these qualifications, I think we in L/D ought to hold each other accountable for the arguments we make by demanding empirical evidence for empirical claims. Not that debater who does provide evidence, but that debater who does not, deserves the judge's censure.