

NEGATIVE DEBATING

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ISSUES

- n 5 MINUTE 1AR'S
- n RESOLUTIONS WRITTEN WITH MINIMAL CASEGROUND
- n THE ABANDONMENT OF PRESUMPTION
- n THE PRESUMPTION AGAINST GENERIC ARGUMENTATION
- n THE TEACHING AT SUMMER INSTITUTES
- n NO NEGATIVE DIVISION OF CONSTRUCTIVE LABOR
- n THE TREND TOWARD NEGATIVE DISCLOSURE

Is it just my imagination or are negative teams increasingly losing higher and higher percentages of debate rounds. It could be my Southeastern perspective, but given the fact that in my part of the country, teams in break rounds almost always opt to debate on the affirmative side of the resolution, something must be up. This seems true even of last year's energy topic, though perhaps a bit less so. Those teams who do opt to debate break rounds on the negative are invariably those who intend to offer a Kritik position, and have the Kritik as the only meaningfully extended argument in the 2NR argument. In other words, those teams that desire to debate on the negative in a policy debate round are those that have an essentially non-policy position to offer. I would venture to guess if those teams knew that the judge was averse to a negative position that dealt with philosophy and assumptions, or didn't evaluate claims of in-round abuse, those same teams would much prefer to debate on the affirmative. But this article is not a condemnation of the Kritik. I'll leave that important responsibility to those more articulate than myself on this question. This modest article presents both an evaluation of the negative decline, and some suggestions of how that decline can be reversed.

If the Southeastern experience is indeed indicative of the rest of the nation, then the critical question is: what has happened to negative debating? What is responsible for the increasing preference for the affirmative in the minds of debaters and critics? Seven reasons present themselves; the first three had an earlier ancestry than the final four, but they are all perhaps of equal importance.

First, 5 Minute 1AR's.

When I started my debate coaching career, the four minute rebuttals were the rule. Negative teams won many rounds, in my experience, because the overburdened 1AR would fail to answer an important issue. The extended time uniquely assisted the affirmative, as the negative hardly needed five minutes in the 1NR, and only needed a little more in the final negative rebuttal. The law of unintended consequences really presented itself here, with a clearly detrimental impact on the negative.

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Second, Resolutions With Minimal Case Ground.

This is perhaps not so true this year, and the Kritik has offered a non-policy extension of negative turf. But in days of yore, the resolution represented a controversy, not necessarily a problem. The negative could actually win a round with a solid harms argument or a reasonable inherency position since there didn't exist a public consensus regarding the issue under consideration. Not so much in recent years. Additionally, judges don't require a 'reasonable threshold' for the affirmative case side positions. Existential levels of inherency are enough, minimum present or even future harms are enough. Mitigation of the affirmative case significance helps the weighing process at times, but can't hope to win many rounds by itself. In short, resolutions don't provide much area for case debate, and judges seem to have raised the bar above which a case argument is worth making.

Third, The Abandonment of Presumption.

What happened to the affirmative burden of proof? An entire debate can be fought on negative ground, with only negative issues being argued. Affirmatives, in the eyes of many critics, never need to extend the case advantages. If the affirmative defeats the DA's, demonstrates the moronic nature of the Heidegger Kritik, and is topical, they probably win! As a consequence, plans that are offered represent a handwritten sentence devoid of any additional information such as mechanics and methods of implementation. They are very poorly constructed, probably because there is little requirement that they be well-constructed. Affirmatives simply don't expect to get attacked. The round is about defeating the negative by reducing risk probability, demonstrating topicality, and minimizing the Kritik. It is rarely about the affirmative proposal as contained in the plan, which does little more than mandating solvency and providing spikes to the off-case arguments. A reasonable burden of proof, or evaluating the prima facie nature of the affirmative appears to no longer be required.

Fourth, The Presumption Against Generic Argumentation.

It's sort of a chicken or egg question. Do negatives lose generic arguments because they are so ridiculous and farfetched, or because they are offered so thoughtlessly

and introduced and advocated so poorly? Do negatives obligatorily read the pre-designed Clinton shell at light speed without even attempting to bring life or relevance to the issue because they know it's a bad issue? Or does it not win because they run it so poorly? Logic dictates that the more generic the argument is, the more intelligently it should be presented in order to compensate for its weaknesses. Negatives seem in an awful hurry to make bad arguments badly. But how can they make good arguments when the 1NC is simply a reader, taking no prep time, and simply spewing what they are told to spew? They can't. How many lost rounds before negatives realize that it's hard to vote on generic arguments made so poorly?

Fifth, The Teaching At Summer Institutes.

Don't get me wrong, summer institutes provide an important service to the debate community...but for what they cost, students should get a lot more than just the resolutorial links to the Clinton DA and the other perfunctory generic arguments, updated but rarely reevaluated. It would be nice if every summer institute went about the business of developing in the participant an intellectual understanding of the resolution prior to worrying about debating it. Bring in experts to deliver the substantive lectures on issues like energy. College students or even college debate coaches are seldom intellectually qualified to familiarize the student with the concepts underlying the problem area. Invariably, their lectures focus on how you use the resolution to win debate rounds. Any wonder negatives can't argue case. They know almost nothing about it. Debate institutes have an educational, not just a forensic obligation to the participant. Largely, I think, they fail to meet that obligation.

Sixth, No Negative Division of Constructive Labor.

When exactly did it start? Where is it written? Why is it that all frontline negative positions need to be advanced in the 1NC? It was always theoretically justifiable to insist that counterplans and topicality be advanced in the 1NC, but DA's and case? What is the theoretical defense of placing these arguments in the 1NC? Particularly in light of five minute 1AR's? Constructives are for constructing arguments, presumably well-developed arguments, some of which

need time during the round to prepare. These days, affirmatives will scream abuse to the gods if negatives dare run a new argument during that second constructive speech. More and more, judges seem to feel that new 2N positions violate some ethic. What ethic? And from where did it emerge? Whatever its origin, its effect is clearly averse to the interests of the negative.

Seventh, The Trend Toward Negative Disclosure.

This never ceases to amaze and irritate me! An always prompt judge, I am invariably sitting in the room when the affirmative strolls in and announces the plan. This announcement is a relatively new phenomenon but probably contributes to the search for truth. At least affirmative plan disclosure is theoretically justified, given the other affirmative advantages and the fact that they go first. Its not as though they have to listen to any arguments before deciding on the affirmative 1AC. But then strangely, the affirmative will ask the negative what they are running, and negatives will tell them! Beam me up Scotty! Doesn't the negative have to actually listen to the 1AC and thoughtfully consider which arguments are best? Negatives seem to have their listless and lifeless canned arguments ready upon the affirmative announcing 'biomass'? Does this somehow make for good debate? This year I had the misfortune of hearing a round where the negative argued a definition of topicality in the 1NC which I suspect they argue every round. It was a bizarre definition that suggested that you had to have multiple specific types of renewable forms of energy advanced in plan. What was weird was that the negative ran this against the only case on the circuit that met the objection. The affirmative, an inexperienced but talented duo, read six minutes of plan which, as I remember, advanced 12 specific renewable energy types. The negative, blissfully uninterested in the 1AC, never picked up on what seemed an obvious disqualifier to that specific topicality argument. They extended the argument throughout the debate, blissfully unaware that they were offering an argument that, tactfully speaking, lacked intellectual or forensic credibility, as any non-debater listening to it would immediately conclude. Could anyone from the public sit in on this kind of debate and enjoy it? Perhaps that should provide a test. Nevertheless in my role as a critic of high school debate, I am constantly forced to listen to the worst eight

minutes of negative debating possible, the contemporary 1NC. I hope teams don't mind if I don't flow much or take their arguments too seriously. It's amazing that no matter how bad and generic the presentation of 1NC's arguments are, the 2N still feels they have to answer the cross-examination questions, further devaluing the 1N, the substance of the speech and the individual who gave it.

Faced with the new axiom that instructs us that all negative positions, at least in part, need to be advanced in the 1NC (an axiom worthy of significant challenge), what can be done absent changes in resolutional construction or alterations in rebuttal times, to promote the interest of the negative? Of the two changes proposed here, one is relatively minor, though I might suggest significant, whereas the other involves a major reevaluation of negative duties. They are complimentary proposals though either can be adopted to the benefit of negative teams.

FIRST PROPOSAL

The first proposal is simply not to reveal the negative argumentation before the round. It's even better if the negative keeps an open mind, listens to the 1AC for the true nature of the affirmative proposal for change, any alteration in the proposal if heard before, or any nuance that could impact on the negative argumentation. No doubt that prior to the round, the negative should have a philosophy or a general approach to the affirmative, but to lock themselves into hard core, inevitably generic positions prior to a thoughtful listening for the 1AC is counterproductive to the point of being ludicrous.

Additionally the critic is forced to listen to the 1AC and the 1NC without any hope of spontaneity, without the prospect of any life being brought to the issues presented. I just can't decide whether this style of debate is more boring or more offensive.

As a corollary, consider the devaluation of the cross-examination of the 1AC. Where the cross-examination should be interesting, it often becomes tedious and perfunctory. The judge is clearly tipped off to the fact that the cross-ex is nothing more than an attempt to allow the 1NC, presumably the slower, more mentally deficient debater, to find the necessary files. But how about those times when the cross-ex of the weak 1AC is penetrating, when concessions are elicited, when the affirmative proposal is clearly indicted or minimized. Alas, it matters not. Such substantive, thoughtful in-

spection is quickly forgotten as the 1NC is going to read what the 1NC is going to read, regardless of whatever the 2N obtains from the 1AC. And why should it be otherwise considering that the 1NC is regarded so often by the partner as a stooge, a chump, an ineffectual reader, who merely reads what the ever-wise 2N decided before the round he or she will read. Of course we know that the 1NR will never be allowed to extend a substantive, potentially winning issue in the block. The 2N probably will not even flow it, proclaiming to the judge that his or her partner, in case there was doubt, is indeed the junior member of the partnership, if partnership is too strong a word. The job of the 1N is to read, any thinking will be done by the 2N, and don't count on much of that.

Before the second proposal, a situation report. The wise actor in the negative drama, the 2N has put the negative side of the resolution in a uniquely tough position. Having the 1N merely read lifeless generic, scripted, and non-adapted arguments, the 2N is forced to pick the best of a group of bad arguments in the block. The 2AC has undoubtedly damaged the lifeless negative arguments, since beyond the perhaps obligatory extension of case advantages, the main goal they need to meet is the minimization of negative arguments. And goodness knows, they have had time to prepare responses, given that they knew the arguments the negative was going to offer before the round. So by the time the stronger negative speaker stands to present the 2NC, the negative is devoid of momentum and perhaps the good will of the person adjudicating the dispute. Additionally, they had to endure what is probably a meaningful cross-examination, weakening them further.

Now just before the second, and crucial proposal, a moment of reflection. It is forensically and educational appropriate, and strategically beneficial, that all debaters in the round are significant and empowered. Very good teams are true partnerships. Good 1A's read well and answer questions thoughtfully, and in the 1AR, they cover issues articulately and thoroughly. They are part of the decision-making process throughout and between rounds. Good negative teams should be the same. There should be no assumption that one negative speaker is the real debater, whereas the other, invariably the 1N, is less. This weakens the negative, diminishes the potential contribution of one-half of the team, demoralizes a student participant in the activity. This mindset will carry over to when that team is

debating on the affirmative, hurting them there but perhaps not as much. Empowering the partnership is critical, ethically and competitively.

SECOND PROPOSAL

Now for the much awaited second proposal. It's really very simple and logical. Given the current debate reality, **the most important negative speech in the round must be the 1NC!** How many rounds must negative teams lose before they see that their doom began with the thoughtlessly read 1NC? The 1N should be the experienced debater, prepared to confront and assail the affirmative's search for truth. The first negative should take prep time, consider the affirmative proposal, construct meaningful case arguments, thoughtfully link the affirmative to DA's with logic, analysis, and perhaps rhetoric and humor explain why the affirmative violates the standards of the Kritik, and articulate just why the affirmative really is non-topical. Suddenly the generic, if they exist, don't sound generic. They sound thoughtful. And the non-generic are interesting to listen to, and to consider and evaluate. Additionally, the cross-examination of the 1AC, a crucial opportunity to rob the affirmative of momentum could actually be incorporated into the now attentive 1N, empowering both negative debaters and enhancing the negative side of the struggle. The negative, under this scenario, is thoughtfully attacking the affirmative early in debate, indicting them immediately rather than waiting for the 2N to hopefully say something meaningful nearly an hour into the round. This forces the judge to take notice and allows him or her to take an intellectual interest in the negative arguments.

*In this scenario, the job of the 2AC is made infinitely more difficult. Not knowing what to expect was bad enough. Now they are faced with arguments that cut to the essence of what they propose. No generic sounding DA's. Now the DA's are thoughtfully linked and carefully explained. The solvency arguments have sinew and substance. They are really indictments of the specific solvency, not just a bunch of generic solvency cards. **Given prep time, along with a careful listening to the 1AC and communications with the partner, the experienced negative debater in the 1NC can make the quality of arguments worthy of the activity.** The 2AC will be required to think and not just read blocks. Odds are they will be unable to make this adjustment well. As a consequence, the affirmative replaces the negative as the bor-*

ing and tedious team to listen to and evaluate.

Consider also that the 1N will be cross-examining the bewildered 2AC. Conceding that the 1N is the more experienced of the two, or at least an equal partner in the new scenario, would this not be a particularly important cross-examination? In fact, both negative cross-examination periods should become more significant and penetrating, and elicit admissions which can be incorporated. Before, even if the cross-ex of the 1AC was good, it was ignored. Now both cross-examinations by the negative become meaningful and relevant. Judges will be distinctly more inclined to pay attention and consider the information that flow from it.

Now that the affirmative, in the 2AC was not provided an easy opportunity to dismantle the 1NC's generic, lets examine what should happen in the block. Presuming the negative followed current debate convention that all arguments are initially presented in the 1N, the 2NC in concert with the partner, chooses out of a variety of solid negative positions. Even if the 2N is less experienced than the 1N, they should be able to rebuild certain negative positions that were probably not well indicted by the 2AC. This mindless 1N debater is now a thoughtful 2N, making argument extensions that may or may not be the real issue the negative is going for. Just as important, the 1NR becomes a crucial speech, made by the more experienced debater. No longer can this speech be ignored. It could possibly, perhaps

probably, contain the most important negative issue(s). The critical nature of the first affirmative rebuttal, offered by the affirmative 'reader', becomes even more critical since the tactical choices available to the negative, approaching the 2NR, have been enhanced and can not be so easily assumed. Suddenly that 13 minutes of negative time in the block has a compelling impact, in sharp contrast to the situation today.

Consider most judges today, particularly the college judges but also to an extent the adults. In many circuits, the round is decided on the flow with some consideration for quality of explanation. Good arguments appear on the flow along with mindless ones, though they must psychologically have greater weight due to the explanations provided. The very thoughtful arguments advanced in the new 1N are not rhetoric, they are substantive. They will be evaluated as the judge examines the flow. Pure rhetorical arguments and gushing oratory are not evaluated seriously, at least in most circuits. Podium banging may have its place, but is considerably less compelling than what appears on the flow. So I offer the following proposition. The negative victories are attained in the block, they are no longer attained in the 2NR, that more oratorical and persuasive speech, at least not as often as they used to be. The idea that the 2NR has to inoculate the judge against the affirmative's last lie, matters less since the arguments are on the flow. The 2NR has value, but the block has more. The 2NR, even if less

experienced has time to collude with their partner, and assess what negative positions need to be extended, and decide how they will be extended on the flow with explanation. If rhetoric and compelling oratory can be included, so much the better. The main job of the 2NR can be done by the less experienced debater, whose final negative positions find their way on the flow to be evaluated. In states where rhetoric and oratory matter more, the 2NR will have to adapt. But the more experienced partner would have to adapt as well. Undeniably it would be better if the more experienced negative speaker gave every speech. But choices must be made.

Debate will be enhanced by these proposals. As debate people, we hear the same complaints about the activity time and time again. We must reach out to a larger audience while retaining our basic analytical focus. We are an activity about argumentation. We will be a better activity if we are about good argumentation. The affirmative has all sorts of obligations to assist in the improvement of our endeavor. Poorly constructed and underdeveloped plans, nearly absent solvency, and ridiculous advantage scenarios are a big problem. But these will be addressed by stronger and less generic-sounding arguments on the negative, forcing the affirmative to join in a thoughtful search for truth.