

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 resolutional 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

other. The opportunity to vote for a balance case may cause the less experienced judge to forget that he, like debaters, is not necessarily judging the final truth of what is said, but is rather judging the skill, logic, and persuasion of the positions assigned by the resolution.

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 general 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.)

