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The Justification of Counterplans in Non-Policy Debate: A Skeptical View

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CEDA debate began in the 1970s as an alternative to NDT debate. From the beginning, members of the Cross Examination Debate Association insisted that CEDA debate did not necessarily equate with value debate; propositions of policy, fact and value were all possible choices (Tomlinson 2). The failure to exclude policy arguments in CEDA has led to the eager acceptance of all forms of policy argumentation by several in the debate community. While this trend was noted in the literature as early as 1982 (Bartanen 19), this was most evident during the Spring 1993 topic ("Resolved: That United Nations implementation of its Universal Declaration of Human Rights is more important than preserving state sovereignty"). It became commonplace in some areas of the country to interpret this topic as a resolution of policy, with the agent (U.N.) and its mandate (implementation of the U.D.H.R.) the focus of the debate. Consequently, widespread use of the counterplan as a negative strategy occurred. Even in rounds where the affirmative did not interpret the resolution as one of policy, negatives demanded and often received the ground to run counterplans.

This essay will argue that the acceptance of counterplans in CEDA lacks theoretical focus or justification. After first reviewing the growing trend toward the use of policy arguments in CEDA, this paper will argue that current counterplan use in non-policy debate lacks theoretical justification and is not warranted. Instead, the CEDA membership should recognize that the growing acceptance of policy arguments, including counterplans, demands the use of policy topics.

The Growing Acceptance of Policy Arguments

Despite whines of "this is CEDA debate, not NDT" to the contrary, the history of CEDA indicates that policy arguments always have been a part of the argument repertoire available to the CEDA debater. A review of the earliest editions of the *CEDA Yearbook* finds theorists prodding CEDA toward the acceptance of policy or policy-type arguments. Zarefsky's article in the 1980 *CEDA Yearbook* categorizes propositions for non-policy debate. Among the choices offered were propositions of quasi-policy. These resolutions don't advocate "a specific plan of action, yet one is implicit within the statement of the

roposition" (10). Sheckels categorizes all value resolutions as either pre- or post-policy valuation topics (80-81). Other writers advocate the inclusion of stock-issues analysis in on-policy debate (see Dudczak; Milsap and Milsap). Church and Wilbanks distinguish etween resolutions of policy evaluation (a type of proposition of inference) and resolutions f policy advocacy (propositions of policy), yet policy arguments would be relevant in both 12).

The acceptance of these quasi-policy resolutions in non-policy debate has served as an nplicit recognition that non-policy resolutions usually imply a value judgment about a olicy. Rowland argues:

> Values and policies are so intertwined that it is impossible to consider one without the other. The relative worth of competing policies can be measured only by comparing the importance of values which the policies fulfill. At the same time, the relative worth of competing values can be measured only by considering the effects which the values would have if they were to guide human conduct. The values can be evaluated only by treating them as implicit policies (833).

is obvious that the inherent relationship between value and policy questions makes any tempt to divide the two "over simplistic" (Herbeck and Wong 15).

The acceptance of the relationship between resolution categories created an impetus for e introduction of traditional policy arguments in CEDA debate. For example, Zeuschner lvocates a value-benefits case which would contain policy advocacy (16), while Young and aske support the inclusion of policy implications within value resolutions (26). Thus the oor was opened for the inclusion of traditional policy arguments in CEDA debate regardless ' the resolution type.

Matlon reviews the progression of non-policy debate and concludes that the CEDA mmunity has simply renamed and applied traditional policy stock issues while increasingly iting for quasi-policy debate resolutions (4-5). The end result, according to Matlon, is that EDA debaters are now incapable of debating value resolutions and have no direction garding the acceptability of policy argumentation under vague quasi-policy resolutions. The result is a tendency for many of the debaters to go into policy implications half-artedly, while, at the same time, offering a watered-down analysis of values" (6). This sessment is an accurate reflection of the state of policy argumentation in CEDA today, with th regional and individual differences demanding certain preferences and/or articulating ong disapproval for policy arguments in debate rounds without a consistent rationale for her side. This creates a dilemma for both debaters and critics as they attempt to agree on iich interpretation to follow for a particular round.

Policy argumentation has become so common in CEDA debate that it is rarely estioned. Value objections are now labeled disadvantages, and the true value objection (in

which the negative team objects to the philosophical system the affirmative upholds) is rarely argued. Affirmative cases are usually structured in terms of harm, policy, and advantages, and value hierarchies have all but disappeared. Until recently, the affirmative policy implication was argued in a generic sense, but now it is not unusual for affirmatives to include specific plans within the structure of the affirmative case.

The Counterplan in CEDA Debate

The most recent policy argument which has been adopted by CEDA debaters is the counterplan. On its face, this seems like a reasonable response to the increasing proliferation of affirmative policy advocacy. The counterplan is widely accepted as a legitimate negative strategy in policy debates (Walker 181). However, the advocacy of the counterplan as a viable option in CEDA debate has rarely appeared in the literature. Young and Gaske argued that the negative could offer a countersystem to compete with the affirmative value system, noting that "a debate of this type resembles a counterplan round in NDT" (26). A similar type of counter-resolutional counterplan is supported for use in policy debate by Mayer (122). Bahm advocates the use of a hypothetical counterplan as a test of intrinsicness, allowing the negative to engage in "imaginative variation" to determine that a harm is not intrinsic to a policy under consideration (27). The most complete defense of the counterplan in non-policy debate was written by Walker, who argue for the increased use of the counterplan by CEDA debaters.

Recent Trends

While counterplans and implied counterplans had been sporadically argued on earlier resolutions, a more widespread acceptance of counterplans in CEDA debate occurred with the Spring 1993 resolution regarding the United Nations' implementation of its Universal Declaration of Human Rights. Because the resolution appeared to include an agent and a mandate for change, negative teams felt free to choose alternative agents or countermandates to force a comparison of policy benefits. Negative teams on the United Nations topic would counterplan, using alternative agents to accomplish the affirmative goal, thus avoiding generic disadvantages. If those disadvantages did not have a clear threshold or had uniqueness problems, the negative simply would ban U.N. participation in peacekeeping to solve that problem.

The counterplan movement continued during the Fall 1993 semester on a more implausible resolution, "Resolved: That the national news media in the United States impair the public's understanding of political issues." A common counterplan was simply to fix the end result of impairment by fiating it away. For example, one negative team's response to a case arguing that the media's biased coverage of the nuclear power industry had so

aired the public's understanding as to shut down the nuclear power industry was to nterplan and reinstitute nuclear power as a major source of energy in the United States.

Problems with Counterplan Application in CEDA

The use of counterplans may be applicable in some cases, but it has been forced into)ates regardless of the type of resolution or the affirmative interpretation of the resolution. e end result has been conceptually fuzzy debates in which the critic's own preference or is determines whether or not counterplan use is acceptable. The critic's own opinion about unterplans could sway the decision, as well as the critic's perception that the "better" im's interpretation must be superior. Several concerns need to be answered before unterplans should become as universally accepted as disadvantages or policy implications.

The inclusion of the counterplan in any debate round, regardless of the resolution type, iplies that all debates require a comparison of policy benefits versus disadvantages. While is true that many critics prefer to judge debates in this way, the counterplan was initially ivisioned as an option for policy resolutions. "Decision theory posits that a policy proposal which, unlike proposals of fact or value, requires action to be taken) can be tested only by omparison to alternative policies" (Lichtman and Rohrer 171). The key is that a specific iolicy, or action, is required by the resolution and can be tested fairly only by comparing it o another policy option. This is not the case with most CEDA resolutions. In fact, many]EDA topics simply require the affirmative to prove the existence of a harm. By offering i counterplan to solve for the harm, the negative team must concede the truth of the :esolution. Under the Spring 1992 CEDA resolution, "Resolved: That advertising degrades the quality of life in the United States," any counterplan first had to grant the truth of the resolution. The same quandary faced negatives on the mass media topic during the Fall 1993 semester. Negatives have had to grant that the harm exists and then counterplan to solve it. At that point, the negative team has agreed that the resolution is true and seem to be conceding the debate to the affirmative.

Another concern is the ability to define counterplan ground inherent in the resolution. Several non-policy resolutions have asked for judgments regarding past actions. The Spring 1991 topic, "Resolved: That the United States Supreme Court, on balance, has granted excessive power to law enforcement agencies," is illustrative. This type of resolution does not specify a policy change for the future or evaluate a policy in the present system but instead focuses its evaluation on the past. At best, a policy interpretation of this type of resolution would allow the affirmative to argue that a new policy should replace the Supreme Court's errant grant of power to law enforcement agencies. The negative, in order to counterplan, would again have to agree to the truth of the resolution and then offer a superior alternative.

A more serious concern is the lack of specificity in many non-policy resolutions. In most policy resolutions, the agent and the policy to be changed are explicit within the

resolution. In non-policy resolutions, the specificity of the policy is never guaranteed. Zarefsky notes this in his description of the quasi-policy resolution. Negatives, he argues, "could not concern themselves with mechanics of a plan—a particular finance, enforcement, or administrative mechanism" (11). Walker argues that resolutions which do not include agents of action or specific policies do not include ground against which the negative can counterplan (183). For example, in the Fall 1993 topic, the agent of action is not given by the resolution. It could be the national news media, a governmental regulatory agency like the Federal Communications Commission, or a governmental entity regulating individual behavior to improve understanding. Without a specific agent of action counterplan and still be a topical resolution, the negative could offer an agent of action counterplan and still be a topical interpretation of the resolution. Depending on the initial affirmative approach, the affirmative could capture the counterplan by using the same agent, but a smart negative team could eliminate that option by forcing the affirmative to admit what their policy is in cross-examination if it is not explicit in the case structure.

Another issue to be considered is specificity of the mandate implied by the resolution. While some resolutions have described a specific mandate which would allow for clearer counterplan options (for example, the 1979 topic, "Resolved: That compulsory national service for all qualified United States citizens is desirable"), other non-policy resolutions simply have offered the rationale for a policy change. For example, the Spring 1990 topic, "Resolved: That the trend toward increasing foreign investment is detrimental to this nation," does not specify what action should be taken. The affirmative could advocate a decrease in foreign investment, an increase in foreign investment (above the current level) or a regulation of foreign investment. Without specificity in the resolution, it is difficult to determine at which point the negative disproves the resolution through the counterplan. In contrast, most policy resolutions specify a policy and allow the affirmative to argue the rationale through the case. This is true in the 1987-1988 NDT topic, "Resolved: That the United States should reduce substantially its military commitments to NATO member states."

The lack of specificity, in either the agent or the policy change, makes the nature of fiat for either side problematic. The United Nations topic, even though it specified an agent of action, was unclear about the limits of affirmative ground, and therefore fiat abuse was likely for either a plan or a counterplan. The vagueness of the mandate and the unusual agent of action raised questions about how far affirmatives could go in their implementation of the U.D.H.R. While the affirmative could require the U.N. to act, could they also legitimately force nations to support this implementation (as in the case of U.S. military enforcement of the U.D.H.R. in Bosnia)? Recent clashes between the United Nations and the United States over peacekeeping initiatives in Bosnia and Rwanda suggest otherwise. Could the negative counterplan away the harm by fiating individual nation action, even though that use of fiat would violate the underlying resolutional value of state sovereignty from which the harm emanates? While fiat abuse is certainly possible under policy resolutions, (see Solt and Perkins, for example), the lack of clear policy advocacy in non-

resolutions invites even more confusion on where the limits of fiat exist. Without to fiat, debate becomes an absurd game, where depth of analysis is jettisoned in favor rumentative tricks.

Fiat abuse is not even the worst case scenario, as the demand by negatives to erplan could lead to an unfair division of ground. Theoretically, the negative could the affirmative the ground to enact policy while taking it for themselves by giving selves an unlimited universe of counterplan possibilities, while limiting the affirmative trict interpretation of the resolution. Under the Spring 1991 topic, "Resolved: That the d States Supreme Court, on balance, has granted excessive power to law enforcement cies," the negative could counterplan by increasing power to law enforcement agencies arguing that any affirmative advocacy of policy would be extratopical. The counterplan inly would be non-topical, mutually exclusive and net beneficial. While this may seem rd, it is no more absurd than many debate rounds that have occurred recently where the mative is forced to accept a counterplan by the negative regardless of the resolution type e affirmative advocacy. In several rounds during the Fall 1993 semester, affirmative ters attempted to interpret the resolution as a resolution of fact only to be forced to nd counterplans that eliminated the impact of the impairment as well as to be told by es to "quit running away from the debate."

rmative Loses Right to Interpret

The notion that the affirmative has the right to interpret the resolution seems to have lost nacy unless the affirmative explicitly supports policy advocacy. This is contrary to most pted debate theory. Walker argues that the decision to counterplan is justified solely by affirmative team's support of policy (183). Even in resolutions that seem to have clear cy implications, the right of the affirmative to interpret the resolution in a non-policy ner should govern the negative's ability to argue a counterplan. Walker used the nple of the U.N. membership topic, stating that a case which simply criticized the U.N. ld not justify a counterplan unless the affirmative specifically committed to withdrawal n the U.N: "The statement that "membership in the United Nations is no longer beneficial the United States," if true, might justify U.S. withdrawal from the international anization, but the resolution does not necessitate the defense of that, or any other, ticular policy" (184).

ditional Counterplan Burdens are Insuffucient

Some would argue that counterplan burdens solve many of these concerns. However, examination of the application of these burdens muddies the waters even further. Forcing aters to argue non-topical counterplans creates some theoretical concerns for the non-icy debater. Proponents of counterplans could argue that resolution wording would make

it difficult to offer legitimate, non-topical counterplans. As discussed earlier, in resolutions where the negative must grant the truth of the resolution before counterplanning, the counterplan would automatically become topical. While many theorists agree that the use of counterplan must be non-topical, there are some policy authors who advocate the use of topical counterplans (see, for example, Panetta and Dolley). The rationale is that bidirectional topics and the need for clear policy choices allow the negative to advocate any counterexample after the affirmative has parametricized the topic. Panetta and Dolley argue that the topical counterplan is justified on the assumption that "policy comparison, and not the testing of the validity of the resolution, is and should be the accepted practice in debate" (166). Using this rationale, counterplans under value and inference resolutions would be justified regardless of the truth determination of the resolutional claim. Once the affirmative has parametricized the resolution, the negative has the right to advocate any alternative policy in order to discover the "best" policy. However, this argument ignores the need for a fair division of ground in a resolution. In non-policy debate, the lack of an affirmative plan or a clear policy in the resolution to measure it by has meant that the determination of topical arguments is more conceptually fuzzy than in policy debate. As a result, many topicality arguments rest on an "equal ground" standard. As Herbeck, Katsulas and Leeper argue, even under a parametrics or plan focus interpretation, the resolution still must provide a clear demarcation of ground for both affirmative and negative teams. "This is important to ensure that both sides advocate antithetical positions. Topical counterplans are precluded because such arguments fall outside the argumentative domain of the negative" (157). This reasoning would seem to apply regardless of the resolution type. In non-policy debate, the wording of the resolutions is such that there would be an infinite number of counterplan possibilities, which would skew the "equal ground" standard in favor of the negative.

Competitiveness tests also could be used as a means to limit counterplans. However, competitiveness assumes that two clearly defined policies are available for comparison and that they can be tested easily. The most common competitiveness standard, net benefits, asks the judge to weigh the costs and benefits of one policy versus another. The affirmative response to this test is to advocate a permutation of the non-mutually-exclusive parts of the counterplan and the plan. Depending on the critic's view of permutations, the non-unique counterplan either will be excluded from the decision-making process advantages of the counterplan either will be excluded from the decision-making process (making the permutation a test of competitiveness) or will be given to the affirmative as added advantages (making the permutation a part of the affirmative's policy advocacy). As stated earlier, the inherent policy vagueness in many resolutions would make the determination of permutation legitimacy difficult. If the affirmative implies a policy without a specific mechanism, how can a judge test the permutations?

The use of permutations in NDT debate has not occurred without criticism. Madsen argues that permutations reduce counterplan options to those which effectively ban the affirmative, a scenario that those advocating counterplans should want to avoid as a grossly artificial tactic (76). Alternatively, Perkins states that permutations rarely eliminate

counterplans, since the counterplan can almost always find some level of competition (141). "Moreover, the negative will frequently possess evidence which sounds so compelling that even a minimal amount of competitiveness will dwarf the significance of some very good, even a minimal amount of competitiveness will dwarf the significance of some very good, 'real world,' debate cases" (141). It is obvious that competitiveness tests are not a panacea to solving the problems of counterplans in non-policy debate.

Finally, some of the counterplans favored by negatives seem to be a way of avoiding clash with the affirmative. Under the U.N. topic, negatives often banned the U.N. in order to make their disadvantages unique. This is simply another means of arguing counter-warrants without the need to prove that the affirmative is a hasty generalization. Instead, the negative is forcing the affirmative to be whole resolutional. While some members of the CEDA community may support the resurrection of this type of argumentation, albeit in a more radical form, it still contains the same weaknesses. Herbeck, Katsulas and Leeper argue that this type of counterplan gives the negative an unfair advantage: "While the resolution has traditionally been a way to divide argumentative ground, such counterplans force the affirmative to defend all ground contained within the resolution. Not only must affirmatives be prepared to defend their case, but they must also be prepared to defend the policy system or the values implicit within the resolution" (161). The irony here is that the same teams and critics who scoff at the mere mention of hasty generalization will eagerly debate a counterplan which creates the same conditions.

A Possible Alternative

In summary, the counterplan option in non-policy debate lacks theoretical focus because clear counterplan ground is neither delineated by most non-policy resolutions nor is abuse of the affirmative prevented. These concerns should be answered before support of counterplan debate continues in non-policy debate.

While there are several areas of potential reform, the best solution is a version of Matlon's proposal supporting the use of policy resolutions with clearly implied value conflicts (9). These topics would emerge from questions over values. For example, a policy version of the the Spring 1994 topic, "Resolved: That the United States should militarily intervene in the internal affairs of foreign nations in order to promote democracy," answers the question "Is another person's freedom worth dying over?" Should we value the environment over economic growth? These conflicting values can be examined in a statement such as, Resolved: That the United States should adopt a steady-state economy as a means of protecting the environment." These policy topics differ from most NDT topics in that they clearly establish the motive for policy change. This allows for a focus both on the desirability of the policy change and on the desirability of the motive for that policy change, including its underlying value judgments.

This type of resolution allows for the cleaner introduction of policy arguments by clearly identifying an agent of change and a mandate to be instituted without losing the

benefit of examining competing values. It recognizes and affirms the trend in CEDA since the mid-1980s towards the acceptance of policy arguments, without sacrificing the uniqueness of CEDA resolutions as an alternative to NDT. Even without the addition of an explicit value conflict to its policy resolutions, CEDA's uniqueness could be maintained through the narrowness and timeliness of its topics and its emphasis on judge adaptation. The value of this organization should not depend on what category of resolutions it chooses.

Finally, as debate continues its transformation, further study into theoretical support for the symbiotic relationship between policy and non-policy argumentation is warranted. Our practice of using the debate round as laboratory has been useful to a point, but the lack of understanding regarding policy argumentation by many of its participants has created a confusing and patently unfair situation. This confusion has found its ultimate expression in the controversy on counterplans. While it is valuable and exciting to promote the development of theory in debate rounds, too many counterplan rounds in non-policy debate have been weak attempts to force blind acceptance of their legitimacy. By changing our debate resolutions to allow for a better fit of policy arguments, we would be choosing a solution which is pedagogically and theoretically more sound.

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An Evolving Model of Presumption for Non-Policy Debate

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Presumption has long been regarded a fundamental component of debate. In an effort to explain the role of presumption in non-policy debate, theorists divided ground on the primary question of how best to characterize the concept. Some argue that presumption should be viewed as a stipulated convention while others argue that it is predominantly a psychological concept. When I introduced the "holistic" model of presumption, I attempted to demonstrate that the stipulated and psychological characterizations did not depict mutually exclusive "types" of presumption. Rather, they are complementary dimensions; each performs a unique function and both must be included in any theory of presumption in order to have a complete model of presumption in non-policy debate (22).

Recent scholarship (Burnett; Tuman; Winebrenner) demonstrates that non-policy theorists appear to be moving toward agreement on the fundamental assumption of the holistic model—that presumption should be characterized as a multi-dimensional concept. To varying degrees, their essays acknowledge the importance of incorporating some form of stipulated dimension to ensure a fair and pedagogically viable process,[1] and each acknowledges—albeit in slightly different ways—that the psychological dimension is an inevitable component of the decision-making process in non-policy debate.[2] Winebrenner, for example, attests to the inherent presence of the psychological dimension as he describes non-policy debate abstracted as public discussion:

> As in the real-world environment after which academic debate is modeled, debate arguments are constrained by psychological presumptions derived from various associations, that is, with existing institutions, commonly held beliefs, value hierarchies, and so on. Inasmuch as any particular condition is subject to many such associations, there are many possible presumptions about that condition (4).

At the same time, scholars raise significant questions about the holistic model and the role of presumption in non-policy debate. Whedbee questions the core theoretical foundations of the holistic model by arguing that the argumentative analogue is inappropriate for apportioning presumption in non-policy debate and that the stipulated and psychological dimensions are not properly conceptualized. Winebrenner questions the ability of the holistic

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