

WORKS CITED

- Anderson, A.J. (1980). "The Formative Period of First Amendment Theory, 1870-1915," *American Journal of Legal History* 24: 56-75.
- Assaad-Faltas v. Univ. of Arkansas for Medical Sciences, 708 F. Supp. 1026 (E.D. Ark. 1989).
- Beauharnais v. Illinois, 343 U.S. 250 (1952).
- Brobst, D.H. (1991). "The Requirement of 'Politically Correct Speech': Any Constitutional Basis Whatever?" Paper presented to the Speech Communication Association Convention.
- Cianci v. New Times Publishing Co., 639 F.2d 54 (2nd Cir. 1980).
- Collin v. Smith, 578 F.2d 1197 (7th Cir. 1978), cert. den. 439 U.S.916 (1978).
- Dill, B. (1986). *The Journalists Handbook on Libel and Privacy*. New York: The Free Press.
- Don King Productions, Inc. v. Douglas, 742 F.Supp. 778 (S.D.N.Y. 1990).
- Faucher, J.D. (1993). "Let the Chips Fall Where They May: Choice of Law in Computer Bulletin Board Defamation Cases." *UC Davis Law Review* 26: 1045-1078.
- Gertz v. Robert Welch, Inc., 418 U.S. 323 (1974).
- Holt v. Cox Enterprises, 590 F.Supp. 408 (N.D. Ga. 1984).
- Iota Xi Chapter of Sigma Chi v. George Mason Univ., 773 F.Supp. 792 (E.D. Va. 1991).
- Keeton, W.P. (1984). *Prosser and Keeton on the Law of Torts*. (St. Paul: West Publishing Co.)
- Keyishian v. Board of Regents, 385 U.S. 589 (1967).
- Michigan United Conservation Clubs v. CBS News, 485 F.Supp. 893 (W.D. Mich. 1980), aff'd, 665 F.2d 110 (6th Cir. 1981).
- Milkovich v. Lorain Journal Co., 497 U.S. 1 (1990).
- Murray v. Bailey, 613 F.Supp. 1276 (N.D. Cal. 1985).
- New York Times v. Sullivan, 376 U.S. 254 (1964).
- Restatement (Second) of Torts (1977). St. Paul: American Law Institute Publishers.
- U.S. Code (1995). St. Paul: West Publishing Co.
- Whitney v. California, 274 U.S. 357 (1927).

**Policy Advocacy and Delaying Action as Refutation: Implications
for Argumentation Pedagogy**

THEODORE O. PROSISE and TROND JACOBSEN

The negative strategy in the final round of the 1995 CEDA National Tournament featured a "delay counterplan," a relatively recent innovation for counterplan advocacy in CEDA. The negative team accepted the affirmative plan, arguing that plan action ought to commence at a later date. The rationale provided was that immediate plan action risked a rupture in the political consensus in the U. S. Congress needed to guarantee strong support for the Nuclear Non-Proliferation Treaty at an upcoming review conference. While most prominent in the final round, the delay counterplan continues to be advanced as a negative strategy, demonstrating its prevalence as an argumentative practice.

Educators certainly concern themselves with theoretical innovations in debate practice. Robert Branham observes that "there is often a pronounced delay between the introduction of an innovative theoretical position in debate practice and its eventual appearance in print" ("Editor's," p. 120). To avoid this lag, argumentation scholars must address the strengths and weaknesses of theoretical innovations quickly. Because successful argument practices are modeled in the debate community, the implications of this strategy are far reaching. Especially considering the prominence of the delay counterplan in the final round of CEDA Nationals and the widespread audience of forensic educators and students who observed this round.

The delay counterplan is assessed in terms of its pedagogical propriety. We argue that the delay counterplan degrades central educational goals of debate and should therefore be discouraged or subject to stringent argumentative burdens. This critical examination will first present the characteristics of the delay counterplan. The pedagogical implications of the delay counterplan in light of the normative goals of the debate activity are then considered. We argue that the temporal fiat of the counterplan should be curtailed. A minimum standard, limiting the use of the strategy based on relevant policy literature is also proposed.

This inquiry is valuable from the perspective of the forensic educator as well as the student for several reasons. The critical evaluation of practices encourages the development of normative community standards for the activity based on common pedagogical goals which is pre-emptive in nature and directed at a theoretical innovation in its infancy. This inquiry

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demonstrates the significance of past contributions to counterplan theory, by applying them to contemporary debate practices that were not anticipated in earlier works. Previous discussions regarding the legitimate use of the counterplans can be used to identify both the theoretical weaknesses of the delay counterplan and the possible ways in which it can be reconceptualized. We agree with Rebecca Bjork, "when debate practice outstrips the ability of current theory to account for innovations, the theory should be modified" (p. 363).

THE DELAY COUNTERPLAN

A wide variety of counterplan strategies have been introduced since the inception of counterplan practice. Roger Solt describes counterplan classes as distinguishable by the nature of their fiat appeal. Most notable are those fiating international actors, private organizations, and states, as well as the offset and exception (exclusion) counterplans (pp. 129-39). There are numerous other counterplan variants that could be conceptualized under Solt's taxonomy, and the delay counterplan is only the most recent and salient, given its prominence at the 1995 CEDA National Tournament. The delay counterplan could be considered a variant of the process, or procedure, counterplan, of which the study counterplan is the progenitor, because its focus is on the timing of adoption of the affirmative policy (Solt, p. 124). At the same time, it does not fit very well into Walter Ulrich's three types of counterplans: counter agent, counter policy, and counter procedure counterplans (p. 166). Although similar to other counterplans in some respects, there are some unique characteristics that distinguish the delay counterplan. For example, unlike the study counterplan, it does not argue that the substantive merits of the plan are likely to be improved with additional action (study) prior to the implementation of some unspecified action. Also, it differs from the referendum and other process counterplans because the comparison of plan and counterplan turns on the question of when plan action should occur, rather than the legislative mechanism of adopting some type of speculative plan action. In short at question is not alternative policy, alternative agent or alternative procedure, but it is the time of plan adoption that is the primary focus of the discussion.

The delay counterplan may concede that flaws in the present system exist and that the actions called for by the affirmative may well be the most appropriate ameliorative steps. The counterplan, theoretically, needs to make *no claims* against the substantive merits of the affirmative plan, by arguing only that affirmative action should be delayed for some defined period. The negative would certainly be served by attempting to mitigate the implications of the affirmative case, as the negative team did in the 1995 final round of CEDA Nationals. However, strategically, this argumentation is subordinate to the overall strategy of delaying the adoption of the plan. For the delay counterplan, only the date of adoption distinguish the plan

and the counterplan. Delaying the action is the net beneficial alternative. Typically negatives argue that the counterplan captures nearly the entire affirmative advantage and avoids the risk of a disadvantage during the interim period before the counterplan adoption. The strategic power of the delay counterplan is that in the risk analysis even a weak net benefit may outweigh the affirmative advantage limited to the interim period between the proposed adoption of the plan of the affirmative and the time chosen for policy implementation by the negative. The negative team offers precisely this risk analysis in defending the competitiveness of the counterplan by net benefits.

The self-serving analysis allowed by the delay fiat lacks theoretical grounding in the existing body of literature in addition to suffering from numerous other weaknesses. Certainly issues of timing in the political field are important. This claim to legitimacy, however, begs the question concerning the educational merits of appropriating all but the time of affirmative action as the counterplan strategy. Also, the strategy may be used to impose an arbitrary time on many affirmative interpretations of the resolution. Some affirmative cases may call for immediate adoption of an action. Perhaps these cases are more argumentatively susceptible to the claims of the delay counterplan. However, there are numerous pedagogical implications to the strategy that must be considered. The delay counterplan is an abdication of the negative's burden of rejoinder and obligation to research the substantive merits of affirmative proposals.

THEORETICAL AND PEDAGOGICAL CONCERNS

Despite the importance of understanding policy making, the educational values of the field of academic debate ought to be considered thoughtfully. The primary argument against restricting the fiat of the delay counterplan, we believe, is that the debate process should consider current political issues and procedures. While recognizing the importance of such arguments should be considered, it begs the question of whether the fiat of delayed action is educationally sound.

As a community of forensic educators, our focus should be on the actual debate practice, rather than current congressional exigencies or procedures. The role of the critic is not that of a policy maker, rather the critic is an educator assessing the strengths of arguments advanced by debaters. The field of communication is distinct from the field of policy sciences. Critics, although certainly knowledgeable about many fields, are best prepared professionally to educate students about argumentation. Moreover, this is widely considered their primary institutional responsibility (See, for example, Cox and Honse, pp. 48-49; Hollihan and Baaske, p. 161).

There is clearly a difference in efforts to improve the argumentative skills of students and the actual processes of policy implementation. In his argument against counter-procedure counterplans, Ulrich posits that "the purpose of academic debate is not to adopt policy, but to test the skills in argumentation of the two rival teams." Furthermore, Ulrich recognized that the end result of a debate is not the actual implementation of a policy, but rather that the team demonstrating superior argumentative skills is awarded a victory (p. 167). The educational goals of debate ought to be valued above extant political issues. Solt argues:

a long term normative focus is more important for debaters than is short term political realism. Political realities are transitory, and debaters have no short term influence on policy anyway. It seems more intellectually valuable for debaters to acquire a general understanding of the range of policy alternatives, both radical and mainstream, proposed for dealing with a given problem than it is for them to acquire an intricate knowledge of the politics of the present Congress. (p. 132)

Counterplan Burdens and The Delay Counterplan

The scholarly discussion of counterplans began several decades before the strategy became common in academic debate (Lambertson, pp. 48-52; Wisner, pp. 11-14). With the growing popularity of counterplans, many innovative theoretical practices have emerged and have been scrutinized in the literature. Theoretical contributions to counterplan theory have primarily been directed at improving the pedagogical value of the counterplan. While many of the potential abusive uses of the counterplan have received attention, the delay counterplan raises new problems, not adequately addressed in the counterplan literature. In spite of the substantial literature on counterplan theory, there has been virtually no discussion regarding the point in time of policy implementation and none explicitly address the delay counterplan as currently practiced. The substantial discussion regarding topicality, competitiveness and fiat have not addressed the question of when in time the plan and counterplan should be considered.

Debate procedures are intended to promote a symmetry of argumentative burdens, from the amount of speaking time allocated to each team to the roughly equal time teams spend arguing the affirmative and negative sides of the resolutorial question. The counterplan literature is also replete with discussions of symmetry and reciprocity (See, for example, Herbeck, Katsulas, & Leeper, pp. 155-56; Solt, pp. 133-139; Ulrich, pp. 166-68). The delay counterplan is not based on symmetry. Rather it assumes a profound asymmetry: The affirmative exercise of policy fiat is confined to one point in time, while the negative reserves

for itself all subsequent points in time. In traditional debate theory, the universe of policy options not outlined in the first affirmative constructive, within other theoretical limits such as fiat, belong to the negative. With the temporally based strategy, the affirmative policy is essentially added to this universe of negative options. With this usurpation of ground by the negative, the affirmative is rigidly confined to defense of a point in time, rather than a defense of policy. The theoretical discussions in the counterplan literature have been directed at improving argumentative clash by encouraging argumentative symmetry and parity. The issue of symmetry in argumentative burdens has been an undergirding rationale for topicality and competitiveness counterplan standards.

Topicality

Non-Topicality is one of the central traditional standards of a legitimate counterplan. The reasoning is simple; the counterplan should not be an action that supports the resolution statement. The goal of non-topicality, as a division of ground and advocacy, is to promote argumentative clash by clearly dividing argumentative burdens (Kaplow, p. 215). This standard, therefore, preserves symmetry in debate complimenting the original goal of having a resolution as a division of ground. Despite the importance of this standard, it has been increasingly challenged in debate practice. Edward Panetta and Steven Dolley present a strong case for the legitimacy of topical counterplans arguing "that the topical counterplan promotes the educational value of the debate while maintaining ground for both ... teams" (p. 165). The argument is that topical counterplans provide a strong test of affirmative proposals but still maintain an equitable division of ground.

The delay counterplan, however, does not preserve these educational goals. The issue of the importance of topicality should, at least, be enforced selectively. Given that the norm of topicality helps enforce the "discussion-directing" role of the resolution, the fundamental co-optation of affirmative ground by the negative is likely to direct the substance of the debate to questions involving net benefits that are unrelated to the resolutorial question, seriously undermining the pedagogical rationale for having a resolution (Solt, p. 126). The standard of non-topicality should be more rigorously defended by the affirmative if the counterplan appropriates the substantive aspects of the affirmative course of action. The "argument" advanced by debaters, that "competition checks the abuse of the counterplan" may not be a very accurate claim in the case of the delay counterplan.

Competition

The primary theoretical requirement for a legitimate counterplan is that the counterplan compete with the plan. To be considered as genuine refutation, the counterplan should constitute a reason to reject the affirmative plan. Allen Lichtman and Daniel Rohrer's seminal work, "A General Theory of the Counterplan," defends the counterplan as a valuable argumentative strategy, articulating competitiveness standards to assess the legitimacy of counterplans. The primary standards of mutual exclusivity and net benefits as theoretical innovation dramatically increased the legitimacy of the counterplan as an argumentative strategy. Hence Lichtman and Rohrer have been credited with "the boom in counterplan use and theory (Branhm, "Editor's," p. 117).

Despite Lichtman and Rohrer's bold assertion that their competitiveness standards "can clearly guide advocates through every argumentative situation," it seems clear that they did not anticipate the rise of the delay counterplan as a successful argumentative strategy (p. 78). The rationale for their standards is the preservation of argumentative clash (p. 77). In their view, "competitive policy proposals" are those which "rival each other to the extent that the acceptance of one is tantamount to the rejection of the other" (p. 70). In every example Lichtman and Rohrer use to illustrate their competitiveness standards in application, they presuppose negative advocacy of an *alternative* course of action. Moreover, in defending their net benefits standard for competition, they "fear that ... negative teams" would concoct counterplans that permit them to ignore the substantive aspects of the affirmative case" (p. 76). This problem seems particularly acute in the case of the delay counterplan, in which the negative ignores the substantive claims of the affirmative and focuses on the time of policy adoption. The delay counterplan clearly does not advocate the rejection of the affirmative plan *per se*. The refutation to plan only comes through the time of plan action.

Although Louis Kaplow first advanced a permutation test for competitiveness, Dale Herbeck later more fully developed this standard, arguing that a genuinely competitive counterplan could be determined through hypothetical formulas, or combinations, of the counterplan actions and the plan, and rejecting traditional competitiveness tests as too simplistic and based on irrelevant distinctions (Kaplow, p. 217; Herbeck, pp. 12-19). Herbeck argues that legitimate counterplans "must constitute a reason to reject the plan" (p. 12). To make this determination, he proposes that affirmatives employ permutation tests. He made no mention, however, of the timing of the permutation or the point of plan or counterplan adoption or of the timing of affirmative and negative fiat.

Herbeck's insight has led to an argumentative strategy of temporal permutations of counterplan analogous to the delay counterplan. If the resolution or case does not call for

immediate action and the delay counterplan is simply the affirmative case adopted at a later time, it raises the question of why the affirmative cannot simply adopt the delay as their permutation test. Of primary importance, however, is the educational merit of the delay counterplan. The delay counterplan, if it does not allow the affirmative to permute the time question, guts the affirmative ground to advance permutation tests.

Central Educational Concerns

Three primary educational benefits debate has laid claim to are training in argumentation, advocacy, and research skills (Rowland, pp. 98-99). The ultimate goal of debate activity is to train students how to be effective producers and consumers of argument, which relies substantially on encouraging meaningful argumentative clash and the cultivation of advanced argumentation and refutation skills. The field of academic debate has established forms and norms that are intended to encourage the development of these skills. To this end, theory focuses on argumentative parity. It is further the responsibility of forensic scholars to maintain the educational value of the debate activity.

The promotion of substantive clash seems to be one of the most deeply held and widely-shared convictions within the forensic community, constituting the *raison d'être* of academic debate. "The very notion of debate," Kaplow contends is "to promote argumentative clash" (p. 215). At the most basic level, an argument involves mutually exclusive claims. When agreement is present, argument ceases to exist. One of the strengths of academic debate is that it encourages conflict between competing claims, to enhance the critical thinking skills of its participants. The adversarial nature of debate is intended to encourage friendly disagreement, in order to test and hone the students' argumentation skills (Patterson and Zarefsky, p. 89). The educational benefits of debate, through an adversarial dialogue, are enhanced by the rigorous and constant scrutiny of arguments. An understanding of the strengths and weakness of one's arguments help individuals determine which aspects ought to be modified and which deserve to be preserved. Thus, over the course of a debate round, tournament, topic, or year, the sophistication of one's understanding of their arguments and those of their peers is enriched.

A prerequisite for argumentative clash is an appropriate allocation of affirmative and negative ground. Basic guidelines governing the equitable division of affirmative and negative ground are necessary, because both the affirmative and negative teams need to be aware of the types of arguments they are allowed to advance in pursuit of their competitive goals (See, for example Herbeck, Katsulas, & Leeper, p. 151). Guidelines to this end have been established by the forensic community. The most basic of these is that the affirmative is assigned the role of defending the resolution. The resolution is designed to place somewhat predictable limits on the

kinds of argument the affirmative is allowed to present. Once it has been established that the affirmative plan is consistent with resolutive limits (topicality), the negative is obligated, by the burden of rejoinder, to respond to the substantive aspects of that interpretation. In terms of policy action and argumentation, ground is a significant issue; it is the key to maintaining symmetry and argumentative clash. "For meaningful argumentation to occur, a clear focal point for clash is necessary" and the affirmative plan is the key "focal point" in the round (Herbeck, Katsulas, & Leeper, p. 152). Ulrich also argues that the "focus of the debate" should rest on the affirmative policy (p. 166). Simply put, the affirmative should be allowed to defend the substantive merits of their plan.

The delay counterplan stands in direct opposition to the goal of promoting argumentative skills through the clash of competing claims. The negative can fully admit that the affirmative's need and solution are appropriate and simply incorporates a generic argument regarding the current congressional state of affairs, for example, to reject the present consideration of the plan. Indeed, the negative avoids clash with the affirmative, focusing instead on temporal aspects of political issues. The negative strategy does not identify the weaknesses of the affirmative, but rather shifts the discussion to an issue which they feel more comfortable defending (the net benefit). This strategy raises the issue of what the negative is negating. The key implication is that the affirmative is not allowed to defend its policy, it is only allowed to defend the immediacy of the plan action.

One of the primary goals of academic debate is to instruct students in research methods and encourage rigorous research. Resolutions change in order to facilitate periodic shifts in research regarding a variety of contemporary issues. Numerous objections have been raised to educational practices when a potential disincentive to research is present (for example, in the literature opposing the use of generic counter-systems counterplans). In general, scholars have argued that the educational goals of the activity are jeopardized when the same counterplan can be run against every case, not to mention every resolution (Herbeck, Katsulas, and Leeper, pp. 155-56). The resolution should bind affirmative and negative argumentative strategies (Solt, p. 126). By simple extension, the research burdens imposed on affirmatives and negative counterplan strategies should be applied to the delay counterplan.

The delay counterplan does not require expansive research. Negative research efforts may focus primarily not on the multitude of affirmative policy options which, after all, the negative intends to embrace and co-opt, but rather on a generic disadvantage as a net benefit to delaying affirmative action. There is, in fact, a strong incentive to research the net benefit *at the expense* of the full range of affirmative and other policy options, given that research time constraints apply to all participants. It is true that the negative must routinely obtain new evidence supporting the net benefit, and affirmatives should research responses to the generic

net benefit. This amount of research, however, is slight, in comparison to teams who advance specific arguments that clash with the substantive merits of the affirmative plan. This manner of generic research is qualitatively inferior to plan-specific research because it undermines the discussion-directing function of the affirmative privilege of resolutive interpretation, and imposes unfair and arbitrary strategic disadvantages on the affirmative team. The community of critics should celebrate the value of thorough and comprehensive research.

Students ought to utilize argumentative strategies consistent with the long-term educational goals of the activity. The delay counterplan represents a poor pedagogical practice which degrades the role of academic debate in promoting critical thinking and argumentative skill. The practice also hinders the development of responsive and rigorous research. Indeed, the potential for abuse of this counterplan calls for the formulation of solutions to the educational goals that it problematizes. We believe that a persuasive case can be made by affirmatives that critics should forsake the delay counterplan altogether because it is contrary to the promotion of such worthy goals as the promotion of clash through argumentative parity, the traditional burden of rejoinder which applies to both teams, and the incentive to research specific plans.

ALTERNATIVES TO THE DELAY COUNTERPLAN AS CURRENTLY PRACTICED

The delay counterplan poorly serves the goal of developing critical thinking and argumentative skills through symmetry and reciprocity, it represents a significant abandonment of the negative's responsibility to genuinely clash with affirmative advocacy, and it undermines the pedagogical value of debate as a research-oriented activity. It is, of course, insufficient to merely identify the manifold and serious weaknesses of the delay counterplan. A more helpful examination must include a discussion of various options available for restraining the apparent potential of the strategy to denude the educational goals of the activity. The most obvious solution is to abandon the strategy altogether. There are several considerations that lend weight to this approach.

The first consideration is rooted in the community's traditional concern, as expressed in the literature on counterplans, for symmetry and reciprocity between the strategic and logistical appeals of the plan and the counterplan. Asymmetrical fiat appeals, as discussed in the literature on utopian counter-system counterplans, undermine argumentative clash and discourage case specific research. Symmetry would require that the fiat for the affirmative and negative be limited to the same point in time with regard to policy action.

Preserving symmetry and reciprocity with respect to the point in time for the exercise of fiat best serves the pedagogical objectives of academic debate. While such an approach would obviously eliminate the option of the delay counterplan, it would serve the larger purpose of

focusing comparisons of plans and counterplans on their substantive merits. Both the affirmative and the negative would be required to invest time researching specific arguments for and against specific policy proposals drawn from the relevant literature, instead of narrow questions of procedure and ephemeral political realities.

The Delay Counterplan as a Disadvantage

A solution to the problems presented by the delay counterplan, while recognizing the importance of timing of policy action, is to require that the negative argue the net benefit as a disadvantage that stands or falls on its own merits. The negative should be able demonstrate the strength of their net benefit as a substantial disadvantage without assistance of the delay counterplan. Eliminating the delay fiat preserves argumentative symmetry and maintains the benefits of understanding the salient trade-offs of policy making.

This approach to counterplans is supported in the literature. Branham argues that counterplans can be viewed, generally, as opportunity costs to the affirmative plan ("The Counterplan," pp. 61-66). Reviewing the relevant literature, Branham concludes that "opportunity cost theory best describes the way in which counterplans currently function in debate." He asserts that negative "counterplan advocacy implicitly stipulates that the true cost of the affirmative plan lies in the foregone benefits of an available alternative" ("Roads" 250). In his discussion of the role of competition in this vision of the counterplan, Branham, quoting May, rightly points out that:

Securing approval or implementing a policy proposal involves a 'price' in the form of policy or other concessions that diminish the policy advocate's store of political capital. Even if enacted (and certainly if not enacted), there are opportunity costs of not giving attention to other, perhaps more profitable issues. (as cited in "Roads," p. 253)

An opportunity cost arises because "choice is forced among competing alternatives; the value of one is the cost of the other" ("Roads," p. 249). As Branham argued in an earlier work:

Adopting a plan entails the risk that another policy might not be instituted as a result. The counterplan is a means by which this risk may be formally assessed, but contributes by its text only an idea of what might be missed. The assessment of the degree of risk involved requires a demonstration of the

increased probability that this alternative will be ignored or avoided. ("The Counterplan," p. 65)

By this view, the negative always defends the present system--whether for its own merits or for its comparative likelihood of implementing the counterplan" (Solt, p. 135). Thus, the relevant evaluation of the degree to which the counterplan represents an opportunity cost disadvantage to the plan requires both a link to the net benefit and a disputable assessment of the likelihood that the present system (status quo absent the affirmative policy system) will at some future date adopt the counterplan (in this case, the plan).

The description of the counterplan as a disadvantage seems to capture much of the logic of the delay counterplan. The Branham model does not, however, provide the negative with the power of fiat for absolute co-optation of the affirmative plan and ground and is, therefore, a more theoretically sound justification for the delay counterplan (as disadvantage) than exists at present. The delay fiat should be curtailed because of the educational implications discussed above. The net benefits argument can be run as a disadvantage to the plan. This preserves a consideration of the timing in policy advocacy and preserves symmetrical fiat power for the negative and affirmative.

A Less Restrictive Approach

An approach less restrictive than functional abolition of the delay counterplan could require high standards for the counterplan's link evidence. Link evidence could be required to the affirmative plan specifically in arguing that immediate action would produce some undesirable consequence and therefore ought to be delayed. Negatives could be required to present evidence advocating that the affirmative plan be delayed in the interest of avoiding some disadvantage. Binding the negative to this restrictive evidence burdens would avoid several of the deficiencies of the delay counterplan described earlier. Negatives would be required to provide a justification for a delay in affirmative action by asserting a disadvantage that is specific to the plan, and not merely to any action within the status quo. Such restrictive burdens would substantially reduce the ability of the negative to avoid fundamental clash with the plan and to avoid gathering evidence through specific research, thus better preserving the pedagogical function of debate.

Solt's limitations on negative counterplan advocacy could be applied to the delay counterplan. He suggested that counterplans "should be constrained by the relevant policy literature" (p. 135). Such a standard serves to uphold the educational "discussion-directing" role

of the resolution (p. 136). This standard would impose "the minimum test that at least some published source must have considered the counterplan to be a germane alternative" (p. 137).

Affirmatives applying this standard to the delay counterplan would require the negative to introduce evidence suggesting that, given the issues at the heart of the resolution, immediate action is disadvantageous. Consider, for example, the 1995 National High School topic; "Resolved: That the United States should substantially alter its foreign policy towards China." Debaters might argue that because of the approaching political transition in China as Deng Xiaoping nears death, and the possible turmoil that may ensue, the affirmative action should be postponed until the internal power struggle is resolved. More specifically, the negative could argue that the United States ought to delay a plan to pressure Beijing to improve its human rights practices (to select one possible plan), because such action, at the present time, would strengthen the aggressive political forces in the country. The negative could argue that waiting until a more moderate regime has been consolidated, which appears likely in the absence of antagonistic U.S. policies (uniqueness), is the net beneficial policy.

The foreign policy literature regarding China is replete with calls for caution as the power transition approaches. In this instance, the delay counterplan is grounded in the central issue of the resolution and in the body of literature surrounding the foreign policy of the United States toward China. Clash and the sophistication of argument would be enhanced by such a standard. Counterplans ought to be resolutionally germane or germane to the specifics of the affirmative plan. Negative, as well as affirmative, argumentative strategies, should thus have to adapt to the periodic shifts in resolutions. Imposing such a requirement on negatives offering a delay counterplan would promote focused, responsive research, encourage argumentative clash and critical thinking, and better serve the educational goals of debate.

CONCLUSION

Only through scrutiny, criticism, and dialogue can our understanding and appreciation of debate theory and norms for practice improve. The activity of debate thrives when efforts are made to ensure equitable affirmative and negative strategic opportunities. We have suggested that the delay counterplan suffers from a variety of weaknesses and undermines such expressed goals of academic debate as the preservation of argumentative symmetry, the refinement of argumentation skills, and the pedagogical benefits of research. We propose several solutions to the educational implications presented. Our hope is that the standards of evaluation we have offered for the delay counterplan will add to the already healthy discussions regarding counterplan strategy in general and the delay counterplan specifically.

WORKS CITED

- Bjork, Rebecca S. (1987). "Utopian Counter-System Counterplans: The Issue of Competitiveness." *Proceedings of the Fifth SCA/AFA Conference on Argumentation*. Ed. Joseph W. Wenzel. Annandale, VA: Speech Communication Association.
- Branham, Robert J. (1979). "The Counterplan as Disadvantage." *Speaker and Gavel*, 16: 61-66.
- _____. (1989). "Editor's Introduction: The State of the Counterplan." *Journal of American Forensic Association*, 25: 117-20.
- _____. (1989). "Roads Not Taken: Counterplans and Opportunity Costs." *Journal of the American Forensic Association*, 25: 246-55.
- Cox, Sam E. and Tammy Lyman Honse. (1991). "Inexperienced and Experienced Debate Judges: Beyond 'Name Calling.'" *CEDA Yearbook*, 12: 48-66.
- Herbeck, Dale. (1985). "A Permutation Standard of Competitiveness." *Journal of the American Forensic Association*, 22: 12-19.
- Herbeck, Dale A., John P. Katsulas, and Karla K. Leeper. (1989). "The Locus of Debate Controversy Re-Examined: Implications for Counterplan Theory." *Journal of the American Forensic Association* 25: 150-64.
- Hollihan, Thomas A. and Kevin T. Baaske. (1994). *Arguments and Arguing: The Products and Process of Human Decision Making*. New York: St. Martin's Press.
- Kaplow, Louis. (1981). "Rethinking Counterplans: A Reconciliation of Debate Theory." *Journal of The American Forensic Association*, 17: 215-26.
- Lambertson, F. W. "Plan and Counter-Plan in a Question of Policy." *The Quarterly Journal of Speech*, 29 (1943): 48-52. 16 (1995): 98-108.
- Lichtman, Allen J. and Daniel M. Rohrer. (1975). "A General Theory of the Counterplan." *Journal of the American Forensic Association*, 12: 70-79.
- Panetta, Edward M. (1989). "The Topical Counterplan: A Competitive Policy Alternative." *Journal of The American Forensic Association* 25: 165-77.
- Patterson, J. W. and David Zarefsky. (1983). *Contemporary Debate*. Boston: Houghton Mifflin Company.
- Rowland, Robert. (1995). "The Practical Pedagogical Function of Academic Debate." *Contemporary Argumentation of Debate*, 16: 98-108.
- Solt, Roger. (1989). "Negative Fiat: Resolving the Ambiguities of 'Should.'" *Journal of the American Forensic Association*, 25: 121-39.
- Ulrich, Walter. (1987). "The Legitimacy of the Counter Procedure Counterplan." *Journal of the American Forensic Association* 23: 166-68.

Wisner, Harold E. (1951). "Judging the Negative Counterplan." *Communication Studies*, 2:
11-14.

BOOK REVIEWS

T. C. Winebrenner, Editor

Maps As Argument

Don Brownlee

One of the most popular children's books in 1992 was *Dinotopia*, the fictional story of a lost island where dinosaurs and humanity live together in a mutually beneficial relationship. Before children read the first page about the discovery of this land by a shipwrecked Boston scientist and his son, they see a map of Dinotopia with a green colored rainy basin, a tan colored Great Desert, a dark brown Ancient Gorge, all surrounded by a light blue colored ocean. They understand something of the nature of this world whether or not they can read a word of the text. The maps that mark the worlds of *The Hobbit*, *Winnie-the-Pooh*, and *Treasure Island* are familiar substance to America's school children.

We grow up with maps and they often fascinate us. Joseph Conrad, in what may be an autobiographical passage from *The Heart of Darkness*, has one of the characters say, "Now when I was just a little chap I had a passion for maps. I would look for hours at South America, or Africa, or Australia, and lose myself in all the glories of exploration" (10). I, too, recall staring at an early 20th Century map of Asia wondering of the life in a far off territory called Tannu Tuva.

We learn of maps, but we learn little of their power as arguments. We may learn something about how to get from point A to point B or learn that the crossed shovel and pick on the map of Death Valley indicates the site of a mine, but we never realize how these maps and their accompanying signs make claims about the world. It is more than likely that we are oblivious as to how maps are "weapons of persuasion and deception" (Monmonier, *Cartocontroversy*, 1996).

Two authors, Denis Wood in *The Power of Maps* and Mark Monmonier in *Drawing the Line*, attempt to remove from maps and mapmakers the mask of ultimate authority. Wood, a museum curator, and Monmonier, a Professor of Geography at Syracuse University, take different paths to lead the reader to the same, inescapable conclusion: maps are powerful arguments. They are the substance of controversy, as emphasized by Monmonier, and the rhetorical tools of those who participate in public discourse, according to Wood.

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