A Counterfactual Theory of Fiat
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The concept of fiat is not unfamiliar by nature. Certainly "the temporary suspension of concern" (Solt 122) for whether something *would* be done in order to focus on what *should* be done is easy enough to conceive and relate to our experience inside and outside a debate setting. The problem is that within the context of academic debate, fiat has been too often approached as a game-rule rather than an issue of argument interpretation or relevance. This essay does not embrace a comprehensive answer to all of the questions of fiat, but instead offers a counterfactual framework for understanding and debating about fiat. After first tracing fiat from its historical roots to its contemporary usage, this essay will build a case for reconceptualizing fiat within the terms of counterfactual theory, and then apply possible counterfactual understandings of fiat to three problematic situations: disadvantage ground, counterplan ground, and critiques of discourse.

Fiat and the Search for Relevance

As McGee and Romanelli have noted, fiat as a formal concept seems to have emerged only in the past two decades with the increasing particularization of affirmative policy options. Prior to this, the issue of assumed action was relegated to the common sense distinction between "should" and "would." "We may conclude that the word 'should' includes 'could,'" Lambertson wrote in 1942. However, "whether or not Congress or the people 'would' adopt a particular reform at the present time is beside the point" (424). Mills also noted that the word should "implies that action *could* be taken, but not that it will be taken" (80). The distinction was held to be a basic matter of relevance: Summers, Whan, and Rouse argued that questions concerning the likelihood of passage should be dismissed as irrelevant since, "the question is always: *Should* the new policy be accepted" (326). These simple distinctions between "should," "could," and "would" indicate that fiat finds its origin in the need to set aside issues of propensity in the name of relevance. According

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to this now-classic understanding, an advocate of the benefits of future action intuitively carries a burden to show the possibility and the desirability of their chosen course of action, but not its propensity. Indeed, focusing on propensity in such a case is *non-sequitur* since it answers a question that has not been asked. Answering "we should" with "we wouldn't" simply misses the point.

This conventional distinction appears to have been sufficient until the occurrence of two trends. When affirmative debaters moved beyond simply assuming the enaction of the general policy direction of the resolution by articulating increasingly detailed programs of action, and when negative debaters gained the freedom to choose from a vast array of counterplan options, ranging from the practical to the utopian, fiat became no longer a simple matter of preferring should over would. Something was needed to identify the contexts and the scope of legitimate affirmative and negative arguments. Since fiat was born of an analysis of the word "should" within the context of policy-making, it is no surprise that most theoretical attempts to explain and delimit fiat have generally approached fiat as a "power" which is possessed by debaters, but limited by external normative constraints or game-rules. *The Dictionary of Debate*, for example, defines fiat as "The power of the affirmative or negative to implement the plan or counterplan" and adds the suggested usage, "We have the ability to pass our plan or counterplan into law" (Hanson 67). Freeley also writes of the affirmative's "fiat power" (59) and several writers have advocated various practical limits upon this power (e.g., Dempsey & Hartman; Fadely; Hynes; Katsulas, Herbeck, & Panetta; Patterson & Zarefsky; Solt). Solt, in particular, has approached fiat theory as a community constraint, suggesting that fiat should be restricted to a U.S. domestic policy actors chiefly because the U. S. high school and college policy debate communities have consistently debated topics which have included a U. S. Government agent. He defends his limit of fiat to domestic public actors by essentially saying that alternate "rules" would be worse: "Given some of the current draconian proposals to limit counterplan ground, [limiting fiat to U. S. Government agents] provides a reasonably moderate constraint" (135).

As Solt implies, much of the concern regarding limits to fiat power has centered on the goal of discouraging or promoting specific counterplans. The ubiquity of references to world government, socialism, and anarchy in particular suggests that theoretical attention to fiat has been fueled more by the goal of managing these arguments than by an interest in the argumentative meaning behind the act of fiat. The tendency to treat fiat theory as a means to

police undesirable counterplans can be seen most clearly in the debate over utopianism. Katsulas, Herbeck, and Panetta, for example, argue that fiat, "should be restricted to assumptions grounded in real world policy making processes" calling upon debate judges to "enforce" this requirement and to "dismiss" utopian arguments (108). Edwards, on the other hand, champions a less restrictive view based on the argument that fiat should promote a broader view of possibility. Similarly Snider argues that fiat limits should be determined "through a discussion of procedures based on the perceived goals of the game of debate" (125). More recently, McGee and Romanelli use the metaphor of utopian literature to rationalize the act of fiat. Rather than arguing that utopian fiat is relevant to an analysis of claims, they instead justify fiat on the normative value of advocating utopian claims. A broad view of fiat is valued, not for its connection to relevance, but because it "orients debaters to their role as social critics" (33). Neither the critics nor the perceived advocates of utopianism clearly base their case on an analysis of the proposition: utopianism is criticized because it is bad for debate or defended because it is good for debate, in a context removed from the requirements of a particular resolution. What is left unclear is whether a utopian answer is relevant to the question being asked by a given resolution.

If the question governing fiat is, "What issues are best to include?" then utopian and other acts of fiat will be potentially self-justifying. To the advocate of an anarchy counterplan, for example, it is beneficial and even essential for us to envision reality apart from governmental control and hence this instance of fiat must be allowed. The opponent of the counterplan, however, will just as passionately argue that incremental policy-making is our best and most realistic hope for change hence utopian fiat must be avoided. Framed as a normative question, the resolution of this fiat debate is enmeshed in the substantive evaluation of the fiated action itself. If the question of whether we *should* fiat anarchy is addressed by considering the costs and the benefits of anarchy – a consideration which itself requires at least tacit fiat – then we risk begging the question: in order to evaluate this fiat, we must contingently allow it. The question should not be limited to "What is good?" but must also emphasize "What is relevant?"

In broad terms, fiat theory has moved from a basic concern for relevance to a felt need to codify norms as a way of regulating new argument. While the common-sense "should-would" distinction retains the benefit of succinct explanation, it no longer answers questions relating to the scope and form of the myriad of assumed actions in contemporary debate. The resulting case-by-case practice of setting normative limits on fiat has also failed to

move beyond *ad hoc* solutions. It is clear that questions of relevance in fiat theory could be better answered by the development of a system for arguing over the propositional relevance of specific acts of fiat.

Reconceptualizing Fiat in Counterfactual Terms

One potential framework for reconnecting fiat to argumentative relevance is found in counterfactual theory. When a proposition makes relevant the consideration of something that currently does not exist, that proposition gives rise to a counterfactual statement, or a statement contrary to the factual events as we know them. In evaluating an alternative to the factual world, The central question becomes, what comparisons are most relevant to a particular resolution? This question is potentially answered by considering counterfactuals.

Counterfactuals assert that if an antecedent condition were present, then a specific consequent would obtain: "If it were the case that ___, then it would be the case that ____ " (Lewis 2); if I struck that match, it would light; if the Republicans make Congressional gains in the next election, they will pass an income tax reduction; if the federal government were to initiate a carbon tax, greenhouse emissions would decline. "As a first approximation," Creath notes, "we might say that a counterfactual is any sentence which says what *would* happen under specified conditions, even though those conditions do not in fact obtain" (95). Such arguments are obviously commonplace in conventional discussion and in academic debate as well. To say that "A" would be good is to say that in the counterfactual presence of "A," some positive consequent would happen more readily.

In the disciplines of logic, natural language, and philosophy, writers such as Lewis, Stalnaker, Elster, and Rescher have grappled with the issue of how such claims should be understood and evaluated. Within the context of academic debate as well, Berube and Pray, Hoe, Roskoski, Voight and I have discussed the merits and the methods of applying counterfactual analysis to a general understanding of causal claims in argument. Major disagreements have focused on the assumptions that one makes about the world when entertaining a counterfactual proposition, the limits to imagination that should exist when articulating the alternative, and the ways in which the rest of the world can be held constant when a single change is examined. These issues do not merely parallel but actually constitute the concerns of fiat. What is the scope of an advocate's ability to assume an alteration in the world? What other alterations can be made? What else is assumed to remain constant?

The applicability of counterfactual analysis to debate has been called into question (Berube & Pray; Voight; Voight & Stanfield) and defended (Broda-Bahm, "Counterfactual Possibilities"; Broda-Bahm, "Counterfactual Problems"; Roskoski), but it bears noting that most criticism has assumed that counterfactual arguments are solely retrospective arguments, such as "What if Kennedy had survived the assassination attempt?" While much discussion of counterfactuals in logic and philosophy literature does indeed focus on such retrospection, counterfactuals may refer to future conditions as well. In the words of Roese and Olson, the counterfactual is a way of expressing "what might have been and what may yet be" (2). Hoch, for example, discusses counterfactual reasoning as applicable to the prediction of a future outcome (721-22). Johnson and Sherman also write, "Without considering alternatives to reality, we must accept the past as having been inevitable and must believe that the future will be no different from the past. The generation of counterfactuals gives us flexibility in thinking about possible futures and prepares us better for those futures" (510).

All statements about the effects of plans and counterplans are types of counterfactual statements. Even early expressions of the should-would distinction understood proposed policies in counterfactual terms. For instance Musgrave wrote, "The phrase 'should adopt" or its equivalent means that the affirmative must show that the plan, if adopted, would be desirable" (15). "If we passed the Clinton health plan, it would save money" is a counterfactual statement since we have not yet passed the health plan: it envisions a different world than the world that we know. "If we implemented socialized medicine, instead of passing the Clinton health plan, it would save more lives" is a second counterfactual step since it envisions a second hypothetical world to compare to the first. Such counterfactual thinking is impossible to avoid in discussing the implications of any evaluation. As Rescher writes, we necessarily suppose the false to be true in the everyday act of entertaining possibility: "Such suppositions, whose claims we do not for a moment really believe, indeed actually disbelieve, enter essentially into our planning for the future. . . In general, rational deliberation as to the future would be impossible without making false assumptions" (179-80).

In order to be re-conceptualized as a counterfactual construct, fiat should be seen as a natural component of argument, requiring no authority to give it birth, nor to limit its powers, and functioning merely as the servant of relevance. If one argues "I should move to Chicago" and by extension "If I moved to Chicago, it would be good," one *must*

hypothesize a world in which one *does* move to Chicago. This assumption is unavoidable if one is to evaluate the claim. The fiat entailed in this assumption promotes relevance by focusing on questions which are important (e.g., the value of a move to Chicago) while dismissing questions which are propositionally unimportant (e.g., the likelihood of a move to Chicago). As a component of argument and a servant of relevance, fiat should find its origin in propositional wording in determining which assumed alterations to reality materially bear upon the question at hand. Rather than being seen as the enabling "power" of a policymaker or as a game rule, fiat should be seen as a logical need to tacitly assume that for the purposes of argument the non-existent actually exists.

The first step in developing a counterfactual theory of fiat is to define fiat in counterfactual terms. Provisionally, we can say that fiat refers to *the hypothetical consideration of any and all counterfactual portions of the claim being supported*. A counterfactual portion of a claim would simply be the antecedent to any conditional claim necessary in evaluating the resolution: If the United States passed health care reform. . . . If Tennessee banned handguns. . . . If all UN nations granted full jurisdiction to the World Court. Any time the claim posits the existence of a condition that does not exist, the claim makes a counterfactual assumption. "Fiat" should be seen most simply as our word for the act of entertaining that counterfactual assumption.

On its face, this redefinition is not a radical move away from conventional interpretations and uses of fiat. Most theorists and debaters would likely agree that fiat is usefully conceived as the act of entertaining a given condition for the purposes of argument. The definition of fiat as a counterfactual concept captures this conventional view, but in some important ways this definition both clarifies and extends the current concept of fiat. Specifically a counterfactual interpretation of fiat can be seen as possessing three advantages: First, it reinforces the propositional origin of fiat; second, it extends the meaning and utility of fiat beyond the policy-making metaphor; and third, it provides a heuristic palette of concepts for arguments over the limits of fiat.

The first advantage of a counterfactual view of fiat is to ground fiat in its propositional origin. Many theorists have not found it problematic to discuss the limits of fiat as a general concept removed from any specific resolution. Freeley, for example, definitively upholds the commonplace belief that, "the affirmative may not fiat attitudes" (59). If fiat is a component of the argument, and not a power of the advocate, however, then the ability to fiat would depend absolutely upon the argument being made. If, as has become generally

the case, a proposition focuses on the value of adopting a policy and not on the value of attitudinal endorsement, then the commonplace belief would be correct. We could legitimately assume the policy into being, but there would be no warrant for fiating attitudes surrounding the policy. If, on the other hand, a proposition *does* focus on the value of attitudinal change, then support of that proposition will entail the argument that *"if* such attitude change occurred, *then* it would be good." Hence advocacy would require the provisional assumption – or fiat – that such an attitude change has occurred. Take for example, the resolution on the 1996-1997 CEDA/NDT debate topic ballot, "Resolved: that we should embrace the principles of deep ecology." The advocate of this proposition depends upon the antecedent, "if an embrace of deep ecological principles occurred" and therefore properly fiats that attitudinal endorsement because the question of whether we *would* endorse is irrelevant to whether we *should* endorse. If fiat is seen as the enaction of the counterfactual portion of the proposition, then propositional relevance is the starting point for any claim of fiat and no general rule of what can or cannot be allowed can be sustained.

At a minimum, the counterfactual definition adds clarity to the rationale for fiat. Advocates fiat because they must. Embedded within an evaluative resolution is the conditional judgment, if p were to take place, then a given result q would follow. There is no meaningful way to address that judgment without assuming that p has taken place. Fiat then is not grounded in a game rule, nor in reciprocal power, nor in normative appeals to "good argument," but in a palpable argumentative need to assume the antecedent into being.

The second advantage of a counterfactual view of fiat is that it extends the construct of fiat beyond the narrow frame of policy-making. *Any* counterfactual assumption can be addressed through fiat. To use an extreme example, take a potential resolution of fact from recent news accounts and cinema, "Resolved: that a major asteroid hitting the earth today would end human life." This resolution invokes the conditional antecedent "if a major asteroid strikes the earth today" and hence the evaluation of whether or not such an event would end human life requires that we assume the truth of the antecedent. We must assume for the purpose of argument that "a major asteroid will strike the earth today." In effect, advocates would fiat this occurrence. This act of assumption is literally required by the resolution. The fact that no tracked asteroids are scheduled to approach the earth in the near future may be quite relevant to our own assessment of risk, but that fact is irrelevant to the resolution at hand. Advocates would rightly say, "we are not arguing over whether it *will*

hit, we are arguing over what the effect would be *if* it did hit." This argumentative move is parallel to the policy debater's use of fiat, and it makes sense to see it as the same basic construct. Fiat is not simply an analog for the action of a policy-maker, but is a more general way of bringing-into-being the context required for resolutional evaluation. A view of fiat that transcends resolution-type is advantageous, not only because it provides a tool for analyzing all resolutions, but also because it carries more meaning at a time in which many debaters (such as critique advocates) and theorists (e.g., see Mitchell, McGee & Romanelli) are challenging the continued viability of the policy-making metaphor even for resolutions phrased in the most policy-oriented terms.

A final benefit to a counterfactual perspective on fiat is that it supplies a heuristic grounding for debates over fiat. If counterfactual claims are elements of natural language and common-sense thinking, then there should be natural and common-sense limits to fiat linked to the language and meaning of the proposition. The disciplines of philosophy, informal logic, linguistics, and the law all provide numerous explanations of counterfactual problems and solutions. While they have not addressed fiat in particular, several essays within the context of argumentation and debate (Broda-Bahm, "Counterfactual Possibilities"; Borda-Bahm, "Counterfactual Problems"; Hoe; Korcok; Roskoski) and within other contexts (Elster; Lewis, *Counterfactuals*; Rescher; Roese & Olson; Stalnaker) have explored multiple tools for understanding counterfactual claims. The variety of approaches and range of opinion represented within these literatures should supply advocates with multiple avenues of argument. The following sections will illustrate some potential ways that counterfactual terms and concepts can be used to engage the debate over fiat, but they are obviously not intended to exhaust this potential.

Counterfactual Themes for Arguing over Fiat

This essay does not seek to provide an answer to the vexing questions of fiat, but instead seeks to develop a set of possible arguments to use in resolving disputes over fiat. This section will turn to counterfactual theory in order to introduce several themes which may be useful for creating such arguments.

In evaluating and consolidating current research on the social psychology of counterfactual claims, Roese and Olson advocate a two-stage model for counterfactual interpretation. The first stage, counterfactual availability, relates to the mere ability to consider some alternate condition, while the second stage, counterfactual content, relates to

the actual form of the alternate condition. As it regards fiat, this model might be conceptualized as posing two questions: What allows advocates to consider alternate conditions? What considerations should shape the content of the alternative? Stage one addresses the ability to fiat, while stage two addresses the content of the fiated world. Viewing fiat at both stages as a counterfactual construct suggests several possible arguments.

Fiat Should be Limited by Necessity. Both logically and psychologically, counterfactuals stem from a need to consider a conditional statement with a presently-false antecedent. In writing on the truth-value of counterfactual statements, Stalnaker sets out the requirement that "there are no differences between the actual world and the selected world except those that are required, implicitly or explicitly, by the antecedent" (104). Divorced from this exigence, the generation of counterfactual worlds is argumentatively unwarranted and gratuitous. Rather than being thought of as the intrinsic power of an advocate, the fiating of alternate worlds should be understood as a logical move that is constrained by the condition giving it birth. Limiting fiat to situations in which it is required by a propositionally-relevant antecedent more accurately treats fiat as a feature of an argument, and not as a power of the advocate. For this reason, any act of entertaining a counterfactual through fiat should be justified by referring to the relevant conditional statement that requires counterfactual generation.

Fiat Should Involve the Least Possible Change from the Present World. Deciding which world offers a relevant comparison is required not just with counterplans, plans, and advantages, but also with even simple statements of causality. When I say that "smoking causes cancer," I assume the counterfactual "if people didn't smoke than they would be less likely to develop cancer." The causal statement entails a comparison between two worlds: our world exactly as we know it, and that same world absent only smoking. In this example, the counterfactual world is that which contains the fewest possible changes from the world as we know it. The counterfactual world changes just enough to allow consideration of the antecedent (less smoking) and no more. To reprise Lewis' famous example, the assertion "If kangaroos had no tails, they would topple over" (1), is an example of a statement that forces us to imagine a given world. While there are myriad possibilities of what that world would look like, including hypothetical worlds in which "kangaroos walk around on crutches" (9), those worlds that involve gratuitous departures from our own world must be rejected in favor of the most circumspect reading of the statement: "What is meant by the

counterfactual is that, things being pretty much as they are – the scarcity of crutches for kangaroos being pretty much as it actually is, the kangaroos' inability to use crutches being pretty much as it actually is, and so on – if kangaroos had no tails they would topple over" (9). Given *carte blanche* to characterize the counterfactual world, it would always be possible to either verify or falsify any counterfactual assertion. Lewis' argument that a counterfactual proposition assumes the nearest possible world echoes Stalnaker's advice that assessing the veracity of counterfactual statements requires "that the world selected *differ minimally* from the actual world" (104). He continues, "Further, it means that among the alternative ways of making the required changes, one must choose one that does the least violence to the correct description and explanation of the actual world" (104)

Of course, deciding which world is the closest world can be complicated and interpretations can differ when this idea is applied to debate conventions such as plans, counterplans, and talk about the past. At this point, it should suffice to say that the "closeness" of the counterfactual world offered for comparison is one tool for arguing over its appropriateness.

Fiat Should Include a Plausible Departure from the Present World. A common sense notion of "should" includes "could," and a counterfactual understanding of "should" does as well. But, it includes a logical and practical refinement on this basic requirement. The advocate of a counterfactual antecedent can be reasonably called upon to account for a likely circumstance by which this antecedent could come to pass. A "branching point" by which the path of the world as we know it transitions to the counterfactual world, is a component of a complete understanding of any counterfactual argument. Instead of creating a fiated world out of whole cloth, the advocate is challenged to explain how the "nearest possible world" they advocate would most likely come into being. Policy advocates, in particular, would interpret the branching point in current politics which would lead to the hypothetical world they defend. Jon Elster's advice "that a counterfactual antecedent must be capable of insertion into the real past" (*Logic* 184) challenges us to investigate the most plausible process for reaching a counterfactual world. The idea of assuming a point in time and a process by which the actual world diverges from the counterfactual can be seen as a refinement to the Stalnaker-Lewis perspective on the nearest possible world.[1] It might

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[1] While Elster states that his goal is "to demolish the Lewis-Stalnaker theory of truth conditions in terms of possible worlds" (*Logic* 182), by criticizing the idea that fully-formed possible worlds can be rank-ordered in measurable units of "closeness," he also makes clear

appear at first blush that a strict application of the nearest possible world requirement would call forth a world of automatic change – new laws, for example, simply appearing on the books rather than going through legislative processes. Such a world would, however, be much farther from our own than would a world in which change occurred in more or less established ways. The concept of a branching point serves as a reminder that advocating a changed world also entails an understanding that the change has followed an identifiable and conventional process in coming into being. If fiat adheres to conventional ways of thinking about counterfactuals, then policy enaction would entail the assumption not that a policy avoided conventional process, but that the policy survived it.

In keeping with the previous advice that advocates are called upon to only defend the minimum change necessary, it is important to note that the idea of a branching point does not suggest that the proponent of change simply stipulates a preferred branching point. Rather, the most plausible branching point is assumed in the course of normal interpretation. While it may not be possible to prove at the level of truth whether one branching point is "correct" with regard to a potential alternate future, the relative closeness of branching points can be used to mediate the relative assertability of different counterfactual worlds.

Applications

A counterfactual view of fiat has the potential to contribute arguments and ways of arguing to several disputes in contemporary academic debate. To demonstrate the utility of viewing fiat from this perspective, three such disputes will be considered.

Fiat and Disadvantage Ground. The availability of fiat to affirmative debaters, in itself, may no longer be seen as controversial, but as it relates to disadvantage opportunities for negative debaters, areas of controversy remain. Conventionally, the affirmative fiat entailed in offering a plan determines negative options and strategically avoids disadvantages. Initially, a counterfactual view of fiat would stress that despite its widespread acceptability, the ability to fiat would still depend on the form of the proposition. If the ability to fiat is

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that he accepts the general idea that a compared world needs to be as close as possible to the actual world. In discussing Hitler as a cause of World War II, for example, he notes, "What we want to say is that the Second World War would not have occurred if we assume the early death of Hitler and *a minimum of other changes*" (*Logic* 186). On the subject of requiring the minimum of alterations, Elster says, "any account of counterfactuals that ignores this requirement is a non-starter" (*Reply* 220).

limited by necessity, then affirmatives should entertain alternative conditions only when those alternatives form the antecedent of a conditional statement which is demanded by the proposition. Viewed in this way, fiat is not a choice but rather a reading of the resolution. The action that the affirmative fiats is not just their prerogative, it is their interpretation of what the resolution means: it is an argument about how the resolutional antecedent could come into being (or could have come into being).

For example, consider the Spring 1994 CEDA resolution, "Resolved: that the national news media in the United States impair public understanding of political issues." Despite the fact that many affirmatives on this topic advocated a plan to cure the ills of the news media, one could argue that the conditional statement "if the media were improved, then understanding of political issues would improve" is not necessarily entailed by the resolution since saying that the media could be improved is not the same as saying that they have impaired understanding. Based on this argument, the affirmative would not have available fiat to propose future cures because these cures would answer a question which has not been asked.

The question of the legitimacy of affirmative planning has diminished with the increasing policy-oriented consistency of topic selection by CEDA, but the character of the plans themselves has unearthed other fiat issues. For example, in order to avoid a disadvantage relating to Congressional backlash or Presidential popularity, is it germane for the affirmative to specify that their plan is proposed by the President and subsequently passed by Congress, or even passed by a two-thirds majority of Congress in order to override a Presidential veto? If that is viable, then would it also be acceptable to "fiat" that the plan is passed as a bi-partisan joint resolution or to specify that a given Senator votes with the majority? The ability to specify the process in detail seems to inherently impinge on reasonable process related disadvantages. Once affirmative teams are allowed to propose a process, it is not clear in current theory, exactly where that description crosses the line of reasonability.

The argument that the fiated world should involve the least possible change from the present world offers a potential avenue in addressing unrestricted specification by the affirmative team. In order to evaluate the advocated change employing only relevant and not gratuitous fiat, we should compare a world with that change and only that change to the world as we know it. If an affirmative debater defends passage of a regulation of environmental pollutants, then a nearest possible world construct would clarify that this

debater defends a world which is as close to the present one as possible, with the addition o the specified new regulations on environmental pollutants.[2] The advocate would b argumentatively required to assume the existence of these regulations – to identify wha pollutants would be regulated in what ways – because that is the resolution's antecedent But if the resolution does not contain any reference to the time the regulation i: implemented (e.g., "in two weeks," "after the election," etc.), the form of the regulation': passage (e.g., a congressional override of a Presidential veto), or the form of an compensating budgeting (e.g., an elimination of funding for the Strategic Defense Initiative), then fiat regarding those conditions would be irrelevant to the resolution and would not be argumentatively warranted.[3] Topically, affirmative advocates are required to consider the counterfactual condition of increased regulations, but have no logical reason to entertain counterfactuals addressing other aspects of the policy process: those processes, unlike the "increased regulations," already exist and need not be counterfactualized in order to be considered.[4] The affirmative team would fiat the action that the resolution requires, and then the rest of the world would be left to carry on as it otherwise would. Policies would be assumed to be passed based on more or less established procedures regarding time of implementation, method of passage, and strategies in funding.[5] If advantages or

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[2] It might be charged that a nearest possible world approach would encourage the smallest conceivable affirmative plan: an environmental regulation permitting the emission of just one fewer carbon dioxide molecule, for example. This would be an inaccurate application of the theory. The construct calls not for the "nearest possible antecedent" but rather for the antecedent, however specified, to be true in the nearest possible world. How the resolution's antecedent is characterized is a matter of how the advocate chooses to define and operationalize the terms of the resolution.

[3] This solution is similar to one advocated by Carl Flaningham. Referring to the results of actions not directly necessitated by the resolution as "concomitant advantages," Flaningham argues that these advantages stemming from the *manner* of affirmation detract from a comparative focus on the resolution and its alternatives.

[4] It is conceivable that a resolution could propose a change for which there is no "normal" process of implementation. The proposal of such a change, *would* seem to argumentatively necessitate some specification of process, but a process closest to *status quo* implementation procedures otherwise in force would still be preferred.

[5] This is not to suggest that current policies and procedures ("normal means") are best, or even that they are good. Avoiding an alteration of these procedures through fiat merely follows from a recognition that there is no resolutional warrant for counterfactually altering these procedures.

disadvantages depended on such details, then evidence of the normal presence (or risk) of those details could be legitimately expected of advocates. By providing for plan implementation in a way which would involve the least amount of collateral change in the rest of the world, details which are naturally not spelled-out in a 15-second "plan" would be addressed with reference to the conventional political process.

A second opportunity to use conventional process as a way of avoiding gratuitous fiat can be found in the discovery of a plausible branching point for implementation. In advocating an expansion of the North American Free Trade Agreement, for example, we might assume a branching point which begins in the current legislative session. This would provide a basis for affirmative debaters to avoid specification and to assume instead that the plan would take an average amount of time to move through the political process. If a process is already on-going, advocates could simply presume the continuation and favorable conclusion of that process. This would promote a realistic understanding of political process and bring fiat in line with a "natural language" view of advocacy: when I say that "Maryland should control auto emissions," I am not making a statement that depends on or assumes the instantaneous enaction of such controls, but neither am I making a statement that is blind to the manner in which such a proposal could come into existence. Instead, I am arguing for a policy change within the context of an existing policy process. A world in which legislators simply wake up one morning to find that a new law is inexplicably on the books is artificial. Conceiving of all the steps of implementation to have taken place "the moment you sign the ballot" similarly divorces the policy change from the policy process. If the creation of a counterfactual world naturally involves a plausible "on-ramp" from the present world as we know it, then it follows that debaters should assume that in advocating a policy change they are advocating the initiation and the favorable conclusion of a *process* of policy change.

The use of a conventional branching point aids in clarifying a natural time-frame for implementation. While in some ways this restricts negative ground (decreasing the relevance of disadvantages which presume instantaneous enaction), it increases opportunities in other ways by providing a basis for transition disadvantages. Legitimate negative consequences stem not only from the operation of a new policy, but also from the inevitable period of time in which a new policy is proposed, debated, and eventually passed.

Fiat and Counterplan Ground. Quite apart from the issue of whether and when the affirmative team can fiat, questions relating to the availability and content of negative fiat

also have been very troublesome. Often, negative fiat has been justified on the basis of pragmatic considerations such as reciprocity, a need to defend something other than the status quo, or a preference for considering policy models other than those typically embraced by the resolution. Missing from this analysis is an argumentative grounding for negative fiat: What creates relevance for the negative team's act of proposing an alternative? What conditional statement is negative fiat answering? At least in the case of the conventionally-phrased policy resolution, there are two possible answers to this question, depending on what is meant by the auxiliary verb "should." Perkins has argued that "should" has an incremental sense, meaning that an action would be an improvement on current conditions, and an optimal sense, meaning that an action constitutes the best possible response to a situation (143). Contrasting the incremental "I should go to the movies" with the optimal "I should join the Army," Perkins argues that the statements differ in the comparative base that is suggested. Incrementally justified actions carry an implied comparison to the status quo while optimally justified actions are compared to the universe of other, presumably competitive, options. Perkins concludes that there ought to be no one single, correct use of "should," and that the definition of this term should depend, as other definitions depend, on the choice and the advocacy of the affirmative.

If that is the case, then the choice of a meaning for "should" has clear implications for fiat. If we assume an incremental use of "should," then the argument that we "should expand civil rights protection" is taken to mean that expanding such protection is better than what we are doing now. If counterfactualization springs from necessity, then there is no fiat for the opponent of such a claim. Negative fiat would be superfluous if the incremental "should" only suggests a comparison between the resolution's counterfactual antecedent and the present world as we know it. Viewed another way, the nearest possible world involving *non*-enaction of the affirmative's policy would always be the present world, because the least change is always no change.

If, on the other hand, we follow the more common practice of assuming that "should" is intended optimally, then the clearest argumentative rationale for negative fiat is that it addresses an opportunity cost of affirmation (see Branham). The alternative that we must forgo is relevant in evaluating the alternative that is being proposed. With this rationale, negative advocates can be seen as addressing the relevant conditional statement, "If alternatives which compete with the affirmative team's proposal were pursued instead, then the advantages would be greater." Their argument for legitimate fiat then would be as

strong as their argument for considering their alternative as an opportunity cost of affirmation. Since affirmative advocates lack an argumentative warrant for proposing changes not contained or required in the resolution's antecedent, the same standard arguably holds for the negative. Constrained by relevance from alterations not contained or required in the resolution's antecedent, negative advocates should only fiat that which competes with resolutionally required elements of the affirmative's plan. If an affirmative, for example, fiats improved civil rights enforcement but does not fiat time of implementation, relying instead on a current political process then their opponents have no warrant for specifying an alternate process by fiating delayed implementation of the affirmative plan. The reason for this is that the only warrant for considering counterfactual alterations by the negative team is to test the optimal value *of those counterfactual alterations made by the affirmative team.* Negative fiat only gains relevance through competition with that which the affirmative fiats. Thus an affirmative team foreswearing gratuitous fiat regarding implementation details that are not resolutionally required can logically expect the same of the negative.

This limit to affirmative-competitive actions, however may not be seen as complete. A net benefits theory of competition for example would arguably permit all possible agent counterplans once a disadvantage unique to the affirmative agent is discovered. As discussed earlier, several so-called utopian counterplans (such as anarchy or world government) generally meet current standards of competition, but remain controversial nonetheless. One potential interpretation of a "nearest possible world" has the potential to provide an argumentative warrant against such counter-system counterplans. Taking a social-psychological perspective, Roese and Olson make use of norm theory as "the basic mechanism by which counterfactuals are constructed" (8) and as "the dominant theoretical perspective guiding counterfactual research" (16). As a natural limit on counterplan generation, norm theory posits that counterfactuals "recapitulate expectancies" in the sense that people will favor counterfactuals that tend toward what is normal and what is expected (8). In tests of this theory, for example, subjects will frequently be given some scenario and be asked to "undo" the result, or to consider how it could have been avoided. The dominant tendency is to mentally replace exceptional actions with actions tending more toward the norm. For example, "when John learns that he has failed a midterm examination following a particularly pernicious night of drinking, norm theory would predict John's thoughts to be that he would have passed had he drunk in greater moderation" (8). While there are other counterfactuals available to John (if only teachers did not test, if only the 18th Amendment

had never been repealed), these actions are more unusual than the action he is evaluating and hence they are less likely to be selected as counterfactuals. This mental undoing of an action in order to evaluate it is parallel to the negative's action in undoing the affirmative, asking, "What if the affirmative proposal were not to be passed, what would the opportunity cost be?" "Counterfactuals are constructed," Roese and Olson conclude, "by converting deviations back into their default expectancies, such that counterfactuals recapitulate expectancies" (43). If we agree with Wittgenstein that meaning can be best conceived as the *use* to which concepts are put in practice among a community of language users, then it seems to follow that the *meaning* of the counterfactual relates to the way it is used by a normal pool of language users. Thus, a reason to prefer counterfactuals that tend toward greater expectancy is that they more accurately capture counterfactual meaning as it is defined in use.

The implication of this is that negative fiat is more legitimate when it alters in the direction of normalcy. This would suggest that negative fiat would be most relevant when it proposes a competitive solution that is *closer* than the affirmative to the norm in a given context. This application provides an alternate rationale for Perkins' solution: "When the affirmative chooses the degree of deviation from the probable by deciding upon a plan, the negative must conform to that choice" (149). Based on this argument, the negative habit of addressing affirmatives by proposing ever more radical alternatives would be suspect because it would not adhere to the conventional use of the counterfactual.[6]

Fiat and Critiques of Discourse. One of the more recent challenges to the meaning of fiat comes from advocates of emergent critiques of discourse, or arguments which seek to problematize some aspect of the language, advocacy, or assumptive framework of one's opponents.[7] Recent critique-oriented arguments have ranged from attacks on militaristic discourse (Dalby), humanism (Spanos), and normativity (Schlag). A central feature of the critique argument often involves a sharp distinction between the actual or extant harms and

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[6] This is not to suggest that radical counter-system proposals are unrealistic or harmful to the debate process (as has been suggested by others, e.g., Katsulas, Herbeck, & Panetta), but to instead suggest one way of arguing that such solutions are less relevant to the evaluation of incremental policy alternatives.

[7] Such arguments are frequently referred to as "Kritiks" as a way of highlighting their affinity for continental schools of thought in philosophy.

advantages identified by the critique and the "hypothetical" harms and advantages that exist only in the artificial world of fiat. The familiar expression that "fiat is an illusion" is often used to privilege critique arguments over all arguments grounded in fiat. The view of fiat embedded in many critiques is expressed by Mitchell:

> Advocacy, under this view of fiat, takes place on the plane of *simulation.* The power that backs a debater's command that "we mandate the following. . ." is a mirage, a phantasm allowed to masquerade as genuine for the purpose of allowing the game of political simulation to take place. Debaters have no real authority over the actors they employ to implement their ideas in plans and counterplans, yet the simulation of such authority is recognized as an essential fiction necessary to allow the game of policy debate to unfold (2).

The critique gains its distinction, the argument goes, by transcending this pretense and identifying reasons to accept or reject ideas based only on our status as participants and advocates, not policy-makers. Stated in these terms, a critique may not fully account for the "reality" of fiat. While a counterfactual view of fiat should not diminish the importance and utility of critiques, it can promote a more realistic view of fiat as it regards critiques. Specifically, two relevant conclusions can be drawn: fiat is not illusory, and advocates do not bear responsibility for aspects of the world that they are not argumentatively empowered to change.

First, a counterfactual view of fiat provides a rationale for the argument that fiat is not illusory. By examining the argumentative origin of fiat, it becomes clear that the counterfactual world is the antecedent half of a conditional statement. When I muse, "If I stay up to watch the movie, then I will not be able to wake up for work tomorrow morning," I am merely arguing in favor of a relationship between two potential events. In no way am I *pretending* to stay up and watch the movie, and I am not under the *illusion* that I actually have stayed up to watch the movie. In order to entertain the counterfactual, I do *imagine* that I've stayed up to watch the movie, but presuming my mental stability, I am not deceived into actually thinking that I *have* watched the movie, or even that I necessarily will watch the movie. Rather than being a deliberate flight of fancy, counterfactualization is simply a mental test that I or any reasonable person can accomplish without leaving reality. While advocates do truncate claims (e.g., "we will implement . . ." as a shorthand for "we support the implementation of . . .") this does not demonstrably have the psychological effect of causing advocates to begin to believe and act as though their counterfactual suppositions are

coming true. The most common sense view of fiat, then, is to regard it as simply a conditional statement, warranted by the resolution that is under discussion, and not as a dangerous lie.

Second, limiting fiat to the least possible change logically would relieve advocates of the responsibility to defend aspects of the world that they are not empowered to change. If advocates defend a world which includes the resolution's antecedent but which makes relevant no additional changes (the nearest possible world), then the affirmative is logically responsible for the addition of the resolution's antecedent (e.g., the plan) but they are not logically responsible for a failure to change the remainder of the world. The argument that by using the current policy process I am "endorsing" its racism, its legal oppression, its sexism, etc., presumes that the act of using current means is a constitutive act. If our perspective is not informed by counterfactual theory, then an affirmative might be seen as doing just that: using fiat to create a fully-formed world, which includes the new plan, but also re-introduces and hence endorses all of the vestiges of the old world which have not been changed. In contrast, based on a counterfactual view, fiat is circumscribed by relevance and thus includes only the resolution's antecedent. The rest of the world remains the same, not because we would like it to remain the same, but because there is no argumentative warrant for its alteration. Elements of the world left unchanged by fiat, then, should not become subject to critique for that reason. Viewed in this context, the advocate who advanced arguments containing hegemonic assumptions would be more open to critique than the advocate who merely endorsed change within a process that is otherwise hegemonic.

The foregoing should not be read as a repudiation of critiques, because critiques do not require the belief that fiat is an illusion nor do they require advocates to defend more than they are responsible for changing. Critiques should matter, not because debaters perpetuate dangerous lies, nor because debaters lack the power to fix all social evils, but because advocacy contains embedded assumptions which should be legitimately open to criticism.

Conclusion

Seen as an aspect of argument and not just a feature of debate, fiat stems from a perfectly understandable concern for relevance. Grounding fiat in counterfactual analysis has the advantages of reinforcing the propositional origin of fiat, extending fiat beyond the simple policymaking analogy, and providing a hueristic base for arguments over the

appropriate availability and content of fiat. Applying a counterfactual understanding to current controversies in fiat has the potential to clarify the role of political process, to ground and limit negative fiat, and to provide an account of the "reality" of argumentative fiat. While the preceding applications certainly do not answer all of the vexing ambiguities of fiat, hopefully they do suggest a potential argumentative palette for debaters and other theorists. A counterfactual framework reinforces the notion of fiat as a component of argument, not as an external game rule. It also builds a case for natural checks on fiat, encouraging the advocate to investigate the way counterfactual claims are made and understood in conventional discourse. In promoting a reliance on current processes that need not be counterfactualized, this perspective may also act as a substantial inducement for debaters to understand and react to the policy process rather than simply erasing it with the force of assumed action.

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