

BUCHANAN'S OPPORTUNITY COST THEORY AS IT APPLIES TO ACADEMIC DEBATE PRACTICES: A RESPONSE TO KORCOK

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It needs to be remembered that fiat is not a real power granted to the affirmative. In debate, no plan is actually adopted by fiat; indeed, as we have explained, nothing is adopted (Patterson and Zarefsky 154).

In his essay "The Decision-maker," Michael Korcok has reviewed attempts to limit negative fiat and generally found them lacking. His concerns rightly point to the rather arbitrary nature of either conflating the critic with the resolutive agent to limit agent counterplans, or creating a list of acceptable counterplans through a parametric statement or counter-resolution (e.g., Ulrich; Solt). Contemporary intercollegiate debate has not reacted well to such top-down pronouncements about the legitimacy of various strategies, preferring instead to give students the maximum educational freedom to try out their strategies within the laboratory of the round. Theoretical articles such as these best serve debaters by offering justifications for the development of community conventions.

While I am sympathetic with Korcok's desire to create a more grounded space for negative fiat, I do not believe his application of James M. Buchanan's "opportunity cost" theory provides additional conceptual clarity to debaters and critics grappling with this concept in debate rounds. Therefore, when Korcok states as his major premise that "the appropriate scope of negative fiat is the scope of the authority of the decision-maker choosing whether to adopt the affirmative plan" (49), it is not clear, given the type of debate which would have to occur at the agent level, that clearer boundaries around negative fiat would result. Instead, Buchanan's theory will be shown as a better descriptor of emergent norm setting by debaters in contemporary debate rounds.

Conceptual Problems of Fiat

Norm setting has created conceptual boundaries around affirmative fiat. It serves as an argumentative tool that exempts certain arguments from a debate round. As with most conventions in academic debate, fairness to the negative has determined the limits of affirmative fiat. Affirmatives may not fiat attitudes nor advantages (Freeley 59). According

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to Freeley, the plan may only contain mandates "for which there is a reasonable warrant or relevant analogy" (228) from "normal political processes" (229). Solt emphasizes the normal means requirement by stating: "Fiat is not an artificial intervention into the normal political process; rather, it is the assumption, for the sake of argument, that such a normal political process has been employed and the affirmative plan has come into being" (121).

While there are conceptually fuzzy areas regarding the specific definition of "normal political processes" (see Broda-Bahm and Hoe 4), there appears to be a general agreement within the debate community regarding the limits of affirmative fiat. For example, most plan spikes designed to escape implementation concerns are characterized by negative teams as illegitimate or extra-topical. Plans are written as fairly short, simple statements of the resolution with specific mandates. Implementation planks are usually designated as "normal means."

Several problems exist concerning limits on negative fiat. Negative counterplan ground is fairly limitless; the negative may choose any non-topical (and in some cases, topical) option which best competes with the affirmative plan. The lack of resolutive boundaries has allowed the negative "to construct possible worlds which are most advantageous to themselves. This has the potential to result in proposed alternatives which become more and more radical and which are resistant-by-design to the opponent's arguments" (Broda-Bahm and Hoe 10).

Attempts to theoretically create limits around negative fiat have been unsatisfactory. As Korcok points out, Ulrich's proposal to conflate the debate judge with the resolutive agent attempted to restrict negative counterplans to the resolutive agent. This proposal excessively limited counterplan ground and forced debate critics to "pretend to be something that they are not" (56). Solt agreed that Ulrich's perspective did not reflect real-world policy-making: "Many who consider questions of public policy are not actual decision-makers, and for such non decision-makers, a question such as the comparative desirability of state versus federal action (which Ulrich's approach would exclude) might well arise" (132). Despite his own concerns with negative fiat, Solt's suggestions that a range of legitimate counterplans or an actual negative resolution be released concurrently with the resolution again seem overlimiting (138-139). As Korcok asks, "Why these counterplans and not others?" (62).

Footnote Thirteen

Korcok believes the answer to our dilemma is found in footnote thirteen of Lichtman and Rohrer's now-classic essay, "A General Theory of the Counterplan." Lichtman and Rohrer do create the notion of forced choice among policy options (70), but they do not clarify the appropriate stance of the debate critic.

Early in their essay, Lichtman and Rohrer create an argumentative space apart from the competing policy system in which the debate critic should reside. "The process of policy argument inherently requires a comparison of policy systems to determine their relative merits" (72). This argumentative space is one of a rational decision-maker with one decision: to determine whether or not the affirmative plan should be enacted (72). Lichtman and Rohrer, quoting decision theory authors Riker and Ordeshook, believe the use of decision theory also requires a decision-maker to adopt "one alternative rather than another if he believes that the net benefits of the chosen activity exceed the net benefits of any alternative activity" (73).

Korcok argues that footnote thirteen identifies the appropriate decision-maker as the only actor whose action may be fiat: all other possible decision-makers must be examined for their propensity to act. However, Lichtman and Rohrer again confuse the critic of the debate with the "appropriate decision-maker" by indicating that both act. The difference is the critic affirms the resolution while the federal government enacts policy:

Debate propositions often affirm that a particular policy should be adopted by the federal government. Even if adoption of this policy by the individual state governments would be more beneficial, a reasonable critic would still affirm the resolution if state adoption were highly unlikely. The federal government should refrain from acting only when the net benefits of state and local action, discounted by the probability that such action will occur, are greater than the net benefits of federal action (74).

Korcok could argue, of course, that the critic is only endorsing the final decision by the government agent. However, that "endorsement" by the critic is the only actual decision which occurs. This distinction between a hypothetical government agent's decision and the debate critic's decision will become more obvious when we examine's Buchanan's opportunity cost theory.

Opportunity Cost

Opportunity cost is an economic theory that describes forced choice situations in terms of the perceived costs of unselected choices. Buchanan explains the primary difference between his view of opportunity costs and others' views is the subjective nature of choice: "Individuals choose on the basis of their own preference orderings; they may, within limits, behave as the abstract theory of economics postulates. But rarely do they behave strictly as the automatons of the analytic models. Yet this is precisely the unrecognized assumption that is implicit in most modern policy discussion" (*Economics* 47).

The subjective nature of choice-making means that the costs must be exclusively incurred by the person who chooses. Even those who incur costs through another's choices are irrelevant to the decision-maker unless they become opportunity costs themselves. "Cost is subjective; it exists only in the mind of the decision-maker or chooser" (Buchanan, *Economics* 149). In a recent article on taxation, Buchanan critiques the budget decisions made by Congress, arguing that Congress is unable to accurately assess opportunity costs because its failure to experience the real cost of increasing government spending skews their decision calculus away from the need to increase taxes ("Clarifying" 350).

Korcok applies Buchanan's opportunity cost theory to negative fiat in order to restrict counterplans to those competitive alternatives that face the chosen decision-maker: "Only those competitive counterplans that the decision-maker deciding whether to undertake plan action has the authority to choose are relevant objections to plan action" (66). However, this assumes the agent actually makes a choice. The problem of applying opportunity cost theory to policy debates is that it is only the critic who acts; the resolitional agent or counterplan agent is never forced to choose between competing alternatives. Even the most sympathetic reading of Korcok's application would require debaters to provide evidence in which the agent compares the two policy choices and describes a criterion to follow. However, that is exactly the problem Buchanan foresees regarding objective opportunity cost assessments. Regardless of the quality of information available to us, we cannot predict what another's choice will be because of the subjective nature of choice-making. Once we shift our advocacy to what that choice should be, we either conflate the critic and the agent or we rightly recognize that it is only the critic who chooses.

Implications of Korcok's Proposal

Even if we overlooked the theoretical inconsistencies surrounding the application of Buchanan's opportunity cost theory to negative fiat, Korcok's proposal would require either the elimination of alternate agent counterplans or an additional layer of theoretical debate in order to justify a differing agent. Neither of these options would be particularly popular, since debaters have grown used to the availability of alternative agents and extensive in-round debate over theoretical approaches is currently discouraged. Regardless, this freedom to advocate is deceptively narrow. To illustrate his proposal, Korcok provides the sample proposition: "Resolved: that the United States Department of Defense should increase its security assistance to Southeast Asia," and briefly outlines a plan that would have the U. S. Army give Laos 47 Blackhawk helicopters. The "appropriate" alternate decision-makers are all variations of a federal agent: the United States Federal Government; the United States Department of Defense; the United States Army. Initially, this distinction seems rather forced because most resolutions use the USFG and allow debaters to implement the plan through any federal agency. It is difficult to imagine why debaters would advocate a narrow plan agent except to avoid an alternate agent counterplan. In the case of the CIA counterplan versus the U. S. Army, it would be easier for the affirmative to permute the counterplan instead of trying to exclude the agent through the "appropriate decision-maker" standard. At the other extreme, the theory does not eliminate utopian alternative agents, like world government or anarchy. A world government could claim the same jurisdictional sets of choices as the United States agent. Using this logic, a world government could give the Laotian region forty-seven Blackhawk helicopters, or it could send world government troops to quash this terrorist uprising.

The Appropriate Role of the Critic

Buchanan believes the role of the decision-maker can vary depending on the situation. He isolates three different roles:

- (1) a private, autonomous unit within a well-defined legal structure that protects and enforces the assignment of rights; in its idealized conceptualization this model is that of the individual buyer or seller in a regime of effectively competitive markets;
- (2) as a designated agent, who acts for a well-defined community that includes others than himself (and may not, in the limit, include himself at all);
- (3) as a single chooser in a group of several persons with decisions for the group emerging from

some rule through which the individual choices are combined or amalgamated (*Liberty* 229).

Role #1 appears to best fit Buchanan's opportunity cost theory and Korcok's conception of the appropriate decision-maker. The problem remains: the decision-maker does not choose. The subjective nature of forced choice means the only decision-maker whose choice we can actually know is that of the debate critic who will evaluate the plan versus the counterplan in order to determine whether to vote for the affirmative or the negative. Yet the problem Korcok is trying to avoid still occurs: the critic, armed with "objective" risk and impact assessments, does not personally incur the costs and benefits of choosing – the risk of nuclear war does not really go up, etc. Buchanan argues that role #1 requires the choice be enacted.

Unless the individual chooses and acts, there are no consequences, either for his (her) own well-being or for that of anyone else. There is no explicitly chosen course of action that will be followed unless action is taken. The line of responsibility is clear. The direct incidence is located squarely on the person who chooses and acts (*Liberty* 230).

The debate critic is really playing role #2, that of the agent. Without limits, the individual "is assigned full responsibility for making the relevant choices that will initiate action, but all members of the relevant community understand that the agent in the limit will bear none of the direct incidence of the effects" (*Liberty* 231). Buchanan's problem with this role is that it skews opportunity cost theory, because the agent can use any decision criteria she wants. Choices are made regarding one policy or another that have nothing to do with the utility of that policy to the affected parties. Costs that were internalities before (in role #1) are now externalities to the chooser (*Liberty* 231). Buchanan's example is this:

Friends ask you which restaurant they should eat at, the steak or the seafood place. You become the agent for them by recommending the steak place. You are not invited, so you do not get to directly benefit from the choice. Your decision-making criteria might be: (1) If I were going I would like the steak better; (2) I think my friends would like the steak place better; (3) I think steak is better for you; (4) I like the server at the steak restaurant (*Liberty* 231).

This example seems to parallel Korcok's example of the debate critic as endorser of a particular action, instead of acting himself.

Buchanan's concerns with role #2 seem to coincide with Korcok's concerns regarding the appropriate decision-maker: both are concerned that there is no way decision-makers can incur opportunity costs they do not personally face. Buchanan's solution to the dilemma of the agent choice-maker is one the debate community has already embraced, namely, to allow the arguers to establish the criteria for the critic to use as those criteria emerge from community norms and practices.

At the outset of this essay I outlined the debate community's limits regarding affirmative fiat. Besides limiting the utility of counterplans through competition and permutations, affirmatives have argued for equivalent limits on negative fiat, usually described as "reciprocal fiat powers." For example, if the affirmative is using one agent, then the negative is limited to one agent as well. It is this type of dynamic, evolving norm setting that Buchanan believes will create true forced choices for the critic:

The divorce between the responsibility for making choice and the incidence of the effects of choice under the agency institution provides the basis for the search for rules that will constrain the agent's choices. The agent may be directed by a rule which states that choices should be made in "the interest of the group of persons who bear the incidence." In this setting the cost to the choosing agent in not selecting that option is estimated to be most beneficial to the group of persons affected becomes the utility loss estimated in the prospect of the punishment or sanction for violation of the role (*Liberty* 232).

Perhaps somewhat ironically, Buchanan's theory even accommodates mutually preferred judging. In agent decision-making, violation of institutional norms can lead to removal "by those for whom he or she has been authorized to act" (*Liberty* 232).

This essay has shown that Buchanan's opportunity cost theory should not be applied as a means to restrict debaters to the consideration of one decision-making agent in a debate round. Instead it best describes the emerging norms of debate as they are used to create forced choices for critics.

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