Fiat, Practical Politics, and Utopian Possibilities: A Response to Korcok

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Michael Korcok is a gifted theorist and coach whose ideas already have had a significant influence on debate practice (e.g., counterfactual analysis, plan-plan debates). His current essay, "The Decision-maker," is witty and erudite and is representative of his thoughtful interrogation of the conventional wisdom of the debate community, no matter what that wisdom might be. However, despite my admiration for Korcok's work, I find myself disagreeing with his analysis and his conclusions in "The Decision-maker." Specifically, I believe that Korcok focuses on the wrong decision-maker in limiting negative fiat to the scope of authority of the agent of action employed by the affirmative plan. Further, Korcok under-theorizes the notion of opportunity cost as applied in policy debate. If accepted, Korcok's position on negative fiat would impoverish debate practice and reduce debate's potential to encourage critical thinking skills and the involvement of ordinary citizens in the creation of public policy.

Initially, Korcok has adopted a rhetorical strategy common only in academic writing. This strategy entails the careful reading of a classic, highly regarded essay, in which the scholar discovers evidence that some important point in that classic essay has been ignored or misunderstood. Then, after gaining for her or himself the authority of the classic essay, the scholar corrects a decades-old misreading crucial to the development of the discipline (e.g., Gaonkar). Korcok has adapted this rhetorical strategy to his argument about contemporary fiat theory in academic debate, since he maintains that ignoring or misinterpreting Allan Lichtman and Daniel Rohrer's "footnote thirteen" has had unfortunate consequences for the development of policy debate theory over the two-plus decades since the original publication of the essay.

I admit it: I am not terribly interested in whether or not Lichtman and Rohrer's footnote thirteen has been misread. I am willing to grant that Korcok's reading of this germinal essay is correct, but I believe, *contra* Korcok, that Lichtman and Rohrer's position on negative fiat is unsound and that the evolution of negative fiat theory since the 1970s makes more sense than the alternative supported by Korcok.

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In what follows, I begin by criticizing Korcok's wish to constrain the debate judge's act of intellectual endorsement to the optimal decision for the "relevant decision-makers" implied or specified by the resolution and/or the affirmative plan. Next, I note some limitations of Korcok's characterization of opportunity cost as the theoretical grounding for negative fiat. Finally, I defend fiat as a necessarily and happily utopian concept. I see the concluding section of this brief response as reading Korcok's "The Decision-maker" against an essay I published previously with David Romanelli (McGee and Romanelli), in which we defend a version of utopian fiat that Korcok would not endorse.

Korcok and the Problem of Audience

In distinguishing between the critic and the decision-maker in his assessment of Lichtman and Rohrer's footnote thirteen, Korcok follows the lead of Dallas Perkins and Roger Solt, who a decade earlier had embraced the idea that the win-loss decision of the critic-judge is only an act of *intellectual endorsement*. After all, as Korcok notes, "the debate judge typically has no actual authority to enact either the affirmative plan or any interesting negative counterplans" (78). While the resolution and/or the affirmative plan will specify the relevant decision-maker who enacts the plan (i.e., the agent of action), the critic-judge merely offers or withholds her or his endorsement of the affirmative plan in making the win-loss decision, and this win-loss decision is the only decision with immediate consequences made by the critic. This position on intellectual endorsement differentiates Perkins, Solt, and Korcok from those debate judges who role-play members of Congress or U. S. Supreme Court justices in making their decisions. Like most citizens, debate judges may endorse or condemn a proposed course of action, even though they may not be able to influence that decision by the act of endorsement. While the judge is *a* decision-maker, she or he is not the *relevant* decision-maker for Korcok.

Unlike Perkins or Solt, however, Korcok imposes an important limitation on the judge's act of intellectual endorsement: Since how a decision is made is dependent on the interests and limitations of the person(s) making that decision, judges should impose coherence on the debate by endorsing only a course of action within "the scope of the authority of the decision-maker choosing whether to adopt the affirmative plan" (49) With this limitation on judge discretion, Korcok hopes to avoid the possibility that judges will compare apples and oranges, with Team A arguing that their plan is the best course of action available to the

U.S. Congress, while Team B argues that their counterplan is the optimal policy path available to the state legislature of Missouri.

Intuitively, Korcok's objective of comparing like to like makes sense. Further, by taking up the problem of what audience is being addressed, Korcok is returning to the rhetorical tradition's focus on particular audiences. However, I do not find Korcok's position very satisfactory in other respects. First, if the decision-maker charged with the responsibility for this decision is so important, why stop at specifying that "Congress" or "the U. S. Army" will be the relevant decision-maker? Why not determine which specific individual or individuals are likely to be primarily responsible for making that decision (e.g., President Clinton) and then learn something about their politics, their predispositions, and their psyches? If Korcok wishes to focus on particular decision-makers, he needs to explain how specific we must be in our particularizing; asserting only that the "incompleteness" of his solution is a "feature, not a bug" is not particularly satisfying (60).

Second, and more importantly, Korcok makes an odd assumption about the actual critic-judges who will share the classroom with the respective debate teams and make the win-loss decision. For Korcok's version of fiat theory to work, these judges must be able to empathize so well with the relevant decision-makers and understand the constraints on those decision-makers so completely that the judges will be able to determine what good course(s) of action would be perceived as within the scope of authority for those decision-makers, even if the judges individually would find another course of action – one outside the scope of the decision-maker's authority – to be more palatable. Korcok is silent on the ability of judges to adopt such alternative perspectives. Further, the attempt to attain the appropriate level of empathy might have the perverse consequence of leading judges to role-play relevant decision-makers in the fashion discouraged by Korcok (and Perkins and Solt). In trying to envision the optimal course of action for Korcok's relevant decision-makers, judges might feel constrained by the logic and conventions normally used by such decision-makers. For example, since U. S. Presidents ordinarily would claim to lack the authority to dissolve the union of the individual states – a position articulated by Abraham Lincoln in 1861 – judges would not assume that such a position was within the universe of options for the relevant decision-maker, however attractive the dissolution of the union or unpersuasive the actual arguments used to deny presidential authority in this case might otherwise seem. In my personal experience, I can recall several debates in which my final decision as judge

would require the relevant decision-makers to engage in activities that would seem unlawful, indecorous, and/or inappropriate to them, and I have argued elsewhere that student advocates benefit when they are encouraged to offer arguments of this sort (see McGee, "Emancipatory"). Presidents, Supreme Court Justices, and members of Congress arguably have exceeded the scope of their authority in the past (e.g., the 1954 *Brown v. Board of Education* Supreme Court decision), yet we frequently applaud such decisions today.

Frankly, I doubt that judges ever could have the education or background required to do what Korcok is asking of them. Also, I personally, as both a debate judge and U. S. citizen, am perfectly willing to consider policy alternatives that would go beyond what Korcok's relevant decision-makers would perceive as their scope of authority, if I believe that the course of action I prefer is pragmatically and/or ethically superior to the policy choices perceived as legitimate by such policy makers. My preference would be to begin with a vision of the optimal course of action from my own perspective as the debate judge. Only then do I start to ask questions about how to get from *here* (i.e., the *status quo*) to *there* (i.e., the preferred alternative) in order (a) to test the efficacy of that preferred alternative against other policy options and (b) to assess the theoretical legitimacy of fiat in this case. Where (b) is concerned, for example, we usually assume that fiat does not allow debaters to presuppose a change in attitudes on the part of interested parties.

Instead of burdening the judge with Korcok's relevant decision-maker, perhaps the most we can ask of a judge is that the judge make a win-loss decision from her or his own perspective as an informed citizen, with the hope that the judge will bracket to the greatest extent possible her or his own pre-dispositions in making the decision and "avoid doing the students' work for them where argument analysis is concerned" (McGee, "Judgment" 49). Let the debaters specify who will gain and who will lose as a result of their policy proposal and, further, explain why the judge should prefer to help the winners under that new policy. In short, if a particular audience or agent must be the focus in the debate in order to concretize and impose coherence on a given debate, *that particular audience should be the critic-judge*, rather than the relevant decision-maker imperfectly imagined by the debaters and the judge. The judge is the decision-maker that matters, rather than Korcok's relevant decision-makers.

Measuring Opportunity Costs

In his attempt to revise fiat theory, Korcok proposes that we borrow the idea of opportunity cost from economics. Specifically, Korcok describes opportunity cost in the following way: "The value of a choice is the difference between its worth and the worth of the best alternative that must be foregone," (65) where competitive counterplans are "opportunities that would be sacrificed if the affirmative plan were to be adopted" (65). Since actions that the relevant decision-maker cannot take are not opportunity costs for that decision-maker, Korcok insists that many counterplans, even if competitive, are not reasons to reject an otherwise sound course of action for the relevant decision-maker.

Ignoring for the moment Korcok's emphasis on relevant decision-makers, I have no problem with grounding counterplan theory in the assessment of opportunity cost, if only Korcok would be more explicit in his characterization of what is and is not such a cost. Above, I quote Korcok as describing opportunity costs in terms of "worth," a term that may or may not require measurement of costs in monetary terms. Korcok's reliance on economist James Buchanan also is not particularly helpful, since Buchanan's description of opportunity cost in terms of "value" and "evaluation" is likewise vague. Many capitalist economists assess opportunity costs only for courses of action that can be measured in dollar amounts, as in Deanna L. Sharpe and Mohamed Abdel-Ghany's description of the value of the full-time homemaker's work solely in terms of wages. In contrast, other economists can imagine the passage of time itself as an opportunity cost, rather than only valuing time that can be expressed in wage terms (e.g., Casey, Vukina, and Danielson). Still other scholars are willing to define opportunity cost expansively as any benefit that is lost when a competing course of action is undertaken, whether that lost benefit is tangible or intangible, monetary or non-monetary (e.g., Gable). Given the difficulty inherent in measuring some benefits in fiscal terms, I hope that Korcok would prefer, as do I, the most expansive definition of opportunity cost. All I ask is that Korcok be explicit about what can and cannot be an opportunity cost before grounding negative fiat in this concept. I do so because, as James Darsey complains, the "language of economics makes incomprehensible all claims based on ideals" (9), and I would prefer to describe the abandonment of some principles or ideals as *costs* of adopting certain policy proposals.

Beyond this problem with definition, Korcok's grounding of negative fiat theory in the notion of opportunity cost leads us back to the problem of selecting a particular audience. Korcok would limit opportunity cost assessments to those policy proposals that the

affirmative's agent of action could adopt. As a debate judge and ordinary citizen, I know that I have no power to do anything other than offer an endorsement of a particular course of action. In this capacity, strangely enough, my own decision about the best possible course of action is *not* constrained by the limitations of the affirmative's agent. To use Korcok's Laos example, if I believe that France's choice to send Mirage jets to Laos is competitive for some reason with a U. S. decision to send Blackhawk helicopters to Laos, nothing would prevent me as a citizen from endorsing French action by itself over U. S. action or some combination of the two competing policy proposals. From my point of view as judge, if not from the U. S. government's point of view, the loss of the French donation of Mirage jets is indeed an opportunity cost. As Korcok maintains, "'Who decides?' matters" (49). If the critic-judge is the particular audience on whom debaters focus in constructing their arguments, then Korcok's narrow depiction of the circumstances under which an opportunity cost is acknowledged should be rejected.

The Utopian Alternative

I have no objection when Korcok insists that we separate the critic-judge from the decision-makers implied by the agent of action specified in the resolution and/or the affirmative plan. My concern is that, by privileging the agent of action over the critic-judge, Korcok would reduce debaters and judges alike to asking what the federal government or some other agent should do, rather than asking, "What should be done?" While Korcok maintains that his position on negative fiat would "not imply that critics ought to endorse the decision-maker" (68), I fear that Korcok's position often would discourage the sort of critical imagining of possibilities that would enrich the practice of making public policy. To the extent that Korcok would make certain competitive policy options essentially off-limits for student advocates, chances for exercising critical thinking skills will be reduced. Further, such a revised notion of fiat too often would encourage students to be "managers, social scientists, and technicians," rather than encouraging them to "envision (and enact) a more peaceful and just society than the one that confronts them upon graduation" (McGee, "Emancipatory" 48). Since most debaters and judges will never have much direct input on the policy-making process, we should prepare students to make the sorts of judgments they will make after graduation, rather than insisting that they engage in the cramped sort of thinking found in a bureaucrat condemned to think within the constraints of extant organizations and systems of thought (McGee and Romanelli 26-27).

The alternative that I would embrace is described in my essay with Romanelli: Since judges are only capable of the act of intellectual endorsement, and neither debaters nor judges are capable of compelling the adoption of a plan of action, fiat is always a utopian gesture that hints at the creation of a better life. From this point of view, both affirmative plans and negative counterplans are utopian literatures from which the judge must choose. Again, the critic-judge is the particular audience addressed by debaters, since the judge is the only living, concrete individual who will choose between the equally utopian possibilities offered by students in the shabby university classrooms in which debates typically occur. If one or both of those competitive utopian possibilities strain the imagination of Korcok's relevant decision-makers, then I can live with that outcome. In the end, our students will be better off for having thought about how to irritate such decision-makers.[1]

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[1] While critics of current debate practice might believe that this defense of fiat as utopian will encourage "fiat abuse," I find that this label is usually employed (a) by debaters who are too lazy to find the often obvious disadvantages to innovative plans and counterplans and/or (b) by those who adhere to what seems to me an overly narrow sense of what is realistic. If counterplans meet the usual standards for competition and advantageousness and avoid fiating attitudes or assuming technology or other resources that are not available, I find it hard to describe them as abusive.

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