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*CAD FORUM*  
**GROUNDING NEGATIVE FIAT**  
Kenneth Broda-Bahm, Editor

The logical limits on the ability of the negative team to specify alternate courses of action have proven to be a vexing concern for debate theorists over the quarter-century since the appearance of Lichtman and Rohrer's "A General Theory of the Counterplan." Stated simply, the challenge has been to construct a rationale for negative fiat which limits the universe of compared worlds to those which reasonably test the resolution. In this special forum section, **Michael Korcok** offers a re-reading of Lichtman and Rohrer's classic article augmented by decision-making theory, in order to produce a comprehensive solution to this problem. At first blush, Korcok's advice that "the appropriate scope of negative fiat is the scope of the authority of the decision-maker choosing whether to adopt the affirmative plan" (3) seems to offer a clean slice through the Gordian knot of judicial role-playing and normative rule-making which has characterized present piecemeal solutions to this problem. Several critics, however, give pause to that assessment, noting several difficulties and challenges to Korcok's solution. Initially, **John Katsulas** argues that in addition to lacking a workable template and a clear grounding, Korcok's solution would deny the educational advantages of comparing the relevant merits of different agents by confining advocates to one level of governmental action. Taking the educational argument in a different direction, **Brian McGee** argues that fiat is a "necessarily and happily utopian concept" (31) and that restricting fiat actions to the scope of authority of a discrete decision-maker denies debaters the opportunity to engage in socially critical thinking and reduces a focus on the actual decision-maker in a debate: the critic/judge. Directly addressing Korcok's use of opportunity cost theory, **Gina Lane** argues that as an agent who does not represent or participate in the interests of others, critic/judges do not incur the costs of their choices. Since critics cannot produce an evaluation that represents the choice-conditions of other decision-makers, they are necessarily and appropriately left with the situational norm-setting that has characterized prior attempts to theorize fiat. **Dallas Perkins** charges that Korcok offers an overly simplified model of the policy-making process and fails to clarify the identity of the "decision-maker" whose scope of authority is to limit negative fiat. Noting the perspicuity and promise in Korcok's solution to negative fiat, however, Perkins

subsequently explores some of the costs and benefits of additional limits to the theory. Finally Korock responds to many of the major themes in these essays clarifying the position of the judge, not as the decision-making agent, but as the endorser of another's decision and argues that adherence to decision-making logic should be a primary concern in theorizing fiat. It is hoped that this discussion accurately represents the development of debate theory, not as a static presentation, but as an evolving conversation.

## THE DECISION-MAKER

Michael M. Korock

“Who decides?” matters. One manner in which the outcome of a decision depends upon the decision-maker is that decision-makers differ in their motives, interests, and values. A second manner in which decisions depend on the decision-maker is the quality of decision-making styles and processes. But “Who decides?” matters in another way: the outcome of a decision depends on the decision-maker's scope of authority over competing alternative courses of action. Understanding this last manner in which “Who decides?” matters dissolves the now long-standing problem in academic debate about the appropriate scope of negative fiat. This essay argues that the appropriate scope of negative fiat is the scope of the authority of the decision-maker choosing whether to adopt the affirmative plan.

Let us suppose that we are evaluating whether the debate team of Smart and Feisty should participate in the Academy tournament next month. Let us initially posit that the debaters are making the decision about whether to participate. This decision ought to be made by weighing the value of participating in the tournament against the best competitive alternative course of action that could be chosen by Smart and Feisty. Let us assume that the best alternative is attendance at a campus social function. Smart and Feisty might well decide that participating at a debate tournament would offer more value than yet another beer-fest. Our deliberation whether to endorse the debaters' choice could bring to bear a rather different set of values, interests, and concerns. The intellectual evaluation of others' choices is, furthermore, not a simple, passive, nor inconsequential exercise. For this example, however, let us suppose that we neither disagree with the decision-makers' valuations of their options nor that we problematize our role as evaluators and intellectual endorsers. After examining their decision, let us endorse the choice to participate at the Academy tournament.

Now, however, let us posit that Wise, the Director of Forensics, is making the decision about whether Smart and Feisty should participate in the Academy tournament. Director Wise ought to make this decision by comparing the value of the debaters' participation

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