TOWARD A THEORY OF LEGITIMATE JUSTIFICATION CRITIQUES

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Abstract: The justification critique has recently been the subject of a new chapter in the ongoing dispute between "critical" and "policy" advocates. This essay argues that these critiques are necessary and productive approaches to the study of political communication as well as to the educational praxis of policy debate. Through an investigation of how these critiques are deployed in academic debate, we identify and examine some of the most prominent ways in which affirmatives respond to these critiques, detailing three distinct warrants made in support of a "plan-focus" approach, as well as analyzing the contours of judge choice theory. We identify and explain two central criticisms endemic to all "plan-focus" arguments before finally detailing a potential compromise that seeks to maximize the educational benefit accompanying justification critiques while recognizing the importance of competitive balance.

Recent discussions within the interscholastic debate community regarding the divide between policy and critique debate seem to characterize the divide as a violent contest between immovable objects and unstoppable forces. Neither "side" views the other as validated in their views, and both seem to understand their own voices as necessary to prevent the "death of debate." A recent essay in these pages attests to these portrayals (Galloway, 2007). Galloway's opening pages illustrate how frequently violent images like "full-blown clash of civilizations" (Solt, 2004, p. 44) and "there is a war going on" (Galloway, p. 44) are used to describe a disagreement in the debate community. Other essayists have described the tenor of this debate as a vitriolic dialogue in which "certain debaters, judges, coaches, and programs" "spew venom" (Shanahan, 2004,

p. 66-67). Moreover, some in the community believe this schism "threatens the very activity we value" (Louden, 2004, p. 40). While we optimistically view assessments such as these as hyperbolic overreactions, it is difficult to dispute that there remains a highly charged rupture within the community over various understandings of the import of critical arguments. Unto this breach, we offer a compromise as an alternative to hyperbole and insult.

The justification critique is an increasingly popular negative debate tactic, and has recently been the subject of a new chapter in this on-going dispute between "critical" and "policy" advocates. Its popularity and effectiveness, however, also adds considerable controversy to an already contentious area of discussion. Reaction to this argumentative approach runs the gamut from praise (Turner, 2009) to contempt (Greenstein, 2009). The outcome of these conversations within the debate community has forced a pedagogical double-bind: the negative debater must choose between abandoning the justification critique, and couching it in competitively abusive, pedagogically-suspect fashion. Against this current dilemma, this essay argues that these critiques are necessary and productive approaches to the study of political communication as well as to the educational praxis of policy debate.

In this essay, we first discuss the importance of the study of justifications for action. Grounding our vision in the historic struggle to understand meaning-making, we argue that engaging the reasons forwarded for action allows us to better comprehend how rhetorical justifications create knowledge and social truths. We then detail the importance of including this area of study in academic debate. Next, we examine how these critiques are deployed in academic debate. Following this, we identify and examine some of the most prominent ways in which affirmatives respond to justification critiques, detailing three distinct warrants made in support of a "plan-focus" approach, as well as analyzing the contours of judge choice theory. Next, we identify and explain two central criticisms endemic to all "plan-focus" arguments, before finally detailing a potential compromise that seeks to maximize the educational benefit accompanying these critiques while recognizing the importance of competitive balance.

The Import of Representations

As far back as Plato, the study of representations has held a central place for scholars in a variety of disciplines (Sukla, 2001). A significant number of scholars in a wide variety of disciplines acknowledge the value of such study (e.g., Fischer & Forester, 1993; Jasanoff, Markle, Peterson, & Pinch, 1996; Kelly, 2001; Sukla; Ward, 1995). We adopt the claim of Plato, who argued we have little access to the "real" and are forced to rely on representations of reality to understand, to communicate, and to persuade. At root is the inherent ambiguity of language. In what follows, we briefly argue that the study of argumentative justification(s) is vital for apprehending the limits of symbolic frames, necessary for conceiving how social truths are produced, and a prerequisite to comprehending the ways in which our discursive practices construct our organizing knowledge of the world.

In any communicative act, we describe the world using symbolic representations (e.g., language) and create meaning through social interaction. As Kenneth Burke (1941) explained, complexity and pliancy are inherent in our language such that we are able to use the "the same term with shifted attitudes, so that the term is capable of being seen, for instance, as a way of naming the good, the bad, and the indifferent, all three" (pp. 686-687). The meaning assigned to and through language is therefore intrinsically unfixed, and stabilized only through social interactions. As

scholars from a variety of disciplines contend, meaning is assigned through the social interaction of actors wrangling over their meaning (Chilton & Schaffner, 2002; Hall, 1997; Heath, 1986; Zizek, 1997). This wrangling over meaning is accomplished, at best, using arbitrary constructions that inexactly communicate what we are attempting to describe.

The study of representations, then, is the study of the symbols used when we wrangle over meaning. In this essay, we are interested in analyzing representations that occur when one attempts to justify or persuade, through text, talk, or other discursive utterances (Wenden, 2002). Where one encounters this wrangling over meaning most obviously is the political realm (though no facet of human interaction can escape this phenomenon). Arguments about all manner of action in the political realm (e.g., whether we should vote, fix a pothole, or go to war) turn on how we attempt to justify those actions—through representations of reality. It is these argumentative justifications that interest us here. In other words, we approach the study of justifications by seeking to understand how political actors and advocates justify political actions and advocacies through representations. To be clear, we are interested here in the study of the justifications offered for a given course of action. We further believe all justifications are presented through representations of reality. In our view, then, all justifications for actions are representational.

In any political dispute or debate, advocates advance a course of action by enunciating the desired action and coupling it with one or more justification(s). By interrogating these justifications, we might question not simply the course of actions advocated, but also question the symbolic framing used to advance a given claim. For example, consider the mid-16th century Spanish debate over the enslavement of American Indians, otherwise known as the Valladolid debate of 1550–1551. In this debate, Bartolomeo de Las Casas, a Spanish soldier turned Dominican clergy member, argued that the native populations of the Americas should not be subjected to enslavement (Llobera, 2003). De Las Casas justified this course of action by arguing that American Indians were not the sort of "barbarians" Aristotle had justified enslaving but rather were autonomous agents capable of converting to Christianity. Through a series of debates as a well as negative reports of Spanish colonists' efforts at enslaving American Indians, it was eventually decided that slaves in the Americas would be imported (Dathorne, 2001). While Bartolomeo de Las Casas' advocacy can be seen as an exceptionally progressive viewpoint for the historical time (Loewen, 2003), a closer look at the justifications for his advocacy reveals his argument as partially responsible for the establishment of an ideology of racism in the New World (Reilly, Kaufman, & Bodino, 2003).

As this example demonstrates, the study of justification allows us to understand how the reasons provided for action can sometimes affect our understanding of the world more than the actions themselves, perhaps even creating outcomes directly opposite than those that were intended. Rather than arguing that all humans are autonomous agents, de Las Casas' arguments, as well as those of others, constructed a world, through his justifications for action, in which Spanish decision makers felt comfortable using Aristotle's standard of "barbarian-ness" (trans., 2000) to accept or deny the enslaving of peoples. Ultimately, this justification was employed to determine that African peoples met such a standard. Here, we can observe the utility of studying and critiquing historical justifications for a given course of action. The justifications forwarded by de Las Casas as well as others constructed a political worldview that simultaneously granted American Indians status as free peoples while reifying the notion that such a standard should be used to evaluate a people's

worth as potential slaves. As this example demonstrates, justifications for action can result in an outcome opposite that which was intended.

Second, a study of justifications can illuminate how rhetorical justifications create knowledge and social truths. As Medhurst (2000) explains, "rhetoric does not simply convey or make persuasive some truth already discovered or preexistent; instead, rhetoric is the human activity by which truths come into being through the process of argumentation and debate" (p. 5). The significance of this truth- making process within argumentation and debate can be observed in governmental policymaking about the waging of modern wars. As Der Derian (2002) notes, "people go to war because of how they see, perceive, picture, imagine, and speak of others… through representations" (para. 21). These representational justifications shape the way both publics and policymakers interpret knowledge and what courses of action they take as a result of that meaning making. For example, the rhetorical conflation of nuclear, chemical, and biological weapons into the trope of "weapons of mass destruction" helped mobilize support for the 2003 U.S.-led invasion of Iraq. As George Perkovich (2004), director of the Nonproliferation Program at the Carnegie Endowment for International Peace, argued, the conflation of "nuclear weapons, biological weapons, chemical weapons into this simple term of 'weapons of mass destruction'...allowed for an exaggerated sense of how great the danger from Iraq was" (para. 11). Despite arguments explicitly opposing this justification (e.g., repeated, qualified pre-war claims that Iraq was 90% to 95% verified disarmed; Pallister, 2002), the constant and repeated deployment of this conflation created a set of social truths. These social truths held that Saddam Hussein's possession and attempt to acquire additional "weapons of mass destruction" presented a clear and present danger to the American way of life. As a result of these, as well as related representational deployments, the American people were largely convinced of the need to invade Iraq to disarm its "weapons of mass destruction" (Bonn, 2010). The study of justifications, as displayed through examples such as these, can illuminate how knowledge and belief is literally created in the public sphere.

Finally, the study of justifications allows us to better examine the ways in which our discursive practices construct our organizing knowledge of the world. "It is," writes Grondin (2004), "impossible to speak or write from a neutral or transcendental ground" (p. 9). The study of justifications takes this impossibility into account and affords us the opportunity to examine the concealed as well as investigate the motivations undergirding our mediated knowledge of the world. For example, we might analyze the representational differences between two related, but distinct arguments: those arguing for women's suffrage because they view all humans as equally capable and those arguing for women's suffrage because they believe women's innate gentleness would reduce the likelihood of war. Here, the utility of a critique of justifications is that it forms part of a practice allowing the scholar to "scrutinize the form, content, and possible reworking of our apparent political choices" (Brown & Halley, 2002, p. 27). While the import of women's suffrage is undisputed, whether the justifications for it inscribe an essentializing and ultimately depoliticizing logic is not. Moreover, this form of argument provides an invitation to dissect the assumptions, ideologies, and established orthodoxies "not only for scholastic purposes, but also for the deeply political ones of renewing perspective and opening new possibilities" (Brown & Halley, p. 27). As such, these argumentative practices should be considered not only legitimate, but a necessary component of our argumentative repertoire to ensure the productive

functioning of our democratic polity.

In short, political actions are constituted through, and justified by, language. In fact, it should be clear by now that there is no politics without language (Chilton & Schaffner, 2002). Similarly, on our view, the study of the political, absent the study of language used to justify actions within such a system, would be akin to studying an ocean, absent an understanding of water. Thus, the study of justifications is productive for better understanding the limits of symbolic framing, valuable for comprehending how social truths are produced, and a useful tool to analyze the ways in which our discursive practices organize our knowledge of the world.

Debating Justifications

Contemporary academic debate practices offer students the opportunity to investigate and analyze justifications for action. We believe this practice is vital to the education of high school and undergraduate students and view it as important given the nature of the activity as a site committed to developing students' understanding of argumentation and modern political systems. The critique of justifications, also referred to as a critique of representations, is distinct from critiques that attack the action specifically advocated by the plan. Instead, the justification critique takes aim at the way in which affirmative teams attempt to justify the action of the plan. Moreover, it is a tactic by which debaters can interrogate the otherwise unexamined rhetorical justifications for action. In this section, we briefly detail the contours of this practice in an effort to familiarize the audience and explain why academic debate is an important site that encourages high school and undergraduate students to participate in the study of justifications.

In contemporary academic debate, the first affirmative constructive (1AC) generally presents a vision of the world that includes the advocacy of an action (plan), and justification(s) (advantages) for that action. The justification critique argues that some or all of the justifications forwarded by the 1AC are so problematic that rejection of the 1AC, and hence a negative victory, is the most preferred outcome. The particular notion of "problematic" justifications can vary wildly. The key definitional concept for a justification critique (if we are to define it as would its strongest critics) is that it seeks to question justifications that are not intrinsic effects of the action of the plan, were it to be enacted (Harrigan, 2009). In other words, the justification critique examines not the direct result of an action's outcome but rather the rhetorical justifications constructed and forwarded by its advocates. The following extended example, taken from a debate during the 2010-2011 NDT/CEDA college debate season, is illustrative.

Suppose an affirmative team argued that the U.S. government should substantially increase the available number of guest worker visas. Further suppose the affirmative argued that increasing temporary worker visas would attract workers from Latin America, whose inclusion in the American economy, and subsequent monetary remunerations to their home country, might allow the US to better develop Latin America, and extend U.S. cultural influence more broadly, thus preventing war. A negative team might argue that while this particular advantage is posited as an outcome of the affirmative, the description posited by the affirmative is not a natural effect of the plan. An intrinsic, naturally occurring effect of the plan would be that the number of visas would increase, and presumably, more "temporary immigrants" would be granted access to legally work in the U.S. Instead, the negative might argue, the advantages presented by the affirmative are chosen to emphasize the possibility of the results said action might generate. These results,

posited by the affirmative as advantages to increasing the number of visas, signify not a presence but a re-presence, or a representation of a possible world (Doty, 1996; Said, 1979). Moreover, the negative might argue that this particular representation of reality attempts to justify the action of the affirmative using a constructed advantage that is problematic in at least two respects. First, the negative could argue that positing "Latin America" as a homogenous whole in need of American assistance renders invisible the 40 million so-called Latinos/Latinas in the United States and supposes that there is a better "America" which is NOT Latin (Mignolo, 2005). Second, the negative could argue that the justification of "development" is often a rhetorical construction of the West, designed to control "underdeveloped countries" and ensure that these now otherized, foreign countries can be transformed to maintain the West's control over them (Escobar, 1995). Considered together, the negative might argue, these arguments demonstrate why the 1AC, as a rhetorical artifact, is a poor example of the resolution and/or perpetuates a worldview which should be questioned and rejected.

This example demonstrates not only what form justification critiques might take, but also the importance of including this practice in academic debate. Every argument articulated in the first section of this essay illustrating the importance of the study of political representations should be understood as applying equally so in the field of academic debate. This is because the 1AC can be productively understood as a linguistic site in which the affirmative attempts to alter our understandings of the world. Whether one grounds that understanding in the view that the 1AC functions as a "speech act" (Butler, 1997; O'Donnell, 2004), a "discursive formation" (Foucault, 1972), an act of "constitutive rhetoric" (Charland, 1987), a "field of action" (Leff & Sachs, 1990, p. 255), or simply

as discourses that "render our world meaningful" (Kelly, 2001, p. 722), the legitimacy of its study remains. Moreover, our understanding of a suggested advocacy simply cannot be wholly and neatly separated from our methods of discursively deploying representations to create meaning (Flank, 1994). The latter provides the means by which it is possible for any audience to contextualize an understanding of the former.

In other words, the 1AC should be read as an effort to shape the meaning of the world as understood by any who actually hears the performance, reads about it through caselists or other means, or simply comes to know of it through second hand accounts. As such, interrogating the 1AC and its unexamined discursive structures is vital to appreciating how students attempt to construct not simply meaning, but also knowledge and truth. Finally, the study of justifications offered by these future professionals ought to be analyzed because the analysis of political discourse is vital to the critical education of future professionals (van Dijk, 2008). Moreover, academic debate is well suited to provide students with this vital pedagogical possibility because it is an interscholastic activity "based on student performance" with a "dialectical process" at its core (Brushke & Warner, 2001, p. 3).

Whither the plan? Affirmative arguments in response to justification critiques are varied. Responses generally include an argument disputing the uniqueness of the "harmful effects" ascribed to the affirmative's discourse, an assertion that the "result" of the affirmative plan should outweigh its critiqued justifications, or an explicit theoretical framework suggesting the judge should largely ignore any critical arguments generally. Considered together, these form the foundation of what is understood as "plan-focus" arguments—literally, that the "outcome" of the plan is better than the "harm" caused by the discursive justifications presented by the affirmative.

This line of argument is premised on a still widely held belief, perhaps articulated best by Greenstein (2009), that "the outcome of the plan's enactment should be the focus of the debate, not the entire 1AC or its framing" (p. 35). By positing a judge's method of evaluating debates in this way, the affirmative seeks to argue that the justifications for a plan should matter substantially less than the declared effects of a plan, or that justifications should not have any bearing on determining whether to enact the plan. While proponents of "plan-focus" arguments warrant their perspective variously, three stand out for their frequency of deployment and unproblematic acceptance: (1) it provides a fair and stable focus for the debate; (2) it enables the best form of policymaking; and (3) the pragmatic worldview with which actors in the world operate—demands it.[1] While each of these holds some promise for productively situating the debate both fairly and educationally, their successful deployment against justification critiques generally results in a debate that is competitively one-sided and educationally stunted. In this section, we briefly detail the contours of these warrants, followed by an analysis of Harrigan's "judge choice" model. We conclude by illustrating how these arguments rely upon a fundamentally problematic view of rhetoric.

Affirmative teams often contend that only focusing on the plan, and nothing else, can provide a "stable focus for the debate" (Greenstein, 2009, p. 35). The warrant, "stable focus for the debate" is premised on the notion that debate practices ought to create an ideal debate maximizing educational benefit and fairness to both affirmative and negative teams. Advocates assert that focusing exclusively on a "stable" one or two sentence plan can best accomplish that goal by offering both teams a stable locus for attacks or defenses. Plan-focus devotees assert that the argumentative stability that accompanies debating over an explicit, unchanging course of action provides debaters the best opportunity to engage in deep, educationally meaningful clashes of ideas. At its finest, this warrant seeks to prevent debates from devolving into late developing contests where a shifting negative target finally becomes stable enough to rebut. In other words, this effort attempts to prevent second negative debaters from shifting their advocacy only after they have surveyed the entire arsenal of affirmative arguments.

A second argument bolstering the plan-focus perspective, that it is the "best form of policy making for debate," displays our community's long standing ties to democratic decision making for solving pressing concerns facing the polity. A noble endeavor, to be sure, as there is substantial support for the view that academic debate should be a training ground for future policy makers (Mitchell, 1998, 2000). This warrant implies that a trade-off of time and intellectual energy exists between debates about the effects of actions and debates about the justifications of actions. As such, so this warrant holds, focusing exclusively on comparisons between the plan, the status quo, and/or a counterplan produces debates that better simulate "real world" public policy making (Freeley & Steinberg, 2009). Moreover, this particular warrant, when deployed by the affirmative in debates about justifications, is often coupled with the explicit caveat that the affirmative should be required to be found desirable relative to *merely* "the status quo and/or any other competitive alternative" (Spiece & Lyle, 2003, para 6).[2] However, this perspective creates debaters who are ignorant of the importance of discursive justifications and renders debate's educational pedagogy largely bereft of an important aspect of critical education. In short, we contend that if future policymaking is a desired outcome, debate training should include approaches that best prepare students to address justifications later in life.

A third argument undergirding the plan-focus

perspective is that pragmatism demands action. This warrant, primarily derived from the resurgence in a scholarly study of pragmatism during the 1990s, is based largely on the work of Richard Rorty and others (Cheshier, 2002). Generally, pragmatism holds that "truth is...socially constructed by conversationalists in dialogue" (Cheshier, p. 72). Truths, therefore, are locally produced and not universal, thus, the best test for an idea should be its usefulness, rather than its truth value (Cheshier). Two aspects of pragmatism seem, at least on the surface, particularly apt for answering justification critiques. First, Rorty's approach, as explicated in *Achieving Our Country* (1997), is primarily a critique against what he calls the "cultural left," a remnant of the 1960s radicals, who have found a home, especially in academia, where they specialize in criticizing not specific policies, but rather, the entire "system." To those who advocate the application of Rorty's conception of pragmatism as a defense of plan-focus arguments, the affirmative represents the good, "progressive left," while those who deploy justification critiques represent the problematic "cultural left." Progressive leftists champion reforms in current practices, Rorty argues, while cultural leftists shift attention and energy to practices like language critiques which do little to improve the material conditions of the world. Second, while Cheshier astutely observes that pragmatism will often not persuasively support a *given* action, he also rightly notes that pragmatism provides a "powerful framework" against "those who argue against the justification for *any* action" (emphasis in original, p. 74). Especially when considered with the first two warrants explained in this section, the deployment of pragmatism provides a defense of plan-focus arguments against stand-alone justification critiques many judges find quite compelling. Even if insufficient individually, the collective weight of these arguments can create a seemingly compelling rationale for the functional exclusion of justification critiques. As

we argue later, we find pragmatism based arguments to be a reason for the adoption of our solution.

To this list of arguments should be added Harrigan's (2009) theory of "judge choice," a modification of "plan focus" that attempts to clarify and make explicit what previous arguments merely suggested. Harrigan's "judge choice" theory argues that the 1AC should not be understood as having presented all of the reasons to justify the affirmative plan, but simply some of the reasons to justify the affirmative plan. Harrigan neatly maintains a view also articulated by Greenstein (2009) and others. "Judge choice" theory suggests individual judges simply choose whichever justifications might best support adoption of the affirmative proposal. For example, where an affirmative displays four justifications for the adoption of a plan, but the negative demonstrates three of those justifications as highly problematic (e.g., xenophobic, capitalistic, neocolonial, etc.), the judge can simply decide to vote affirmative for the fourth justification, and ignore the other three. A related component of "judge choice" theory rendering it intelligible is the idea that justifications, no matter how inaccurate or pernicious, should never be reasons to vote against the affirmative— rather, they simply cease to be reasons for the adoption of the affirmative advocacy. While his solution was heralded by some (Batterman, 2009), others (Turner, 2009) explained why judge choice was merely a variation of plan-focus with the addendum that the affirmative could eschew some justifications posited in the 1AC in favor of more strategic justifications. In other words, Turner holds that judge choice theory encourages affirmatives to be argumentatively irresponsible by reading a slew of new, shallowly defended advantages in the 2AC that do not link to 1NC justification critiques. Moreover, this ability to jettison 1AC justifications in favor of other justifications relies upon an understanding of rhetoric

and argumentative forms that are intrinsic not only to Harrigan's theory of judge choice, but to all plan-focus arguments.

'Mere' rhetoric and the death of a good idea. Reminiscent of the ancient debate over the best understanding of rhetoric's relationship to the material world, the assumption that justifications are irrelevant to public policy making, or should never be a reason to reject the affirmative's advocacy, presumes a view of rhetoric in stark contrast to the "now generally agreed upon" view that "rhetoric is not a property of certain kinds of texts but a process that inheres in all discursive practices and that influences social consciousness at every level of its manifestation" (Leff, 1997, p. 131). Unfortunately, this view remains highly popular in the academic debate community.[3] The positive reception of this view is warranted by the favorable disposition towards plan-focus arguments (with its concomitant understanding of justifications as "mere rhetoric"), and the popularization of the understanding of justification critiques as merely defensive (explicated most clearly by Harrigan). In this section, we raise two objections to plan-focus arguments. First, we explain why this approach is premised on an educationally stunted view of rhetoric. Second, we contend that successful deployment of plan-focus arguments results not in compromise, but in the functional disappearance of justification critiques in academic debate.

In keeping with those ancient and modern scholarly traditions that gave birth to academic debate, most scholars today recognize rhetoric as a powerful force acting upon the world. The first section of this essay attests to this development. However, despite agreement on the import of rhetoric, within this tradition there is division on its function: as supplementary or as constitutive. This divide, more than two millennia old, drives an

epistemological division between two of the three disciplines most responsible for the current incarnation of debate—political science and philosophy—against the third, communication studies.[4] Substantial portions of the fields of philosophy and political science still maintain the outdated view that rhetoric should be understood simply as supplement to dialectic (Goankar, 1990; Wander, 1997)—or, to put it in the terms of the ancients, *doxa* rather than *episteme*. At least since the publication of Robert Scott's (1967) "On Viewing Rhetoric as Epistemic" (though clearly the Sophists argued as much 2,500 years ago), rhetoric has generally been understood by argument scholars (and the larger field of communication studies) as part and parcel of the construction of knowledge, rather than simply as a supplement to action or philosophy. More recently, Hariman's (1986) reformulation of *doxa*, coupled with McKerrow's (1989) enunciation that rhetoric is best understood as *doxatic* (in that it reveals and conceals elements in the world through language), has led to the largely accepted view that discursive practices are a display of power (Jasinski, 2001). In short, advocates for justification critiques understand rhetoric as acts of world-making. Conversely, those denying the legitimacy of justification critiques, especially as seen through the deployment of "plan-focus" arguments, often take rhetoric to mean mere supplement to action.

The continued propagation of the "mere rhetoric" position is a dangerous development our community ought to discourage. Though not exclusively housed in communication studies or rhetoric departments, the practice of intercollegiate academic debate most often calls these disciplines home. Proffering a vision of rhetoric clearly at odds with its home disciplines can be a troubling development, especially when administrators are looking to cut budgets. The advancement of "mere rhetoric" as the overarching understanding of the study

of discourse inevitable leads to a view that renders the discipline subjectless. In other words, conceiving rhetoric merely as supplement, "makes it a formal, hence an empty, discipline" (Goankar, 1990, p. 195). This view of rhetoric, as preceded by the modifier "mere," limits the scope of knowledge production to the study of *how* we say what we say. Instead of studying the "available means of persuasion," analyzing how discursive enactments produce actual force in the world, or how discursive deployments constitute knowledge and truth, the "mere" notion of rhetoric reduces it to studying style, sentiment, or emotional force (Berger, 1995, p. 64). In short, this view reduces the heuristic power of rhetoric. Instead of illuminating important aspects of every other scholarly discipline, and in the process making sense of how our political and cultural world is constituted, this view relegates the study of rhetoric to the sidelines of knowledge production.

Related to this criticism is our belief that plan-focus arguments, even when ostensibly appearing to offer a compromise with justification critique advocates, actually propagate a vision of academic debate that effectively ends the study of justifications in debate. Recall from our early discussion of judge choice theory the idea that justifications should never be a reason to reject the affirmative's advocacy. Specifically, judge choice theory holds that even after the negative has displayed how the affirmative's justifications for an action are not only problematic, but possibly even normatively "bad," said justifications should simply cease to be reasons to affirm the plan. The result of the ascendancy of this view is a disincentive for debaters to engage this area of scholarship. Why? Because there is in fact a time and intellectual energy trade-off between every ounce of research effort in preparation for debates. The result of this is that arguments characterized as "purely defensive" (as juxtaposed with offensive) largely become competitively unviable and thus discouraged by the very

nature of the activity.

Consider, for example, the practice of indicting evidence authors' qualifications. While this practice was once an important aspect of evidence comparison, this endeavor has come to be seen as a largely defensive effort, substantially reducing its practice. So far, in fact, that in modern academic debate, both at the high school and college level, it is standard practice today to cite evidence merely by last name and date (e.g., "Smith '04," rather than "Smith, professor of economics, Brown University, 2004"). This alteration in practice is largely owed to the widespread perception amongst debaters that indicting author qualifications is defensive, rather than offensive. Similarly, understanding the practice of justification critiques as nothing more than defensive arguments, simply forcing the affirmative to read new advantages in the 2AC, will ultimately root from our activity an educationally valuable tool of inquiry.

Bridging the divide. Given our contention that the justification critique is pedagogically valuable, we believe a compromise must be offered. The best solution, to our minds, is to add to the 1NC justification critique an advocated-in-the-1NC Justification-based Plan Inclusive Counteradvocacy (JPIC). The advocated-in-the-1NC JPIC offers the judge an opportunity to decide between stable and competing options. The 1AC plan and its justifications can be compared to the advocated-in-the-1NC JPIC with its justification critique as a net benefit. Though variations of the JPIC have appeared in some debate rounds, the practice is by no means widespread and there is essentially no literature either describing the tactic or explicitly fleshing out its contours. In this section, we offer a test for its legitimacy, followed by a sample text of a JPIC. After we have explained its contours, we answer some common objections to the practice, including a discussion of competition and the division of ground. Finally, we

explain why this compromise, despite any misgivings critics may have, is superior to alternatives to this practice.

A clear test for JPIC legitimacy should first be established. The most straightforward and fair test of JPIC legitimacy is determined by whether the affirmative could reasonably justify the affirmative plan with the link to the critique in the first place, as determined by the judge, following debate on the issue by the debaters.[5] Could the affirmative justify the plan with the justification criticized by the negative? —If so, then the critique and JPIC should be considered legitimate, as it reciprocally challenges the affirmative's stated justification for arguing for the plan. This raises the additional question of what exactly should qualify as a justification? To our minds, a justification is the smallest unit of argument which offers the affirmative the ability to successfully overcome presumption. For example, an affirmative could almost never posit that simply uttering the word 'nuclear' is a reason to vote affirmative.[6] Therefore, in this instance, a JPIC which ONLY excludes the word "nuclear" should be considered illegitimate. Conversely, if the affirmative were to argue the idea of preventing Egypt from acquiring nuclear materials was a justification for the affirmative plan, then a JPIC excluding "preventing Egyptian proliferation" as a justification for the plan text should be considered legitimate. Here, a negative would employ evidence from authors like Bryan Taylor (2007), who has written persuasively that the metaphor of "preventing nuclear proliferation" can reproduce a deferral to official "experts" and a "technocratic disregard for nuclear democracy" (p. 676). This distinction highlights how questions of justification differ from a mere linguistic focus on the words used to justify a proposal. Rather, the discursive field is the means by which an audience can discern and come to know the underlying justifications for action. These justifications, manifested through discourse, are what the JPIC strategy seeks to foreground, rather than the mere discursive act itself.

For the sake of clarity, let us return to the example of guest worker visas and Latin American development. Suppose the plan read "The United States federal government should substantially increase the number of available guest worker visas." Further suppose the affirmative justified this plan by arguing both that an increase in visas would bolster Latin American development, and would also enhance American economic innovation, allowing for technological solutions to disease outbreaks that threaten human survival. Where the negative intended to critique the justification of Latin American development, but NOT technological innovation, the JPIC might read something like this: "The United States federal government should substantially increase the number of available guest worker visas, but not because it bolsters Latin American development." The negative would then also read a net benefit in the 1NC that consisted of the critique of Latin American development explained previously in this essay. This, in our estimation, is a legitimate form of the JPIC. An illegitimate form of the JPIC would be something akin to "we advocate everything the 1AC has said except for their use of the words 'Latin America.'" In other words, conceptual justifications for plan action are legitimate links for the JPIC/justification critique strategy, while excluding merely a few words from the 1AC is not. This is because simply saying the words "Latin America," does not justify the affirmative plan in any meaningful sense, while "enhancing Latin American development to bolster U.S. soft power" clearly does.

Some may object that this tactic should not be considered textually competitive with the affirmative plan. This notion, however, is premised on a misapplication of traditional counterplan theory and upon the view that rhetoric is mere supplement to action. Traditional

counterplan theory holds that a counterplan must be advantageous as compared to either the plan itself, or a combination (permuation) of the entire plan and some part or all of the counterplan. An application of textual competition theory only makes sense in a world in which neither team is contesting the connection between advocacy of an action (plan) and the justifications for that action (advantages).[7] While this shorthand equation is largely accepted as the way to test the competitiveness of counterplans, it is, in fact, only shorthand. The real "heavy-lifting" of plan vs. counterplan comparisons takes place on the questions of advantages and disadvantages to both the plan and the counterplan. In justification critique debates, textual competition shorthand is insufficient, as it is never the plan itself that is in question, but rather, how the affirmative justifies said plan. Advancing this exclusive standard to test the competiveness of the JPIC largely misses the point of comparison between the plan and the JPIC, plus its critique net benefit.

A better equation might suggest that legitimate permutations against JPICs must include all of the 1AC, not simply the plan. Obviously, this view relies on a notion of functional, rather than textual competition. Where textual competition centers exclusively on the words in the plan, functional competition accounts for the meaning of those words. The JPIC and its justification critique net benefit clearly meet this standard. Hill's (1991) observation that "acts done for different reasons are not 'the same act' even if otherwise similar" (p. 170), demonstrates that a JPIC and the plan are, at a minimum, functionally distinct. While textual competition is one way to determine whether the negative's advocacy is fair, functional competition, at least in this instance, is both fair and makes considerably more sense. Moreover, an application of functional competition prevents affirmatives from severing 1AC justifications and allows a fair comparison between the affirmative's and the negative's respective advocacies. Finally, that the move to force a standard of textual competition onto JPICs relies on a notion of rhetoric as mere supplement to action should be obvious.

Moreover, we believe that the advocated-in-the-1NC JPIC, coupled with a justification critique as its net benefit satisfies the central warrants undergirding plan-focus arguments, including stability of advocacy and a fair and predictable division of ground. The JPIC, with the attendant limits we have suggested, offers the affirmative a stable target to attack, proffers the negative's advocacy early in the debate, and establishes the parameters of what the negative can and cannot reasonably claim to solve. For instance, returning to the Latin American development example, the affirmative's ground includes all the reasons why developing Latin America is productive or positive. By excluding this justification from its advocacy, the negative is similarly precluded from claiming to "solve" this advantage. While this means the affirmative cannot leverage other advantages against the negative (unless they are directly linked to advocating for Latin American development), the affirmative is able to articulate reasons to adopt the affirmative plan by simply defending their original Latin American development advantage.

Given the limits we suggest for testing the legitimacy of a particular JPIC, not only is this debate fair, but is ultimately initiated by the affirmative, not the negative. This owes to our view that the negative cannot exclude any justification not made explicitly by the affirmative in the 1AC. There is, in fact, no link to the justification critique that is not explicitly included in the 1AC by the affirmative. In other words, while the JPIC can allow the negative to reduce the debate to a single affirmative advantage (as the JPIC makes the non-critiqued justifications irrelevant), that single affirmative advantage is chosen by the affirmative. Affirmative choice in selecting its justifications ensures

there is always robust and predictable literature to defend that justification in the 1AC in the first place.

An additional advantage of our approach is that the 1NC JPIC can create the "best form of policy making" for which plan-focus advocates call. Again, given the limits we describe above on the JPIC, the best evidence for negatives will most often be located within the topic specific literature base from which the affirmative also draws. This ensures that these debates are not stale "statism bad," debates, but rather, emanate from that year's topic literature. Finally, our approach easily satisfies the demands of pragmatic critics, as our approach melds a critique of justifications with an action to rectify harms in the world. As Cheshier (2002) notes, "it is important to... notic[e] how much pragmatism agrees with the alternative frameworks defended by some influential and common critique arguments" (p. 74). What was an advantage of pragmatism for the affirmative against a stand-alone justification critiques becomes an advantage for the negative when deployed with a 1NC JPIC.

While it is still possible to argue that the advocated-in-the-1NC JPIC is illegitimate for other reasons, it should be noted that the alternatives to our proposal are simply worse.8 Absent the widespread adoption of JPICs as a legitimate compromise for justification critique debates, negative debaters will be forced to choose between two educationally and competitively suspect choices: abandoning the justification critique altogether (as it is often unlikely to elicit a ballot from many judges) or opting for the educationally suspect, but tactically beneficial, 2NC floating plan-inclusive-counterplan. The 2NC (or even worse, 1NR) floating PIC is often a flippant assertion that the plan can be done, but without the link to the critique. It is similar to the 1NC JPIC, but is neither as stable, nor introduced early enough in the debate to produce the deep, literature-based debates an explicitly advocated-in-the-1NC JPIC can produce. This practice perverts the educational goal of deep research and skews fairness in the game of debate strongly against the affirmative—a development that even strong advocates for justification critiques can acknowledge as problematic. At its worst, the affirmative loses all cross-examination periods to interrogate this new advocacy, but even at its "best," it occurs after the 2AC, thereby eliminating the affirmative's ability to contest this strategy in a constructive, inquire as to questions of the solvency of the floating PIC, what the limits of such a practice are, or what exactly it means in the debate. These concerns can be addressed with an advocated-in-the-1NC JPIC, whereas a floating PIC deployed late in the debate offers the affirmative little time for such considerations. In short, the compromise we have suggested, adopted from practices already occurring in a small number of debates, provides for a better educational and competitive debate environ.

Conclusion

In a recent essay in the *Rostrum*, a respected debate coach opined, "who cares what the 1AC justifies? Really" (Greenstein, 2009, p. 35). Based on the arguments put forth in this essay, two responses immediately come to mind. First, this respected coach's question seems to fundamentally misunderstand the nature of the critique of justifications. A more appropriate question might be, "who cares how the 1AC justifies the plan?" This essay also suggests a second, more direct answer to the question of "who should care how the 1AC justifies the plan?" with a hopeful answer: anyone who is concerned with advancing the most educationally productive, yet still competitively fair, vision of academic debate.

Justifications are an inherent aspect of our political lives and an important area of study in an academic debate context. Far from being understood as a subset

of some obscure critical literature, this essay reminds us that every political action is ultimately justified through representational means. To pretend such practices are unworthy of study is to fundamentally deny the nature of our linguistic practices. As such, a world exclusive of justification critiques dooms academic debate to a closed model of education towards a singular particular goal (roleplaying as policymakers) that limits its ability to speak in a politically meaningful or socially relevant way to its participants, its institutional support structures, or any external or public audiences. Moreover, in this closed model of debate, even the policymaking education that debaters receive is stunted and premised on a model of rhetoric which does not exist in the "real" world.

Current practices that limit the import of the justification critique are not a compromise between multiple debate publics, but rather an imposed limitation on the available means of persuasion. These limitations, seen most prominently in plan-focus and judge choice arguments, disincentivize debaters from engaging (and being competitively rewarded for successfully disputing) the basis for the affirmative's construction of meaning to justify action. The JPIC, by expanding the arguments under consideration within the debate to include an acknowledgement of the discursive import of the affirmative's justifications, opens avenues for better understanding issues of public policy. Moreover, this approach simultaneously maintains a commitment to notions of competitive equity between affirmative and negative teams within the activity. By placing some reasonable limits upon the JPIC (singular words should not be the basis of critique, links to the critique ought to be explicit in the 1AC, the JPIC should be advocated in the 1NC), we believe we have established a reasonable compromise maximizing competitive equity and educational inquiry.

Nothing in this essay should be taken to suggest that

all debates ought to revolve around an investigation of the justifications presented by the affirmative. In fact, a framework for debate which is inclusive of the JPIC is not exclusive of plan-focus debates happening in other instances. Moreover, nothing we have argued here opposes the practice of affirmative teams engaging in similar critiques of justifications made by status quo actors nor does it deprive the affirmative of the means to leverage the relationship between the plan and the problematized justifications as offense against negative disadvantages, counterplans, or critiques—any of which would resolve concerns of reciprocal ground, and thus education derived from substantive clash. In short, this essay argues only for an expanded vision of acceptable debate practices and strongly opposes efforts to limit the scope of scholarly student endeavors. In fact, our contention in this essay is that practices that exclude educationally beneficial arguments should be subverted to the fullest extent possible without eviscerating a sense of fairness within the confines of competitive academic debate. What we have presented here, then, is a method to further the study of justifications in a fashion that encourages sound pedagogical practices while maintaining competitive fairness.

End Notes

1. This is by no means an inclusive list of all arguments made to support this view, but for the purposes of this essay, especially given space concerns, these must suffice.

2. Though it is unclear from this quotation, the rest of Spiece and Lyle's essay makes clear that they mean any competitive policy alternative.

3. This claim can be easily evidenced by viewing the judge philosophies of even the college debate community. A brief survey of judge philosophies reveals comments like

Greenstein's (the plan should be the focus of the debate) are all too common amongst judges.

4. As Bernstein (1983) noted, "The agon between objectivists and relativists has been with us ...at least from the time of Plato's attack on the Sophists" (p. 8). To be clear, we are including both rhetorical and argumentative studies under the rubric "communication studies." Moreover, we do not mean to imply the "rhetoric as mere supplement" view is all pervasive in the political sciences and philosophical fields—simply that this view often seems to dominate.

5. This process begins during the presentation of the 1AC, but would most likely be fleshed out most clearly in the cross-examination of the 1AC, and during the time the 2NC has reserved for link extension/explanation. As this notion of what is, and what is not a justification for the affirmative might cause affirmatives to simply deny anything as a reason to vote, so as to avoid a link, clearly establishing what is, and what is not a justification for the plan seems to almost require the 2N to broach these questions explicitly in the cross-examination of the 1AC.

6. While referring to atomic weapons as "nuclear" might be advantageous in some instances, these circumstances would require evidence and considerable warrants establishing this argument.

7. Obviously, there are other reasons to object to a strictly textual view of competition, but this is not the space for such a debate.

8. The counterplan is still a plan-inclusive one; it is topical, and the competition between the two policies is certainly not established textually, but merely functionally. This is not the space to hash out these debates, but, it should be noted there is still robust debate within the academic debate community as to the legitimacy of each

of these objections generally.

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