

Performative Fiction: The Use of Scripts in Interactions Between Debate Competitors and Judges

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Abstract

In this paper we distinguish between debate communities that call forth homogeneous and heterogeneous audiences noting that each type of debate audience engenders a distinct style and substance of advocacy through the system of competitive rewards structured by tournament competition. While we acknowledge the value of homogeneous debate discourse, we offer a conceptualization of heterogeneous debate discourse that promotes a unique educational outcome of audience adaptation and develop a rationale for instructional practices that challenge students to appeal to heterogeneous audiences. Finally, we develop an instructional theory of scripts that may hold promise in promoting audience adaptation for students.

Key words: Forensics, debate, argumentation, audience, adaptation, scripts

Introduction

In a seminal article published over two decades ago, G. Thomas Goodnight (1982) posed three spheres of argument: the public, technical, and personal spheres. Since the publication of that article, argumentatio

In scholars have pursued studies of how

argumentative discourse is shaped by the visible and less discernible social forces that shape those spheres (Howard & Brussee, 1996; Minch & Borchers, 1996). One important concept that unites considerations of how argument is shaped by the sphere in which it occurs is the idea of a relationship, idealized for the most part, that an advocate desires to create between one's self and the audience. Perelman and Olbrechts-Tyteca (1969) described this sense of connection as a kind of "intellectual contact." Toulmin (1958), in a related way, suggested that argument fields--patterns of argumentation that mark one set of argumentative practices off from others, shape argumentative discourse in important ways. Since the publication of *The Uses of Argument*, argumentation scholars have devoted substantial attention to describing arguments occurring in distinct fields (Goodnight, 1982). The result of those studies has been to produce conceptualizations of argument fields as large as sociological groups and as small as interpersonal relationships.

Who we argue with and before whom we argue are central concerns to argumentation scholars (Howard & Brussee, 1996). Such considerations shape what counts as "good" argumentation, as appropriate practices of advocacy, and implicitly, if not explicitly shape the educational vision of debate coaches and instructors of argumentation. More importantly, the nature of the audience from whom one seeks adherence plays a rather substantial role in the kind of argumentative discourse produced in the process of seeking an audience's assent. Thus, the process by which intellectual contact is achieved in the course of arguing within argument spheres and fields is a central concern to those who make a living educating others in advocacy. Certainly, ignoring the forces shaping what counts as proper, appropriate, and effective practice

would result in an advocate's failure in winning over an audience. Therefore, we believe that audience adaptation should be a central concern to debate coaches. In an attempt to develop a theory of pedagogy for debate and forensics we return to some of the considerations that have occupied argumentation scholars interested in the study of argument spheres and fields to focus on concerns of teaching students about audience adaptation.

We first describe the sources of concerns regarding audience adaptation in terms of behaviors and issue development specifically as they relate to practices in rounds of NFA Lincoln-Douglas debate. Then we discuss some of the complexities of audience conceptualizations and composition students might face. After considering audience concerns and composition, we outline a theory of scripts that can serve as teaching guidelines stable enough to count as knowledge but flexible enough to be adapted into larger hierarchically structured scripts capable of addressing variations in audience composition. Here we argue for what we believe is a unique educational value behind debate activities found in the rhetorical skills of taking the perspective of different audiences, then practicing skills of adaptation to discover in Aristotle's words, the "available means of persuasion." Finally, by way of closing, we note the limits of approaching advocacy in terms of preprogrammed scripts and argue for a quality of openness and creativity that potentially challenges advocates, students, citizens, and leaders alike in responding sensitively, artfully, appropriately, and effectively to the diversity of rhetorical situations they might encounter beyond the competitive tournament experience.

Audiences Shaped by Debate Community Practices

At the outset, it seems obvious to note that at least three different debate communities exist, with each entailing a relatively distinct set of practices. These practices constitute stylistic and substantive indicators of membership with members of these debate communities preferring those stylistic and substantive practices over others that would mark membership in a different debate community (Paroske, 2002).

We think it reasonable to position NDT/CEDA debate at one end of the continuum where highly technical, specialized, fast paced delivery shapes a kind of debate discourse where claims can be tested in elaborate analytical processes and supported with extremely well researched evidence drawn from the public record. At the other end of the continuum we locate NPDA debate with its emphasis on audience adaptation, creative approaches to topics framed around metaphorical, factual, value, and policy propositions that draw on shared knowledge with the audiences and offer a limited amount of time for preparing arguments. While current practices may have shifted, NPDA was initially created as a response to the technical NDT debate. In between these poles we view NFA Lincoln-Douglas debate, a position based on the educational vision of Ed Harris whose hope it was to build a debate community around a vision of debate that tackled policy propositions, drew on evidence from the public domain, but remained accessible to the average communication instructor, and potentially, competent citizens interested in the issues of the day (Hinck, 1996). This educational vision called for a balance, however precarious, between communication skills and advocacy skills (Minch & Borchers, 1996; Morris & Herbeck, 1996).

Admittedly, students and coaches move between these communities often, importing practices valued in one community but not necessarily well-diffused in

another. We argue this constitutes a kind of competitive poaching across debate community boundaries, and however unconsciously such practices might occur, constitute a major difficulty for coaches who strive to create a competitive experience based on shared assumptions about the nature of the judge(s) as audiences to whom their students are appealing for assent. We believe the two main concerns facing the NFA LD community are controlling behaviors that do not advance the educational vision of the NFA LD community and issue development that potentially undercuts a commitment to teaching students about debate over policy propositions.

With respect to behavioral concerns, a rapid rate of delivery and an unwillingness to develop behaviors respectful of proper decorum associated with public advocacy are increasingly problematic. NFA Lincoln-Douglas debate rounds are featuring a greater number of arguments delivered at more rapid rates of delivery. This is due in part to coaches from NDT/CEDA who might cross over and expect, accept, or adapt to a faster rate of delivery, or due to students who having been trained in a rapid style of delivery at the secondary level enter NFA LD rounds and expect, demand, or adapt to judges' or opponents' competitive instincts. Mixing competitors and judges from different communities can produce difficulties for visions of consistency. Sometimes the result is a wink and a nod from a judge who desires a "faster" round, an angry debater who fusses and fumes about the quality of judging at a tournament, a mildly traumatized novice student who exits a round where the rate of delivery exceeded his/her information processing capacity, or variations on the ways in which each participants' expectations are violated in the pursuit of a competitive victory.

With respect to issue development, the two areas of concern are increasingly complex debates on the issue of topicality (a.k.a., jurisdiction), and the more daunting problem of using a critique strategy on the negative. Some judges have decided that they will not vote on topicality or the critique; some judges welcome either strategy. From a student's and coach's perspective, the complexities of preparing for the contingencies where knowledge and practice is needed to initiate, or answer such positions, can diminish the time and effort spent on preparing arguments devoted to the policy effects of maintaining the status quo or adopting the resolution.

There is a tendency for some students to desire a homogeneous audience, one where the evaluative constructs and practices reflect a single and consistently applied critical perspective. Much of the work devoted to articulating debate paradigms has undermined that hope by describing varied approaches judges might take in evaluating a debate. The continued use of judging philosophies in both NDT and NPDA debate suggest there is some attempt to describe expectations and coordinate them between participants. Still, both communities, by using versions of mutual preference systems for designating judges removes these differences from the pool in an attempt to match judges with debaters who approve of their audience members' critical practices. The effect is to create in so far as it is possible, a unidimensional audience. The effect is amplified in the selection of elimination round judges. The result is to progressively exclude judges who will not adapt to debaters' stylistic and substantive preferences. In turn, this process has the effect of engendering and rewarding a specific kind of debate discourse at the exclusion of others. Thus, style and substance serve to mark membership in debate communities.

One could view this cumulative effect of narrowing, constraining, and shaping evaluative practices as a desirable outcome. Reflexively, such evaluative practices would call forth debate skills (or perhaps speaking skills) evaluated favorably in that framework (Minch & Borchers, 1996). Coaches, students, and judges alike would share assumptions about practices an all members of the community would engage in activities that brought about these skills (Howard & Brussee, 1996). Within that community, such practices would be praised, sought after, and rewarded as positive educational outcomes. And as long as those outcomes focused on cognitive skills exclusively, few could question its educational vision. However, when one asks if students trained in that style of advocacy can function effectively within a different debate community, or in a larger, more heterogeneous community of student peers or citizens, problems can develop.

Advocacy practices acceptable in one community might not be widely accepted in another. The result is a problem in coordinating expectations for what counts as “good” debate practices when these expectations conflict. The impact of this conflict is found in decisions that potentially reward skills that are inconsistent with the educational vision of a different debate community. For NFA LD debate, the stakes could not be any higher. Without a conscious consideration of how practices actualize educational values, strong systemic forces can push us away from a debate activity grounded in a specific educational vision and toward competitive outcomes that reflect excellence in speed reading, neglect of decorum in public advocacy, an inability to choose arguments and support materials that are rhetorically appropriate, and an excessive reliance on technical aspects of argumentation over the more generally appealing public aspects of argumentation.

The Audience

In this section of the paper, we review Perelman and Olbrecht-Tyteca's concept of audience adaptation arguing that it is an important skill that cannot be taken for granted, needs to be developed in student advocates, and is perhaps best formulated in the complex problem solving of adapting to audiences in academic debate. Then we discuss the concept of audience from two perspectives: An actual and immediate audience versus an idealized and imagined audience. After describing these conceptualizations of audience we turn to a discussion of what we think students can learn about adapting to these audiences and then finally address what we might teach as coaches and instructors of public advocacy.

Audience Adaptation as a Skill

According to Perelman and Olbrechts-Tyteca (1969) "the audience, as visualized by one undertaking to argue, is always a more or less systematized construction" (p. 19) and they add that "the essential consideration for the speaker who has set himself the task of persuading concrete individuals is that his construction of the audience should be adequate to the occasion" (p. 19). The construction must reflect an accurate understanding of the social reality shared by prospective audience members and speaker (Rieke, Sillars, & Peterson, 2009). Perelman and Olbrechts-Tyteca (1969) characterize this as a kind of rhetorical skill involving care on the part of the speaker concerning the outcome of the transaction:

"In real argumentation, care must be taken to form a concept of the anticipated audience as close as possible to reality. An inadequate picture of the audience,

resulting from ignorance or an unforeseen set of circumstances, can have very unfortunate results” (p. 20).

Speakers are not left guessing but must study their audiences. Goodnight (1982) noted that communicators must take the sphere into consideration. This means that what would be appropriate in one instance may be inappropriate in another. Rieke, Sillars, and Peterson (2009) concurred, arguing that the audience, as the critical decision makers, is the one that judges the effectiveness of the argumentation. The artistic nature of recognizing the rhetorical demands of an argumentative situation, of studying the audience, and of arriving at a rhetorical solution is what makes an orator great.

Perelman and Olbrechts-Tyteca (1969) claim that the practice of adapting to audiences yields an understanding of how to condition the audience through speech. “Knowledge of an audience cannot be conceived independently of the knowledge of how to influence it. The problem of the nature of an audience is indeed intimately connected with that of its conditioning” (Perelman & Olbrechts-Tyteca, 1969, p. 23). While they note that conditioning can include such things as lighting, music, crowd effects, scenery, etc., they note that “the audience no longer being exactly the same at the end of the speech as it was at the beginning” (p. 23). This is nothing less than the transformative potential of the study of language. We believe it justifies a close look at what can be achieved through a better understanding of audience analysis. In fact, Perelman and Olbrechts-Tyteca indicate “this form of conditioning can be brought about only if there is a continuous adaptation of the speaker to his [her] audience” (p. 23).

Adapting to audiences is a kind of skill; a type of knowledge forensic educators hope to develop in students. Each debate can be considered a problem in audience

analysis to be solved by students. In this respect, debates are problems in knowledge application and development. We believe that audience adaptation is akin to the most complex kinds of problems that students must face in the flattened world of economic activity described by Thomas Friedman (2005) and needed for the future for career success, as seen in Figure 1.

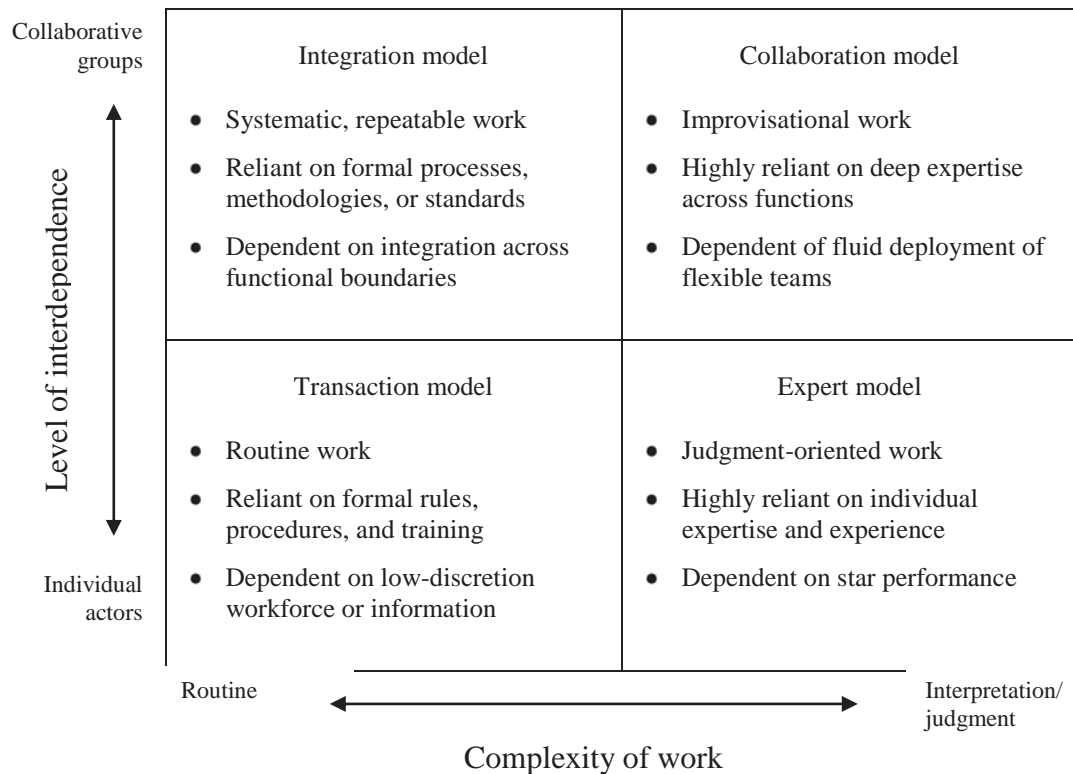


Figure 1. Classification Structure for Knowledge Intensive Processes

It might be the case, that in some programs, or on some teams, students learn formal rules in the bottom left quadrant, implement them in practice rounds with feedback from coaches in the top left quadrant, and then, through the process of iterations in debate rounds, arrives at the ability to make complex judgments regarding language choices in public advocacy arriving in the bottom right quadrant. We think that the top right

quadrant plays less of a role in the acquisition of knowledge and skills in making judgments regarding audience adaptation given the minimal degree to which debaters collaborate under competitive circumstances. However, it might be possible that such skills are used when debate students graduate and collaborate in developing marketing plans, or public relations plans, or political strategy, in short, any kind of detailed collaboration of information and skills to solve problems of audience analysis and adaptation. Debate activities facilitate the development of these highly valued problem-solving skills. Audience analysis and the successful adaptation to debate audiences in advocacy situations is a rare kind of knowledge acquired only through the rigor of a debate career. The development of such skills can only be realized when we consider ways in which the laboratory of forensic activities hold the potential for such learning (see McBath, 1975; Parson, 1984).

Actual and Immediate Audiences

The possibilities for actual audiences range from one's coach and peers in a practice debate, to students in a college class for whom debaters are presenting an exhibition debate, to a single judge in a round of tournament competition, to a panel of judges, to a large audience and a panel of judges at a tournament, to a public audience of community members. Perelman and Olbrechts-Tyteca (1969) have indicated that those who sit and listen at the moment of address can be considered the immediate audience. Students may or may not adapt to the differences in these situations. Our observation here is that the type of immediate audiences debaters might be faced with do in fact call for some degree of adaptation in terms of style and content. To further our argument, we will examine three common paradigms that judges may employ when judging a debate round.

It is important to understand that these three preferences were selected as illustrations of differences and by no means represent the wide range of judging philosophies, preferences, or paradigms that may be employed by judges of competitive debates. Yet, we contend that these three preferences for judges represent a majority of the judging preferences in the NFA Lincoln-Douglas community. We have selected for analysis three types of judges, one who might claim to operate out of a paradigm, in this instance policy making (Lichtman, Rohrer, & Corsi, 1992); one who adopts a given stance toward judging, *tabula rasa* (Ulrich, 1992); and one who disprefers some particular type of argument or debate practice.

A policy maker paradigm holds that the judge would like to evaluate the round as a rationale policy maker similar to members of some governmental legislature (Lichtman, Rohrer, & Corsi, 1992). A policy maker judge has an expectation of clear reasons for adopting some new action or sound reasons as to why the policy should not be adopted. A policy maker is more concerned with the substance of the argument and less with the technical considerations of debate theorists (Lichtman, Rohrer, & Corsi, 1992). A debater that is performing for a policy maker judge should then focus on the issue of the case and not on theoretical assertions. For a policy maker, issues like topicality and critiques have less bearing on the decision calculus because the judge does not view these issues as reasons for adoption or rejection of a policy option. Instead, debaters that choose to adapt to the judge's preferences should use arguments like disadvantages, which show the negative consequences of a policy option, solvency presses, which show that the policy cannot solve for the problems noted in the case, inherency/minor repair arguments, where a debater will show that the plan is either being implemented or could be implemented

without legislation, or a counterplan, which points out some better policy option available to the judge.

Tabula rasa, initially based on the writings of John Locke and articulated by Walter Ulrich (1992) as a debate paradigm, literally means “blank slate.” A judge who subscribes to the *tabula rasa* (TR) paradigm is a judge that is willing to listen to any argument a debater would choose to run. TR judges will view arguments in the context of the round and determine the appropriateness and the success of that argument without some form of pre-conceived notion about the argument (Ulrich, 1992). While no one is capable of being completely free of pre-conceived notions, a TR judge is less inclined to allow those pre-conceived notions to factor into the decision calculus. A debater that is in front of a *tabula rasa* judge has an interesting predicament. On the one hand, the judge is willing to hear any argument from theoretical to practical. On the other hand, the judge will evaluate the round based on the impact analysis and what issues the debaters themselves find as most important. A debater that is doing the necessary cognitive work to win the ballot for a TR judge should focus on the impact analysis and tell the judge why certain arguments are most important reasons for the ballot. Unlike the policy maker, a TR judge is willing to vote on a topicality attack or a critique if the debater does the necessary work to win the position and prove that the issue is worthy of the judge’s consideration.

There are also judges that provide debaters with a paradigm featuring an aversion to some particular argument. Examples include judges who claim to dislike kritiks, topicality, specification positions, or particular impact scenarios, like nuclear war. For our purposes, we will only examine this preference in general terms instead of focusing

on the variations. This judge will let debaters know that there is some type of argument or some practice of the debate community that the judge finds to be undesirable. This has certainly been the case in NFA LD debate. Some judges may say that they do not like the practice of speed reading and rapid-fire delivery while others may say that they do not like the arguments of topicality or critiques. A debater that has a judge that says they have an aversion to some particular argument or debate practice can adapt in two ways. The first, and most basic, is to avoid the things the judge dislikes. This way the debater has affirmed the judge's viewpoint as valid and taken the necessary steps to avoid upsetting the judge. The second is to run the argument, but to do so in a way that shows the judge how the position is required to win the ballot but that the debater would rather not run the argument. For example, if a judge does not like topicality arguments but the affirmative debater runs a case that is blatantly off topic, the negative debater may run topicality and tell the judge that topicality is being run because of the actions of the affirmative and that the negative wished there were other options available as argument strategies. The negative may even claim that because the affirmative put the negative in the undesirable position of running topicality, the affirmative should be punished by losing the ballot.

As previously stated, these potential judging paradigms are by no means an exhaustive list of potential paradigms. That very fact seems to support our argument that because of the breadth of judging philosophies and the variations within the paradigms, there becomes an even greater responsibility of the debater to find ways of determining the preferences of the judge. While this may seem to leave a debater at an impasse, the conventions of debate uniquely allow for an opportunity to adapt to the judge. One of

these conventions is the practice of asking for paradigms, philosophies and backgrounds of those judging rounds. This convention removes some of the mystery of what the critic really wants or does not want to see in the round. It is then up to the students to adapt and hopefully their coaches who have taught them how to adapt.

Idealized and Imagined Audiences

Of what value is it to our students and our intellectual community of educators to consider more than one style of debate discourse and to study the complexities of audience composition? This questions goes to the heart of justifying the time and expense devoted to debate activities. In a problematic sense, Perelman and Olbrechts-Tyteca (1969) have given us a concept of the Universal Audience, a kind of abstract conceptualization of philosophers who objectively, consistently, and reliably evaluate argumentation in terms of its appeal to pure logic. For some members of some debate communities this standard is held as the one to which debate arguments should aspire. And this kind of advocacy can yield a highly technical, dense form of reasoning with supporting facts. Some judges might constitute what Perelman and Olbrechts-Tyteca describe as *elite* audiences, those who are most proficient in tracking complex argumentation presented in rapid style of delivery. Given a situation where the proficiencies of audience members and debaters equal each other in terms of argument generation, tracking, analysis, and evaluation, there may be less need to adapt since the expectations for performance match the abilities and expectations of the debaters.

However, not all debates feature a match between audiences and debaters abilities described above. When students assume all judges are alike, when the student community begins to express expectations for judge adaptation, and when the judging pool adapts to

student expectations for a technical form of argument evaluation, potentially, the judging pool becomes homogeneous. Then, in seeking competitive victory, some students will become trained to ignore or neglect the different expectations called for in situations where the audiences are heterogeneous. Students shifting from one debate community to another might experience frustration. For example, the expectations for a competent performance of advocacy in NFA LD might be so complex as to overwhelm a student. Maintaining decorum, explaining technical elements of reasoning, covering many lines of argumentation, addressing the issues raised in the debate, remaining vigilant for rhetorical opportunities might thwart the need to build a relationship with the audience all challenge students' cognitive and rhetorical abilities. Thus the more technical and complex the form of discourse called for by the audience and the closer a student's conceptualization of the audience is to the Universal Audience, the less students might be required to engage in considerations of audience analysis. The more complex the audience, the more problematic considerations of audience analysis become. The tradeoff reflects two radically different emphases for forensic education. However, each is viable and important for the larger forensic community.

Imagined audiences play a critical role in educating students for the future. Our claim here is that at some point in the acquisition of knowledge about audiences, students begin to anticipate how audiences will respond. They begin to imagine how any given argument expressed in more or less technical ways, supported with more or less evidence from alternative sources, addressed in alternative orders of concern, tentatively combined with other arguments, framed in alternative paradigms or ideological systems, grounded in alternative premises for moral action, might have differential effects on an audience.

This intellectual process cannot take place until a student develops the capacity to imagine different audiences, imagine different ways of formulating arguments, and imagine how each image of an audience might react to these formulations. These formulations reflect relatively complex rhetorical proposals. They are composed on the basis of a process scanning one's experience of numerous debates to draw on what worked and what did not work as well as subjected to a relatively rapid cognitive process of evaluating their chances for success. At the highest levels they are improvisational and innovative adaptations to the unique circumstances of the rhetorical situation before the student in any given debate. Over the course of a competitive career, students develop the ability to imagine the expectations of future audiences, to develop rhetorical proposals, to evaluate them, and to act on them as speakers more successfully than had they forgone the debate experience. It is our belief that students move through the model provided by Davenport (2005), from acquisition of components, to integration of components, to the ability to engage in expert judgment of how to apply those components. However, debate coaches can benefit from a more specific description of the components used to develop skills in audience analysis and adaptation.

A Theory of Scripts

In this section of the paper, we will turn our attention to the interpersonal communication concept of scripts. Our goal is to explain how scripts can be adapted for the purpose of instruction and training in debate for the purpose of audience analysis and adaptation. We will begin our examination of scripts by first exploring some of the literature concerning scripts to draw some general requirements of scripts. Once we have reviewed the scholarship concerning scripts, we will focus on scripts as they pertain to

competitive debate in three general types of scripts: Activity scripts that reflect expectations about debate across formats of debate; Forum scripts that reflect expectations unique to a particular format of debate; and, Content scripts that reflect expectations specific to the content of a debate round. After examining the ways in which scripts have been utilized in competitive debate, we turn to a discussion of what we think coaches and students can learn about debate through the use of scripts and what may be lost due to reliance upon scripts.

Conceptualizing Scripts

Scripts are defined as a sequence of events that an individual expects to encounter where the individual is either an observer or a participant (Abelson, 1981). They enable us to find perspective and gain an understanding of the situation we find ourselves in. Connelly and Clandinin (1990) argued that humans are narrative creatures that live storied lives, so the commonalities of scripts enable strangers to have a modicum of expectation about the ways of communicating. Scripts also serve as a means of guiding our actions by providing a predictor of what should happen given past interactions and by taking into considerations the social norms for what is and what is not acceptable (Berger & Bradac, 1982).

Scripts can be learned in two ways, direct participation and observation (Berger & Bradac, 1982). In direct participation, an individual will interact with others. Through those interactions, the individual will formulate a set of expectations for behavior and then begin formulating a set of scripts to utilize in any similar situation. Berger and Bradac provided the example of going to a restaurant, where an individual may be seated by a host or hostess, approached by a waiter, given a menu, asked to order, be given the

selected food, eat the food, leave a gratuity and pay the bill (1982). In this example, an individual has directly participated in the process of going to a restaurant and for any future trips to a restaurant, the individual now has a script of the sequence of events that should transpire over the course of the outing. Observations can similarly provide an individual with the means of formulating a set of scripts. Watching others as they go through a sequence of events teaches us what we should expect if we were in the other's shoes. For example, we can watch a television show where a character may be going to a restaurant. By examining what goes on while the character is at the restaurant, we could formulate a script for the sequence of events that might take place if we were to go to a restaurant.

According to Abelson and Schank, by the time we reach adulthood, we have acquired thousands of scripts for the understanding of various routine action sequences (1977). With so many scripts at our disposal, two issues arise whenever we are faced with a new situation: (1) do we have a script that fits the situation we are facing; and, (2) if there is a script, what is our role to be played (Berger & Bradac, 1982). Once the cognitive work of determining if a script fits the situation and the role to be played within that script, an individual can then enact the appropriate behavior for that scene without paying much attention to the details.

Scripts of Competitive Debate

The practice of competitive debate provides advocates with a myriad of potential scripts that can help shape behavior in the context of a debate round. For our purposes, we will focus on three general types of scripts that a student of debate may encounter in any given round. The three types of scripts are activity scripts, forum scripts, and content

scripts. Each type of script will be explained and examined in greater detail. While other scripts surely exist, we argue that those other scripts fall within one of the three general types offered.

Activity scripts, as we define them, are those scripts that pertain to the activity of debate regardless of the format of debate. As we have discussed earlier, the formats of NPDA, NFA LD, and NDT/CEDA all have different nuances and expectations. That being said, there are those action sequences that occur across the formats. One of the most noticeable action sequences is when a debater asks the judge for a paradigm or set of preferences. This convention of competitive debate occurs regardless of the format of debate that is about to commence. The action sequence follows the script of participants entering the room, preparing themselves for the round to commence, asking the judge for some preferences, responding by the judge, and starting the round. While it will be discussed in greater detail later, a debater must be careful not to let the routine nature of asking for judging preferences become a mindless activity. While the script allows a unique opportunity for the advocate to adapt to the audience so as to garner the decision and ballot, the routinization of the practice may cause the advocate to not pay attention to the judge's paradigm

The second general type of script that occurs in the context of competitive debate has been called forum scripts. Forum scripts are those scripts that are unique to the particular format of debate students are engaged in. NPDA debate utilizes forum scripts when it comes to the practice of introductions before speeches. Unlike NDT/CEDA and NFA LD, NPDA provides a brief period for a student to thank or recognize the judge, the opponents, and the partner. The script functions by recognizing the speaker of the house,

recognizing the members of the audience, recognizing the opponents, and recognizing the partner. Those students who have been involved with NPDA for an extended period of time will often not even prepare for these remarks because that section of the speech does not require the attention to detail. A student can not pay attention to this section of the speech because the script has allowed the student to think about the other issues that will be brought up during the ensuing speech.

Content scripts make up the third general type of scripts that we will discuss. Content scripts are those scripts that apply to the actual content of the debate. We argue that the structured nature of debate has created scripts for the ways in which argument are constructed and presented to the audience. Disadvantages are negative arguments that attempt to demonstrate some hazard that should be considered before enacting some sort of legislation. The argument is constructed by presenting a brink, how soon the disaster will occur if the plan is adopted, uniqueness, why this disaster is specific to the policy being advocated, a link, how the cause of the disaster is the plan be advocated, and an impact, what disaster will occur. These pieces of the argument are presented in the order given. This argument structure has emerged due to the scripts that debaters will employ. The script follows the sequence of explaining how thing are now, analyzing what would happen if something where to change, exploring the change that is being proposed, and discussing the ultimate implication of taking the action being advocated. As a result, debaters can often be heard reciting the mantra of link, brink, impact instead of discussing the argument in great detail. Because the argument structure has been scripted, a debater can move through the argument without giving much credence to how the argument is constructed.

Using Scripts as a Way to Teach Audience Analysis

In this final section, we draw from the conceptualization of scripts based on their use in the study of interpersonal communication. Our approach is to describe the process of becoming mindful of scripts and then becoming reflective of how they work to accomplish the varied purposes to which they are used in debate.

Being Mindful of Scripts

The scripts that occur within competitive debate can allow for inattention to detail. Scholars have found that the use of scripts can result in either mindfulness or mindlessness. Langer (1989) defines mindfulness as the active and fluid information processing, sensitivity to context and multiple perspectives, and ability to draw novel distinctions. In earlier work, Langer (1978) also defines mindlessness. Mindlessness refers to either doing one thing and thinking of another or engaging in action but not thinking about anything (Langer, 1978). Routine activities breed mindlessness because we become so accustomed to the activity that we no longer think about what is being done. Berger and Bradac (1982) point out that when the action sequences become overlearned a person can become mindless to the activity. For a debater, the practice of debate can become so mundane as to elicit mindlessness. Those that have watched a competitor rattle off a topicality brief without thinking about how the argument fits within the greater negative strategy can attest to the mindlessness that sometimes comes with the greater familiarity with the activity. The successful advocate is the advocate who looks for nuance in even the most mundane of rounds. If debate is to mean more than just competition, an examination of mindfulness as pertaining to scripts may help us become better teachers of advocacy.

Burgoon, Berger, and Waldron (2000) argue that communication can elicit mindfulness. They have identified the following as prompting people to become more thoughtful: (1) novel situations, (2) novel communication formats, (3) uninvolved situations, (4) interruptions by external factors that interfere with completion of a script, (5) conflict, competition, or confusion arising among two or more message goals and /or the means of achieving them, (6) anticipating negative consequences of a message yet to be transmitted, (7) non-routine time delay or processing difficulty intervening between message formulation and actual transmission, (8) discrepant, asynchronous, or suspicion-arousing features of the modality, message, source, or situation, and (9) experiencing a positive or negative consequence that is highly discrepant from previous consequences. Encountering an unfamiliar setting or routine, failing to bring about desired goals, having completion of a planned course of action thwarted, or projecting that one's intended actions may have adverse effects – all of these circumstances should make interactants more mindful about their own and other's behavior (Burgoon, Berger, & Waldron, 2000). This means that when judges hold students accountable for their communication as it pertains to a debate, the student is more likely to give credence to the judge preference that is offered. Failure actually seems to teach students to be more mindful of the judge.

Becoming Reflective

While failure can be an even better teacher than success, we cannot advocate failure as the only means of teaching students how to avoid mindlessness and gain greater understanding of the practice of debate. Mindful advocates are those who can discern differences between judging philosophies that seem similar. For example, many novice debaters define *tabula rasa* and policy maker paradigms as nearly identical. As

demonstrated above, these two philosophies are very different and require very different strategies to win the ballot. In that vein, coaches should have their students perform before a wide array of judging philosophies so that the student is more familiar with the differences in those philosophies. Further, novelty fosters mindfulness. As teachers of advocacy, we must find ways of infusing novelty into practice sessions. Students may then become more familiar with the breadth of the activity and seek ways of adjusting the scripts to be most appropriate for the situation at hand. We believe it is the role of the coach to prompt students to think about how well they related to their audience. In the process of preparing students for competition, reviewing comments on ballots, and discussing the ways in which students' images of audiences fell short in responding to the expectations of a given debate, coaches can promote the kind of reflective thinking that leads students through the model of knowledge acquisition described by Davenport (2005).

A final implication of the argument we have been developing here is that judging differences constitute a desirable element of design for NFA LD debate. To the extent that the NFA leadership is committed to teaching students how to analyze audiences and how to adapt to audiences, we would recommend opposition to mutual preferred judging systems and instead opt for maintaining the status quo in the way of some form of random judge assignment. Only in doing so can we create situations where students must take up the process of analyzing and adapting to audiences. Attempts to homogenize the judging pool are thus inconsistent with the educational vision of NFA LD and as well, attempts to homogenize the judging pool undercuts the unique and valuable contribution

of debate in imparting an important kind of expert ability realized only after much training and experience.

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**Drawing the Line in the Sand:
Re-grounding the Theory and Practice of Topicality Debate**

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Abstract

Topicality is often one of the most frustrating positions run in NFA LD— regardless of whether it is topicality, effects topicality, or extra topicality because there is a substantial variance in the approach, structure, and theoretical grounding of the positions. From both a communication scholar and debate theorist’s perspective, many of the emergent trends are disturbing because: (a) they are pervasive; (b) they move away from good argumentation theory; (c) they make the position less appealing, less critical, and less effective; and (d) they are poor applications of debate contexts. Therefore, this paper will: (a) address the concept of resolutorial interpretation, identifying the fundamental tensions in the purpose of topicality; (b) argue for the necessity of good structure, identifying the preferred structure for topicality; and (c) offer a deep analysis of each component of a topicality position.

“When you have no basis for an argument, abuse the plaintiff.” Cicero
“Abuse of words has been the great instrument of sophistry and chicanery, of party, faction, and division in society.” John Adams

Rationale

“Abuse is the only reason to run ‘T’.” A portion of the Lincoln Douglas (LD) community will read that statement and say a collective, “Yep.” Another portion of the LD community will read that statement and cringe in utter dismay. There have been substantial changes in the ways that topicality has been run in the last couple of generations of debaters. Based on the literature discussed in this paper, this trend seems to have emerged in high school cross-examination debate and has leaked into the college circuit—in seemingly all styles of policy debate. But this ideological split in policy debate is important as it is manifested in coaching, judging, and certainly the ways that debaters approach rounds, violations, and responses. It is an ideological split indicative of some of the divisions in LD community itself as we hear portions of the community arguing more kritiks, doomsday case and disadvantage scenarios, and debating whether either side can win by merely having ‘defensive’ versus ‘offensive’ arguments.

No matter whether we see ourselves as an educator, a referee, or a trustee as we judge rounds (see Bartanen, 1994) and/or coach students, we have a responsibility to the event, to good argumentation, and to our competitors’ growth. If, over time, there are more and more espoused preferences for a-theoretical and poor argumentation advocated both before and after the round by judges, competitive norms will change and will change for the worse—as we are

presently seeing in LD. Instead of consistently seeing ballot comments like, “On T, I do think neg wins on sources T. The 1AR never contends the violation. At the point that the 1AR never explains how his education and depth standards interact with neg’s standards of resolutional integrity and grammar, I err neg on T”, we seem to see more and more comments like, “Why run topicality without abuse standards? You had plenty of evidence on case. There is clearly no abuse in round!!!¹” The first is an example of not only a more theoretically grounded evaluation of the round, but also an evaluation of the position on the merits of the argumentation in the round. The second comment, unfortunately, is an example of a seeming growing and infectious trend away from topicality theory and towards intervention based on poor conceptualizations of what topicality ought to be.

My central argument is very simple—pop topicality, or the common way that topicality is argued today, is a-theoretical and ultimately a poor way to argue topicality. I will also advocate that a more traditional and resolutional-based model of topicality grounding itself in good research and validity is a far superior model for argumentation on topicality positions. I will do so by first analyzing the competing models for interpreting the resolution and then building a case for the resolution as the center of debate.

Resolutional Interpretation

Ryan (2004) argues that the interpretation of the resolution is a critical component in debate because with stable interpretations come grounds for either justifying or de-justifying change and affirmative advocacy. As such, any discussion of topicality theory ought to begin with the underlying assumptions

¹ Examples of comments taken from competition ballots.

regarding how to interpret the resolution. By understanding differences in the approach to the resolutional burdens, the question of how to best argue topicality becomes a function of understanding the implications of the guiding assumptions of what topicality *ought* to be.

Two Competing Approaches to Interpreting the Resolution

The judges' comments highlighted above reflect the two primary ideological approaches to resolutional interpretation in LD: the ground and resolutional approaches. This section will develop the rationale and theoretical background for each approach and then argue that the resolutional approach provides the best guiding assumptions for topicality.

The Ground Approach

Today, the dominant ideological approach to arguing topicality approaches the interpretation of the resolution as a means of equitably dividing ground so that academic debate can take place. If the ground is relatively equal for both the affirmative and negative, then topicality should fall away so that the debate can focus on more substantive issues (Dudczak, 1989; Herbeck & Katsulas, 1992; Kerpen, 1999; Parson & Bart, 1992; Ryan, 2004; Unger, 1992; Voight, 1993). Underlying this means of interpreting the resolution is the assumption that the resolution's function is to enable an academic debate to occur—that if there is no way to have a reasonable debate over the issue then the affirmative ought to be penalized. In part, the advocates of the ground approach argue that because of the absolute nature of topicality's consequences (i.e., losing

the round), if the affirmative proves equal ground that should be sufficient for the rest of the debate to continue (Ryan, 2004).

In practice, as Madsen and Loudon (1987) argue, the resolution places fair limits on the sheer number of possible interpretations from which an affirmative may choose a case and the size of the boundary comes from argumentation about the definitions. Murphy (1994) points out that this approach, "...places no constraints on the typicality or representativeness of the affirmative example; the affirmative need only fall within the boundary to be judged as topical" (p. 2).

Therefore, a topicality position emphasizing a ground approach would present a definition, a violation of the definition, reasons to prefer the negative definition, and then argue that because the affirmative violates the fair limits of the resolution, the negative should be chosen in the round (Murphy, 1994).

Presumably, when the affirmative responds to such a violation they either counter define or argue that they meet. As such, the question for the round because which definition or interpretation should the judge prefer? The implication is then that the debate, and consequently the judge, focuses on the reasons to prefer and accordingly arguments about the question of fair limits, ground abuse, educational benefit, and the like as reasons to prefer one interpretation to the other.

The Resolutional Approach

The other primary approach to topicality argumentation articulates a 'truth' philosophy in that it is grounded with the belief that the resolution is simply a claim that is either defended or opposed in a round of debate. Therefore, the best way to establish the truth of the claim is to have concrete comparison of

the affirmative advocacy to the evidentiary burdens established by the claim.

Advocates for this approach argue that a ground approach is too subjective and invites unnecessary intervention by a judge's own preconceptions about the topic; that ultimately topicality argumentation becomes an issue of dueling definitions with the judge left to pick based on their own preconceptions (Lichtman, Rohrer, & Corsi, 1992; Murphy, 1994).

This approach emphasizes that the resolution is the starting point of the debate, so any critique of topicality, "should begin with an inquiry into how the argument [affirmative case] represents the resolution-focus orientation" (Murphy, 1994, p. 3). This means that standards, instead of subjectively representing an argument for a particular definition, establish a model for determining whether the affirmative case fits the requirements of the resolution. Murphy (1994) argues that this effectively and directly emphasizes the objectives of a debate, which are to determine whether the resolution is true and action ought to be taken in support of the truth of the resolution (i.e., implement a plan of action). There are three direct implications of this approach on topicality argumentation. First, definitions are offered, but the purpose of the definition is not to just offer a counter-interpretation of the resolution, but to identify what *any* affirmative ought to have to do to support the resolution. Second, standards are offered as a mechanism to concretely determine whether the affirmative is meeting the requirements of the resolution. Third, there is a distinction between truth² as a model for debate and debate as a game, where the resolution only functions to divide ground.

² "used here as the dividing line between debate as an exercise in proving resolutions which, is directed toward the truth of the resolutive statement" (Murphy, p. 3)

The Resolutional Approach Best Emphasizes Argument

On the outset, each of these approaches—the ground and the resolutional—seem a reasonable mechanism on which to base an interpretation of the resolution. And no matter differences in our community’s interpretation of resolutions and goals for LD, hopefully we can all agree that the goal of academic debate is good argumentation. As such, any position that we, or our debaters, create ought to reflect good argumentation. But, what does this really mean? we

At its core, argumentation is grounded by the six critical components of Toulmin’s model. First is the claim (Vancil, 1993). Second is ground—or the factual basis for an argument (Toulmin, 1990). Third, the warrant links the ground and the claim through an explanation of the connection between the two, identifying the rules or principles guiding inferences, decisions, or actions (Toulmin, 1990). Fourth, an argument should have backing, which is the support for the warrant or the assumption inherent in the claim (Toulmin, 1990). Fifth, arguments should contain rebuttals or clearly identify the exceptions to the ‘rule’ inherent in the claim (Toulmin, 1990). Finally, qualifiers are used to reflect the strength of the claim itself (Toulmin, 1990).

While most of us are familiar with the elements of Toulmin’s model, Trapp (1993) explains that it establishes the core requirements of the argumentative perspective, which is the first premise of any debate:

Thus, the master perspective should be chosen because of its conceptual centrality to the action of debating. But what of other potential perspectives? What about perspectives like debate as

education? Debate as a simulation of public affairs? Debate as a game? Without a master metaphor of debate as argumentation, these other perspectives remain hopelessly incomplete. The basic problem with these alternative perspectives is that they must presume a theory of argumentation which, unless it is made explicit, will be unable to sustain debate (p. 26-7).

In articulating topicality arguments, we often hear appeals to education, real world, rules of the game, etc.; however, those arguments do not work unless we focus on the ‘master metaphor’ of argumentation first. Consequently, any of our topicality arguments should first reflect the qualities of a good argument.

Emphasizing argumentation as a master metaphor for debate also highlights the importance of backing and grounds—the need for strong evidence and explanation to support our claims. In the context of debate, we typically rely on experts from the fields of study to which our resolutions relate because their judgment is viewed as the most credible (Parson & Bart, 1992; Trapp, 1993). Yet, a long-standing complaint about topicality is that it is seldom approached with the same research rigor as what guides our other positions or cases (Voight, 1993).

Argumentative Failures of the Ground Approach

Authors supporting a ground approach (e.g., Dudczak, 1989; Kerpen, 1999; Stanfield & West, 1995) make the point that the only genuine function of a resolution and its interpretation is to fairly apportion ground and that throughout the round whether that apportionment has been appropriate will be sorted out.

Yet, even advocates of this position identify the argumentative challenges with the approach:

The application of the equal ground as a criterion to the standard of reasonableness is an underdeveloped concept.... The use of equal ground as a criterion...is troubling for debate critics because it requires them to make a judgment about the effect of topicality arguments. By this, I mean that the critic/ judge is placed in the position of deciding what constitutes the argumentative ground... (Dudczak, 1989, p. 18-19).

Ground approach invites judge intervention. While Dudczak (1989) goes on to explain that intervention is not desirable and the implications of the definitions and ground argumentation should be debated out, this demonstrates that one of the critical weaknesses of the ground approach is that the onus of responsibility lies with the evaluator of the argument and not the debaters making the argument. With this model, a judge must first have an idea about what kinds of cases would be 'fair' to debate. Next, when the case is introduced in the constructive speech the judge must be able to anticipate what types—if any—of arguments could be made against the affirmative case. And finally, wait to see if the negative understands the resolution, possible cases, and arguments against the affirmative case in the same way that the judge does. At best, this makes rounds of debate exercises in mind reading and divination and from an argumentative perspective; this is a poor approach to conceptualizing and operationalizing a

resolution and its implications. This shift in the responsibility means the perspective necessarily moves away from the good argumentation.

Ground approach fosters circular reasoning. Additionally, the ground approach illustrates poor argumentation because it often employs circular reasoning. Breaking down the argument for ground as the operational approach for topicality, we see the following progression: (a) A resolution's function is to divide ground; (b) an affirmative's case must provide fair ground to both the affirmative and negative team; (c) an affirmative's division of ground is not 'topical' when it fails to divide ground appropriately. When applied to debate rounds, the truth of the claim that the resolution's function is to divide ground can only come if, at the end of the debate, the ground has been fairly divided. With the growth of the popularity of the ground approach in LD and because this line of argumentation is an endless circle, containing little substance, we end up seeing rounds upon rounds of 'my ground has been violated' with responses of, 'literature checks abuse' and little discussion of the actual topic and its implications.

Ground approach fails to substantively engage the issue. At best, the ground approach represents a game perspective because topicality, is all about a strategic game of showing ground won or lost via the affirmative interpretation, which as Trapp (1993) pointed out is an inferior approach because the game should always be about good argumentation—the game as the focus is simply unsustainable. Game, or in this case, the metagame arguments that are articulated to claim that the affirmative interpretation of the resolution abuses the negative's

ground move the debate away from the veracity of the affirmative as an illustration of the ‘truth’ of the resolution and into a guessing game of whether the negative could have possibly predicted the affirmative case (Diers, 2005). This is not argumentation because it not only fails to substantively engage the issue of topicality, but also the debate itself (Murphy, 1994).

The Resolutional Approach to Topicality Emphasizes Argument

When Plato argued against sophistry, his point was that the ethical rhetor should never rely on mere showmanship to win for the sake of winning. While Plato certainly had a different model of Truth³ in mind, he was right to argue against those who would lead knowledge communities away from well-grounded, well-reasoned, and well-researched conclusions or practices for the sake of convenience. A resolutional approach views the resolution as a claim, which via the standards of good argumentation, the affirmative must prove to be true (Murphy, 1994).

Resolutional approach emphasizes full argument development. When topicality is argued via a truth or resolutional approach, it emphasizes that the question of topicality begins with the assumption that the resolution is simply a claim that the affirmative must prove true. As such, in applying the resolutional approach to topicality the onus of responsibility for the argument construction, validity, and responses is placed squarely on the debaters instead of the judges, which is where it should be. Engaging topicality arguments concretely—that is, by using definitions and standards to establish the explicit criteria an affirmative

³ “Truth” in Plato’s context referred to absolute enlightenment—universal and irrefutable pieces of knowledge. In the modern context, we use ‘truth’ to denote verifiable and testable conclusions that can be clearly supported.

case must meet—gives critics clearer roadmaps of meaning and violation making for more credible and effective argumentation on the issue (Cheshier, 2002).

By replacing the onus of responsibility on the debaters, it makes it more difficult for affirmatives to hide behind responses to topicality of ‘reasonability’ and ‘literature checks abuse’ and the like (Deathridge & Pfau, 1985). Therefore, Deathridge and Pfau (1985) recommended that negatives must engage in a type of argumentation that demonstrate the resolution’s meaning in order to keep the affirmative accountable to the resolution. A ground approach simply cannot achieve this goal; yet, the resolutional approach does so by beginning with the assumption that the resolution is the central claim an affirmative must prove true.

Resolutional approach benefits both the affirmative and negative. Placing the responsibility on the debaters not only benefits the negative, but the affirmative as well. Instead of having to ‘prove’ that there is debatable ground, winnable positions, and ‘fairness’ in the way that their case apportions ground, the affirmative has more options in responding to a topicality argument by identifying that their case meets the standards, critiquing the definition, critiquing the standards, questioning the relationship between definition and standards, or standards and violation.

The negative, conversely, gains substantially more argumentative “ground” if the resolution is tested as a truth-based statement because the resolution itself is a static target rather than a subjective assessment determined in each round. As such, traditional negative off-case positions can be more effectively argued because the resolution is static. For instance, they may use

counterplans more effectively because there are concrete definitions of topical interpretations of the resolution. Additionally, it is easier to research concrete disadvantage links because if an affirmative is topical then links to many disadvantage scenarios would be more clear.

Therefore, the resolutorial approach to topicality best meets Dudczak's (1989) goal of having the debaters, 'debate it out' to identify how topicality should influence a round of debate better than the ground approach because it gives a more tangible methodology for constructing good arguments. By viewing the resolution as a claim that must be supported, it forces debaters and critics alike to test topicality as we would test any other good argument—by examining the explanation, support, and conclusions underlying the position (Lichtman, et al., 1992).

Ground Approach: Problematic in Practice and Lost in Translation

From an argumentative standpoint, the previous section demonstrated that the resolutorial focuses debate on the argumentation, which is what the game of debate is about. However, that is not the only reason that the LD community ought to prefer the resolutorial approach to interpreting the resolution. Many authors (e.g., Dudczak, 1989; Parson & Bart, 1992; Ryan, 2004) believe the function of the resolution, rather than providing a claim whose affirmation demands its acceptance (Lichtman, et al., 1992), is a tool to divide ground. Unfortunately, the ways ground-based standards are run today are problematic in practice and not even an accurate representation of the theory of dividing ground.

The Ground Approach is Problematic in Practice

Since I am critiquing both the practice and theory of pop topicality, it is also fair to ask ‘how are typical ground-based topicality violations run’? Figures 1 and 2 represent examples from two prominent schools on the NFA-LD circuit from the 2006-2007 school year defending the resolution: The US Federal Government should adopt a policy to significantly increase the production of energy from renewable sources. Both figures also represent ground-based topicality positions run on the circuit for the last several years. They also fit the ‘popular’ understanding of the position. For example, *Wikipedia*—bastion of truth that it is—offers substantial detail on topicality including commonly used standards like predictable limits, ground, bright line, grammar, education, effects topicality, and extra topicality (see wikipedia.com). *Wikipedia* is not the only popular topicality theory emphasizing these structures and grounding for topicality. Others like Snider (1999), Dudczak (1999), and Ryan (2004) suggest arguing the position as the figures demonstrate.

Unfortunately, being popular does not mean these positions are good, they remain problematic because of the ground-based philosophical and argumentative reasons established previously, but more directly these common pop-topicality positions beg judge intervention as there is no clear way to identify when a case is or is not topical. This has largely to do with the lack of parity between definitions (or interpretation in these positions), standards, and violations. The violations themselves relate to the definition, but standards do not serve as the bridge adding specific and resolution-related criteria on vague definitions to know when an affirmative has or has not met the requirements of the resolution. Therefore,

unless grossly mishandled by an affirmative, a judge has to intervene to vote for a negative with this type of topicality structure because the sections of the argument do not build a cohesive and complete argument. Yet, this is what we—as a community—are seeing, coaching, and running.

The Ground Approach is Lost in Translation.

The ground approach emerged as an application of the reasonability criterion for topicality. Parson and Bart (1992) are the most commonly cited authors on reasonability, which provides the grounding for fair limits and ground division as the primary function of the resolution. By re-articulating the original argument for reasonability, discussing the poor application of it in current practice, and drawing together problems of both theory and practice, this section will demonstrate that the ground approach—even if it were properly argued—is still an inferior form of argumentation on topicality to the resolutional approach.

Articulation of the proper theory of reasonability. Parson and Bart (1992) argue that there are two functions of the resolution. First, it provides debaters with an area of study to focus debates on a single issue—essentially; the resolution limits both the affirmative and the negative research. Second, because the nature of competition necessitates equity and fairness, the resolution divides ground within the broad area of study giving each side an equal opportunity to win the debate: “The focus of a theory of topicality must be upon which criteria can be used to enhance the fair division of ground, thus preserving the integrity of the academic game” (Parson & Bart, 1992, p. 149).

Therefore, Parson and Bart (1992) argue for criteria of reasonability to ensure that the topic's implications allow the negative to have equitable footing in terms of ground. They argue that reasonability is the best topicality standard because it ensures the fairness of competition; however, in order to determine what a 'reasonable' affirmative case is, it must meet three criteria. First, "the focus of topicality is upon ground division, rather than upon the affirmative measured against the topic" (Parson & Bart, 1992, p. 151). The judge, therefore, must examine the implications of the resolution for each side.

The second criterion that Parson and Bart (1992) offer in evaluating reasonability is that of field contextual definitions. They argue that while the terms of the debate might be new to debaters, there are fields that address the topics, so the field contextual definitions are superior to any others. In arguing for field contextual definitions, they roughly equate a field to an academic discipline as well as to a legal context; therefore, either academic disciplines or legal definitions are the only appropriate definitions for interpreting the resolution, according to their standard. They argue that this kind of a limitation on definitions is appropriate because it is common for real policy-makers to seek input from experts in the field—as such it is normal legislative practice to emphasize field contextual understandings of the policy under debate for implementation.

Finally, Parson and Bart (1992) argue that evaluating the grammatical context of the critical terms in the resolution is necessary to critique the affirmative's division of ground with their case. The grammatical standard argues that both the definition and the context of terms in the topicality argument must be

consistent to their grammatical use in the resolutive sentence (Herbeck & Katsulas, 1992). This suggests that not only does each word have a field contextual meaning, but it also has meaning in the context of the sentence. Therefore, because grammar includes, excludes, and sets boundaries, a topicality violation must show what is included, excluded, and what boundaries are set by the resolution itself (Parson & Bart, 1992).

Failures of current practice to model the theory. I have argued that the ground approach is problematic as a mechanism for interpreting the resolution; however, what becomes clear when we examine contemporary debate practices is that they are not even an appropriate application of the ground approach. When we compare current practice topicality argumentation with its emphasis on ground division, fair limits, and abuse to the actual articulation of the original standards on which these positions were built, we find them to be utterly a-theoretical in development and consequently not just bad arguments but bad use of the theory they claim to represent.

Neither example in the figures offers an appropriate discussion of the implications of the affirmative or negative interpretation. Both figures claim the interpretation is not a fair division of ground because it is not predictable. However, they offer no argument demonstrating that the affirmative interpretation itself is so flawed that when applied it allows cases that are clearly outside the boundary of the resolution to be articulated. In failing to extrapolate from the interpretation, these examples and much of current practice fails to make a

credible argument on ground itself and the problems with the affirmative case's implications.

Additionally, both examples argue that predictability is an attribute of an affirmative case. However, Parson and Bart (1992) never claim that predictability of case is a central feature of a fair or reasonable division of ground. They do say that the resolution sets appropriate boundaries, not that the negative must be able to reliably predict every possible case that will be run. Predictability itself has no theoretical basis in ground-based topicality argumentation. Therefore, as a standard or 'reason to prefer' a negative's interpretation, there is no basis and no justification for the predictability argument in topicality.

Finally and most egregiously, Parson and Bart (1992) argued that both field contextual definitions and grammatical standards ought to be the critical mechanisms to determine whether an affirmative case had fairly apportioned ground. However, in neither of the examples, nor most commonly run ground-based topicality positions, is either field context or grammar invoked as a means to identify what would or should be considered an appropriate or 'reasonable' interpretation of the resolution. If a negative is going to claim the affirmative is not topical because the affirmative interpretation violates a fair division of ground, then they must offer a good interpretation of how ground ought to be divided and quite simply most pop topicality positions fail in this respect.

The Resolution is the Point of the Debate

These problems alone are reason enough to reject pop topicality arguments because they simply do not even accomplish their goals of making an *argument*

regarding the division of ground. However, even if correctly run, these conceptualizations of topicality should be rejected because their base assumption that the function of the resolution is to divide ground is also fundamentally flawed. Therefore, the resolution is and ought to be the point of any round of debate (Diers, 2005; Lichtman, et al., 1992; Murphy, 1994). This section will, therefore, analyze the components of a strong topicality position from the resolitional approach. In so doing this section will offer a social science model for topicality theory and then discuss the structural components.

A Social Science Model for Topicality Theory: The Validity Test for Topicality

When we speak of fairness, we refer to ideas like justice and equality, so if our only concern for topicality is whether ground has been equally apportioned, we forget the ‘justice’ of the resolution that involves the integrity and honesty of an affirmative’s advocacy. When we come across a case that we have not seen our first reaction *ought* to be, “Is this an adequate representation of the resolution?” as this is the only grounding for topicality being an a priori issue since a judge must choose to either affirm or negate the resolution based on the case and argumentation in the round. A resolitional approach ensures equality through rigorous research and most appropriately ensures the validity and integrity of the debate.

In social science and policy research, validity is the key determinant if the work that we have done is worthwhile and it ought to be the same with debate as well. Social scientists define validity as “the extent to which an empirical measure adequately reflects the real meaning of the concept under consideration” (Babbie,

2001, p. 143). The concept asks a simple question, in relation to debate if the judge votes for the affirmative case has s/he voted for the resolution? As such, the types of validity offer an appropriate heuristic for discussing critical components of good topicality positions.

Face validity. Face validity is the first and simplest test. Face validity asks whether there is common agreement regarding the concept in question—do we recognize it as being an example of the concept (Babbie, 2001). Applied to topicality, this offers an effective justification for field contextual and legal definitions of the critical terms of a resolution. As Parson and Bart (1992) argued, field contextual and legal definitions offer the best ways to evaluate critical terms because the expertise granted confers a necessary credibility to the interpretation of the resolution. Such definitions are also a concrete mechanism for determining whether an affirmative case is topical. Ironically, as Murphy (1994) points out, Parson and Bart's advocacy for field contextual definitions better suits a resolutional or truth-based approach to resolutional interpretation because the purpose of developing such definitions is to rigorously test the affirmative's plan against the concrete evaluative standards expressed in the resolution.

While field contextual and legal definitions of terms typically offer the best measure of face validity, they are not the only means to achieving face validity. Conceptually, face validity in topicality positions means that the interpretation or definition of terms must make sense in terms of the resolution and argumentative field itself. Thus, grammar, qualitative, and quantitative field

standards can also help a topicality position achieve face validity for the same reasons as discussed above.

Criterion-related validity. The second type of validity is criterion-related validity, which is the application of a credible standard to the concept to determine its meaning (Babbie, 2001). Pop topicality has moved away from the best structure for topicality, which establishes the standards for evaluation before the violation in order to set up credible criteria. While it may have never been termed ‘criterion validity’, this is certainly not a new concept in topicality theory. As a rhetorical activity, this was the function and structure of topicality as it emerged because this is how we engage in basic rhetorical criticism, which is the same format that good topicality argumentation should use. First, the issue (or terms in the resolution) is defined. Second, the ‘model’ or theoretical position is developed (standards). Third, the model is applied to the artifact (case) in order to analyze it (violations). Finally, the implications are drawn (voters). Structurally, this is a very traditional view of topicality (Diers, 2005). If standards are used effectively, they are a way to ensure topicality arguments also establish a criterion-related validity in their argumentation.

Criterion validity in topicality standards cannot be established with many of the common standards that we see such as ground, abuse, potential abuse, education, or other intangible mechanisms. Establishing criterion validity in our topicality violations is more than just re-formatting the topicality violations to put the standards before the violations; it is fundamentally revisiting the function of the standard. The standard ought to set up an impartial ‘rule’ that identifies what

an affirmative plan has to do in order to be topical. In order for such a rule to be functional, it needs to be specific to the resolution itself—it ought to be adding to the interpretation of the resolution established by the definitions in some manner.

Another way to establish criterion validity is with tests of topicality. Tests of topicality are one of the best ways to establish whether the affirmative plan is truly an exemplar of the resolution. Cheshier (2002) argues that negatives should rely on topicality tests because they produce clear determinations of whether an affirmative is or is not meeting the burdens of the resolution. Tests qualify or quantify how to determine, for example, what ‘a significant’ change might be or how to know if the affirmative policy goal is equivalent to the goal of the resolution. They function to give the judge a roadmap to his or her decision regarding topicality. Murphy (1994) argues that such tests help to make topicality argumentation more concrete and more truth-based because they are grounded in appropriate research and argumentation. Good tests accomplish what a bright-line standard articulates—they draw the proverbial line in the sand to make it clear what constitutes a topical affirmative plan. When applied to a resolutional approach in topicality, criterion-related validity re-grounds topicality as an act of rhetorical criticism and provides an additional means for concretely determining the relationship between the affirmative plan and the resolution.

Construct validity. The third type of validity is construct validity, which identifies logical relationships among variables. Essentially it argues that if our measures of a concept are valid, they should be valid in relation to other measures (Babbie, 2001). At its heart, construct validity asks the question of context—when

we evaluate a concept have we put that concept in a proper context? It would not make sense, for example, to evaluate US prisoner demographics outside of the context of general US demographics and constructs like socio-economic status. Likewise, when we evaluate critical terms in the resolution when we construct topicality, we must also evaluate those terms in the context of the whole resolution.

This is why Parson and Bart (1992) argued that an affirmative plan, and by extension negative topicality position, ought to always be taken in the context of the whole resolution. If we argue the resolution is the central point of the debate—that it is the claim with which we start a debate—any interpretation of the resolution must also be a true reflection of the nature of the claim (Murphy, 1994). If either side fails, then they violate construct validity.

Content validity. The final type of validity is content validity, which refers to how much a measure covers a range of meanings (Babbie, 2001). Essentially, content validity is an analytical type of validity that asks whether the definition of a concept is overly broad or overly narrow. In their discussion of resolutional interpretation Parson and Bart (1992) offer an effective articulation of content validity when they point out that a good test of the veracity of the resolution's interpretation would be to identify what types of cases would also be topical if the interpretation was applied beyond just the affirmative plan or the negative topicality position.

In debating days gone by, affirmatives would often ask a negative for a 'synergistic model' to prove that their interpretation of the resolution was not

overly narrow and a poor representation of the resolutive claim. This practice has de-evolved into a ‘blip’ response that the interpretation is overly broad or overly narrow. However, the underlying question is an issue of content validity. This is also a question that best relates to a resolutive approach to topicality because it asks a necessary question for both affirmative plans and negative topicality positions—is the relationship between the interpretation offered and the resolution appropriate? Therefore, if we begin with a resolutive approach, we can more effectively ask whether interpretations offered via plan or via violation are effectively correlated to the resolution itself. This is, however, not a question appropriate to ask with a ground approach because the ground approach emphasizes the apportionment of ground, not the necessary relationship to the resolution. That is one of the reasons why Parson and Bart’s (1992) analysis about resolutive interpretation applies effectively to validity, but their ultimate advocacy for the function of topicality fails.

If each topicality position is written emphasizing—either structurally or strategically—these four components of validity competitors will not only be approaching topicality by placing the resolution first, as it should be, but also have four effective tests for the quality of the topicality argument constructed. Likewise, this offers affirmatives a more sophisticated means of responding to topicality positions—if a topicality position is not a valid interpretation of the resolution, then it should not lead to the implications or voters that the position articulates. A resolutive approach grants that any resolution is an arbitrary topic designed for competition; however, it also assumes that there are inherent

responsibilities that come when we, as a community, choose to engage in that competition.

Applying the Structural Components of Topicality

Diers (2005) argues that there is a single ‘appropriate’ structure for topicality where in the resolitional interpretation is developed first through the discussion of definitions and standards—including any tests for violation. Then the ‘model’ for topicality is then applied to plan to identify the resolitional violations. Finally, the implications for the round are drawn in the impacts or voters section of the argument. The previous sections of this paper have developed the background and arguments for adopting a resolitional approach; however, in this section, I will more closely discuss the critical components of the topicality position in light of the resolitional approach and emphasis on validity. Just as the examples developed for the ground approach helped to demonstrate the weaknesses in that approach—both in practice and theoretically, I will analyze an example of a resolution-based topicality position to help discuss the critical.

Figure 3 was taken from a topicality position run in competition that effectively reflects the resolitional approach in practice. This position, like the other two examples, was drawn from the 2006-2007 resolution advocating the adoption of a policy to increase the production of energy from renewable sources. The first point of note is that this topicality is substantially longer than the previous two topicality positions. This is necessary if topicality is constructed as an effective argument and answers one of the primary complaints against topicality—that it is merely run as a strategic argument (e.g., a ‘time suck’), rather

than an appropriate analytical position. The time suck argument is an appropriate complaint against many topicality positions when they are run in a round as Figures 1 and 2 demonstrate. However, as I have argued, such positions are incomplete arguments and should not bear consideration in the round, as they beg judge intervention. If a topicality position is run as a proper argument, then this complaint cannot be as effectively leveled because the negative must be more invested in the argument.

Resolutional interpretation. The resolutional interpretation is the first component of appropriate topicality positions (Cheshier, 2002; Diers, 2005; Murphy, 1994; Parson & Bart, 1992). Structurally, if the negative offers any definition of terms those ought to come first because they establish the basis for the violations of the resolution. Additionally, as previously discussed, the standards should come second both to function as a bridge between the definitions and to establish a “model” for understanding the violation (i.e., to offer a complete interpretation of the resolution). Together the definitions and standards offer the interpretation of the resolution.

While some topicality positions can be effective without formal definitions of terms, no topicality position can be effective without effective standards. The criteria for a good standard is very simple, as I articulated in the criterion-related validity discussion, a standard should offer a concrete and tangible mechanism to evaluate whether or not an affirmative plan is meeting the burdens established by the resolution. There are many commonly used standards that fail this requirement miserably. Snider (1999) offers a list of commonly used

topicality standards that I have placed into a table. There are certainly other standards, but these offer a good sample to draw distinctions between effective and ineffective standards. I have separated these into standards that are truth based (i.e., can offer concrete and tangible mechanisms for evaluation) and non-truth based (see Table 1).

Truth based standards function to help the judge determine whether the fundamental needs of the resolution have been met by the affirmative; whereas, non-truth based standards only function to facilitate the game and are not grounded in effective argumentation (Murphy, 1994). Establishing a test for topicality is also an effective truth based standard because it helps the judge be able to concretely and methodically determine whether the affirmative plan meets specific requirements of the resolution (Cheshier, 2002). Tests for topicality can be as simple as a substitution test or set up a complex field contextual set of criteria for what would represent a significant increase in the production of energy from renewable sources.

Evaluating the resolutorial interpretation of the example. A good resolutorial interpretation should also meet the four tests of validity developed in the previous section. Therefore, to be a good example of both a resolutorial approach and valid interpretation, Figure 3 has effective standards that reflect the four tests of validity. Note in this example, there is not an explicit definition of particular resolutorial terms, but it still demonstrates face validity. Face validity establishes whether there is common agreement regarding the concept; however, this position is not developed to critique the affirmative's interpretation of a single

word, but of the whole phrase, ‘to significantly increase the production of energy’. Therefore, the argument for face validity emerges in the definition of the phrase as an infinitive phrase. It uses the grammatical context of the resolution to establish the common agreement.

Because the interpretation is necessarily focused on the context of the phrase in the resolution, it also meets the construct validity test because it identifies the logical relationships between the terms. Sometimes debaters will argue topicality on the word “to” without taking into context the rest of the infinitive phrase, which violates the construct validity criterion; however, in this case because the infinitive is explained in the context of the entire infinitive phrase it meets the construct validity test.

The position meets the criterion-related validity test with each of its three standards. First, the grammatical standard itself is a complete articulation of the mechanism by which an affirmative can be considered either topical or not topical, based on implications of the infinitive phrase. The standard sets up the expectation and then explicitly explains what an affirmative would have to do in order to meet the grammatical test. From this point, there is a clear ‘bright line’ for both debaters and judges to evaluate the plan’s appropriateness based on the standard. Therefore, this is a valid criterion. Second, the plan equals intent standard also identifies, offers a rationale, and implications for where to test the affirmative plan. Again, this standard sets up the expectation so that the debate over the standard’s application can focus on the substance of the affirmative’s advocacy and is therefore a valid criterion. Finally, the substitution test is also a

valid criterion for evaluation because it offers a specific mechanism by which the negative, affirmative, and judge can determine whether the affirmative plan meets the grammatical standard established first. Therefore, each of the standards establishes a valid criterion for evaluating the topicality of the affirmative plan.

Finally, the topicality also establishes content validity by offering clear criteria on which the case could be included or excluded as topical. The content validity of this particular topicality position could have been strengthened in the interpretation of the resolution by offering specific examples of what types of cases would be included or excluded; however, as the violation indicates there are three examples of excluded cases available for argumentation. Therefore, even though this particular topicality does not make the content validity explicit in the position itself, the structure of the position allows for argumentation across the round to establish and/or indict this level of validity.

Violation. When constructing a topicality argument, the violation ought to logically follow from the interpretation of the resolution. In fact, it should represent a straightforward application of the ‘methodology’ established to determine the topicality of the plan from the standards. Effective violation arguments should, therefore, have three components. First, they should accurately describe what the affirmative plan does. Second, they should apply the definitions, standard(s), and/or tests for violation developed in the interpretation of the resolution. Third, they should be specific in indicating how and why the affirmative plan fails to meet the standards established by the resolution. Only

when a violation accomplishes these three goals is there a warrant to proceed to the implications (i.e., voters) (Diers, 2005).

Evaluating the violation of the example. As Figure 3 demonstrates, the violation in the example accomplishes the three goals of a topicality violation. First, it describes what the plan does. Note that built into the violation is the strategic inclusion of what was accomplished in cross-examination—identifying the plan’s goal as the affirmative understands and reads it. This simple tactic adds veracity to the negative claim that the affirmative interpretation is flawed both in the affirmative constructive and in explanation of the interpretation. Second, the violation directly applies the substitution test as the means for identifying whether the affirmative case meets the grammatical standard developed in the interpretation of the resolution. In the application, the violation is specific in both identifying what the affirmative plan does and how it fails the test. This makes the ‘bright line’ clear and explains how the affirmative is not topical—this would afford better potential debate across the rebuttals as well as a clearer mechanism on which the judge could evaluate the quality of the arguments on both sides because the standard and its application are straight-forward. Finally, the violation explicitly identifies, in two places, how and why the affirmative plan does not meet the requirements of the resolution. The last sentence of the “a” violation, “Therefore the direct purpose of plan is not to significantly increase the production of energy” as well as the last two sentences of the “b” violation, “The two are not synonymous, the meaning of the resolution has been changed. Therefore it is an inappropriate interpretation of the resolution.” demonstrate the

negative's conclusion for the argument that the affirmative violates the interpretation.

Implications. The final component of the topicality violation is the implications, impacts, or voters—which ever an individual prefers to call them. While the interpretation and the violations have a necessary correlation to one another, the implications are less directly reliant on the argument for the topicality⁴. LD, whether we philosophically agree or not, places judges in the stock issues paradigm (Birkholt & Diers, 2004; NFA LD Homepage); therefore, the implication for topicality is clear—if an affirmative has failed to uphold the topic, s/he should lose the debate. A resolutional approach is also the best approach for NFA LD because it best upholds the critical judging paradigm defined by the event itself.

However, like standards, there have been some very poor examples of voters articulated more commonly in recent years in LD. Voters articulated such as: fairness, clash, education, debatability, predictability, and tradition are examples of implications to the topicality position that are neither consistent with the stock issues paradigm nor do they offer a clear actionable step for the critic. For example, the education voter argues that debate should be educational—because the affirmative case impugns the negative's ability to prepare, the debate is not educational (Snider, 1999). It is a groundless claim for a voter because it assumes that education can only happen with 100 percent predictability, which can never be explicitly supported. It is also a poor voter because it fails to

⁴ The notable exception is if a negative chooses to argue extra topicality, so that the implications are not for an absolute voter, but an argument for solvency take out.

prioritize the issue of topicality in the round. Is topicality merely one issue among the many? Is topicality an a priori issue? Like standards and violations, the central requirement of a good implication for topicality is that it need be concrete—it needs to have a specific call to action. Often the negative call to action is ‘punish the affirmative’; however, we often see this sophistry backfire, as a judge will penalize the speaker points instead of awarding the loss as their means of punishment because the negative failed to make their call to action specific. Figure 3 demonstrates a straightforward pair of implications for the topicality argument to be evaluated first and as an absolute position.

Conclusion

While there are many examples of effective topicality positions reflecting the resolitional approach to the position that have been run, are being run, and will be run I have offered one example as a means to demonstrate how the theory discussed in this paper can be applied. When we make and run a position—whether in practice or at tournaments—good argumentation should be our goal. The bottom line is that, as a community, we have moved away from good argumentation with pop topicality positions, a poorly implemented ground approach to running topicality, and ignoring the basic goals of evidence-based debate. However, with better-constructed and more thoughtful topicality positions, emphasizing a resolitional approach, we can correct our judging and debating practices to make the issue of topicality more substantive.

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Table 1 Truth and Non-Truth Based Standards

<i>Type of Standard</i>	<i>Standard¹</i>	<i>Definition¹</i>
Truth Based	Grammatical	Definition is better because it fits into the resolution and still works
	Each Word	Each word of the resolution must have a unique meaning. The affirmative cannot make a term moot through its definitions.
	Phrase	Negative interpretation defines a phrase in the topic whereas affirmative interpretation defines one word, thereby ignoring the meaning of the word in relation to the words next to it.
	Best Definition	Negative definition is from an expert source (e.g., legal dictionary, political books, etc.) The affirmative source is not, and the best definition in the round should prevail.
	Field Context	This definition comes from a specific expert in the field.
	Scientific Superiority	Definition is better because the debate round is about science, so we should use scientific definitions.
	Legal Superiority	Definition is better because we are dealing with legal matters and should use a legal definition.
	Context	Definition is better because it uses the word in a way that experts in the field use it.
	Empirical Examples	Definition is better because it uses examples to show what is topical and what is not.
	Bright Line	Definition is better because it draws a clear distinction between what is topical and what is not, whereas the affirmative interpretation is vague.
Non-Truth Based	Fair Limits	Definition is better because it fairly limits both teams to an acceptable amount of ground.
	Framer's Intent	Definition is better because it more accurately represents what the framers of the resolution had intended.
	Education	Definition is better because it allows both sides to gain a greater education of the issues at hand.
	Ground	The negative team's interpretation of the resolution restricts the number of cases that fall within the topic; therefore, the affirmative cannot come here and run any case they choose. By doing this you, as the judge, increase the educational value of the debate round.
	Fairness	Affirmative definition makes it too hard for one side to argue.
	Tradition	Definition is better because it is a more traditional, time-honored one.
	Predictability	Affirmative interpretation forces the negative

Anthropocentrism	to debate trivial issues that it is impossible to prepare for. We preserve fairness by allowing cases that are feasible to prepare for.
Common Man	Definition is better because the topic deals with humans and impacts of plan on humanity, and the definition also focuses on humans.
Infinite Time Prep	Negative interpretation uses a more common, widely accepted definition. Affirmative definition is obscure and rarely used.
Breadth v. Depth	The affirmative has had an unlimited amount of prep time to come up with a topical case.
Enlightenment	We preserve educational value by having an in-depth debate on core topic issues. It is more educational to read one book than the titles of seven.
	Definition is better because it stems from the enlightenment philosophies that the US, along with all other subsequent democracies, were built on.

¹Standards and definitions from Snider (1999)

Topicality on Adopt

- A. Interpretation
 - 1. Definition of adopt: To take a practice from another—a pre-existing practice.
 - B. Violations
 - 1. Plan does not model itself on any other previous implementation of the renewable energy source. Therefore, it is not an adoption of a policy, but a new policy.
 - 2. In order for the adoption to be topical, this had to be specified in the affirmative constructive.
 - C. Standards
 - 1. Limits: Negative ground is harmed because there is not predictability.
 - 2. The negative has lost ground.
 - 3. The educational value of the round is lost because the negative could not predict this case.
 - D. Voters
 - 1. NFA Rules indicate that topicality is a prima facie burden.
 - 2. Ground and fairness.
-

Figure 1: Example of Ground-Based Topicality Position

Topicality on Increase Production

- A. Interpretation
 - 1. Increase Production: To require a greater amount
 - B. Violations
 - 1. The case is based in an assumption that increasing the number of plants necessarily leads to an increase in production. This is merely probabilistic, not a plan mandate.
 - 2. This requires mixing burdens because the only way the affirmative can be topical is to look at solvency or advantages and only time can predict an increase in production. This is illegitimate.
 - C. Standards
 - 1. Fair limits: The affirmative plan must be concrete to guarantee negative ground
 - 2. Ground: The affirmative cannot guarantee future fiat, they rely on their solvency actor.
 - D. Voters
 - 1. NFA Rules indicate that topicality is a prima facie burden.
 - 2. Fairness and ground.
-

Figure 2: Example of Ground-Based Topicality Position

To Significantly Increase Production of Energy Topicality

- 1) Standards
 - a) Grammatical standard: In order for an affirmative to be topical within the context of the resolution, the plan must be consistent with the grammar of the resolution.
 - i) The phrase: to significantly increase the production of energy in the resolution is an infinitive
 - (1) Infinitives are formed with To: e.g., to walk, to talk, to increase
 - (2) The structure of the phrase means that to increase production is the subject of the sentence.
 - (3) Infinitives are often used to describe future actions.
 - ii) In this resolution's structure, the only option for an affirmative plan is to directly and significantly increase the production of energy from alternative sources.
 - (1) Affirmative plans that do not directly and explicitly significantly increase the production of energy from renewable resources, based on the structure of the resolution, are not topical.
 - b) Plan = intent. The ONLY way to test the intent of the plan is to look at the mandates, as they were articulated in the affirmative constructive speech. The legislative process focuses on the letter of the proposition, not its spirit.
 - c) Substitution test as a test for narrowing the resolution: If the principle operating term of plan can be substituted for the critical term in the resolution without changing the meaning of the resolution, then the plan is an appropriate application of the resolution.
 - 2) Violations
 - a) The affirmative plan, as verified in CX does _____ (e.g., offers tax breaks, gives block grants, promotes research for new technologies, etc.). Therefore, the direct purpose of plan is not to significantly increase the production of energy.
 - b) Substitute plan text in the resolution. The resolution reads the USFG should adopt a policy to significantly increase the production of energy from renewable resources. Now substitute with the affirmative mandate and the resolution now reads: the USFG should adopt a policy to _____. The two are not synonymous; the meaning of the resolution has been changed. Therefore it's an inappropriate interpretation of the resolution.
 - 3) Impacts
 - a) Topicality is an a priori burden because any body is only given authorization to consider policy that is germane to the topic.
 - b) Topicality is also a fundamental rule in NFA Lincoln Douglas Debate.
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Figure 3: Example of Resolutonal Approach Topicality

**The Return of Inherency:
An Invitation for Relevance in Policy Debate**

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Author Note: Two Saint Anselm College debate alumni Jared Correia and Jessica Foster critiqued this manuscript. I am very grateful for their assistance.

Abstract

This paper examines the history of inherency in policy debate and attempts to bring inherency theory into a modern-day debate context. Inherency requires an examination of the root causes of a problem. An understanding of why the status quo is not changing. Without an understanding of these root causes, we can never know whether a specific affirmative plan will achieve solvency of the harms identified in the case, accrue the comparative advantages claimed or will create new and even more significant disadvantages. Inherency is our portal into having real debate about the essential issues underlying our policy choices.

Introduction

This article will explore the history of inherency theory, argue that inherency is relevant for policy debaters and propose a statement of modern inherency theory.

The discussion will begin with two fundamental questions: what is inherency and why it is relevant? The basic understanding of inherency is that the status quo will not solve the problem if left to itself. Inherency is relevant because it allows and requires the exploration of the root causes of why the status quo will not solve the problem. Root causes are essential for three reasons. First, understanding root causes of why the status quo will not solve the problem increase our ability to craft a policy that can overcome these causes and thus garner solvency. Second, to learn whether there are attitudinal forces opposed to change in the status quo that will find new means to circumvent a proposed policy. Third, and most importantly, to identify factors intrinsic to the present system and which would shape the specific elements of proposed solutions in such a way as to provide links to workability or disadvantage arguments. In short, can we write a plan that will truly be advantageous without understanding these causes and addressing them in our policy solutions?

Any theory of inherency should be based upon the purposes of inherency. The purposes and foundations of inherency were explained in Charles LaGrave's article that appeared in the 1975 debate textbook, *Advanced Debate*:

This definition of inherency reminds the speaker that in policy analysis he must go beyond simply proving the existence of a problem; he must also export its relationship to the environment.

Inherency encompasses three dimensions of proof:

1. Cause – the condition cited is caused by certain elements within the environment.

2. Permanence – this condition will continue to be caused by those elements in the future.

3. Reform – this condition will continue to exist no matter what changes are made excluding the adoption of the affirmative plan. (p. 53)

Debate theory has evolved quite a bit since this debate textbook was published. In regards to inherency, the third dimension of proof, reform, has faded to obscurity and rightly so. We no longer hold the affirmative to the standard that they must prove the affirmative plan to be the *only* option to solve the problem. However, the first two dimensions of proof, that there are *causes with permanence*, or as they will be referred to here, root causes, are still relevant and indeed essential to policy debate. This will be one of the central themes of this article and places the need for an understanding of the root causes of the inherency into the context of modern debate theory.

Knowing the answer to these questions about root causes is what sets up many good negative solvency, workability, and circumvention arguments as well as providing unique disadvantage links. The affirmative should in fairness be forced to take a stand on inherency in order to ensure competitive equity in the discussion that will take place during the round. It is the essential argument of this article, that the negative loses access to vital ground, if the affirmative fails to prove the root causes of the inherency. Modern debate theory has focused a great deal of attention on the fair division of ground and its applications to a wide range of theoretical issues. If the negative forces the affirmative to prove its inherency, it will be rewarded with ample ground in the form of solid case-specific links to plan attacks.

Inherency in the 1970s and 1980s

Inherency theory began to coalesce around a fairly straightforward principle: the affirmative must prove either a structural or attitudinal barrier to the status quo solving the harms. Robert Abrams and Carolyn Novak wrote in the *National Forensic Journal*, (Spring 1997) (citing multiple sources from the 1980s):

Indeed, the vast majority of scholars note that inherency is a stock issue and that this burden can be met only by demonstrating a structural or attitudinal barrier. Sheckels notes "Theorists generally agree that the status quo's failure to meet the goal must be inherent. Something-a law, a loophole, a Supreme Court decision-must be blocking the status quo from meeting the goal."¹⁷ The affirmative has the burden to demonstrate that the current system is structurally or attitudinally incapable of solving its problems. The inability to fulfill this burden within the stock issues paradigm fails to justify the resolution.¹⁸ (p. 42)

Also note the requirement for a qualitative change from David Zarefsky in the *Journal of the American Forensics Association* (Winter 1969): "To begin with, a comparative advantage case must entail an inherent change – normally, the addition or subtraction of men, money or office space will not be enough. Qualitative change is demanded."

This delineation between qualitative and quantitative change leads us to the other major development in inherency theory: the minor repair. The minor repair is a corollary to inherency theory. It springs from recognition that the status quo is not static and that there are sometimes quantitative changes that, absent the affirmative plan, can solve the problem. The minor repair is a way for the negative to argue that although the status quo may not be there yet, it is moving in that direction (propensity) and that with some

additional spending (small quantitative changes), the status quo will arrive at a solution in the not too distant future (time frame) without any major reform of existing laws (no qualitative changes). Austin Freeley and David Steinberg, in their classic textbook, *Argumentation and Debate* (2005), lay out the basic requirements of the minor repair:

The repairs or modifications should be relatively few and relatively minor; they have to be consistent with the status quo; there should be ample precedent for such actions; and they must be capable of being put into effect without any structural change in the status quo. (p. 235)

The affirmative response to the minor repair has been two-fold: first to argue that the quantitative increase embodied in the minor repair crossed the threshold into affirmative ground and second, that the minor repair embodied qualitative change and thus was not a minor repair. In the second case, when the negative proposes a qualitative change in the laws of the present system as its minor repair, the affirmative usually prevails because qualitative changes are the hallmark of affirmative plan ground.

In the first case, when the negative makes a quantitative change, theoretical issues do arise. The major issue that arises with a minor repair is how much quantitative change, specifically how much additional funding, is within negative ground and at what point quantitative change becomes an inherent affirmative plan. The notion of a \$1 billion test for a minor repair has been offered in many debate rounds and is based on the interpretation of inherency advanced by Freeley and Steinberg (2000). However, a careful reading of their work shows the same \$1 Billion could be a minor repair in one context and not a minor repair in another context.

The distinction between minor and major repairs is situational. Minor repairs utilize the status quo mechanisms in a way that does not significantly alter the status quo or change its structure. Major repairs significantly alter the status quo and may require a change in its structure. A plan that provided for the federal government to spend \$1 billion more in grants to the nation's police forces would probably qualify as a minor repair. A senator once commented on the scale of federal expenditures by observing wryly, "A billion here, a billion there, and pretty soon it adds up to real money." A \$1-billion increase for police by even the largest of cities would, of course, require massive structural changes in the status quo. (Freeley & Steinberg, 2000, p. 236).

I think it is better to talk in terms of percentage of increase rather than in actual dollar amounts, because a \$1 Billion increase in a program that only spends \$500 million in the status quo is a substantial increase because it would be a 300% increase, whereas a \$1 billion increase in a program that spends \$50 Billion in the status quo is not a substantial increase because it would only be a 2% increase.

Interestingly, the minor repair has become a procedural argument in the 2000s. Many debaters have tried their best to distance the minor repair from its roots as an inherency argument, positing it as a test of topicality or as an independent procedural argument. When inherency is run as part of a topicality argument, the negative argues that the topic requires a *significant* or *substantial* increase in action, and then argue that if the affirmative plan could be replaced with a minor repair, then by definition the plan is not a *significant* increase and thus not topical. Sometimes the minor repair is run as an

independent off-case procedural argument, separate from the inherency contention that is part of the case. In either situation, the negative still has to prove that the affirmative plan is a minor repair, before the negative can access their voter (either the topicality or the procedural voter). In these cases, the negative typically will not claim an inherency violation, although the merits of the argument still require full compliance with the theoretical requirements of a minor repair and as such are historically grounded in inherency theory. The fundamental question is whether the affirmative plan is really adopting status quo ground or affirmative ground. This is truly a question of inherency. Nonetheless, such arguments are considered more likely to be successful if presented as either a topicality argument or as a procedural argument, rather than as an inherency argument.

Inherency in the 1990s and 2000s

Two new forms of Inherency evolved during these decades: gap inherency and existential inherency. First we will look at gap inherency. Gap inherency involves situations where a new type of problem has arisen in society and has not been addressed by our legal structures. The laws don't cover the area of the affirmative plan and we need to pass new laws to solve the problem. Leslie Phillips, William Hicks and Douglas Springer, in their textbook *Basic Debate* (1997) write:

Of course, in keeping with the historical analysis of the growth and development of the traditional need-plan case, inherency also is created by the absence of necessary legislation. The problems that exist because of the inability of government to act without any legislative authority can

only be remedied by the creation of enabling legislation, together with its agencies and adequate resources to fulfill the intent of the law. (p.104).

Gap inherency has been located as a subset falling within the larger category of structural inherency. Professors Freeley and Steinberg offer a simple definition of gap inherency in their textbook: “(b) Structural Gap. Structural inherency can also take the form of the absence of a structure necessary to permit or mandate the policy advocated by the affirmative” (p. 190).

Gap inherency has a legitimate place in debate because there are many situations that the present system has not addressed. But as time goes on, we as a society do eventually address most new situations in our legal structures and we come back to the earlier questions: what is the attitude of the status quo and why aren't they changing our laws quickly enough to accommodate solutions to this problem. These attitudes are crucial to answering the original inherency theory question: why aren't we changing now. Gap inherency will melt into existential inherency if there is no bright line between the two. In order to provide gap inherency with a strong theoretical justification, many affirmative debaters will combine two elements: proof of a structural gap and proof that due to attitudinal pressures in the status quo, the gap will not be closed in the near future. This combination of proofs does satisfy both the basic definition of inherency (the status quo will not solve the problem if left to itself) and the reasons behind the theory of inherency (an explanation of why the status quo will not solve the problem).

The next theory of inherency is existential inherency. Professors Freeley and Steinberg describe existential inherency as follows: “Advocates will sometimes argue existential inherency – that is, they argue that because a problem exists it must be

inherent in the status quo.” (p. 192) Although the phrase existential inherency is hardly heard anymore in actual debate rounds, this is the major fault line that current debaters are trying to deal with. Many modern debaters believe that there is no need for inherency anymore. If the plan does not exist in the status quo, then the affirmative wins inherency and we should move on to other discussions. However, some authors have found this reasoning to be without support. The last article written about inherency in the NFA Journal addressed this issue head-on.

Abrams and Novak (1997) wrote: “Existential inherency exists because existential inherency exists’ is a kind of circular reasoning that the NFA community of debaters and judges should reject. As this paper has argued, the mere existence of a thing does not necessarily warrant change, especially when such an idea of inherency runs counter to decades of acceptance by theorists, coaches and debaters in propositions of policy.” (p. 42)

The basic problem with existential inherency is that it does not prove that the status quo will not solve the problem if left alone. This is important because it allows the affirmative to avoid discussing why the problem is inherent. There is no discussion of how the status quo arrived at the place where it now stands, whether the status quo is static or moving, and why the status quo will not change in the direction of the affirmative plan. In a general sense, we have to understand history in order to make sure that we learn from its lessons. In a debate sense, it is understanding why the status quo behaves as it does, that allows the negative debater to develop case-specific and relevant plan attacks. To avoid that discussion would be a poor way to make public policy in the

real world. In the debate world, it reduces the educational strength of the activity and skews the debate in favor of the affirmative.

Inherency and the Comparative Advantage case

Inherency theory has not evolved in a vacuum. The comparative advantage case (hereafter CA case) has been one of the major developments in debate theory and it has had a significant impact on inherency theory. The CA case was first seen in policy debate in the 1960s, was certainly prevalent in the late-1960s and early-1970s, and was all but exclusive by the late-1970s. Initially, in the debate literature, inherency and the CA case were not considered mutually exclusive. The advent of the CA case did not remove the need for inherency. If inherency was relevant at all, it was just as relevant to a CA case as it was to a stock issues case. One of the earlier articles concerning CA cases was written by Prof. Zarefsky and published in the winter 1969 issue of the Journal of the American Forensic Association. He noted that:

It should be reiterated that this article takes no position on the question of whether the establishment of *inherency* is logically or rhetorically necessary for any affirmative case. The writers' claim is that if such a standard is to be adopted, it provides no basis for dichotomizing between traditional and comparative advantage cases (p.

The rise of the CA case did eventually have an impact on inherency. Under the CA case, the affirmative would argue that "if I only save one life or even have the risk of saving one dollar, then you should vote AFF, if there is no reason not to." Change became presumed to be the safer course of action and sticking with the status quo was presumed to be an unwise policy choice. Thousand of debaters have won rounds on the

argument that “I save or may save one life.” Eventually, this logic has been extended to inherency. The affirmative essentially argues we can’t afford to wait for the status quo to solve the problem (even if they have propensity to move in that direction) because we need it now – if we wait even one month, then one more person could die. In practice, the CA case has worked to reduce the importance of inherency. It is precisely because the affirmative can argue for the “risk” of achieving its advantage that the negative needs to understand the root causes of the inherent barrier. What the negative needs to defeat the “I may save one life sooner than the status quo” CA case, is a practical, real-world disadvantage. In order to get the links to that disadvantage, the negative must have a solid understanding of the issues underlying the affirmative case, specifically the inherency position. Understanding the root causes of why the status quo has failed to adopt any policy will usually enlighten the negative to a number of real-world consequences, which can be developed into case turns or disadvantages. Inherency is the real key to negative disadvantage development in CA cases and as such is crucial to negative ground in the debate.

I am not suggesting that inherency is the only issue the negative needs to understand in order to defeat a CA case. They also want to understand alternative causalities, which may explain why the problem is hard to solve, no matter what solution is employed. Unfortunately, these alternative causalities usually only help the negative develop their solvency positions. In practice, solvency arguments are usually not enough to beat a CA case. A disadvantage is needed and against minimal advantage cases, they can either be case specific or generic. The case specific disadvantages often flow from an

understanding of why the status quo has not adopted the affirmative plan. As such, inherency is an essential tool for negative in arguing against CA cases.

Why is Inherency Relevant?

All debate topics and cases start with either the desire to solve a problem that exists or the desire to improve the current situation. The affirmative case is largely a discussion of why we should be taking action (as explored through their harms or advantages, and the solvency of either). It is here that inherency makes its return to relevance. We need to examine why the status quo remains resistant to change. We are looking to understand the root causes of inherency. Understanding this will provide the negative with solid ground linking underlying positions intrinsic to the affirmative case and negative plan attacks. This occurs in four areas: solvency, workability, circumvention and disadvantage.

First, inherency informs us regarding solvency. Inherency clarifies our understanding of why the status quo has developed the policy that it has. Just as we are always interested in the specific features and rationales underlying the affirmative plan, we need to explore the status quo under the same light. The status quo does not exist in a vacuum. The status quo has arrived where it is by choosing between competing policies. The status quo may also be a multi-faceted policy. Often with domestic topics, the status quo may be composed of a variety of different policies among the 50 states. Whether the status quo has chosen to have only one policy or is composed of multiple policies, understanding the history of these policies, why they were chosen and why they work or fail, is crucial to understanding the likely solvency of the affirmative plan. This depth of

understanding will provide us with a framework to compare the status quo and the affirmative plan.

Second, inherency also can tell us how the availability of certain personnel, supplies, or technology has affected the decision making of the status quo. This information is extremely relevant to our ability to assess the effectiveness of the affirmative plan. Understanding the reasoning that guided the status quo can provide the negative with ground for workability arguments.

Although not argued as frequently, inherency also provides us with the basis for any circumvention arguments. Attitudinal inherency identifies who has an interest in maintaining the status quo. This provides the negative with the motive for any circumvention argument. Now the negative has to develop a means for that motive to take effect and then quantify the impact.

Finally, inherency is the origin of many links to disadvantages. As argued above in the discussion of CA cases, by understanding the root causes of inherency, the negative generates links to real-world consequences or disadvantages.

The following example illustrates the importance of a comparison between the status quo and the proposed affirmative policy at the level of understanding the *why* or root causes of the harms in the status quo: an affirmative plan that vaguely promised to increase wind power by 1,000%. There are many good reasons to support wind power over coal power. However, the plan needs specificity. How is the affirmative going to get all of that wind power from the windmills (presumably in the windy places of the country) to the electricity users in other parts of the country? Improvements in the grid would be required to move that much energy. Without a discussion of the massive capital

investment that would be required to upgrade the grid and its role in keeping the status quo from adopting such a huge increase in wind power, the negative would never have the link to major solvency, workability, or disadvantage positions related to the need to expand the size of the grid or the impacts of the failure to do so in the affirmative plan. There are other why's involving our current lack of wind power: the role of people who oppose wind power (namely the coal and nuclear companies –which would lead us to obvious disadvantage links) and the high initial cost of establishing wind turbines, given the lack of a guaranteed economic return (which would trigger discussions of the problems of the intermittency of wind power).

Another example deals with an affirmative case that involves procedural due process rules in the juvenile justice system. The affirmative plan would adopt uniform rules for all cases as a means of protecting due process. For inherency, the affirmative simply argues that the present system is a disparate set of rules. If the negative has researched the history of the status quo, they could argue that the present system actually uses a set of established legal criteria that are applied on a case-by-case system by trial judges. The negative could argue that evidence and studies from law review articles shows this case-by-case approach is effective at protecting the rights of the accused and that the uniform rule proposed by the affirmative would result in injustice in many cases. With this evidence, the negative could use its understanding of inherency to mitigate the harms and solvency claims of the case by arguing that the present system uses the affirmative approach in those cases in which it is merited, and at the same time develop the link and uniqueness for a disadvantage because the case-by-case system avoids using the affirmative approach where it would be unwise. This example also highlights how a

strong negative inherency attack can be especially useful in establishing the uniqueness of a key disadvantage. The use of the inherency position becomes the key to making the disadvantage work for the negative. By contrast, if the negative was not prepared to defend the status quo, they could still present a disadvantage against the due process rules proposed by the affirmative, but they would probably lose the disadvantage on grounds of non-uniqueness because the status quo already uses those rules in a large percentage of cases. The negative might attempt to make the disadvantage unique by running a counterplan that would ban the affirmative plan completely. This counterplan may not be a viable option depending on the wording of the topic. If the topic were bi-directional, the counterplan would be topical and thus not allowed under NFA rules. In this situation, the only way that the negative can access this key disadvantage is with a strong inherency position as its starting point.

A third and final example deals with a foreign policy topic. Here the affirmative might argue for United States military action against a particular local group in another country that is committing human rights violations. The affirmative inherency is simply that the United States is not using military force in this case, without any further explanation. Through research of the inherency, the negative may find that the reason the United States does not use military force in the present system is that other countries in the region are actively working on their own military solution to this and other similar problems. For larger policy reasons, it may be preferable for the United States not to step in at the present time. Cooperative action by regional countries may be more likely to be effective than outside intervention (harms/solvency mitigation), in the long run will provide a deterrent to similar human rights violations in that region (case turn) and would

avoid the deleterious consequences of direct United States unilateral action (disadvantage). Even without having any research on the status quo policy, the negative could always run the disadvantage, but would miss out on the harms/solvency mitigation and the case turn.

As these examples illustrate, knowing the *why*, or root causes, of inherency, can provide the negative with important links to major plan attacks, such as solvency, workability, case turns, and disadvantages. Also, these examples illustrate how understanding inherency can increase the ground available to the negative and provide many more viable strategic options.

By way of explanation, it must be added that the root causes of the inherency are very different from alternate causes of the harms. To understand the difference between root causes and alternate causes, consider an affirmative case that is planning to improve public school education through federally financed teacher training, mentorship and higher salaries. Under inherency, a discussion of the root causes of the status quo's failure to address this problem might include lack of political constituency, budgetary constraints, or a misplaced focus on other educational policies. An examination of these root causes would provide an astute negative with obvious links to disadvantages, such as various forms of the cost disadvantage. By contrast, alternate causes of the harms might include positions such as the effects of poor housing, inadequate childhood nutrition, levels of lead paint, air and water pollution, substance abuse, and neighborhood crime on school performance. An examination of these alternate causalities would open up various solvency positions for the negative. Both root causes of inherency and alternate causes of the harms are relevant to the debate as a whole, but they are different concepts. One

examines why we are not making reforms now and the other discusses why particular reforms may fail to solve the problem.

Finally, we must discuss inherency in terms of negative ground. The question raised here is what must the affirmative prove, and when, to satisfy their burden of inherency? To answer the question we must look to the issue of ground. The issue of ground takes place in many locations in modern policy debate. Ground abuse is considered a persuasive, if not a necessary, element of proof in a prima facie negative topicality position. Also, ground abuse is equally essential to the discussion of counterplan competitiveness, whether it be the affirmative arguing against a plan inclusive counterplan or the negative arguing against the affirmative's use of various and expansive types of permutations. Likewise, ground loss is a crucial part of any negative fiat abuse position, where the negative will argue the affirmative oversteps its legitimate bounds for choice of actors and takes away negative counterplan ground. Ground loss is essential to plan specificity arguments such as *void for vagueness* where the NEG will argue they are denied links to relevant workability arguments or disadvantages because the affirmative does not clarify the specific mechanisms of the affirmative plan. Many debate judges will state in their judging paradigm that they will not vote for these arguments unless ground loss or abuse is proven. In short, ground loss or abuse is essential to and presumptive proof of the relevance of almost all modern procedural arguments.

Ground abuse is just as important, in fact it is fundamental, to inherency theory and for this reason I believe that the affirmative meets its inherency burden if it proves that the status quo lacks the propensity to solve the problem in the first affirmative

constructive and is prepared in cross-examination to completely answer the question as to why the status quo will not solve the problem. Once we have identified the affirmative ground for inherency, then the negative has its ground for truly substantial and legitimate solvency, circumvention, workability and disadvantage links.

If the affirmative will not answer questions in cross-examination regarding why the status quo will not solve the problem, then the negative has the right to offer their own explanation and the negative would be reasonable in claiming that the affirmative gave up their chance to take a counter position on that issue. The negative can then use these explanations it offers as links to solvency and disadvantage attacks. However, if the affirmative does take a stand during cross-examination on the story behind their inherency, and the negative takes a counter stand as to the root causes of the inherency, then both sides should offer their analysis and evidence and the argument can be evaluated by the judge like any other position. If there is no evidence available in the literature as to why the status quo has arrived at its current policy and is unwilling to make further changes, then the affirmative can make that claim and it should be sufficient to satisfy their inherency burden, unless the negative can prove otherwise.

What does the AFF have to prove?

I offer the following as a simple statement of modern inherency theory.

1. Inherency is a prima facie burden of the affirmative, just as solvency, and either harms or comparative advantages are prima facie burdens.
2. Inherency means the status quo lacks the propensity to solve the harms or accrue the comparative advantages absent a major policy change such as the affirmative plan.

3. To prove inherency the affirmative must prove one of the following: (a) a structural barrier, or (b) an attitudinal barrier, or (c) a structural gap accompanied by proof that there is no propensity for the status quo to close the gap.

Inherency is an essential part of an affirmative case because it answers the root cause issues of why the status quo is not solving the problem. It is proof of these root causes that insures the negative has fair ground for links to plan attacks. The affirmative must either address those root causes of inherency in the first affirmative constructive, be willing to provide complete answers if confronted with such questions during cross-examination, or concede the discussion of the root causes to the negative.

I need to break down the four types of inherency at this point: structural, attitudinal, gap and existential inherency, and examine each of them in light of the two demands of inherency: the propensity for the status quo to act and the root causes of the inherency.

First, let us look at attitudinal barriers. To prove a prima facie case of attitudinal barriers, the affirmative must prove that powerful forces will prevent solutions from taking place in practice or that these powerful forces will prevent reforms from being adopted as policies. As such, attitudinal barriers would satisfy the proof that both the status quo lacks the propensity to solve the problem and provides an explanation as to why the status quo will not reform on its own. Clearly, attitudinal inherency comes with an agent or agency that is opposed to solving the problem or adopting the plan. Once we have identified who is opposed to the solution, then it becomes easy to do research, find sources and make arguments as to why they are opposed. If their grounds for opposition are reasonable, then we have links to solvency positions and disadvantages. If their

grounds are not so reasonable, but they are powerful, then we have links to circumvention. (All the negative needs to make this argument are motive, means and impact. Attitudinal inherency provides the motive.)

Second, I examine Structural Barriers. To meet this type of inherency, the affirmative must offer a law, regulation, or governing judicial decision that stands in the way of the status quo solving the problem without having that legal barrier overturned or changed. This barrier need not actually ban or prohibit the affirmative plan, but it must be a strong enough barrier to preclude the adoption of policies that would solve the problem. In the case of structural inherency, there is no who or why necessarily explicit in the words of a statute. However, if a statute exists and it actually does preclude the adoption of the affirmative plan or similar reforms that could exist in the status quo, then there would clearly be a legislative history available which would be easy to track through Congressional hearings and newspaper and advocacy articles which would give both the affirmative and the negative plenty of ground to explain why either the status quo or the affirmative plan (or a counterplan for that matter) would be the best solution. Likewise, if the legal barrier is a court case, then there are always lower court decisions, briefs presented by the parties to the Supreme Court and *amicus curiae* briefs to explain the why position for both the affirmative and negative. As such, structural barriers would satisfy the proof that both the status quo lacks the propensity to solve the problem and a search of the legislative or judicial history could easily explain why the status quo will not reform on its own.

Third, I consider gap inherency. While it is conceivable that some new topic area will come along that has not been addressed at all by the legal system (legislatively or

judicially) there are always some counter forces at work before the legal system gets involved if there is a harms scenario. On both the *Electronically Mediated Communications* topic (which included cases regarding the internet) and the *Genetically Modified Organisms* topic (the two most obvious “new territory” topics that the National Forensics Association has debated in the past decade), there were forces at work that could explain the reasons why the status quo did not solve the problems identified by the affirmative, even if there were gaps in the laws. An offer of gap inherency, without any explanation of why there is such a gap or why the gap will not be closed by the status quo, fails to meet the necessary burden of proof. However, gap inherency along with proof that the status quo will not close the gap, due to either active interference or passive indifference, is sufficient to prove inherency. This combination proves the status quo does not have the propensity to solve the problem and explains why the problem will continue.

At a theoretical level, this interpretation of gap inherency is neither purely structural inherency nor attitudinal inherency. It is not a complete structural barrier by itself, because there is no legal barrier to solving the problem in the status quo. Rather, it is the absence of a legal structure addressing the problem. Likewise, it is not a complete attitudinal barrier either, because it does not require the proof of powerful forces working against solving the problem or adopting the affirmative plan in the status quo, rather it only requires proof of the absence of momentum to redress the gap in the structural legal system. As such, a sufficient offer of gap inherency is a hybrid of the two, with elements of both structural and attitudinal inherency. Under this interpretation, gap inherency is not subsumed by either structural or attitudinal inherency. It does not require the same degree

of rigorous proof that either structural or attitudinal inherency require alone. It is the combination of the two that makes gap inherency sufficient. Together the two parts add up to make a whole. As such, it is a worthy third category of inherency.

Fourth, I will look at existential inherency. This is a statement that the problem exists with no attempt to prove that the status quo will not solve the problem on its own and makes no explanation as to why the status quo will not reform. There seems to be little difference between an existential inherency contention and a harms contention. If one believes that inherency is a burden of the affirmative team, then existential inherency does not meet that burden of prima facie proof. The theoretical justification for this has been discussed above. In short, existential inherency, with no further explanation, leaves us with a complete dearth of information to make a comparison of the two policies and consequently the loss of negative ground in terms of links to solvency and disadvantage arguments.

Finally, whatever theory of inherency is proposed need go no further than to prove the problem is persistent in the status quo and explain why. There are three things the affirmative does not have to prove, and although none of these are new suggestions, they should be listed here. First, the affirmative need not prove the plan presented is the only alternative that can solve the problem. The negative has the right to defend alternatives that exist in the present system; they may offer either a minor repair or to present a counterplan. In regards to counterplan theory, so long as the negative has reasonable counterplan ground (either allowing the negative to adopt a topical counterplan, which would currently not be allowed under NFA rules, the advocacy of a non-topical action that solves the affirmative harms, or granting reasonable use of fiat for

a counterplan using non-topical actors), then the competitive balance between affirmative and negative is maintained. Second, the affirmative is not required to prove that the status quo specifically will not adopt the proposed plan – rather the focus of inherency need only be on proving the status quo will not solve the problem if left to itself. Third, the affirmative need not meet or prove multiple types of inherency. Proof of one of the three types of inherency (structural barrier, attitudinal barrier or gap inherency) is sufficient.

With Comparative Advantages, why bother with Inherency?

The rebuttal that many debaters have offered to this position is the affirmative merely needs to prove that its plan is better than the status quo and that is sufficient. As for inherency, they contend it is no longer relevant. The predominant version of this position is the following: if the status quo has not adopted the affirmative plan verbatim, then the plan is inherent.

This theory has several theoretical and practical deficiencies. It also has implications for the activity as a whole.

At a theoretical level, there are three problems. First, it makes no attempt to explain why the status quo has not adopted the affirmative plan. As explained above, this formulation of inherency theory results in clear ground loss for the negative in terms of links to solvency, circumvention, workability and disadvantages.

Second, this interpretation goes overboard. It takes an unreasonable and old interpretation of inherency (that the affirmative must prove the status quo will not adopt the plan specifically) and tries to make the converse into a new theory of inherency (the mere fact that the status quo has not adopted the AFF plan specifically). Both theories,

the old and the new, are unreasonable. The purpose of inherency should not be to focus on whether the specific plan has been adopted in the status quo. Both the old and the new theories operate on the assumption that the mere facts regarding the adoption (or non-adoption) of the plan in the status quo are all that matter. The real discussion on inherency revolves around two issues: first, how is the problem in general, being solved in the status quo, and second, if the plan is so good, why aren't we doing it now. Looking at these two issues will give us warrants from which we can develop greater understanding of the merits of proposed policy options. If debate is an educational activity, increasing our understanding of what makes policies work in the real world is the direction we want to see our activity evolve.

Third, the problem with this formulation of inherency theory is that it works sometimes and does not work other times. I have not seen a complete articulated theory of existential inherency that clearly defines the acceptable difference between the status quo and the affirmative plan. There are two categories that highlight the failure of existential inherency to draw a line between the status quo and the affirmative plan: time and money.

In regards to time, existential inherency leaves unanswered the question: Is there any limit to the comparative advantage of the affirmative in adopting the plan immediately through fiat power, compared to the negative whose status quo goes through "normal means"? Let's assume that some policy has been proposed, has been tested to see if it works, everyone agrees that it works, has legislative approval, is making its way through the bureaucratic system, and will be actually put into place within the month (or the week). Or suppose that the plan is a legislative change that has been debated in

Congress, won approval by an overwhelming veto-proof margin and awaits the President's signature. The affirmative fiats immediate government adoption of the plan. Is that enough inherency? Should the affirmative win by mere virtue of having fiat power? For those who would say yes, can they articulate a comprehensive theory of fiat power consistent with this theory of inherency? Fiat power was originally proposed to make sure that the affirmative plan was passed and we did not get bogged down into discussions of whether there would be enough votes in Congress to keep the plan from being vetoed by the President or overturned by the Congress itself 10 minutes after the debate is finished. However, this existential formulation of inherency seems to justify the use of fiat power to give the affirmative the power to jump into hyperdrive and get to the finish line a nose ahead of the status quo. Or is there some degree of fiat magic that does establish a legitimate degree of inherency (the affirmative reaches the finish line one month ahead of the status quo rather than a few hours ahead of the status quo) and if so what is that line? If adopting the plan one day sooner is enough to vote affirmative, then what theory of inherency can be articulated that will include this minor increase in the speed of adoption of the plan and at the same time will preserve a common understanding of the justification of fiat?

Some might argue that such cases will not succeed because they are merely minor repairs. However, the theory of inherency we are examining suggests that unless the status quo has adopted the affirmative plan verbatim, the affirmative wins inherency. Under this theory there are no legitimate negative minor repairs. If we accept this formulation of inherency, the affirmative is immune to all attempts to propose a minor repair.

Others might contend that politics disadvantages take care of this situation. First, let's realize that if we accept this form of existential inherency, we have removed the minor repair as a procedural argument and as a test of topicality. Also, any case-specific harms, solvency, case turns or disadvantages are nearly impossible as the status quo is already adopting the affirmative plan, and these attacks would apply to both the plan and the status quo. While a politics disadvantage would potentially apply, there is little question that this version of inherency theory has dramatically taken away legitimate negative ground, thus reducing the competitive equity of the activity. It also narrows the education gains we can achieve by refocusing the discussion away from the core issues of the topic and into the domain of politics. Further, this would not be a politics disadvantage involving political tradeoffs between larger issues, much like competing financial resources. The link is not that passing a policy on the topic will reduce the pool of political capital, making it unavailable for other more pressing policy concerns; rather the link must be that addressing this issue *now* is bad from a political scheduling perspective, because it would interfere with another issue which demands attention first. The disadvantage would focus strictly on the timing of political change and what bills are in front of Congress this week. Not that this is irrelevant, but it is a long way from clashing over more fundamental issues such as, should we make a policy change and what policy should we adopt.

Concerning money, this formulation of inherency does not resolve the question: Is there any limit to the comparative advantage of the affirmative by simply increasing funding for a worthy existing program? Let's begin with an extreme example. What if the affirmative plan takes an existing program and merely adds 1% more funding? That

is surely a change. If the program is a good one, and there are still more people who could benefit from the program, then it would surely be better than the status quo. If so, then what about a policy that increased the program by 1/10th of 1% or to put it in the terms of a comparative advantage debater: what if the program was offered to just one more person than the status quo? Where is the line? What theory of inherency can be articulated that will include such a minor increase in the scope of an existing program without encroaching on the negative ground to offer a minor repair?

If the minor repair can check back this abuse, then a theoretical framework allowing an affirmative plan to be inherent as long as the status quo had not already adopted the plan verbatim would not be valid. If the minor repair is still a viable option for negating a plan, then the existential inherency theory must be false. If existential inherency is still a viable option, then the minor repair cannot exist. They cannot co-exist. This definition of inherency allows the affirmative to adopt a plan supporting any minute increase in funding over the status quo. This would clearly be abusive to the negative. We need an articulation of inherency that is consistent with minor repair theory.

Let's return to minor repairs for a moment. How do we know if a repair is minor? The definition of a minor repair has always taken place within the broader context of inherency. The various definitions of and criteria for a minor repair all discuss the structures and attitudes of the status quo as the point of comparison. Recall our earlier quotation from Professors Freely and Steinberg regarding minor repairs where they discussed the criteria as being "consistent with the status quo," having "ample precedent for such actions," and "being put into effect without any structural change." Any cogent argument for minor repair must address and satisfy the same concepts and theories as the

basic arguments supporting structural and attitudinal inherency. The minor repair is an extension of inherency and a check against abuse on the part of the affirmative. We should not forfeit the minor repair. Instead we should have a theory of inherency that is reasonable to both the affirmative and negative.

The above theoretical problems with existential inherency are compounded when we realize that the application of this theory creates real problems for the practice of debate, especially in NFA Lincoln-Douglas debate. In practice, removing the requirement for the affirmative to provide a defense of inherency in the first constructive and the initial cross-examination reduces the presence of warrants in support of the claims being made, thus limiting our understanding of those claims and ultimately reducing the potential for genuine clash on the issues in the debate.

Let's examine how existential inherency works in practice. Does existential inherency remove any obligation on the part of the affirmative to answer questions from the negative regarding the reasons the status quo has not solved the problem? Can the affirmative merely answer: we will get to that if you raise those arguments in your speech? In Lincoln-Douglas debate, the negative only has two speeches: one constructive and one rebuttal. If the negative does raise those arguments in their first speech, and the affirmative finally answers those questions in the first affirmative rebuttal, is it theoretically permissible for the negative to then use those explanations to offer new case-specific plan attacks (solvency, workability, circumvention and disadvantages) in the negative rebuttal? Can the negative basically offer an entirely new set of attacks in its six-minute rebuttal limiting the affirmative's opportunity to respond to the final three-minute rebuttal? This would not be fair to the negative or the affirmative.

Additionally, limiting the real discussion to the last two speeches only reduces in-depth understanding of the issues. It would fail the test of competitive equity and the test of promoting education.

Alternatively, if the negative cannot offer these new arguments in its rebuttal speech and the affirmative does not have to answer questions about the root causes of the problem in the first cross-examination, then does existential inherency mean the affirmative is not be responsible (in an argumentative sense – on the flow) for their failure or unwillingness to address the issue of inherency? The point is that understanding why the status quo has failed to solve the problem is a fundamental building block of the rationale for any policy change. To allow the affirmative to wait until rebuttal, without sanction, to answer these questions would only serve to decrease genuine discussion of the issues.

The problem with existential inherency is that if inherency need not be a prima facie issue, and if adopting the plan one day sooner or providing existing services to one more person is inherent, and the affirmative is not obligated to take a stand on the root causes of the problem in cross-examination, then we will encourage affirmative debaters to run status quo cases, as a strategy to effectively reduce negative ground to topicality, politics disadvantages, and plan specification arguments.

Our theories should not just be developed on paper. They must also serve the larger purposes of the activity itself. As we decide which theories we will adopt and modify, we should be mindful of their impact on encouraging argumentative clash about the topic's major issues and their impact on maintaining competitive equity. Debate is neither all game nor all education - it is both. Our rules and theories should promote both.

Eliminating the role of inherency serves neither the competitive nor the educational purposes of the activity.

What role does inherency have in modern debate?

Finally, it is fair to ask: what is the role of inherency in modern debate? We need a fair and contemporary version of inherency that presents a rigorous, but manageable, burden for the affirmative and yet is not unduly unreasonable or harsh. It would be good if debaters had a sound knowledge of inherency and judges were open to these arguments and cases lacking inherency were weeded out as the school year progresses, just as non-topical cases get trimmed.

The affirmative has a duty to offer an explanation for the status quo's failure to solve the problem. Merely noting that the status quo does not solve the problem is not sufficient proof to justify an affirmative ballot. If such an explanation is offered by the affirmative, the negative can use this explanation of the root causes of the problem as its springboard to case-specific plan attacks. Inherency is truly the key to negative solvency, workability, and circumvention arguments as well as proof of links and uniqueness to disadvantages.

Negative debaters should research the affirmative inherency position ahead of time and know what the real inherency is for any case. Such research can help the negative in two ways. First, they may win the round on inherency if the affirmative case clearly offers no reasonable attempt at proving inherency or they have solid evidence proving the status quo will solve the problem on its own without the adoption of the affirmative plan. The caution here is that this strategy makes it very difficult to run unique disadvantages. There are many cases (e.g. the juvenile justice case cited earlier)

where research will discover reasons the status quo is able to solve for most of the problem, and yet avoid the links to disadvantages which are specific to particular elements of the affirmative plan that are not part of the status quo. This situation is doubly beneficial to the negative. They are able to mitigate the harms of the affirmative case through the inherency position and yet are still able to run disadvantages that do not apply to the status quo.

The second use of inherency research is to help the negative find and craft its best plan attacks. The negative will be able to use inherency to push the affirmative into admitting the real causes of the status quo's failure to change and then use those admissions to build links to solvency attacks and disadvantages (e.g. – the wind energy and U.S. military intervention cases cited earlier). Once the affirmative is locked in on these root positions, it makes the road to a winning plan attack much easier.

If debaters are aware of inherency and insist on knowing the root causes of the problem, and are willing to use this knowledge to build their negative strategies, then they will be able to develop sound plan attacks that are specific to the affirmative policy. Having a reasonable inherency theory, as proposed here, will help restore necessary ground to negative debaters, increase the educational benefits of the activity through encouraging more debates filled with clash on substance, and encourage argumentation at its finest.

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Counterplans: Rethinking What Makes Counterplans Competitive Arguments in Policy Debate

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A version of this paper was presented at the annual meeting of the National Communication Association, San Antonio, TX, November 2006.

Abstract

The traditional requirement of counterplans in policy debate is that the counterplan must be non-topical, mutually exclusive, and net beneficial (Lichtman & Rohrer, 1975). Increasingly, resolutions in policy debate rounds at the collegiate level of competition are beginning to include both multi-directional resolutions and bi-directional resolutions. Even though the breadth of the resolutions are giving more ground to the affirmative team, this same breadth of the resolution functionally restricts the negative counterplan options. For this reason, the traditional model of counterplan theory must be reevaluated, specifically the assumption that the counterplan must be non-topical. In this essay, the assumption of non-topicality as a test of competitiveness will be assessed and reevaluated. Then those arguments that have been levied against the re-conceptualizing the topicality standard of counterplans will be discussed. The contention of the author is that topicality should not be an issue in determining the competitiveness of a counterplan, given the expanding breadth of policy resolutions.

Key words: Counterplan, Lincoln-Douglas Debate, Debate Theory, Argumentation, Competitiveness

Introduction

The National Forensics Association (NFA) decided to offer a format of debate for those students wishing to combine traditional debate formats and skills with “communicative performance in which high standards for presentation are encouraged” (Minch & Borchers, 1996, p. 19). Beginning in 1990, NFA began offering Lincoln-Douglas (LD) debate as an experimental event at the national tournament. Initially proposed by Roger Aden (1989), LD was meant to be an event that combined the argumentation and research skills typically associated with academic debate and the delivery skills associated with individual events. For nearly twenty years, LD debaters have argued over topics like Supreme Court tenure, the criminal justice system, terrorism, and human rights. The practice of LD has flourished, with over 100 LD competitors entered in the 2008 NFA National Tournament. Yet one thing that has not grown with the practice is the theoretical discussions about LD.

Sure, debate scholars have clashed for years over topics like parametrics, counterplans, and topicality, but no one has looked at LD uniquely. This is problematic for several reasons. First, LD is a one-on-one format that only has a total of five speeches and between thirteen minutes (negative) and fifteen minutes (affirmative) to construct, defend and crystallize arguments. This shortened format does not allow for the argument development and theory discussions that the National Debate Tournament (NDT) and the Cross Examination Debate Association (CEDA) debate rounds can engage in. Second,

the rules and practices of LD have a focus on both the arguments and the presentation (Minch & Borchers, 1996). Third, the expectations of the judges in LD are different than NDT or CEDA. Minch and Borchers (1996) argued that with LD being held “in conjunction with individual events tournaments and, as a result, many LD judges who have individual events backgrounds tend to view the event differently” than those judges at the NDT or CEDA tournaments, where debate is the only activity going on (p. 19). LD is substantively different than other formats of debate. It is with this in mind that I begin this discussion.

In competitive policy debate, two sides argue over a predetermined resolution. The affirmative side of the debate offers a policy for change held within the bounds of that resolution (Ziegelmueller & Kay, 1997). The negative side has several options for refutation: defend the status quo (Ryan, 1985); refute the affirmative case (Freeley, 1990); offer a critique of the underlying assumptions of the affirmative case (Lake & Haynie, 1993); or, agree that there are inherent problems with the status quo but offer a better way to solve for these problems by offering a counterplan (Lichtman & Rohrer, 1975). While the debates over counterplan theory were waged by policy debaters and coaches in both tournament rounds and journal articles, no one has closely examined the ways in which counterplans function in NFA LD. In fact, the only relevant scholarship on LD was published in a special edition of the *National Forensics Journal* in 1996, where authors focused on issues like judging philosophies (Minch & Borchers, 1996), the resolution/plan focus of LD (Bile, 1996), and an advocacy for oral critiques in LD rounds (Howard & Brussee, 1996). There was no discussion of a theory of debate that relates to the construction or refutation of arguments in LD. The ability of the affirmative to

construct a case is not in question, but the ability of the negative to refute the affirmative, particularly with a counterplan, must be explored in the LD theory literature. This article begins that discussion.

Counterplans have long been debated in both competitive debate rounds of various formats and in debate theory literature. Since the article by Lichtman and Rohrer (1975) introduced counterplan theory to the body of literature concerning debate practice, issues revolving around the in-round function of the counterplan have been debated. Some of that literature has focused on the notion of negative fiat (Solt, 1989; Katsulas, Herbeck & Panetta, 1987). Some has focused on the competitiveness standards (Madsen, 1989; Herbeck, 1989; Panetta & Dolley, 1989). Some has focused on the way a counterplan could function in a round (Freeley, 1990; Ulrich, 1987; Kaplow, 1981; Herbeck, Katsulas & Leeper, 1989).

Lichtman and Rohrer (1975) posited that a counterplan was an argument of the negative side of the debate wherein the negative team offered a policy proposal that would be more advantageous than the one offered by the affirmative side. In this initial theoretical rendering, Lichtman and Rohrer (1975) placed 3 criteria for a counterplan to be considered a competitive argument: (1) the counterplan must be non-topical; (2) the counterplan must be mutually exclusive; and, (3) the counterplan must be net beneficial. The first criterion of competitiveness was non-topicality, saying that the negative proposal could not fall within the bounds of the resolutions because support of the resolution was the unique ground of the affirmative side (Freeley, 1990). Mutual exclusivity, the second criterion, held that the counterplan must force a choice on the part of the judge between the policy option of the affirmative side and the negative side

(Ryan, 1985). The final criterion, net benefits, posited that there must be a persuasive or compelling reason to both reject the affirmative proposal and embrace the negative position or there would be no reason to adopt the counterplan (Ryan, 1985).

While these criteria seem sound, they have failed to adequately address the practice of counterplan use in competitive debate rounds. As noted in a special edition of the *Journal of the American Forensics Association* on counterplan theory in 1989, counterplans have been of great concern to both practitioners and coaches (Branham, 1989). It is my intent to examine the need for a reconceptualization of counterplan theory so as to make counterplans a viable negative argument once again. To be clear, this is NOT an advocacy for the use of a “topical” counterplan (which is somewhat ridiculous as a term anyway, but that will be discussed later). Instead, I advocate for the removal of the standard of non-topicality from the discussion of counterplan competitiveness. For some, this may seem like an old argument that NDT and CEDA debaters and coaches resolved nearly three decades ago. However, no one has considered this argument in the context of NFA LD. With the different time limits, number of speeches, delivery focus, judging expectations, and argument sophistication, LD is more different than similar to these other formats of debate. This necessitates a reconsideration of counterplan competitiveness standards in NFA LD. To that end, I will examine the ways in which competitive debate has evolved over the last several years, offer a rationale for the reconceptualization, and finally discuss a few potential criticisms of this reconceptualization.

The Evolution of Competitive Debate

As competitive debate has evolved, so have its practices. There have been two major shifts in the practice of debate that have led to the destruction of negative ground, specifically the ability to use the counterplan as an effective weapon in the negative arsenal. The first shift has centered on the focus of the affirmative in case construction, moving from a resolution focus to a plan focus. The second shift has been in the ways resolutions have been written, with bi-directional, multidirectional and choice model resolutions. These two shifts in debate practice have usurped the negative ground.

Shift to a Plan Focus by the Affirmative

As Lichtman and Rohrer offered the counterplan as a negative option in the debate round, they stated that the counterplan must not fulfill the affirmative resolution (1975). In this statement, the criterion of non-topicality was affixed to the counterplan. The resolitional focus of the affirmative provided for this statement (Herbeck, Katsulas, & Leeper, 1989). The affirmative side of the debate was to use the plan as a means of endorsing the greater resolution (Ziegelmueller & Kay, 1997). Under the resolitional focus, the affirmative would present a plan that would uphold the underlying goals of the proposition, or resolution (Ziegelmueller & Kay, 1997). With the resolitional focus guiding affirmative debaters, the criterion of non-topicality for counterplans was perfectly sound. Each policy option that could support the resolution provided another reason for the acceptance of the resolution, thus endorsing the affirmative side of the debate. Bile (1996) noted that when NFA formatted their rules for LD, they contended that the affirmative debater would offer a proposal that fit within the framework of the resolution. Had the practice of debate not evolved, the resolitional focus of the

affirmative would have forced the continuation of the non-topicality of counterplans. But debate is evolutionary.

When Panetta and Dolley attempted to justify the use of the topical counterplan, one of their arguments focused on the shift to a plan focus by the affirmative (1989). The notion of proving the resolution true only occurred by endorsing the singular affirmative plan offered in the round, whereby making the plan the focus of the debate (Panetta & Dolley, 1989). Herbeck, Katsulas and Leeper advocate for a plan focus by stating that the resolution serves the purposes of providing notice of the topic to be debated and defining argumentative ground (1989). The plan focus forces debaters to defend one policy proposal per team, thus increasing the likelihood of effective advocacy (Herbeck, Katsulas, & Leeper, 1989). With the shift to the plan focus, debates centered on the support or rejection of the specific plan offered by the affirmative. The resolution served as a way of framing the debate around a central topic and providing initial sides (Herbeck, Katsulas, & Leeper, 1989). When the affirmative offered a specific plan, the focus of the debate shifted from the resolution itself to the policy offered by the affirmative.

Shift in Resolution Construction

Resolution framers have found a myriad of ways to construct a debate resolution. That being said, four distinct constructions have emerged for debaters to grapple with. There is the traditional construction which entails the framing of the resolution around a central topic with a definite agent of action and a specific topic to be addressed. The bi-directional construction creates a resolution where the affirmative can move in one of two directions, as if on a continuum. A multidirectional resolution creates a world where the

affirmative can support the resolution along several different tracks. Finally, there is a choice model construction, where the affirmative can choose from several potential resolutional areas.

The 2003-2004 NFA LD resolution provides a sound example of the traditional construction of a resolution. The resolution, Resolved: That the United States Federal Government should substantially increase environmental regulations on industrial pollution, frames the debate around the topic of helping the environment. There is a clear agent of action, the United States Federal Government. The resolution specifies that the affirmative must offer a plan that substantially increases regulations on pollution, more specifically industrial pollution. While this resolution is fairly straightforward, there is enough ambiguity for the affirmative to come up with several different plans. For example, plans that mandated aqua cultures to be implemented at fish farms or mandated the use of clean coal technologies imposed regulations that decreased pollution outputs. Under this resolution, potential counterplans could advocate alternative actors (states, UN, non-governmental organizations), alternative mechanisms (tax credits, volunteerism, market forces), or alternative means (renewable energy production instead of fossil fuels, alternative food production). In other words, the negative counterplan options were vast.

For an example of a bi-directional resolution, the 2001-2002 NFA LD resolution serves as a fine example. Resolved: That the United States Federal Government should significantly alter its policy for combating international terrorism. Under this resolution, the agent of action, the US, and the focus of the plan, combating terrorism, are clearly stated. But the resolution is bi-directional in that it only asks the affirmative to alter US policy for combating international terror. The adopted policy could be aggressive or

passive. For example, one plan used during this resolution was to repeal the executive orders banning governmental assassinations. In other words, the plan allowed for the use of lethal force when tracking terrorists. Another plan used that year was that of negotiating with terror groups to find peaceful resolutions to the disputes. Both cases would uphold the bi-directional resolution even though they seem diametrically opposed. Under this type of resolution, the negative counterplan is limited because the alternative mechanisms and means could potentially fall within the bounds of the resolution.

The multidirectional resolution is potentially more problematic than the bi-directional resolution. The 2005-2006 NFA LD resolution reads Resolved: That the United States Federal Government should adopt a policy to increase the protection of human rights in one or more of the following nations: Tibet, Bhutan, Afghanistan, Nepal, Myanmar, Thailand, East Timor, Indonesia, Philippines, and/or Pakistan. The multidirectional resolution allows the affirmative near limitless ground for case construction. Using the above resolution as an example, an affirmative case would be topical if it dealt with any one of the ten nations listed. And with the notion of human rights potentially being broadly defined, the affirmative ground is infinite. The negative counterplan ground is grossly restricted though, with alternate agencies like the UN and NATO being unfit because the US is a member of those institutions. Similarly, alternative mechanisms and means are virtually eliminated because the breadth of the resolution increases what would be considered topical and thus affirmative ground.

While NFA LD has been fortunate enough to avoid the choice model construction of a resolution, other formats of competitive debate have utilized this form of resolution construction. The high school organization of the National Forensics League used such a

resolution for their 2005-2006 policy debate topic. The resolution, Resolved: That the United States Federal Government should substantially decrease its authority either to detain without charge or to search without probable cause, fits the choice model construction. The resolution forces the affirmative to choose one of several (in this case, two) options. This in and of itself is not problematic, but when it comes to negative ground, the negative debater must be prepared for two resolutions each round. For this resolution, the negative debater needed to be prepared to debate about detainment without charge and illegal searches in every round.

Loss of Negative Ground

These two shifts in advocacy have led to the destruction of negative ground. Roger Solt noted that with the popularity of expansive topics, the affirmative has a wide range of policy options (1989). When the affirmative side of the debate has so many policy options, it effectively limits the arguments available to the negative side (Solt, 1989). Broad resolutions limit negative arguments because the negative cannot possibly prepare specific positions for each potential affirmative proposition. Under the aforementioned human rights topic, the affirmative could talk about trafficking of sex slaves from any one of the ten nations. The negative would then need to be prepared to refute claims about human trafficking in each nation. Were this the only affirmative policy option, the negative might be able to manage, but the affirmative can also talk about political prisoners, vetting procedures, the use of various types of munitions, governmental abuse, and hundreds of other topics. Take any list you might develop and multiply by ten, that is the number of cases the negative would need to prepare to refute. This is not possible.

This loss of negative ground is magnified when the argument meant to level the playing field, the counterplan, is limited as well. Under the assumptions of Lichtman and Rohrer, the counterplan is considered competitive if it is mutually exclusive, net beneficial and non-topical (1975). Bi-directional topics, as well as multidirectional resolutions, allow for potential counterplans that would meet every criterion except for that of non-topicality. Using the example from above, under the bi-directional resolution about combating terrorism, two affirmative cases that were offered involved assassinations and negotiations. Effectively, each policy was the counter to the other. The philosophical underpinnings of each policy, along with the application, precluded the other. A policy of negotiations would fail if terrorist leaders had to fear assassination attempts when they showed up to a negotiation meeting. While these diametrically opposed policy positions would allow the negative to level the playing field while still using a counterplan to address the harms of the system, counterplan theory did not allow the negative this avenue of refutation. Since each position could have been run as an affirmative case, the same position could not be used as a counterplan.

The arbitrary nature of the topicality criterion of counterplans has created an environment where the negative debater can never level the playing field while still seeking to argue the practical merits of the case. As a result, we have seen an increase in the use of critical positions as a means of attempting to restore the balance in debate rounds (Lake & Haynie, 1993). But to restore the focus in competitive debates on the case debate, there must be a reconceptualization of counterplan theory. In this reconceptualization, the counterplan's competitiveness is measure by mutual exclusivity and net benefits. The counterplan must compete on a practical level, but the arbitrary

standard of non-topicality should be removed. To that end, a rationale for the reconceptualization of counterplan theory will be offered. Within that rationale, the arguments for the removal of the non-topicality criterion will be examined and discussed. It is time to restore the balance and more to the point, restore the viability of the counterplan as an effective negative tool in competitive debate.

Reconceptualizing Counterplan Theory

In order to restore the viability of the counterplan as a tool for the negative, a clear rationale for this reconceptualization is required. As stated before, there have been two clear shifts in debate practice that has led to the negative ground being usurped. Those arguments tell us that something needs to be done, but the following will outline what needs to occur. We must reconceptualize counterplan theory by removing topicality as a test of competitiveness.

Debate is Evolutionary

As Lichtman and Rohrer noted, debate practice as often raced ahead of debate theory (1975). In this statement, they advance a simple but powerful point about debate – that debate is inherently evolutionary. Debate has evolved as it has been practiced by debaters throughout time. The Romans offered new insights to the previous work of the Greeks. The current generation of debaters are building on the theories of past generations. Future generations will do the same. The nature of the activity is to advance old arguments in new ways or create new theoretical positions to be used. But when I say debate has evolved, I do not simply mean that debate has changed over the years. Evolution is defined as a process in which something passes by degrees to a different stage. The changes could be thought of as revolutions in a Kuhnian sense, where the

paradigms of now are incommensurate with the ways of the past (Kuhn, 1962). Debate has evolved in that we have moved beyond debates about problems and solutions and moved into areas of resolutional focus and intent, negative ground, critical interpretations amongst other areas. Counterplan theory is no exception to this evolutionary process.

Lichtman and Rohrer's counterplan theory argued that counterplans evolved from arguments about comparisons of problem-solutions to comparisons of alternative policy systems (Branham, 1989). Competitiveness standards were advanced for evaluating counterplans because if counterplans were alternative policy options, those options would have to be more beneficial than the status quo and the affirmative plan (Lichtman & Rohrer, 1975). In a similar vein, Louis Kaplow (1981) argued that the common conception of the counterplan was that it required a different set of rules for evaluating the position, but that counterplans could, and should, be evaluated using the same evaluation standards as the straight negative.

In other ways, counterplan theory has been advanced, challenged, adapted, and ultimately, it has evolved. Madsen (1989) advanced a systems approach to competitiveness for counterplans as a move away from permutation theory, creating another evolution in theory. Solt (1989) argued that negative fiat should have some limitations to prevent the potential abuse of positions like utopian counterplans. Ulrich (1987) offered an argument in favor of the counter procedure counterplan. Herbeck (1985) examined the permutation standard of competitiveness in counterplan debates. Panetta and Dolley (1989) advocated for the topical counterplan.

Like it or not, debate is evolutionary. It has evolved already and will continue to evolve. When counterplans are considered, the practice of debate has been to challenge

the competitiveness standards. These challenges have involved the creation of new competition standards like systems theory or philosophical underpinnings. The removal of the non-topicality standard of competitiveness would also be a way for counterplan theory to evolve to the next level. With the removal, counterplan debates would focus on the merits (or lack thereof) of the counterplan instead of a focus on the procedural issues.

Plan Focus versus Resolution Focus

In the traditional conception of debate, the resolution has served as the focus of the debate round. The resolution sets the topic to be discussed and has been used to determine ground for each side of the debate (Ziegelmüller & Kay, 1997). While the resolution still determines the topic and helps differentiate ground, there has been a shift from the resolution focus of the debate to a plan focus. The affirmative team does not seek to defend the entire resolution, but instead defend the plan offered (Panetta & Dolley, 1989). The shift to a plan focus has some interesting implications.

The plan focus of the debate creates the concept of parametrics. The affirmative side will advance a specific policy proposal, to the exclusion of all other possible policy proposals (Panetta & Dolley, 1989). Therefore, the parameters of the plan have limited what the affirmative is willing to defend while simultaneously expanding the potential negative ground. Bile (1996) claimed that the NFA rules for LD established that the affirmative debater must provide a proposal that fits within the framework of the resolution, but may not necessarily have to advocate for the resolution itself. The rules of LD then make it difficult to utilize a counterplan since the counterplan must be, according to the rules, non-topical (Bile, 1996). The LD rules endorse the parametrics of the resolution down to the affirmative proposal, yet handcuff the counterplan by forcing it

to be evaluated against the entire resolution (Bile, 1996). It is for this reason that I do not believe there is such a thing as a topical counterplan. If the affirmative has selected a plan to advance, everything else would then be negative ground. Just because the affirmative could have run the counterplan as an affirmative case should not invalidate the merits of the alternative policy. When affirmatives use the argument that the counterplan could have been run as an affirmative case, it just proves that affirmatives want their cake and they want to eat it too.

Some will argue that the use of parametrics or the plan focus to justify the removal of non-topicality as a standard for counterplans will result in dueling affirmatives. This is not the case because Lichtman and Rohrer (1975) provided debaters with the excellent competitiveness standards of mutual exclusivity and net benefits. As explained earlier, the plan and the counterplan must be mutually exclusive, meaning that both could not occur simultaneously. Additionally, Lichtman and Rohrer (1975) contended that the counterplan must have a distinct advantage over both the status quo and the affirmative proposal to warrant a judge's ballot. Madsen (1989) argues that systems theory of competitiveness requires that the counterplan be a competing system to the affirmative plan, not just a separate sub-system. The position Madsen offers demonstrates that competition of counterplans can be determined without looking to topicality. Similarly, Solt (1989) argues that counterplan ground should be limited to US public actors and to the relevant policy literature. While neither Madsen nor Solt argue for parametrics in their respective articles, they do provide some basis for considering a movement away from the resolution focus and for the ways to consider counterplan competition without considering if the counterplan was topical.

More Real World

The favorite claim of many debaters is that judges should be policymakers or that debate is training for future policymaking. It is precisely that reason that I would like to consider the traditional conception of counterplan theory through the lens of the policymaker. When Solt offers two limitations to negative fiat, he claims that the negative counterplan should only include US public actors and the relevant policy literature (1989). Ryan makes a similar call for real world application of counterplans in his book *Persuasive Advocacy: Cases for Argumentation and Debate* (1985). Solt sets up a sound framework for evaluating counterplans from a real world perspective. If the counterplan, under Solt's limitations, were to be considered before Congress, the representatives could only consider policy options available to the federal government. This is what it means to be in a policymaker paradigm.

Now consider the issue of combating terrorism. If one representative were to argue for the repeal of the executive orders banning the use of assassinations as a means of combating terrorism, other representatives could make several arguments about how a policy of assassinations creates a bad precedent, encourages retaliation, puts the US at odds with other nations, and the like. However, it is also in the realm of possibility for another representative to propose a different policy for consideration, say one of dispute resolution with terrorist groups to deescalate hostilities. This alternative policy could just as easily be considered by the Congressional body as the original proposal. Both proposals could be evaluated for strengths and weaknesses and ultimately the best policy could be selected.

How is this example any different than a debate round? The topic of combating terrorism bounds the discussion to available means of fighting terrorism. The two proposals represent the affirmative plan (assassinations) and the counterplan (dispute resolution). The two are clearly mutually exclusive because negotiations cannot work with the fear of assassination looming. So the debate would then center on the issue of net benefits. In the traditional conception of a debate round, the affirmative would claim that the counterplan was invalid because it could have been run as an affirmative case. But this does not get at the heart of the issue. Instead, the affirmative claim sidesteps the merits of the negative counterplan, further usurping the negative ground available. But by removing the non-topicality standard of counterplans, a more real world debate could happen, one where competing policy options are considered and evaluated.

Increased Education

The real purpose of debate is to improve the education of those debating (Ziegelmueller & Kay, 1997). Debaters are asked to research, develop arguments, brief positions, articulate perspectives, and refute their opponents (Freeley, 1990). To further the goal of education, many coaches and judges ask debaters to “go deep” or delve deep into the literature in order to have a more complete picture of the topic at hand and the issues being discussed. Limiting counterplan debates to the relevant policy literature was one of the negative fiat limitation proposed by Solt for this very reason (1989). For debate rounds to have substantive merit, the positions being argued must be grounded in the relevant topic literature. This is the only way to ensure that the educational value of the activity is upheld.

The consideration of topicality in counterplan debates forces negative debaters who use counterplans to turn away from the topic literature because the counterplans cannot fall under the purview of the resolution. The traditional conception of the counterplan all but forces the non-US public actor counterplan where action comes by way of the states or international bodies. These alternative actors would not fall under the same body of literature as the literature governing the affirmative. In essence, for a debater, under the traditional conception of counterplan competition, to advance a counterplan, that debater would have to research two separate bodies of literature, one for the resolution and one for the counterplan.

But when the non-topicality expectation is removed from counterplans, education can be increased. Negative debaters, and more specifically counterplan debaters, would only have to research one body of literature. This would enable the debater to dig deeper into the relevant topic literature in order to advance more sound arguments. The affirmative would also be better able to address the counterplan if it were grounded in the same body of literature as the affirmative plan. The affirmative would be able to use their research on the topic as a means of refuting the counterplan instead of having to research specific counterplans that are outside the relevant literature.

Criticisms to the Reconceptualization of Counterplan Theory

As with any call for the reconceptualization of theory, there are potential criticisms to the arguments being advanced by the author. This paper is no exception. There are three potential criticisms. That is not to say that these are the only issues with this proposal. However, these three criticisms are the ones most likely to be raised, based on counterplan debates in other formats, and likely to be the most substantial, based on

the persuasive power of the positions. One of my main goals with this paper, beyond advancing a reconsideration of counterplan theory, is to stimulate discussion and scholarship on debate theory in the literature. Discussion in the relevant theory literature, whether agreement or disagreement, is the only way to raise the level of debate.

The first criticism that may be levied at this proposal is that the theory literature concerning the non-topicality standard of counterplan competitiveness is at best mixed and at worst decidedly against the concept. As a result, there is not a body of literature where debate scholars are advocating for the reconsidering of the non-topicality standard. This limitation is met by two responses. First, as noted above, debate is evolutionary and the theory literature has not yet caught up to the practice of debate. What is much more accepted in practice is still not warmly received in literature. Second, the relevant theory literature is, for lack of a better word, old. The most recent theory literature on counterplan theory is from the late 1980s, with the exception of textbooks. And textbooks are advancing commonly accepted ideas, not controversial notions.

The second criticism is that removing the non-topicality standard is premised on the concept of the plan focus. The plan focus allows for parametrics which allows the negative to consider what could be a topical proposal in another round to be a viable counterplan strategy. But if the resolution does more than just provide a topic, the plan focus approach would be completely undermined. I argue that so long as the affirmative is only advocating for the plan offered, the plan focus is here to stay. Further, the resolution focus is potentially problematic.

Imagine a round where, under a resolution about increasing the production of energy from renewable energy sources, the affirmative proposes a plan to increase the

number of hydrogen-powered cars. So far so go. But then the negative, under the resolution focus, stands and argues that wind and solar power systems are inefficient, costly, and barely out of the research and development stage. The negative concludes that since wind and solar are not viable options, the resolution should be rejected and the judge should vote negative. What is the judge to do? Most judges would say that there was no clash in the round and that the negative positions had nothing to do with hydrogen-powered cars. The resolution focus potentially condones debates that have no clash. This is why the plan focus is to be preferred.

The third criticism of this reconceptualization of counterplan theory is that it would decrease education because negative debaters would just use their affirmative case as the negative counterplan, thus removing the need to do negative research. This could not be further from the truth. I am not now, nor would I ever, call for the removal of all competitiveness standards to counterplans. The counterplan must still be mutually exclusive and net beneficial for it to be a viable negative strategy. Otherwise, affirmative responses like permutations would capture the counterplan and render it useless to the negative. Any negative debater that did not establish a mutually exclusive, net beneficial counterplan would run the risk of losing the round. So competition checks the potential abuse.

Education would be increased because the negative and the affirmative would be debating from the same body of literature. This makes the debates more real world and more educational. Further, theory debates about the validity of counterplans would be more educational because debaters would be discussing theoretical reasons why the counterplan could or could not be used. The only way to ensure adequate education, as

discussed above, is to remove the non-topicality standard of competitiveness from counterplan theory.

Conclusion

Counterplan theory has come a long way since the initial theoretical article by Lichtman and Rohrer. Counterplan usage has increased across the board. But as debate practices have evolved, the counterplan has continually lost traction as a viable negative strategy due to the plan focus of affirmative teams and broadening resolutions. In order to correct this problem of counterplan ground being usurped, counterplan theory must be reconsidered. It is my contention that by removing the non-topicality standard of competitiveness from counterplan theory, negative debaters can reinstate the counterplan as a tool in the negative arsenal. This reconceptualization of counterplan theory will make counterplan debates more real world and increase education. In the end, it is a small change that will have major ramifications that will ultimately allow the counterplan to again be the means for the negative to level the playing field.

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