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I am submitting herewith a thesis written by David Lee Steinberg entitled "The Counterplan: Theoretical and Pragmatic Reality." I recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Arts, with a major in Speech and Theatre.

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THE COUNTERPLAN: THEORETICAL AND PRAGMATIC REALITY

A Thesis

Presented for the

Master of Arts

Degree

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David Lee Steinberg

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DEDICATION

This work is dedicated to the author's father, who by his example gave the author the courage to continue and the drive to do so, and to his mother, for her continuing love and support.

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ABSTRACT

The counterplan is a logical, well established, and generally accepted negative strategy in academic debate. Despite a growing interest in its practice, little consensus is evident on the various aspects of counterplan theory. Important to the practice of competitive debate are the tools used for evaluation of argumentation. The criteria for judging the counterplan are applied in practice in a particularly confusing manner. Theoretical literature is divided on the standards for judging the counterplan.

It is granted that theoretical questions concerning counterplan theory should be discussed in debate rounds. It is believed that if such discussion is to be of value, a greater understanding of the various viewpoints of counterplan theorists is necessary. It is with this thought in mind that the present study is offered. It is hoped that a clarification of conflicting positions may aide intelligent debate. A consistent theory of the counterplan is not sought. Rather, it is the aim of this thesis to delineate the reality of the counterplan in theory and in practice.

The tone of the study is descriptive and analytical. The theoretical bases of the counterplan within the legal, legislative, and parliamentary analogies of traditional debate theory and the systems analysis and hypothesis-testing paradigms of contemporary theory are examined in Chapter II. The historical development of counterplan theory is explored in Chapter III. Three major periods are identified. The early period established the foundations of counterplan theory, the middle period saw

the development of the counterplan as an acceptable negative strategy, and the contemporary period evidenced confusion and controversy on the question of judging criteria for the counterplan.

Chapter IV examines the nature of judging criteria within the major debate texts and articles addressing the question. Specific criteria addressed are presumption, burden of proof, competitiveness, and non-topicality. Finally, Chapter V explores the counterplan in practice, considering the same relevant criteria. A content analysis of comments concerning counterplan theory in the 1977, 1978, and 1979 National Debate Tournament Judging Booklets is provided. To further examine the nature of the counterplan in practice, a 1972 survey is examined. Conclusions regarding the integration of counterplan theory and practice are forwarded.

The conclusions of this thesis indicate a general lack of theoretical consensus on questions central to the theory of the counterplan. This was evidenced on the issues of competitiveness and nontopicality, although there was far from unanimous agreement on presumption and the burden of proof. It is suggested that practitioners become aware of the various views of counterplan theory, and resolve the apparent conflicts on an individual basis within debate rounds. Theory should be extended in practice, but practice should be based on theoretical foundations.

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CHAPTER I

THE COUNTERPLAN—AN INTRODUCTION

In September of 1974, the educators participating in the National Developmental Conference on Forensics at the Sedalia Retreat House near Denver recommended a professional concern for the investigation and development of relevant theory:

Forensics should encourage research and scholarship for the purpose of expanding knowledge of argumentation theory and the effects of argumentation practice.¹

The conference was particularly concerned with the increasing "diversity within the American forensics scene," and the resulting "misunderstandings of concepts, confusion of goals, and conflict of interests."² If academic debate is to be an educational activity, educators and students should be aware of varying constructs. This thesis is presented consistent with the aims and recommendations of the Sedalia Conference. While it does not seek to expand theory, an expansion of knowledge of existing counterplan theory is intended. This work seeks to address a specialized audience of high school and college debate theorists and practitioners.

¹James H. McBath, ed., Forensics as Communication: The Argumentative Perspective (Skokie, Ill.: National Textbook, 1975), p. 15.

²McBath, pp. 2-3.

I. THE COUNTERPLAN

To defend a policy proposition, an advocate must support an underlying philosophy or value, as well as provide and support a specific policy option. An opponent of the proposition may logically accept the basic value cited by the advocate, and yet reject the policy, opting instead for some alternate plan, thus denying the proposition. The opponent may contend that his alternate policy is a superior manner by which to achieve the goal supported by the advocate; or he may suggest that the original policy would preclude the adoption of a more desirable proposal. In academic debate, this logical alternative is known as a counterplan.

Although the counterplan is generally accepted by most theorists as a legitimate strategy, a clear definition is elusive. Basically, a counterplan is a specifically delineated proposal, parallel yet counter to the affirmative plan, and advocated by the negative side in academic debate. Hynes provided a definition based on the purpose of the counterplan as a negative strategy:

A counterplan is simply a proposal for policy change presented by a negative advocate in academic debate. It serves one major function: to provide a substitute to both present policy and that advocated by debaters supporting the proposition, or debate question.³

³Thomas J. Hynes, Jr., "The Counterplan: An Historical and Descriptive Study," unpublished M.A. Thesis, University of North Carolina, Chapel Hill, 1972, p. 1.

Hynes assumed a distinction between the counterplan and the status quo, or present state of affairs. This is an important aspect of a definition of the counterplan.

Generally, a concept may be defined operationally by the rules governing its actual operation. In academic debate, two competing sides attempt to counter one another's arguments. Because one side must prevail, a judge is called upon to render a decision awarding victory to one of the two sides. In order to evaluate the arguments presented by both teams fairly, the judge must turn to certain rules, or judging criteria. By evaluation of such criteria as presumption, burden of proof, and competitiveness, the judge may decide the fate of a counterplan. It is by these criteria that the counterplan must be operationally defined. Unfortunately, there is no universal consensus on the method by which these rules may be applied to the counterplan. The discussion in Chapters III and IV should be enlightening in this respect.

II. THE IMPORTANCE OF A COUNTERPLAN STUDY

In 1977, Walter Ulrich identified an increasing interest in the use of the counterplan in intercollegiate debate.⁴ This trend was somewhat surprising in light of the virtual absence of any generally accepted counterplan theory within the debate community. In 1951, Harold E. Wisner reviewed what he considered to be the twelve most important debate

⁴Walter Ulrich, A Theoretical Discussion of the Counterplan, 1977 (ERIC ED 150 642), p. 1.

texts, hoping to find a consensus on the effect of the burden of proof on judging counterplans. He found six of the texts to be indefinite, and the remaining six to be split on the question of which side had the greater burden.⁵ Attempting to determine whether or not there was confusion on the same question, Wayne N. Thompson performed a similar survey in 1962. He reviewed what he considered to be the six major argumentation texts, and five others he considered less important. Thompson found none of the reviewed texts to be complete or definite.⁶

In 1974, Allan J. Lichtman and Daniel M. Rohrer criticized the traditional concept of presumption as providing no guidance for judging counterplans. Later they indicated traditional theory as assigning arbitrary and confusing criteria to stock issues, and as providing no criteria from which to choose competing policy systems.⁷ Ulrich noted that, prior to 1972, the articles that did discuss counterplans provided only limited application of theory. Since 1972, only specific issues have been addressed; thus, theory has been practiced by debaters largely on an ad hoc basis.⁸

⁵Harold E. Wisner, "Judging the Negative Counterplan," Central States Speech Journal, 2 (1951), 11-14.

⁶Wayne N. Thompson, "The Effect of a Counterplan Upon the Burden of Proof," Central States Speech Journal, 13 (1962), 247-52.

⁷Allan J. Lichtman and Daniel M. Rohrer, "A Systems Approach to Presumption and Burden of Proof," in Advanced Debate: Readings in Theory, Practice, and Teaching, ed. David A. Thomas (1974; rpt. Skokie: National Textbook, 1975), pp. 3-46; "A General Theory of the Counterplan," Journal of the American Forensic Association, 12 (1975), 70-79; Letter, "A General Theory of the Counterplan Reaffirmed," Journal of the American Forensic Association, 14 (1978), 235-39.

⁸Ulrich, p. 1.

A synthesis of the existing concepts of the counterplan is important in clarifying the responsibilities of a negative team choosing such a strategy, an affirmative team encountering a counterplan, or a judge evaluating the arguments in a counterplan debate. Thompson contended that such a clarification was an important value in itself. He further argued that eliminating confusion would allow better debating; debaters should not argue over procedural technicalities.⁹

Ulrich noted that since not all judges are likely to agree on a single theory of the counterplan, debaters would need to discuss these concepts in debate rounds. In fact, he seemed to encourage this practice, but he argued that the debaters should have an understanding of the important concepts. This was true for both affirmative and negative teams, since theory also may be used to refute the counterplan.¹⁰

Whether or not a universally accepted theory of the counterplan can avoid debate over theoretical problems, and whether that is desirable, is yet to be seen, and is not the subject of this study. Nevertheless, with or without debate over theory, a basic understanding of the underlying concepts is important. Neither goal can be achieved without knowledge of the existing thought in the field.

In his 1978 thesis, Michael Kidwell suggested future study of presumption as related to the counterplan:

A third area needing further study is the counterplan. As this paper has made apparent, the judging criteria used with the

⁹Thompson, "Burden of Proof," pp. 247-52.

¹⁰Ulrich, pp. 1, 9-10.

counterplan fluctuate more wildly than those applied to any other area. Some judges argue that presumption shifts to the affirmative, some argue that the negative retains presumption while others argue that presumption simply disappears. . . . Debate critics should arrive at some comfortable presumptive formulations which are able to accommodate both traditional and counterplan debates.¹¹

Kidwell's concern with judging criteria is expanded in this work to include investigation of presumption, as well as other judging criteria in relation to the counterplan. The author agrees with Kidwell that such a study is justified. It is his recommendation that inspired this work.

III. METHOD AND PURPOSE OF THE STUDY

This study is concerned with the theoretical and pragmatic reality of the counterplan. Theoretical discussion is concerned with the foundations of counterplan theory, its development, and the tools used for evaluation of the counterplan. Investigation of the pragmatic reality of the counterplan focuses on actual practice as reflected by judging philosophies and a study of decision criteria in practice. This thesis is intended to be helpful to high school and collegiate judges, coaches, and advanced debaters.

Chapter II addresses the question of the counterplan's theoretical base. The counterplan is well founded in the theory of debate. Traditional theory is rich in analogies to the legal, legislative, and parliamentary systems. Systems theory creates a new concept of the

¹¹Michael Eades Kidwell, "Presumption: An Examination of Theoretical Versus Pragmatic Usage in Academic Debate," unpublished M.A. Thesis, The University of Tennessee, Knoxville, 1978, p. 164.

counterplan within the framework of competing policy systems. Finally, the hypothesis testing model defines the counterplan as another test against which to weigh the null. All these theoretical bases are investigated. This discussion necessarily defines the counterplan and its place in debate.

A great deal of debate literature has appeared in this century. Little emphasis has been placed specifically on counterplan theory, yet most texts have included some discussion. In addition, several important articles have investigated various aspects of the counterplan. Chapter III follows the development of the counterplan within debate theory, providing a representative survey of the literature dealing with counterplan theory. A historical perspective is taken.

Although the format is different, Chapter IV extends the Wisner and subsequent Thompson reviews, providing a review of relevant criteria. Those concepts, evident throughout the available literature, which are important as criteria by which to judge the counterplan, are identified and discussed. Although other concepts are discussed, the natural division seems to be into three major categories: (1) presumption, (2) burden of proof, and (3) competitiveness. The reviews focus on these three areas.

Chapter V discusses the "state of the art" in the practice of counterplan theory. This discussion depends largely upon a content analysis of several of the National Debate Tournament judging booklets which addressed the question of counterplans. Also helpful to an understanding of the present status of counterplan theory in practice

is a 1972 survey administered by Thomas Hynes. This mail survey provided an interesting statement by the debate community.

The tone of the study is descriptive and analytical. Compilation of material was aided by A Classified Bibliography of Argumentation and Debate,¹² and the various catalogues, indexes, and abstracts of The University of Tennessee, Knoxville, library system. Resources were acquired from the U.T. Libraries and the private libraries of Dr. David A. Thomas, Dr. Al Juodvalkis, Dr. Jim Brooks, and Professor Norma Cook. Their help is greatly appreciated.

It is hoped that this work might provide insight which could help to clear up some of the confusion evident in the area of counterplan theory. No consensus exists, or is likely to. Another "theory of the counterplan" would only add to the controversy already evident, and thus, is not attempted. More important is an awareness of counterplan theory on the part of those involved in competitive debate. Theory will fail or succeed based on its interpretation in actual debate. Debaters, however, must be aware of the existing theory if they are to interpret it, and judges must be aware if the debaters' arguments are to have meaning. The ultimate shortcoming of this work is that debate is the proving ground for theory. That, however, is also its strong point, since awareness may breed significant theoretical debate.

¹²Arthur N. Kruger, A Classified Bibliography of Argumentation and Debate, 2nd ed. (Metuchen, N.J.: Scarecrow, 1975).

CHAPTER II

A THEORETICAL BASIS OF THE COUNTERPLAN

Traditional theorists consistently have warned negatives of the danger of adopting a counterplan strategy. It often has been called risky, since the negative assumes a burden of proof and abandons presumption. The counterplan often is called the most radical negative approach. John Pacilio, Jr., and William H. Stiles advised students to "simply avoid its use."¹ James C. McCroskey warned that many judges dislike counterplans, and that the inexperienced judge may not understand the concept.² Roy V. Wood felt that the counterplan admitted the need, and some judges find that reason enough to vote affirmative. Most judges are biased against the counterplan, and many consider it a trick strategy.³ Although he later seemed to change his view, in 1944 Wayne N. Thompson did not consider the counterplan a legitimate strategy. He argued that such a strategy made a debate multilateral and damaged the ability to test a single solution thoroughly. The counterplan created confusion, decreased the time available for each specific policy, and

¹John Pacilio, Jr., and William H. Stiles, Introduction to Debate: A Programmed Handbook (Boulder: Pruett, 1967), p. 6.

²James C. McCroskey, "The Essence of Negative Debating," Speech Journal, 2 (1967), 17-23 (ERIC ED 084 587), p. 21.

³Roy V. Wood, Strategic Debate, The National Textbook Speaking Series (Skokie, Ill.: National Textbook, 1968), pp. 28-30.

prevented direct clash. Thompson contended that a negative supporting a counterplan did not indict the weakness of the original policy.⁴

Despite these criticisms, traditional theorists generally have accepted the counterplan as a legitimate strategy in unique situations. George W. Ziegelmuehler and Charles A. Dause suggested that strong counterplans were rare due to the nature of the debate resolutions.⁵ Arthur N. Kruger contended that only in unique situations was a presumption for change warranted; thus, few propositions were chosen which actually offered the choice of a counterplan.⁶ Nevertheless, a counterplan could be relevant to any policy resolution, when the status quo was not easily defended. Most of the traditional writers agreed that a counterplan was legitimate if the negative was unable to deny the affirmative need or to defend the present system. Kruger implied that the negative may choose a counterplan strategy if both teams agreed on the intended end or goal of the system, but differed on the most effective means to reach that end.⁷

⁴Wayne N. Thompson, "Discussion and Debate: A Re-examination," Quarterly Journal of Speech, 30 (1944), 288-99.

⁵George W. Ziegelmuehler and Charles A. Dause, Argumentation: Inquiry, and Advocacy (Englewood Cliffs, N.J.: Prentice-Hall, 1975), p. 179.

⁶Arthur N. Kruger, "The 'Comparative Advantage' Case: A Disadvantage," Journal of the American Forensic Association, 3 (1966), 104-11.

⁷Arthur N. Kruger, Modern Debate: Its Logic and Strategy (New York: McGraw-Hill, 1960), pp. 55-56.

I. TRADITIONAL BASES

Traditional theory supports the counterplan through real world analogies. The most often cited are the legal analogy, and the closely related parliamentary and legislative analogies. A good example of the legal analogy was provided by James H. McBurney, James M. O'Neill, and Glen E. Mills:

Suppose in the burglary case . . . , instead of confining its case to proving unfounded one or more of the five accusations, the defense simply denies them all and offers evidence that proves conclusively that not A, the accused, but X, committed the crime in question.⁸

This situation often was referred to as taking an affirmative defense. Many of the authors, thus, considered the negative supporting a counterplan to be, in essence, an affirmative. Ulrich noted that the counterplan was analogous to the affirmative plan and should be equally as detailed.⁹ A major point in the third edition of George McCoy Musgrave's Competitive Debate was the contention that both affirmative and negative teams offering plans should provide significant description when called on to do so. Vagueness should be avoided.¹⁰

While the burglary case cited above dealt with an analogy to a criminal trial, Wayne Thompson cited an analogy to the defense plea of

⁸James H. McBurney, James M. O'Neill, and Glen E. Mills, Argumentation and Debate: Techniques of a Free Society (New York: Macmillan, 1951), pp. 41-42.

⁹Ulrich, p. 1.

¹⁰George McCoy Musgrave, Competitive Debate: Rules and Techniques (New York: Wilson, 1945), p. 13; 3rd ed. (New York: Wilson, 1957), pp. 16-17.

accord and satisfaction in civil proceedings. He believed such an analogy to provide more clearly delineated rules for assigning burden of proof in a counterplan debate. Thompson borrowed an explanation of the plea from a legal text by Morgan, Maguire, and Weinstein:

Now let it be assumed that the plaintiff's claim is met not by a denial but by a plea of accord and satisfaction, which in turn is denied by the plaintiff. If it be assumed that upon this issue the burdens are upon the defendant, the situation will be the same as that heretofore described, except that the parties will be reversed. If the defendant interposes both a denial and a plea of accord and satisfaction which is traversed by the plaintiff, then the burdens on the first issue will be upon the plaintiff, and on the second issue will be upon the defendant. . . .

In the hypothetical case, it is literally true that plaintiff will begin the trial with the burden of introducing evidence that the defendant made the promise, for no evidence at all has yet been introduced. It is also literally true that at the commencement of the trial defendant has the burden of producing evidence on the issue of accord and satisfaction, and for the same reason. The defendant may win the lawsuit without introducing any evidence upon the issue if plaintiff fails to discharge one of his burdens as to the issue of promise: but if the result depends upon the issue of accord and satisfaction, defendant must lose in the absence of evidence tending to prove such accord and satisfaction.¹¹

Thompson believed this situation to be most analogous to a counterplan. The affirmative, or plaintiff, must first meet its burden of proof. In the case of debate, this consisted of providing an option superior in merit to the status quo. If the affirmative failed in this endeavor, it lost, just as a plaintiff unable to prove his case, and the counterplan became irrelevant. If the affirmative plan was proved superior to the

¹¹Edmund M. Morgan, John M. Maguire, and Jack B. Weinstein, Cases and Materials on Evidence (Brooklyn: The Foundation Press, Inc., 1957), p. 422, quoted by Wayne N. Thompson, "The Effect of a Counterplan Upon the Burden of Proof," Central States Speech Journal, 13 (1962), pp. 249-50.

present system, the negative had to prove its counterplan superior in merit to the affirmative plan, just as the defendant had a burden to prove his case. If plan and counterplan were found equal in merit, an affirmative ballot was called for.¹²

In a footnote, Thompson noted that the basis of the counterplan was actually broader than the specific plea analogy explained above:

The principle of accord and satisfaction is a specialized aspect of the more general option of the defendant known as "confession and avoidance." This option, which takes the form of admitting the argument of the plaintiff but contending that some other adequate reason exists for denying his case, also results in the transfer of the burden of proof to the defendant, for in law the failure to substantiate the issue of confession and avoidance results in the loss of the case by the defendant.¹³

The implications of the broader analogy are similar. Thompson's analogy to civil law was unique.

Another analogy frequently made was the legislative one. Henry Lee Ewbank and J. Jeffery Auer provided an example:

The negative may admit the existence of a serious problem, but argue that the affirmative is advocating the wrong solution. This position is often taken by the opposition in legislative and political debates. For example, both major parties believe something should be done for the farmer: but each has its own farm program and each fears the worst should the opposition's plan be adopted.¹⁴

Musgrave suggested that a counterplan which would be relevant in a legislative context may be proposed. According to Musgrave, the "ideal

¹²Thompson, Burden of Proof, p. 250.

¹³Thompson, Burden of Proof, p. 252.

¹⁴Henry Lee Ewbank and J. Jeffery Auer, Discussion and Debate, 2nd ed. (New York: Appleton, 1951), pp. 416-417.

counterplan" was different in principle from the affirmative plan, and "gives sufficient grounds for rejecting the affirmative proposal." He warned, however, that ideal counterplans were rare, and thus a strict rule allowing only counterplans that would be acceptable in legislative assemblies should be enforced. If the counterplan was very similar to the affirmative plan, it could only be considered if the difference was shown to be so important as to provide a reason to reject the plan in favor of the counterplan. Surprise in legislative situations was acceptable, thus counterplans used for the effect of surprise were acceptable, just as "facetious and irrelevant" counterplans were out of order. Just as in legislative practice, "disputed matter is admitted if there is doubt as to its admissibility."¹⁵

Another analogy close in concept to the legislative example is the parliamentary example. A motion to substitute is seen as the counterpart to a counterplan. Such a motion attempts to substitute itself for, or amend, the motion originally being debated in parliamentary procedure. Since an equal vote for and against a substitute motion resulted in its defeat, Thompson reasoned that a counterplan found equal in merit to an affirmative plan was defeated.¹⁶ In addition, the new motion must address the same questions as the original bill:

¹⁵Musgrave, 3rd ed., pp. 16-17.

¹⁶Wayne N. Thompson, Modern Argumentation and Debate: Principles and Practices (New York: Harper and Row, 1971), p. 91.

To be germane, an amendment must in some way involve the same question that is raised by the motion to which it is applied.¹⁷

Based on this rule, it has been reasoned that counterplans should address the same issue or deal with the same problem area as the affirmative plan.¹⁸

II. CONTEMPORARY BASES

Systems Analysis

A modern innovation in debate theory was the model incorporating General Systems Theory and public policy analysis. This "judging paradigm," known as systems analysis, has become extremely popular in the debate community. In a 1973 work, Bernard Brock, James Chesebro, John Cragan, and James Klumpp articulated the concept and its implications for academic debate.¹⁹ It is not the purpose of this work to explore the model in detail; instead, its implications for counterplan theory are discussed.

Systems analysis viewed academic debate as a type of public policy analysis. It recognized complex interaction of systems and sub-systems, multiple causation, and the constantly changing nature of systems and policy. In systems analysis debate, two consistent policy proposals were

¹⁷Henry M. Robert, Robert's Rules of Order Newly Revised (Glenview, Ill.: Scott, Foresman, 1970), p. 113.

¹⁸Ulrich, p. 5.

¹⁹Bernard L. Brock, James W. Chesebro, John F. Cragan, and James F. Klumpp, Public Policy Decision-Making: Systems Analysis and Comparative Advantages Debate (New York: Harper and Row, 1973).

compared as to relative merit by the use of cost benefit analysis. It was imperative in systems analysis debate that the negative team, as well as the affirmative, defend a coherent system for comparison. This emphasis gave increased importance to the counterplan as a negative strategy:

In addition to eliminating status quo revisions as a viable negative position, the necessity to compare influences the other three positions as well. Direct refutation becomes less important, because with this strategy the negative does not defend a specific system. Defense of the status quo is awkward, unless the negative specifies precisely what it means by status quo and defends this system. Counterproposal becomes more acceptable, because this stand represents a comparison of systems.

Increased emphasis upon comparison will force the negative either to defend the present policy as a system or recommend a substitute system, a counterproposal.²⁰

The counterplan, then, was a logical negative system. Brock et al. felt that a counterplan acquired a burden of proof, but its measurement was unclear. They objected to the ambiguous position of supporting the status quo and major changes, the latter assuming a burden of proof. Thus, the counterplan, as a concrete position, was superior for the purposes of comparison.

Systems analysis viewed the status quo as constantly in flux. Thus, unlike the traditional perspective which expected a negative denial of the need for change and considered repairs and counterplans unusual, systems analysis called for a negative position developed to cope with change. Traditional views that "such negative positions are somehow not

²⁰ Brock et al., pp. 160, 161.

as 'important' as the negative denial of a need for change," were altered by system's concepts:

As we introduce systemic analysis into affirmative debating, this traditional perspective changes, and changes rather drastically. Instead of viewing the first affirmative speech as a complete statement of position, the first affirmative speech is viewed as only the first assertion for one system of change which will be denied by a counterassertion for a different system of change. The negative counterassertions may vary greatly. Many negative counterassertions will clearly assume that drastic changes are appropriate (perhaps a counterplan).

Given the assumption that change is ever-present, the negative counterassertion must include a system for dealing with change as well as ensuring that the negative set of changes preclude the significance and responsiveness of the affirmative system for change (the debate resolution). From a systemic point of view, then, the negative posture will include a "new" system.²¹

Counterplans then assumed constant change and countered the resolution as defined by the affirmative proposal.

Systems analysis, since it focused on issues of public policy decision-making, emphasized the legislative analogy:

The public debate over medicare illustrates how the legislative process modifies the traditional negative stands and forces debaters to defend a system. Initially, the negative (led by the American Medical Association) responded to the King-Anderson Bill, medical care for the aged administered through Social Security, by arguing that there simply was no need for it—defense of the present system. However, as debate progressed and they apparently were losing, the AMA was forced to support a specific change as a counterproposal, the Kerr-Mills-AMA alternative to the King-Anderson Bill . . . the point is that in legislative debate the important issue is "Which alternative is the most desirable one?"²²

²¹ Brock et al., pp. 87-88.

²² Brock et al., pp. 160-61.

The most important implication of the analogy was the requirement of both sides to support a consistent position as defined by a specific, coherent policy system. As already seen, this idea encouraged use of the counterplan.

Brock et al. assumed that the negative, in supporting their policy system, assumed the "same responsibilities as the affirmative team."²³ They warned negatives that a strategy of supporting repairs increased the negative burden of proof to be equal to that of the affirmative.²⁴ It was unclear whether this same rule applied to presentation of a counterplan. The systems view of presumption was the idea that "he who asserts must prove." Because of inertia (it takes energy, or effort, to change policies), some presumption was assigned to present policies. This presumption was passive, and not significant overall.²⁵ It was unclear just how presentation of a counterplan affected presumption.

In summary, systems analysis granted increased importance to the counterplan. Due to its emphasis on policy comparison, its recognition of constant change, and use of the legislative analogy, systems analysis provided a sound theoretical basis for the counterplan. Competing policies were measured relative to each other by use of cost benefit analysis. Criteria of presumption, burden of proof, and competitiveness were unclear, although the counterplan, or negative system, had to preclude the effectiveness of the affirmative system.

²³Brock et al., p. 87.

²⁴Brock et al., p. 133.

²⁵Brock et al., pp. 153-54.

Hypothesis-Testing

Another recent innovation in debate theory is the hypothesis-testing paradigm as advanced by David Zarefsky. This model viewed academic debate as analogous to the method of scientific inquiry. The affirmative proposition was parallel to the researcher's hypothesis in statistical analysis; it was a yes/no question to be answered as probably true or probably false. The hypothesis should be rigorously tested against all possible alternatives. The counterplan, then, was a null hypothesis to be weighed against the original question.

In a 1976 paper, Zarefsky discussed six of the implications the hypothesis-testing paradigm had for academic debate. First, the wording of the proposition was more important than specific plan wording. The goal of debate is only to answer a question; nothing was actually adopted. The plan should only illustrate the principles of the resolution; a legislative bill was unnecessary. Debate about specific plan issues was hypothetical in nature. The wording of the resolution was critical, and of importance in defining alternative hypotheses, or counterplans:

By contrast, the wording of the proposition is of central importance, since the proposition is the hypothesis being put to the test. Any different statement of a proposition assumes the character of an alternate hypothesis.²⁶

²⁶David Zarefsky, "Argument as Hypothesis-Testing," unpublished paper presented at the Speech Communication Association Convention, San Francisco, California, December 28, 1976, p. 7.

Thus, to be competitive, the counterplan must be different from the proposition in principle. The main question was whether the affirmative could justify the proposition:

In order for proposition X to withstand the challenge that alternate hypothesis Y could account equally well for the phenomena being discussed, a specific defense must be made for proposition X—not just for "a change" or even for a direction in which change should proceed. Hence the genre of "justification" arguments is of special significance.²⁷

The counterplan, as an alternate hypothesis, attempted to provide an alternate explanation, denying the affirmative justification.

A second implication of hypothesis-testing was the idea that presumption always rested against the resolution, since the hypothesis was assumed false until other reasonable explanations could be rejected. Negatives always retained presumption thus distinctions between minor repairs and counterplans were irrelevant. Only by advocating the affirmative hypothesis could the negative lose the advantage of presumption.²⁸

The third and fourth implications deal with fiat power and inherency and are of little importance to counterplan theory.

The fifth set of implications discussed deals with the counterplan specifically. Just as plans are not adopted by warrant of affirmative decisions, counterplans are conditional, and would not be adopted. Rejection of the resolution did not require endorsement of an alternative. Counterplans questioned the affirmative justification:

²⁷Zarefsky, p. 7.

²⁸Zarefsky, pp. 7-8.

The function of the counterplan is to argue that the specific proposition under consideration has not been justified. How can proposition X be said to be warranted if alternative proposition Y accounts for the data equally well?²⁹

Thus, the counterplan was a type of conditional justification agreement. To present a counterplan was not to admit the affirmative problem area, but only to show the failure of the affirmative to provide justification to believe the truth of the resolution. Presumption was retained by the negative proposing a counterplan, since the proposition was presumed false. Legislative specificity was not necessary; the negative must only "claim that action based on principles incompatible with the principles of the proposition would be an equally appropriate way to deal with a given problem."³⁰

The final implication made by Zarefsky was concerned with the nature of the judge's decision. The question did not deal with "this-versus-that," but rather was a "yes or no" decision.³¹ In summary, hypothesis-testing viewed the counterplan as an alternate hypothesis. It was conditional, challenged the affirmative justification of the proposition, and retained presumption.

III. SUMMARY

The counterplan, given certain situations, is generally accepted as theoretically sound. Traditional theorists supported the counterplan

²⁹Zarefsky, pp. 10-11.

³⁰Zarefsky, p. 11.

³¹Zarefsky, p. 11.

as analogous to various legal settings, legislative activity, and parliamentary procedure. The systems analysis paradigm encouraged the counterplan as a competing policy for comparative policy analysis. The hypothesis-testing model viewed the counterplan as an alternate hypothesis, against which to test the probable truth of the resolution.

CHAPTER III

THE HISTORICAL DEVELOPMENT OF THE COUNTERPLAN

This chapter provides a historical analysis of the debate literature which included mention of the counterplan. Each work has been considered chronologically, in terms of its individual contribution toward the development of a counterplan theory. Most of the materials were acquired via The University of Tennessee, Knoxville, library system.

Three periods of theory evolution are considered. The first section describes the foundations of counterplan theory, and its acceptance as a sound strategy, from 1900-1940. The second section deals with the period of expansion of counterplan theory, and increased interest in the negative option from 1940-1962. The final section, concerned with contemporary refinement of counterplan theory, and setting the stage for examination of the "state of the art" deals with the period from 1962-1977. Several conclusions comprise a summary of Chapter III.

I. FOUNDATIONS—THE EARLY PERIOD (1900-1940)

In his 1972 thesis, Hynes cited the first discussion of the counterplan in a debate text. According to Hynes, R. H. Alden provided the first examination of the counterplan as a negative option in his 1900 text. Not surprisingly, Alden's description was quite vague. After an affirmative established a *prima facie* case, he indicated the negative had the burden to show the affirmative claim unfounded. They could attack the argument directly, or build a countercase. If the negative

successfully established such a case and showed that it "evaded the points made by the affirmative," presumption would then lie with the negative.¹ Just what was meant by a "countercase" and by what standard it must evade the affirmative claims is unclear. This treatment seems characteristic of the counterplan theory of the period. It is not clear whether a defense of status quo structures would constitute a countercase, and, as Huddleston pointed out, little distinction was made between minor repairs and counterplans.²

There was little or no mention of the counterplan in the debate literature of the first two decades of this century. Apparently, use and acceptance of the counterplan was very limited. W. H. Davis described a 1915 debate in which a counterplan was presented. The topic being debated was: "Resolved, that county elections in the various states should conform to the principles of the short ballot." Rather than a direct refutation of specific points, or a defense of the status quo, the negative developed a case of its own advocating complete abolition of county government. Davis reported that, although he supported the strategy, most of those present rejected such a negative option. Acceptance of the counterplan seemed to depend upon the audience's more general ideas of debate and its constructs:

¹Thomas J. Hynes, Jr., "The Counterplan: An Historical and Descriptive Study," unpublished M.A. Thesis, University of North Carolina, Chapel Hill, 1972, pp. 9-10. Hynes cited R. H. Alden, The Art of Debate (New York: Henry Holt and Company, 1900), pp. 67-8.

²Bill M. Huddleston, Jr., "A Historical Study of Minor Repairs in Educational Debate," unpublished M.A. Thesis, The University of Tennessee, Knoxville, 1976, p. 24.

. . . the supporters of the negative were criticized for disregarding what was said to be an assumption in the question, a term in the syllogism as it were—the assumption that county governments should continue to exist. I do not treat this position as logic. I present a different conception of debating, and suggest that the question was proposed in a form suitable and natural for discussion before a deliberative body, and that the contention of the negative, justifying as it does a vote of no on the resolution, was in order.³

Thus, acceptance or rejection of the counterplan as a legitimate strategy probably depended on the listener's outlook toward debate. This outlook, or conception, must have been dictated to a large degree by the available theory, and of course, little had been written about the counterplan. No criteria with which a counterplan could be evaluated yet existed.

A 1917 text by O'Neill, Laycock, and Scales provided some more detailed explanation. They admitted that the counterproposal was the most radical negative strategy. Just as an affirmative defense in law assumed a burden of proof, so, too, the negative advocating a counterproposal became an affirmative, and acquired a similar burden of proof. When a counterproposal was presented, the negative admitted the need for a remedy, but supported a different solution. The affirmative issues were unaltered. The counterproposal must block adoption of the affirmative plan in at least one vital point or there was no debate. If a vital point of the affirmative case was blocked, then the case failed, although the counterproposal was not necessarily adopted. The authors reasoned that in law, an accused burglar might defend himself by proving that not he, but a second person committed the crime. Even if the defendant was

³W. H. Davis, "Debating as Related to Non-Academic Life," Quarterly Journal of Public Speaking, 1 (July, 1915), 110.

acquitted, the guilty burglar would not be convicted. Finally, and most importantly, O'Neill, Laycock, and Scales provided two basic principles with which counterproposals must be measured. First, it must be clear, and assume a burden of proof. Second, it must be counter, or competitive. It was not sufficient that the counterproposal be different, it must be "vitally inconsistent" with the affirmative plan.⁴ Thus, the authors established the criteria of nontopicality and competitiveness, and developed the legal analogy as a theoretical basis of the counterplan. It was still unclear, however, as to how an affirmative plan should be weighed against the counterplan; there was no measure. This question of proof responsibilities of the negative presenting a counterplan would become a significant controversy. In addition, a criterion of competitiveness was lacking.

A text by W. C. Shaw, published in 1922, suggested that the counterplan should be superior in merit to the affirmative policy option. He thus established a greater burden of proof for the negative, but did not discuss the reasoning behind such a rule. As with many later works, Shaw only described the option, without a theoretical examination of its logic or basis.⁵

⁴James Milton O'Neill, Craven Laycock, and Robert Leighton Scales, Argumentation and Debate (1917; rpt. New York: Macmillan, 1927), pp. 36, 51, and 378. Although some authors used the term "counterproposal," there is no distinction from the term counterplan. In the remainder of this work, the term counterplan will be used.

⁵Warren Shoate Shaw, The Art of Debating (Boston: Allyn, 1922), pp. 170-72.

In a 1930 handbook, Carroll Lahman discussed the counterplan from two perspectives. First, as advice to affirmatives encountering a counterplan he advised:

Similarly with the counterproposition. Demand, and get the audience's backing as to the reasonableness of your demand, that the negative show that its plan meets the admitted need in detail better than does yours.

If it is feasible, quite as effective a procedure as that of demanding that the negative shoulder burden of proof with its suggestions is to take over the suggestions and show that the heart of the problem is still untouched. Unless a counterproposition is really counter, you may even be able to accept it, thus leaving your opponents high and dry. No more effective way of disposing of opponents' proposals can be found.⁶

By his advice, Lahman established an audience oriented concept of two important criteria. The affirmative should establish a burden of proof which was greater for the negative suggesting adoption of a counterplan. Further, the counterplan should be competitive, or counter. This could occur on either of two levels. The affirmative could either indicate that the affirmative harm was not solved, that "the heart of the problem is still untouched," or that the competing plans were not mutually exclusive, that they could coexist. Later, Lahman discusses counterplans as he advises negatives on the use of strategy:

A negative case which takes this form is usually unexpected in itself. It is doubly unexpected if presented in the opening, rather than the third, speech. On the other hand, you must decide whether such presentation loses more in giving the opponents time to prepare an answer than it gains in unexpectedness and in illuminating the audience.⁷

⁶Carroll Pollock Lahman, Debate Coaching: A Handbook for Teachers and Coaches (New York: Wilson, 1930), p. 131.

⁷Lahman, p. 161.

Lahman seemed to be justifying the counterplan based on its effectiveness as a surprise strategy to win negative decisions based on lack of affirmative preparation time. Many would later object to the counterplan as a trick strategy, perhaps promoted by this type of view. It is surprising that Lahman would accept presentation of a counterplan after the first negative speech.

James O'Neill extended his counterplan theory with James McBurney in their 1932 work, The Working Principles of Argument. The counterplan, they suggested, should be measured against the affirmative plan based on their comparative ability to solve the designated need area. The relative merits of the competing policies should be weighed against each other. Revolutionary was the idea that plan and counterplan should be compared in terms of degree of deviation from the status quo in order to determine burden of proof levels. O'Neill and McBurney explained with an example:

It is important also to know whether a counter-plan differs more or less from the status quo than the proposed plan. For instance, it might be argued in opposition to a proposal that Mary buy a new three-hundred dollar muskrat coat, either that she buy a seventy-five dollar cloth garment or a five-hundred dollar mink coat. Both of these suggestions, if properly argued, would constitute legitimate substitute plans. The proposal to buy a cloth coat differs less from the status quo than the affirmative plan, and for that reason it would need only to be shown that this coat would serve the purpose as well as the muskrat coat in order to defeat the affirmative plan. On the other hand, in the case of the mink coat, since it differs more from the status quo than does the affirmative plan, it would meet the needs better than would the muskrat coat. This difference frequently becomes a matter of some importance in argument and should be thoroughly investigated.⁸

⁸James Milton O'Neill and James Howard McBurney, The Working Principles of Argument (New York: Macmillan, 1932), p. 39.

Apparently, the question of which team had the greater burden of proof was unclear at this time. O'Neill and McBurney provided an important explanation. If the change proposed by the negative was a greater deviation from present structures than the affirmative's plan, then the negative assumed a greater burden, a burden to prove the counterplan superior. If the negative change was less in degree than the affirmative, it incurred less effort, and less risk, thus must be equal in merit to preponderate. Of course, there was no discussion of what measure of burden of proof would prevail if the degree of change from the status quo was equal for both plan and counterplan, or could not be determined. Much later this "risk" theory, basing presumption rules on degree of change, would be further delineated.

O'Neill and McBurney further emphasized the importance of competitiveness—the idea that a counterplan be truly counter to the affirmative plan. Not only must the counterplan meet the affirmative need area, it must also be incompatible, mutually exclusive. The authors provide a specific example:

The adoption of the negative alternative plan by the affirmative is illustrated by a recent debate on unemployment insurance in which the negative offered an elaborate plan to stimulate building and public works during periods of depression and thereby alleviate the unemployment situation. The affirmative responded by saying that as advocates of unemployment insurance, they had no objection to this scheme or any other plan which would tend to reduce unemployment. They went on to show that there would always be an irreducible minimum of men unemployed, regardless of stabilization plans, and that this was the group which demanded insurance. It was the affirmative position that the negative plan might work

side by side with the plan they were offering without eliminating the necessity of their proposal.⁹

Apparently, the affirmative team won the debate, since the adoption of the negative counterplan would not solve the entire need area isolated by the affirmative, and would not preclude adoption of the plan. O'Neill and McBurney also indicated that an affirmative may point out evils which would result from adoption of a counterplan, just as negatives may discuss the potential evil effects of the affirmative plan. The affirmative would try to prove that the situation created by a counterplan would be worse than the one it was meant to remedy.¹⁰

It is important to note that while the authors supported a measurement of the burden of proof in relation to degree of change from the status quo, both teams in a counterplan debate have a burden of proof. They clearly stated that the affirmative burden of proof existed and never shifted, even after presentation of a counterplan. The negative, however, assumed their own unique burden to prove the counterplan. The negative, if challenged, had the burden of proof on the issue of degree of change from the status quo.¹¹ This treatment of counterplans was quite progressive, and few new ideas have been forwarded since.

In their 1934 text, Donald Hayworth and Robert B. Capel warned that negatives should not admit that the affirmative plan could work, although it was legitimate for them to do so. Such a strategy was risky, since

⁹O'Neill and McBurney, p. 40.

¹⁰O'Neill and McBurney, p. 40.

¹¹O'Neill and McBurney, pp. 87-8.

success depended wholly on the issue of counterplan superiority. The only level of competitiveness addressed by the authors was solvency of the specific affirmative harm in a superior manner. It is interesting that they used the same example O'Neill and McBurney had used, the debate on unemployment insurance. While the earlier writers had meant the alternative of public works to be an example of a noncompetitive counterplan, Hayworth and Capel used it as an example of a competitive one.¹² This question of competitiveness is one of the major questions that has evolved in counterplan theory. The O'Neill and McBurney idea, that plan and counterplan must be mutually exclusive, emphasized the competition of the policies themselves. The Hayworth and Capel idea that the counterplan must only be an option, different from the affirmative plan and the status quo, which solved the same need in a superior manner, emphasized the competition of the results of the respective policies. (O'Neill and McBurney actually supported competition on both levels.) This became a major point of confusion in later works.

The early period of counterplan theory, from 1900 to 1940, provided a clear description of the counterplan, and the establishment of some judging criteria. From a vague type of negative case, the counterplan had grown to a relatively well accepted negative strategy. A firm foundation had been laid, even though there had been a very limited discussion of theory. The next period, from 1940 to 1962, saw an increasing interest in the counterplan, as well as increasing confusion

¹²Donald Hayworth and Robert B. Capel, Oral Argument (New York: Harper and Brothers, 1934), p. 39.

surrounding theoretical bases and judging criteria. Mortar was added to the original foundations, and development of a concrete theory began, although no consensus evolved.

II. DEVELOPMENT—THE MIDDLE PERIOD (1940-1962)

A 1943 article by F. W. Lambertson did not provide any clarification of debate theory. While he clearly stated that a counterplan must be superior in merit to the affirmative plan, he also indicated that an affirmative plan must be the best solution, or is assumed to be so. It is unclear which side would win if both policies were evaluated equal in merit. In addition, he stated that a counterplan should be different in principle from the affirmative plan. This also is unexplained. It is not clear whether he meant the policies themselves should be different in principle, or whether their goals or effects should differ. Nor did he explain how one may evaluate a difference in principle. Five areas for negative analysis were suggested. First, the affirmative plan's limitations should be investigated; second, the nature of the counterplan should be revealed; and third, its workability should be compared with that of the affirmative plan. Fourth, its desirability should be compared with the affirmative's, and finally, its bad effects should be contrasted with the evils created by the affirmative plan.¹³ Lambertson's discussion provided some practical suggestions, but no theoretical explanation or justification.

¹³F. W. Lambertson, "Plan and Counterplan in a Question of Policy," Quarterly Journal of Speech, 29 (1943), 48-52.

In a 1944 article, Wayne Thompson sought to report the incorrect objectives of debate and to develop a new philosophy based on the primary objectives of debate. For Thompson, debate was not a game, a contest, an exercise in sophistry, or persuasion. Debate was a search for truth, and much more than just research and public speaking. Most important was the use of debate as a technique to test the wisdom of a specific solution. One implication of such a view was that the counterplan was an illegitimate strategy. Presentation of a counterplan made the situation multilateral and thus destroys the thoroughness possible by testing a single solution only. A counterplan created confusion, less time to consider each specific plan, and a failure of the negative team to develop arguments against the affirmative proposal. Developing the virtues of the counterplan was quite different from showing the weakness of the affirmative plan.¹⁴ Apparently this new philosophy found few followers, and even Thompson later addressed the counterplan as a legitimate strategy.

In his 1945 text, George Musgrave also suggested that a counterplan must involve a "change of principle from the affirmative plan." He admits that just what constitutes a change of principle "will probably be a bone of contention unless both teams understand the purpose of this rule—to prevent the negative from offering anything too close to the affirmative plan."¹⁵ Musgrave then refers the reader to Lambertson's article. Just when a counterplan becomes "too close to the affirmative

¹⁴Thompson, "Discussion and Debate," 288-99.

¹⁵Musgrave, 1945, p. 13.

plan" is unclear. It seems probable that the emphasis was on the competition of plans, as opposed to effects of the plans.

According to Musgrave, the negative must explain, if challenged by the affirmative, "the major features and policies" of their proposal. It cannot be so vague that a reasonable attack is impossible.¹⁶ In addition, a counterplan should be advanced in the first negative speech, so as to allow affirmative refutation in a subsequent constructive speech.¹⁷

Musgrave discusses the burden of proof for the counterplan in a section dedicated to controversies regarding the decision. It is clear that he assigns the counterplan a greater burden of proof, a burden to prove the counterplan superior to the affirmative plan. Even if both plans are equal in merit, a tie is impossible. He explains:

The negative, in offering a counterplan, said in effect, "The affirmative plan should not be adopted because it would interfere with the adoption of another, superior plan—namely, the one we are proposing." If, at the end of the debate, the negative has succeeded in showing only that its plan is of equal merit, it has failed to show that the affirmative's satisfactory remedy for the admittedly bad situation should not be adopted. The affirmative carried out its burden of proof by showing that its plan offered an improvement over the status quo, while the negative in effect admitted that the situation was bad, then failed to show any valid reason for not adopting the plan. Therefore the affirmative won.¹⁸

¹⁶Musgrave, 1945, p. 13.

¹⁷Musgrave, 1945, p. 17.

¹⁸Musgrave, 1945, p. 112.

The implications of such a rule are clear, however it seems to have been assigned arbitrarily. The author assumes that the negative promises a superior option by presenting a counterplan.

Musgrave recognized views contrary to his. A counterplan may be difficult to distinguish from the status quo with repairs. Following the above stated rule, the affirmative would have the burden of proof when the negative supports a "slightly modified status quo," while a negative would assume the greater burden in a counterplan round. This rule is only operable if a dividing line between minor repair and counterplan may be found. Such a distinction is impossible. Thus, the affirmative must always maintain a greater level of proof, and the negative would win any time its policy was at least equal in merit to the affirmative's. Musgrave found this view absurd, since it was quite easy to distinguish the status quo from a counterplan.¹⁹

A 1951 article by Harold Wisner sought to answer the question of who has the greater burden of proof in a counterplan round. Wisner reviewed what he considered to be the twelve most important debate texts. Expecting to find a consensus, he found six of the texts to be indefinite or have no mention of counterplans, two indicated a greater burden on the affirmative, and four awarded the greater burden to the negative. Based on Richard Whately's concept of presumption, the author advocated a rule placing the greater burden on the negative. When the negative abandoned the status quo and did the unexpected, the affirmative assumed a "preoccupation of the ground," and the negative has the burden to overcome

¹⁹Musgrave, 1945, pp. 132-34.

the presumption. Wisner also justifies a rule of negative burden based on practical reasons. First, the negative has an advantage in preparation. Second, the negative gains the advantage of position, since the first affirmative constructive speech is wasted time. The affirmative must still prove its case and plan, but the negative's proposal should be superior.²⁰ This view seems to attempt an affirmative/negative balance. The effect, however, is to arbitrarily punish the negative for gaining a strategic advantage. Whately's concept of presumption is based on the value assigned existing institutions, and in a counterplan debate, neither team supports an existing institution.

In a 1954 text, Rowland and Eubank discuss what they consider the most radical and unusual negative case, the counterplan. Like many theorists, they indicate a negative advocating a counterplan admits the affirmative need but offers a better solution. The counterplan must be superior in merit to the affirmative plan, and must be counter: mutually exclusive. The question changes from adoption of one policy to a choice between two competing plans. The burden of proof is always affirmative, but the negative assumes a burden of proof, and the counterplan must be clearly stated. Although either negative speaker may present the counterplan, it is sportsman-like to reveal it in the first negative constructive speech, so that the affirmative will have a constructive speech with which to respond. Several strategic advantages belong to the negative presenting a counterplan. First, the value of the need issue is lost to the affirmative and the first affirmative constructive

²⁰Wisner, 11-14.

is wasted. Second, the surprise of presenting a counterplan may be an advantage to the negative, although this is a greater factor early in the debate season than later.²¹ Braden and Brandenburg took a similar view in a 1955 text.²²

In the third edition of his text in 1957, George Musgrave provided a clear definition of the counterplan:

The term "counterplan" means a whole new course of action, preferably involving some change of principle. To be effective, the counterplan must be something the affirmative cannot recommend under the wording of the topic.²³

This is significant in its reference to the topic. It is important that the counterplan be nontopical. In addition, a standard for what constitutes a legitimate counterplan was established. "The negative may offer any counterplan that would be in order in a legislative assembly discussing the proposition."²⁴ The perfect counterplan was different in principle from the affirmative plan, and its adoption was grounds for rejection of the affirmative, although even if the plans were close in principle, a counterplan that provided grounds for affirmative rejection was acceptable. A counterplan based on surprise was legitimate and sometimes effective. As in legislative procedure, material in question

²¹A. Westly Rowland and Wayne C. Eubank, "Organizing the Case," in Argumentation and Debate: Principles and Practices, ed. David Potter (n.p.: Henry Holt, 1954), pp. 63, 66, 72-73, 76.

²²Waldo W. Braden and Earnest Brandenburg, Oral Decision-Making (New York: Harper and Row, 1955), pp. 438-39.

²³Musgrave, 3rd ed., 1957, p. 54.

²⁴Musgrave, 3rd ed., 1957, p. 16.

was admitted, and thus dubious counterplans were acceptable if no reason was given to reject them specifically.²⁵ Musgrave discussed mutual exclusivity as a standard of competitiveness,²⁶ and provided some practical rules for use of the counterplan. Methods of organizing,²⁷ flowing,²⁸ building up in cross-examination,²⁹ and presenting and defending counterplans³⁰ were provided.

Musgrave's treatment of the counterplan was the most complete to date, and he gave far more attention to the counterplan in this third edition than he had in the earlier editions of this text. Publication of Musgrave's work and a subsequent article by Roger Nebergall are reflective of a relatively mature counterplan theory. Differing views on competitiveness, burden of proof, and other issues were evident, but they were supported with some theoretical justification. More attention was awarded the counterplan, and practical rules were established.

Nebergall noted that debate writers in developing theory had drawn from both legislative and legal models, yet he believed that such analogies conflicted in the area of the counterplan. He first examined the legislative model, as explained by Eubank and Auer. From this perspective, a negative advocating a counterplan must admit that the

²⁵Musgrave, 3rd ed., 1957, p. 17.

²⁶Musgrave, 3rd ed., 1957, pp. 87-88.

²⁷Musgrave, 3rd ed., 1957, p. 56.

²⁸Musgrave, 3rd ed., 1957, pp. 101-03.

²⁹Musgrave, 3rd ed., 1957, pp. 75-77.

³⁰Musgrave, 3rd ed., 1957, pp. 62-63.

problem as stated by the affirmative exists, but advocate a different solution. Nebergall explained that a legislator considering a new policy would amend the original proposition, or ignore it, thus voting against both plans in effect. Applying Whately's concept of presumption in favor of existing institutions, a legislator could support the status quo, if both the affirmative plan and the counterplan failed to meet their respective burdens of proof. Both alternatives would be rejected. No such option was open to the judge seeking to award a decision in a debate round, thus the legislative analogy was inapplicable.

The legal analogy, as supported by McBurney, O'Neill, and Mills, was no more acceptable to Nebergall. The analogy compared the counterplan to the affirmative defense in law. An accused person could show his innocence in a trial by proving that another person committed the crime. In such a case, only two decisions were possible—the defendant was either guilty or not guilty. Debate, however, concerns a question of policy and not a question of fact. A fact may be disproved by proof of another contrary fact, yet one policy was not bad because another was good. Thus, the legal analogy was not applicable.

The author advocated a decision rule based on a combination of the above-stated concepts. If the counterplan was proven to be superior to the affirmative plan, the negative should win, since the affirmative did not meet their burden to be the best possible solution. If the counterplan was not superior, the affirmative should win if they overcome presumption. If the affirmative failed to overcome presumption, the negative should win, since there is no reason to change. Voting negative in such a case is like voting for no change. An admission of affirmative

need by the negative did not constitute meeting of the affirmative burden of proof. The author concludes that two decisions are possible. If the negative counterplan is superior, a judge should vote negative. If the affirmative plan is superior, they should win the decision if they meet the need issue. If the affirmative fails to prove the need issue, the judge should vote against the affirmative, though not for the negative.³¹

Nebergall developed some persuasive arguments for the rejection of earlier decision rules, yet those he developed were somewhat arbitrary. While he noted a distinction between voting for the negative and voting against the affirmative, either decision constituted negative ballot, and the effect was the same. While he rejected in part both the judicial and legislative perspectives of judging the counterplan, there was no real basis for his alternative. A combination of inapplicable models makes little sense. Finally, Nebergall did not clarify who actually had the greater burden of proof and thus, which side would win if the proposals were equal in merit. Yet he did provide an unprecedented theoretical examination of the counterplan, and clarified some of the controversies, though he did not succeed in resolving the conflicts.

Arthur Kruger, in a 1960 text, advised the negative to use the counterplan only when they believed the status quo was inherently defective. A counterplan was appropriate when both teams agreed on the ends, but disagreed on the means to a given problem's solution. Kruger

³¹Roger E. Nebergall, "The Negative Counterplan," The Speech Teacher, 6 (1957), 217-20.

believed that presentation of a counterplan decreased the affirmative's burden of proof and neutralized presumption. He also had an interesting suggestion. Since the affirmative assumed they would be comparing their plan to the status quo, a negative planning to attempt a counterplan should warn the affirmative team prior to debate.³²

Freeley's 1961 work would differ with Kruger's concept. A negative advocating a counterplan, according to Freeley, would indicate an incorrect identification of needs by the affirmative team. Thus, the negative case must be integrated into the affirmative analysis, so the decision to support a counterplan could not be made until after the first affirmative constructive speech.³³ A warning prior to the first affirmative speech would be impossible, and also unjustified, since the negative seeks to redefine the need area. Freeley very clearly supported a competitiveness standard of mutual exclusivity:

It should be emphasized that the negative's counter plan must be inconsistent with the proposition; otherwise the affirmative will be able to adapt the negative's proposals to its own plan and thus prevail. The principal clash in a debate in which the counter plan negative case is used comes in the efforts to demonstrate the superiority of a given plan.³⁴

The emphasis in Freeley's treatment was obviously competition of plans. He suggested that rather than accept the affirmative need area, the negative should investigate the need, since it has been incorrectly

³²Kruger, Modern Debate, pp. 55-56.

³³Austin J. Freeley, Argumentation and Debate: Rational Decision Making (San Francisco: Wadsworth, 1961), pp. 185-86.

³⁴Freeley, p. 186.

identified. A counterplan should be a better solution to the redefined problem. The affirmative case, made up of need, plan, and benefits, should be countered with a redefinition of need, a plan inconsistent with the resolution, and a claim that the counterplan would provide benefits while the affirmative plan would provide irrelevant advantages or disadvantages.³⁵ He offered an interesting example:

. . . in the debates on the proposition, "Resolved: That the United States should adopt a system of universal military service," the principal need issue of some affirmatives was that in future wars the United States would require more manpower for military service. To meet this need these affirmative teams introduced a system of universal military service. Negatives using a counter plan case redefined the need and maintained that the primary need of the United States in a future war would be for greater firepower. The counter plan introduced to meet this need provided for a reduction in the size of the Army, an increase in size of the Air Force, and concentration of additional funds on the development of nuclear weapons and long-range missiles. Since both programs required the expenditure of vast sums of money, only one of the programs could be adopted; hence, they were mutually exclusive.³⁶

Thus, for Freeley, financing could be established as a level of competition, and different needs could be addressed if they were inconsistent or dealing with the same general problem area. The author believed that counterplan debate could expand the possible options considered and create a more flexible problem-solving situation:

The potential use of the counter plan as a negative case further demonstrates that debate is not a bipolar situation, with the participants exclusively oriented for or against a given proposition, but a far more flexible situation which permits a multisided examination of the problem. Since the negative has the option of presenting a plan that it feels

³⁵Freeley, p. 185.

³⁶Freeley, p. 186.

is better suited to the problem, an almost infinite range of possible solutions may thereby be introduced into the debate.³⁷

Freeley's treatment broke down the barriers by which counterplan theory had formerly been bound. He suggested the negative attempt a new approach to identifying the need area and encouraged investigation of diverse options. It is unclear whether he placed a greater burden of proof on either team, although he advised negatives to show affirmative failure to solve the need without accrual of disadvantages. Apparently, the burden was equal, though present for both sides. If one side met their burden they defeated their opponents' arguments, thus the opponents had failed to meet their own burden. Both sides could not successfully meet the burden of proof, since one denied the other's premise. This is a more complex, though logical judging tool.

Although in 1944 he had not considered the counterplan a legitimate strategy, in a 1962 article, Wayne Thompson addressed the question of a counterplan's effect upon the burden of proof. At this point he clearly accepts the counterplan as a legitimate strategy. Thompson first states that concepts like the burden of proof are not sacred; the winners of a given debate round should be the team that did the better job of debating. Only when everything else is equal should such decision rules be utilized. Further, the question goes beyond mere decision-making. A clarification of theory is worthwhile for its own sake and it is important to remove confusion. Debaters should not quibble over procedural technicalities.

³⁷Freeley, p. 186.

In order to determine whether or not confusion existed on the burden of proof issue, Thompson surveyed what he considered to be the six most important debate texts, and five less important books. He felt that all were incomplete or indefinite. Combining his interpretations of Musgrave, O'Neill, McBurney, and Mills, and Rowland and Eubank, the author established some decision rules. If both teams failed to meet their burden of proof, the affirmative would lose since the original burden to present a *prima facie* case is never met. If both plans are excellent, but the counterplan is not superior, the affirmative wins. The affirmative has a burden of proof; if it is satisfied, the negative attains a burden to be superior in merit to the plan. This is consistent with the legal analogy of a defense by accord and satisfaction:

The principle of accord and satisfaction is a specialized aspect of the more general option of the defendant known as "confession and avoidance." This option, which takes the form of admitting the argument of the plaintiff but contending that some other adequate reason exists for denying the case, also results in the transfer of the burden of proof to the defendant, for in law the failure to substantiate the issue of confession and avoidance results in the loss of the case by the defendant.³⁸

Thus, by Thompson's analysis, if the affirmative failed to prove their plan to be better than the status quo, they would lose regardless of other considerations. If the negative counterplan was proved to be superior in merit to the affirmative plan, it would prevail. If the counterplan was equal in merit, or less desirable than the plan, it would fail. He hoped to establish a clear rule for awarding decisions in close debates, yet it is clear that little agreement followed.

³⁸Thompson, pp. 247-52.

The middle period saw new ideas, and an exploration and expansion of the earlier foundation. The theory behind judging criteria for the counterplan was investigated, although consensus could not be reached. In general, two criteria evolved as relevant. The burden of proof was consistently discussed, though various rules for its measurement were accepted. Competitiveness was important on two levels: mutual exclusivity and solvency of a common need area. In addition, presumption, as tied to the concepts of Richard Whately, was considered in relation to the counterplan.

With few exceptions, contemporary treatment of the counterplan differed little from early and middle period writings. Theory was considered in relation to the evolving alternate case styles and judging paradigms, although the basic constructs of counterplan theory changed little.

III. CONTROVERSY—THE CONTEMPORARY PERIOD (1962-1977)

After the publication of Thompson's article, most textbooks included some discussion of counterplan theory. The 1963 text by Ehninger and Brockriede took the traditional view: a negative proposing adoption of a counterplan admitted the serious problems cited by the affirmative, but offered a superior option to solve the same problems. In fact, the need issue became irrelevant, and the only pertinent arguments dealt with practicality and disadvantage of each respective proposal. It is important that any disadvantages to the affirmative plan presented by the negative team be unique to the specific plan planks. Ehninger and Brockriede were less than helpful when they referred the reader to

Nebergall's article.³⁹ Wayne Eubank, in the same year, took a similar position. The negative advancing a counterplan must admit the need and offer a superior solution. Eubank also suggested a competitiveness standard based on mutual exclusivity.⁴⁰ The idea that the negative should grant the need area and provide a superior solution was common to many texts of the period,⁴¹ despite the earlier suggestions of Freeley. As Capp and Capp pointed out, the counterplan strategy was not considered to be a strong negative position:

This somewhat extreme type of negative case often proves to be the least satisfactory. It automatically admits the need for a change and thus resolves the debate into a comparison of two proposed solutions. The negative in offering a counterplan loses the presumption of the argument and assumes the burden of proof on the alternate solution. Furthermore, the negative must prove that its counterplan is superior to the affirmative's proposal. The counterplan is usually the most difficult type of case to uphold.⁴²

Thus, the initial advantage of presumption was lost to the negative proposing a counterplan, and the additional burdens made support of a counterplan risky business. Windes and Hastings, in a 1965 text, attempted a clarification of the problem of burden of proof by suggesting

³⁹Douglas Ehninger and Wayne Brockriede, Decision by Debate (New York: Dodd, Mead, 1963), pp. 245-46.

⁴⁰Wayne C. Eubank, "Developing the Case," in Argumentation and Debate: Principles and Practices, ed. James H. McBath, 2nd ed. (New York: Rinehart, 1963), pp. 103-23.

⁴¹Glenn R. Capp and Thelma Robuck Capp, Principles of Argumentation and Debate (Englewood Cliffs, N.J.: Prentice-Hall, 1965); C. William Colburn, Strategies for Educational Debate (Boston: Holbrook, 1972); James H. McBurney and Glenn E. Mills, Argumentation and Debate: Techniques of a Free Society, 2nd ed. (New York: Macmillan, 1964).

⁴²Capp and Capp, p. 51.

that in a counterplan debate the affirmative maintain the burden of proof while the negative assumed a unique burden of their own. They chose a legal analogy and advocated a rule requiring a successful counterplan to be superior to the affirmative plan.⁴³

Some authors allowed the negative to refute the affirmative need, as well as propose a counterplan. Otto Bauer suggested that, although the negative should admit the existence of a significant problem, they could counter the need issue. The negative could accept all or part of the need, or present a new analysis of the need. They could also present a need of their own, although this is a dangerous strategy. Debate, if the negative chooses a new need area, may deteriorate, since two teams could be discussing two unrelated subjects. If such a situation arose, most judges would vote affirmative.⁴⁴ McCroskey, in a 1967 article, suggested that both teams could agree on the existence of a problem, but disagree on its cause. Because the affirmative has incorrectly identified the problem by mistaking the actual cause of the problem, the negative solution may be more appropriate. Most judges required the presentation of the counterplan in the first negative constructive speech, although if the negative used the first speech to redefine the problem area, some judges accepted the counterplan if presented in the second negative speech.⁴⁵ The work of McCroskey and Bauer expanded the

⁴³Russel R. Windes and Arthur Hastings, Argumentation and Advocacy (New York: Random House, 1965), p. 77.

⁴⁴Otto F. Bauer, Fundamentals of Debate: Theory and Practice (Glenview, Ill.: Scott, 1966), p. 39.

⁴⁵McCroskey, pp. 17-23.

concept Freeley had advanced: the redefinition of affirmative need by the negative. In addition, the concept was given a clearer definition; the problem could be redefined partly or in whole, or by its cause.

This period saw the development of the comparative advantage case, a case style that deemphasized the need issues and contrasted competing policies. Brock supported the counterplan as the best traditional method to deal with the comparative advantage case. The negative action should be incompatible with the affirmative plan,⁴⁶ thus competition of plans was emphasized. Arthur Kruger agreed that comparative advantage debate lends itself to the use of counterplans. It is interesting that this was meant as a criticism of the comparative advantage construct. He contended that few propositions offering the choice of a counterplan have been evident, since only in unusual circumstances is a presumption for change warranted.⁴⁷

In his 1968 text, Glen Mills addressed the controversial question of burden of proof. He meant to establish a decision rule indicating which side would win if both plan and counterplan were equal in merit. He reviewed Thompson's 1962 article, but objected to the earlier writer's conclusions on two counts. First, he did not wish debaters to be tied to a single type of courtroom practice in the analogy to law. Second, he objected to Thompson's contention that issues of burden of proof and *prima facie* were less important than "reasoning, issues, evidence,

⁴⁶ Bernard L. Brock, "The Comparative Advantage Case," The Speech Teacher, 16 (1967), 118-23.

⁴⁷ Kruger, "The 'Comparative Advantage' Case," pp. 104-11.

attack and defense, and language." While Mills agreed that too much emphasis could be placed on single issues, he believed that the purpose of reasoning and evidence in debate was to build a case, and the case must be considered in light of the burden of proof and prima facie questions. Mills took a position contrary to that of Thompson:

The position of this work is that, in the event of a counterproposition (a plan so inconsistent with the affirmative's that they dare not accept it), each side is responsible for proving its own case, but the affirmative must preponderate, if ever so slightly, to win. In the event of a so-called tie, the negative will have discharged the burden of proof on the main proposition.⁴⁸

Although the position that a counterplan equal in merit to the affirmative plan should predominate was a viewpoint shared by a minority of debate writers, it was a significant view. Mills did not mean to suggest that a negative ballot was indicative of adoption of the counterplan. He explained his reasoning:

The theory is that, if the negative makes its plan seem desirable enough to cast doubt upon the wisdom of adopting the affirmative plan, the negative should win insofar as the logic of the situation is concerned. But this does not mean that in a legislative situation the negative plan should be adopted forthwith. A motion to adopt the counterproposal would first have to be debated. When we say that the counterproposition needs only to cast doubt upon the wisdom of adopting the affirmative plan, the implication is that the negative plan appears to be as good as the affirmative plan. Thus the negative plan need not be shown to be superior to the affirmative plan; it is the affirmative plan which must be the better if that side is to discharge its burden of proof.⁴⁹

⁴⁸Glen E. Mills, Reason in Controversy: On General Argumentation 2nd ed. (Boston: Allyn, 1968), pp. 55-56.

⁴⁹Mills, p. 240.

Apparently Mills considered the debate to be a question of adoption of a single policy (the affirmative plan), rather than a question of plan as opposed to counterplan adoption. According to Mills, texts by McBath, Freeley, Ehninger and Brockriede, and Windes and Hastings took contrary views.⁵⁰

Thompson's 1971 work supported the rule requiring negative superiority. He believed that the negative assumed a burden of proof for the counterplan. If the affirmative successfully met their original proof burden, then the negative attained a burden to prove their proposal superior to the affirmative proposal, so that it should be substituted for the plan. If, at the end of the debate, the arguments of both teams were equal, the negative had failed in their burden. This is supported by the parliamentary analogy, as well as the legal analogy discussed earlier:

The affirmative always has the responsibility for presenting a prima facie case; but if it does this and the negative strategy is the counterplan, the burden of proof is on the negative. This is the situation in parliamentary proceedings. When the strategy of the opposition is the substitute motion, an equal vote for and against the substitute results in defeat. Likewise, in legal proceedings when the defense strategy is analogous to the counterplan, failure to produce satisfactory proof results in defeat.⁵¹

It was clearly the majority opinion that, as Thompson suggested, the counterplan should be superior to prevail. Like most traditional theorists, Thompson believed the counterplan should remedy the affirmative

⁵⁰Mills, p. 56.

⁵¹Thompson, Modern Argumentation, p. 91.

need, although he considered it legitimate for negative to claim advantages outside the affirmative need area as well.⁵²

Some theorists suggested that a negative proposing a counterplan abandoned the advantages of presumption.⁵³ Consistent with this problem and the added burdens of supporting a counterplan, debaters were warned of the danger of using a counterplan strategy. Pacilio and Stiles warned debaters to "simply avoid its use."⁵⁴ Nevertheless, the counterplan was obviously a legitimate and accepted strategy. Smith and Hunsaker suggested its use as a criterion of comparison.⁵⁵

In 1972, Thomas Hynes wrote a master's thesis at the University of North Carolina entitled, "The Counterplan: An Historical and Descriptive Study." This work was a significant contribution to the area of counterplan theory. Hynes reviewed much of the literature concerning counterplan theory from 1900 to 1972. His historical analysis was helpful in the compilation of this work. Hynes made four generalizations upon which he believed there was general agreement by theorists:

1. The negative counterplan is a proposal advanced against a specific affirmative proposal in an attempt to find an alternate solution to a specific problem area.

⁵²Thompson, Modern Argumentation, p. 91.

⁵³Robert C. Dick, Argumentation and Rational Debating, Speech Communication Series (Dubuque, Iowa: Brown, 1972), pp. 57-58; Wood, pp. 28-30.

⁵⁴Pacilio and Stiles, pp. 6-7.

⁵⁵Craig R. Smith and David M. Hunsaker, The Bases of Argument: Ideas in Conflict, Bobbs-Merrill Series in Speech Communication (New York: Bobbs-Merrill, 1972), p. 149.

2. As an alternative solution, the counterplan must serve essentially the same purposes as the affirmative proposal.
3. The negative which introduces a counterplan accepts the affirmative assertion that certain existing harms are irreparable within present legislative and philosophical boundaries.
4. A counterplan must be inconsistent with the affirmative proposal which it attempts to substitute. That is, the affirmative and negative plans cannot both be adopted.⁵⁶

In general, these conclusions are consistent with the current findings. There are, of course, exceptions. As will become evident in Chapter IV, the standard of mutual exclusivity described in the fourth generalization above is not universal, though it is a common measure of competitiveness. Hynes also noted three vague areas, lacking definition:

1. No distinction has been made between counterplan and counterproposition. The terms counterproposition and counterplan are used synonymously in the discussion of counterplan theory.
2. No clear mechanism has been articulated which could be employed to differentiate between the concept of reform of the present system and a counterplan.
3. The literature fails to explain clearly the necessary degree of inconsistency between the counterplan and the affirmative analysis.⁵⁷

In general, these conclusions are also consistent with the current study; however, the third statement is open to some argument. Clearly many writers have established standards of competitiveness and given specific examples. This also will be examined in Chapter IV. Hynes also noted the tendency of most authors to award a greater burden of proof to the negative presenting a counterplan (requirement of negative superiority) while recognizing the alternate view that a counterplan equal in merit

⁵⁶Hynes, p. 29.

⁵⁷Hynes, p. 29.

to the affirmative plan could prevail. According to Hynes an "articulate minority" support the latter view.⁵⁸

In an attempt to provide a descriptive analysis of counterplan theory, Hynes also conducted a mail survey. The method and conclusions of that survey will be discussed in Chapter V. The questionnaire sought answers concerning the question of which side had the greater burden, whether a counterplan which differs from the affirmative's definition of the resolution is acceptable, whether the counterplan should differ in principle from the status quo, and whether any change in the status quo comprised a counterplan. A demographic analysis was made, and conclusions found few differences in perceptions of counterplan theory.⁵⁹ Again, the significance of this study warrants a further examination, which will be forthcoming.

In a 1975 article, Allan Lichtman and Daniel Rohrer indicted the traditional concepts of presumption and burden of proof as providing no guidance for counterplan debates. They advised that decision rules should determine presumption based on the unique circumstances of the matter under consideration. They offer five bases for determining which policy incurs the greater risk: (1) the degree of deviation suggested, (2) the value of the policies disturbed, (3) the status of the present system, (4) the reversibility of the change, and (5) the quality of

⁵⁸Hynes, p. 30.

⁵⁹Hynes, pp. 41, 54.

information available. Presumption should be assigned to the policy imposing the least risk based on these criteria.⁶⁰

In a later article, Lichtman and Rohrer criticized traditional counterplan theory because it emphasized a problem/solution format, thus preventing a consideration of the full range of possible alternatives. In addition, traditional theory provided no criteria with which to choose the best policy. The authors further contended that "contemporary decision theory" and comparative advantage debate both seek to select the best solution from the full range of options. Comparative advantage used cost benefit analysis as a measurement; decision theory tested a policy by comparison with other policies. Lichtman and Rohrer indicated that while policy theory implied competition, traditional theory only sought a better solution to a single problem. Thus, in traditional theory, two proposals which could work well together could not both be adopted. The authors felt that if simultaneous adoption of plan and counterplan was feasible and produced greater net benefit than could be gained from counterplan adoption only, the proposals were not competitive. They advocated a rule based on two criteria for competitiveness. A counterplan is competitive if (1) plan and counterplan are mutually exclusive, or (2) adoption of both the counterplan and the plan is less desirable than adoption of the counterplan alone. The counterplan need not solve the same problem area as the affirmative plan. Thus, if competitive policy options dealt with specific problem areas, advocates supported both a new policy and the status quo. The affirmative plan

⁶⁰Lichtman and Rohrer, "Systems Approach," pp. 3-46.

was contrasted with certain aspects of the status quo unchanged by the counterplan, just as the negative policy was weighed against status quo without affirmative changes. Lichtman and Rohrer advised that such a rule would prevent the failure to consider possible alternatives, would prevent judges from adopting contradictory or redundant systems, and would avoid argumentation when systems are not competitive.⁶¹

Fred Sander objected to the Lichtman and Rohrer concept as repugnant. He felt that allowing negative teams to claim advantages in any area was poor debate. It was unfounded in rational theory and would result in a confusion of issues. No standard was available for the judge to reach a decision, no clash was possible if there was no common goal, and the negative could ignore traditional burdens. Sanders felt that debate should represent the real world, and Lichtman and Rohrer viewed debate to be an end in itself, not a learning ground. Sanders commented, "I fear we have accepted blindly and ignorantly the false god of Systems Analysis without adequate preparation for the contest situation."⁶²

Lichtman and Rohrer responded to these criticisms by arguing that their counterplan theory was less confused than traditional theory, that clash was defined by the relevant theory, and that the focus of debate should be policy comparison. A counterplan must be nonresolutional, and its adoption must be vital to rejection of the affirmative policy. Traditional theory was arbitrary, and provided ambiguous distinctions

⁶¹Lichtman and Rohrer, "Counterplan," pp. 70-79.

⁶²Fred Sanders, Letter, "Some Reflections on a 'General Theory of the Counterplan': or Let's Get Back to Sane Argument," Journal of the American Forensic Association, 13 (1977), 224-27.

among stock issues. It failed to reflect established practice, and sanctioned noncompetitive counterplans. They felt the "decision-rule" concept to be more closely related to the real world than traditional theory.⁶³

As is evident by Sander's letter, the Lichtman and Rohrer series was not universally accepted. Some of their criticisms seem unfounded, since the mutual exclusivity standard of competitiveness was commonly accepted by many traditional writers. Nevertheless, they provided a clearly delineated and applicable theory, which had a great deal of influence on debate practice.

The 1975 work by George Ziegelmuehler and Charles Dause provided a description of the counterplan much more in line with the mainstream of debate thought than the Lichtman and Rohrer treatment. Ziegelmuehler and Dause believed that the negative proposing a counterplan rejected any philosophical commitment to the status quo. In general, the negative admits the existence of significant problems, but offers a solution philosophically and structurally inconsistent with the affirmative plan and the status quo. The negative could minimize the ills of the status quo as cited by the affirmative, or challenge their cause, but cure and cost became the central issues. The negative abandons presumption by proposing a counterplan, but assumes a burden of proof equal to, but distinct from the affirmative burden. It is unclear which side would win if both proposals were equal in merit. The counterplan was distinct

⁶³Lichtman and Rohrer, "Counterplan Reaffirmed," pp. 235-39.

from minor repairs in that it was not a part of the status quo, or philosophically consistent. Ziegmuller and Dause felt that good counterplans were rare due to the nature of the topics debated.⁶⁴

In the 1976 edition of his text, Austin Freeley supported a different rule concerning the burden of proof than he had earlier. In this treatment, he suggested that if the counterplan was equal or greater in merit to the affirmative plan, the affirmative had failed to meet their burden of proof. Thus, a tie would equal a negative decision.⁶⁵

A 1977 article by Walter Ulrich provided the most comprehensive treatment of counterplan theory available. Ulrich noted that due to a lack of theoretical consideration of the counterplan, theory was discussed in debate rounds on an ad hoc basis. His purpose was to identify the existing thought on counterplan theory, rather than to establish absolute rules. Ulrich encouraged debate over questions of theory, but felt that debaters should have a knowledge of the existing theory. He believed three requirements were generally accepted for the counterplan: (1) the counterplan should be nontopical, (2) it should be competitive, and (3) it should be capable of being adopted. The question of competitiveness was the most frequently misunderstood. The traditional view sought a standard requiring solvency of a common need area. This idea was based on the parliamentary analogy. The more recent concepts of competitiveness identified by Ulrich are those advocated by Lichtman and Rohrer. The emphasis here is competition of specific plans. Ulrich also discusses the

⁶⁴Ziegmuller and Dause, pp. 178-79.

⁶⁵Freeley, p. 176.

question of presumption. He indicates most traditional theorists believed a negative proposing a counterplan abandoned presumption, based on legislative and legal analogies. Hypothesis testing assumed the resolution false thus a counterplan retained presumption. Presumption was always against the resolution. Finally, Ulrich discussed risk theory, which assigned presumption based on the specific aspects of the individual debate.⁶⁶

The contemporary period saw an increasing controversy over the questions of burden of proof, presumption, and competitiveness. These same questions had been raised in earlier periods, but the answers began to vary, and to provide more justification than before. With the exceptions of the hypothesis testing paradigm, the decision-rule theory of Lichtman and Rohrer, the basic constructs of counterplan theory remained much as they had developed in the middle period. The counterplan was adapted to new case styles. One significant change was the concept that the negative could redefine the affirmative need area, although to what extent this was permissible, and by what standard, is unclear. The emphasis in policy analysis, to a large degree, shifted from finding a desirable solution to a single problem area, to comparing competing policy systems. This was probably prompted by the popularity of comparative advantage case styles and the introduction of systems analysis debate.

⁶⁶Ulrich, pp. 1-9.

IV. SUMMARY

Since the outset of consideration of the counterplan a large body of literature on counterplan theory has developed. Helped by analogies to the affirmative defense in law, the substitute motion in parliamentary procedure, and legislative bills in Congress, the counterplan has become well accepted. Criteria for judging the counterplan have developed in areas of presumption, burden of proof, and competitiveness, although consensus has not evolved with the theory. Examination of the theoretical basis of the counterplan has been evident, though limited.

The early period of counterplan theory provided limited discussion. The counterplan was recognized as a strategy, and criteria of competitiveness and burden of proof were investigated. Competitiveness was delineated in terms of solvency of a common need and mutual exclusivity. Burden of proof was a confused issue. One text advised a risk theory, assigning burdens based on degree of change involved in adoption. Other texts suggested a greater burden for the negative, although there was limited explanation. A firm foundation for counterplan theory was established.

The middle period saw an increasing interest in the theory behind the already established judging criteria. Practical guidelines for those advocating, refuting, and judging the counterplan were established. Various views of competitiveness and burden of proof evolved and were supported. The concept that a counterplan equal in merit to the affirmative plan could prevail was advanced. The most important aspect of the

period from 1940-1962 was the increasing attention given counterplan theory.

The modern period was one of refinement of theory and controversy over decision rules. New case styles and judging paradigms had surprisingly little effect on the development of theory, although the counterplan was particularly suitable to integration into the comparative advantage case style. Controversy concerning judging criteria grew to a large degree out of confusion. Counterplan theory has not been integrated into the great body of debate theory, and little agreement on concepts has evolved.

Several generally accepted conclusions may be made about the development of counterplan theory:

1. The counterplan is a legitimate negative strategy accepted by most theorists. This is true despite the common criticism that it is a risky strategy.
2. A counterplan must be different from the affirmative resolution and from the status quo.
3. A counterplan must be counter to the affirmative plan by some measure of competitiveness.
4. A negative presenting a counterplan assumes a burden of proof; the affirmative retains the burden of proof.
5. A negative presenting a counterplan admits the existence of some significant problem.

CHAPTER IV

THE NATURE OF JUDGING CRITERIA

The counterplan is well supported as a sound negative approach in academic debate. Its theoretical basis and historical development attest to the counterplan's secure position within debate history. Nevertheless, there seems to be little consensus on the necessary criteria for judging the counterplan. The tools used for measurement and evaluation of argumentation are crucial to a greater understanding of theory and to more effective practice.

This chapter attempts a review of the relevant criteria for judging the counterplan. Much of the discussion seems repetitive of the historical examination in the previous chapter. This is intended, although the focus is clearly analytical rather than historical. It is hoped that a clarification of judging tools is provided.

The most important concepts, identified by most authors, and addressed specifically in this treatment, are presumption, burden of proof, and competitiveness. These terms are examined in relation to the counterplan, and some other relevant decision rules are briefly discussed. First, working definitions are necessary for a complete discussion.

I. GENERAL CRITERIA

Presumption

Lichtman and Rohrer indicated that a presumption was a prejudgment made in favor of a given side.¹ The traditional concept of presumption was derived from Archbishop Richard Whately's definition of presumption as a "preoccupation of the ground." This implied not necessarily that an existing institution was good, but that it would stand until some sufficient reason was presented to change or remove that institution. This concept was drawn from the legal analogy to presumption of innocence. A person was assumed to be innocent until sufficient proof was raised against him.² Although this was the predominant view of presumption, others were forwarded.³ Most theorists contended that the negative supporting a counterplan abandoned presumption, yet this was not universal, and there was no agreement on what did happen to presumption in the case of a counterplan. Two views that are relevant to a discussion of counterplans are those conceptions of presumption within the hypothesis testing model and those within risk theory. These theories are identified later where they are relevant.

¹Lichtman and Rohrer, Burden of Proof, p. 11.

²Richard Whately, "Presumption and Burden of Proof," in Argumentation, ed. Jerry M. Anderson and Paul J. Dove (1963; rpt. Boston: Allyn, 1968), pp. 26-29.

³For an excellent analysis of presumption in all perspectives of debate theory, and in practice, see Kidwell.

Burden of Proof

Closely related to the concept of presumption is the burden of proof. Simply put, burden of proof may be considered the responsibility to prove one's arguments. According to Whately's theory, the burden of proof lay with the side attempting to overturn presumption.⁴ Lichtman and Rohrer argued that it was harmful to link presumption and burden of proof. Rather, they contended that "he who asserts must prove" was a more accurate description.⁵ The variation in counterplan theory concerning the burden of proof was quite simple and clearly bilaterally divided. One group contended that the negative must prove their counterplan superior to the affirmative plan; the other contingent supposed that a counterplan equal in merit to the affirmative plan warranted rejection of the resolution. This might seem a minor distinction, since the possibility of a situation where plan and counterplan provide equal merits is small. Yet this question is basic to an understanding of counterplan theory and an important distinction in judging criteria. It is central to the purpose of policy comparison. Are we to choose the best policy or test the merits of a single policy?

Competitiveness

Finally, the question of competitiveness is important. All agree that a counterplan must compete with the affirmative; it must, in fact,

⁴Whately, pp. 26-29.

⁵Lichtman and Rohrer, Burden of Proof, p. 15.

be counter. Theorists, however, differed on what constitutes competitiveness. Some argued that the advantages or need areas of each respective plan should compete. Others felt that preclusion of simultaneous adoption equaled competition. Clearly, this question is vital to a clearer understanding of the criteria for judging the counterplan.

II. CRITERIA AS RELATED TO THE COUNTERPLAN

Presumption

Of the texts reviewed, only five specifically mentioned presumption. All five indicated a loss of the advantage of presumption by a negative team offering a counterplan. Capp, Dick, Wood, and Ziegelmuehler all indicated a negative loss of presumption. None clarified where presumption then lies, or if it ceased to exist.⁶ O'Neill, Laycock, and Scales in 1917, explained that a negative offering a counterplan became an affirmative; thus there were two propositions at once, and no presumption existed.⁷

Ulrich noted that according to traditional theory in general, the negative abandoned presumption to the affirmative when offering a counterplan. This was supported by the parliamentary model. When offering a motion to substitute, a majority vote was required. Thus a tie meant the substitute motion failed, and the original motion was

⁶Capp and Capp, pp. 45, 51; Dick, pp. 57-58; Wood, pp. 28-30; Ziegelmuehler and Dause, pp. 178-79.

⁷O'Neill, Laycock, and Scales, pp. 36, 51.

weighed on its merits. By analogy, the counterplan failed in a tie, so the affirmative had presumption. The legal analogy also was relevant. When a defendant pleaded guilty but offered an affirmative defense, presumption usually shifted. Thus, if a counterplan was analogous to an affirmative defense, presumption in debate also would shift.⁸

Wisner agreed that the affirmative gained presumption, but offered different support. He argued that the affirmative should have the advantage of presumption when the negative did the unexpected. This argument is based on practical reasons. First, when the negative chose to introduce a counterplan, they had an advantage in preparation; and second, since first affirmative constructive time was wasted.⁹

Nebergall offered an interesting analysis. He first criticized the legislative analogy. Legislators, given the opportunity to vote on two conflicting policies, had other options. They could attempt to amend either bill, or vote against both policies and retain the status quo. Since there was no such choice in debate, the analogy was invalid. The legal analogy was no more applicable. An accused person either was guilty or not guilty. His guilt was a question of fact. This fact could be disproved by proof of a contrary fact; someone else committed the crime. This did not apply to a question of policy. Existence of a good policy did not prove that another policy, even a contradictory one, was bad. Nebergall suggested that even if the counterplan was not proven to be

⁸Ulrich, pp. 6-7.

⁹Wisner, pp. 11-14.

superior to the affirmative plan, the affirmative must overcome presumption to win. Thus, in a manner, the negative retained presumption.¹⁰

Lichtman and Rohrer advised that decision rules should determine presumption based on the unique circumstances of the matter under consideration. They offered five bases for determining which policy incurred the greater risk: (1) the degree of deviation suggested, (2) the value of the policies disturbed, (3) the status of the present system, (4) the reversability of the change, and (5) the quality of information available. Presumption was assigned to the policy imposing the least risk based on these criteria.¹¹

Hypothesis Testing offered another view of presumption. According to this theory, the resolution was analogous to a scientific hypothesis, assumed to be false. Since the resolution was presumed false until proven otherwise, presumption always was against the resolution. This theory implied that the affirmative must offer the best possible policy. An affirmative vote locked the system to a specific policy; a negative vote kept all alternatives open. Thus, the negative supporting anything other than the resolution retained presumption.¹²

¹⁰Nebergall, pp. 217-20.

¹¹Lichtman and Rohrer, Burden of Proof, pp. 40-41; Ulrich, p. 9. The idea that presumption should be measured based on the peculiar situation was first advanced by O'Neill and McBurney, p. 39.

¹²Ulrich, pp. 8-9.

When presumption is considered in relation to the counterplan, it was usually assumed that the negative abandoned its advantage of presumption upon presentation of a counterplan. This was probably based on the traditional concept of presumption in favor of existing institutions. A study, examined in the final chapter, shows that the concept of presumption established in debate literature was similarly reflected by actual practice.¹³

Burden of Proof

The traditional theorists agreed, almost universally, that a counterplan carried a greater burden of proof than the affirmative plan. The most common statement was that the negative proposing a counterplan assumed A burden of proof while the affirmative retained THE burden of proof. Ziegelmueeller clarified by indicating that the negative assumed an equal but distinct burden of proof.¹⁴ The affirmative must meet their burden, and, if they failed, they lost, regardless. The negative, on the other hand, must prove their plan to be superior to the affirmative plan, according to fourteen of seventeen texts addressing the issue.¹⁵ Thompson provided support with the parliamentary analogy. A substitutive

¹³Hynes, pp. 36-68.

¹⁴Ziegelmueeller and Dause, pp. 178-79.

¹⁵Bauer, p. 39; Braden and Bradenburg, pp. 438-39; Capp and Capp, p. 45, Dick, pp. 57-58; Ehninger and Brockriede, pp. 243-44; Eubank, p. 115; Hayworth and Capel, p. 39; Lahman, p. 131; Musgrave, 3rd ed., 1957, p. 54; Rowland and Eubank, pp. 72-73; Smith and Hunsaker, p. 149; Thompson, Modern Argumentation, p. 91; Windes and Hastings, p. 77; Ziegelmueeller and Dause, pp. 178-79. Several journal articles also assign the negative a greater burden: Thompson, "Burden of Proof," p. 50; Nebergall, p. 219; Wisner, p. 13.

motion failed if the vote was tied; thus, the superiority of the counterplan represented the majority vote.¹⁶

In 1976, Austin J. Freeley revised his text for its fourth edition. Although previous editions had maintained the position that a successful counterplan must be superior to the affirmative plan, in the revised fourth edition, he stated that, if the counterplan was equally as desirable as the affirmative, then the affirmative had failed to meet its burden.¹⁷ McBurney and Mills indicated that the affirmative must prove its plan is the best solution, and thus, a counterplan equal in merit to the affirmative plan would require rejection of the resolution.¹⁸ In his later text, Mills defined the burden of proof to be "logical and ethical responsibility adequate to affirm any assertion which turns out to be controversial." Based on this definition, and assigning the burden to the affirmative first, he suggested that the affirmative must "preponderate" while the negative need only "balance."¹⁹ Hypothesis testing required that the affirmative assume a greater burden, and risk theory assigned the burden based on the nature of the changes proposed. The team with the greater degree of risk, based on the previously mentioned criteria, lost presumption.

¹⁶Thompson, Modern Argumentation, p. 91.

¹⁷Austin J. Freeley, Argumentation and Debate: Rational Decision Making, 4th ed. (Belmont, California: Wadsworth, 1976).

¹⁸McBurney and Mills, pp. 21, 198.

¹⁹Mills, p. 56.

Musgrave recognized views contrary to his. Some argued that since a counterplan may be difficult to distinguish from the status quo with repairs, the affirmative always should have the burden to prove its policy superior. Musgrave contended this was absurd, since it was quite easy to distinguish the status quo from a counterplan.²⁰

Competitiveness

Ulrich contended that competitiveness was the most vital but least understood criterion of judging the counterplan. He suggested that traditional theorists required a counterplan to accrue the affirmative advantage, or solve its need area, in order to be competitive. This concept probably is derived from the parliamentary analogy. To amend a motion by substitution, the second bill must deal with the same problem area the original bill did. Thus, even a superior counterplan, according to this theory, would be rejected if it did not meet the affirmative's need.²¹ This contention is backed up by a review of the literature. Of twenty-three texts that spoke to the subject, twenty-one required the counterplan to meet the affirmative need. Three of five journal articles making advocative statements indicated the need of the counterplan to solve the affirmative problem area.²²

²⁰Musgrave, 3rd ed., 1957, pp. 132-34.

²¹Ulrich, p. 4.

²²The following texts support of affirmative need to be the only component of competitiveness, or mention no other components: Ehninger and Brockriede, pp. 243-44; Hayworth and Capel, p. 39; Kruger, Modern Debate, pp. 55-56; Smith and Hunsaker, pp. 148-49; Allan Lichtman and Daniel M. Rohrer, "The Role of the Criteria Case in the Conceptual Framework of Academic Debate," in Modern Debate Case Techniques,

Of the texts requiring solvency of the affirmative need, Bauer, Terry, and Thompson allowed the negative to develop a new need area in addition to the affirmative one. Bauer warned, however, that this practice may result in the uncertain contrast of irrelevant policies and problems. Freeley and Pacilio suggested that instead of meeting the affirmative's need as stated, the negative could redefine the problem, then provide a new proposal. Several authors noted the negative's option to differ on the causes of the stated need. Bauer and Wood allowed a re-analysis, but required accrual of the specific affirmative advantage. Finally, Terry suggested that the negative should solve the problem area cited by the affirmative team, but that they could offer conflicting values within the same problem area.²³

Lichtman and Rohrer criticized this traditional point of view. They contended that while decision theory implied competitiveness, traditional theory only required another means to solve the same problem

ed. Donald R. Terry (Skokie, Ill.: National Textbook, 1970), pp. 56-57; These texts consider accrual of affirmative need to be a component of competitiveness: Bauer, p. 39; Braden and Brandenburg, pp. 438-39; Capp and Capp, pp. 45, 51; Colburn, pp. 157-59; Dick, pp. 57-58; Eubank, p. 115; McBurney, O'Neill, and Mills, p. 167; Musgrave, 3rd ed., 1957, p. 132-34; O'Neill, Laycock, and Scales, pp. 36, 51; Rowland and Eubank, pp. 72-73; Ziegelmueeller and Dause, pp. 178-79. Journal articles supporting this concept were: Lambertson, "Plan and Counterplan," pp. 48-52; McCroskey, p. 21; and Deborah Elise Ziegler, "Competitive Policy Systems and the Counterplan," in Advanced Debate: Readings in Theory, Practice, and Teaching, ed. David A. Thomas (1974; rpt. Skokie, Ill.: National Textbook, 1975), pp. 160-63.

²³Bauer, p. 39; Terry, pp. 56-57; Thompson, Modern Argumentation, pp. 90-91; Freeley, pp. 219-22; Pacilio and Stiles, p. 6; Wood, pp. 28-30.

area. Thus, they argued that while two plans could work together effectively, traditional theory would not allow adoption of both.²⁴

Ulrich contended that the emphasis has shifted from competitiveness of the need area to the nature of the plans.²⁵ This assertion seemed somewhat questionable, since thirteen of the texts reviewed, including one published in 1917, required plan incompatibility. Four of the five journal articles also required plan competitiveness. Of the texts, six provided the test of mutual exclusivity to determine competitiveness. If simultaneous adoption of the counterplan and the plan was possible, then the counterplan was to be rejected, or rather, simply incorporated into the affirmative proposal. Ziegelmueeller suggested that the counterplan must be structurally and philosophically inconsistent with the affirmative plan. Colburn indicated that the counterplan should be "outside the intent" of the affirmative plan. McBurney, O'Neill, and Mills used the term "inconsistent," and contended that the counterplan must clash with the plan on "some vital issue."²⁶

²⁴Lichtman and Rohrer, Counterplan, pp. 74-78.

²⁵Ulrich, pp. 4-5.

²⁶The following suggest mutual exclusivity: Braden and Brandenburg, pp. 438-39; Dick, pp. 57-58; Eubank, p. 115; Freeley, pp. 219-22; O'Neill, Laycock, and Scales, pp. 36, 51; Rowland and Eubank, pp. 72-73; and Thompson, pp. 90-91. Ziegelmueeller and Dause, pp. 178-79; Colburn, pp. 157-59; and McBurney, O'Neill, and Mills, pp. 41-42 are cited. Bauer, p. 39; Capp and Capp, p. 51; Musgrave, 1945, p. 17; and Pacilio and Stiles, p. 6, require some plan inconsistency. Journal articles calling for plan competitiveness are: Lambertson, pp. 48-52; Lichtman and Rohrer, Counterplan, pp. 70-79; and Ziegler, pp. 160-63.

The remaining writers indicated that the counterplan should be different in principle from the affirmative plan. Musgrave predicted that without an understanding of the purpose of such a rule, there would be much debate over what constituted a "change of principle." The purpose he defined was to avoid negatives adopting a counterplan that was too similar to the affirmative plan.²⁷ One theorist advocated a concept of competitiveness based on structural, functional, or philosophical deviations.²⁸

Lichtman and Rohrer advocated a rule based on two criteria for competitiveness. A counterplan was competitive if (1) plan and counterplan were mutually exclusive, or (2) adoption of both the counterplan and the plan was less desirable than adoption of the counterplan alone.²⁹ This concept was criticized as repugnant. If negatives were allowed to claim advantages in any problem area, debate would be only a confusion of issues, and clash will be avoided in absence of a common goal.³⁰ Lichtman and Rohrer responded to these criticisms by arguing that their counterplan theory was less confused than traditional theory, that clash was defined by the relevant theory, and that the focus should be on policy comparison.³¹

²⁷Musgrave, p. 17.

²⁸Gregory W. Trianosky, "Counterplan as a Competitive System," in Advanced Debate: Readings in Theory, Practice, and Teaching, ed. David A. Thomas (1974; rpt. Skokie, Ill.: National Textbook, 1975), pp. 164-67.

²⁹Lichtman and Rohrer, Counterplan, pp. 70-79.

³⁰Sanders, pp. 224-27.

³¹Lichtman and Rohrer, Counterplan Reaffirmed, pp. 235-39.

Nontopicality

One other concept requires comment. Most of the writers have implied that a counterplan should be nontopical. Only Ulrich provided any analysis. He suggested a problem concerning a standard of topicality of a counterplan and cited three views.³² The standard of topicality for an affirmative plan was generally reasonableness. Some theorists contended that a counterplan may be reasonably nontopical. Others argued that if an affirmative can prove the counterplan topical by any definition, it was topical; and finally, some required the counterplan to fall outside of the affirmative definitions. The mail survey by Hynes addressed this question and is discussed in the next chapter.

III. SUMMARY

A general lack of focus pervades the consideration of counterplan judging criteria. After a review, it can be stated that presumption is relatively unimportant as a decision tool for counterplan evaluation. Most traditional theorists seem to support a vague concept of negative abandonment of presumption. This is consistent with Richard Whately's conception of a presumption in favor of the status quo or existing institutions. Since the negative, by virtue of presenting a counterplan, is generally thought to be admitting the need for change, they reject the status quo and its presumptive advantage. While systems analysis does not view presumption as particularly important, decision rules established by risk theory assign presumption based on degree of risk

³²Ulrich, p. 3.

as dictated by the unique circumstances of a given debate. Hypothesis testing views presumption as lying against the resolution thus a negative would have to support a propositional alternative in order to lose the advantage of presumption.

With or without theoretical backing, most theorists reviewed considered the negative supporting a counterplan to assume a burden to prove their proposal superior in merit to the affirmative plan. An articulate minority believed that the counterplan must be only equal to the affirmative plan to prevail, since the affirmative's burden required the affirmative plan to be proven superior to all options.

The most important and least clear of the criteria reviewed was competitiveness. A commonly accepted and logical rule for competitiveness was mutual exclusivity. If the affirmative could support adoption of the counterplan, and not endanger their own justification, the negative lost. More elusive was the concept that the counterplan must solve the same need as the affirmative plan. This became even more confusing when many theorists allowed the negative latitude in redefining the need area. Some writers addressed both standards of competitiveness, but did not make clear whether both were required. Finally, the counterplan must be different, by some standard, from the resolution.

CHAPTER V

THE "STATE OF THE ART" IN COUNTERPLAN PRACTICE

The preceding chapters, dealing with the theoretical basis of the counterplan, the historical development of counterplan theory, and the nature of judging criteria have dealt with the theoretical reality of counterplan. Occasionally, what is advocated within the available theory is quite different from what is actually practiced. This chapter attempts an examination of the pragmatic reality of the counterplan, and concludes with recommendations for future study.

In order to determine the state of the art, a content analysis of several of the National Debate Tournament judging booklets has been included. Since 1974, participating judges at the National Debate Tournament have been asked to prepare explanations of their judging philosophies for inclusion within the judging booklets. Since 1977, the judges have been asked to discuss their philosophies relative to the presentation of a counterplan. It is assumed in this work that these disclosures of judging philosophies reflect judging practice and affect debate practice.

In addition, a 1972 study, conducted by Tim Hynes, dealt with judging attitudes toward the counterplan. This mail survey dealt with several questions specific to counterplan practice, and the results are relevant to an examination of the pragmatics of the counterplan. They are discussed later in this chapter. Finally, an integration of theory and practice concludes the work.

I. AN EXAMINATION OF JUDGING BOOKLETS¹

The National Debate Tournament judging booklets offer an excellent opportunity to determine the actual practice of debate judging. Judging, in turn, should reflect or influence practice by debaters in rounds. There is some room for criticism in such an interpretation, however. First, it may be said that the judges participating in the National Debate Tournament are the most successful but not necessarily the most representative group of academic debate judges available. Second, responses and interpretations of responses are necessarily subjective, and no uniformity of disclosure is evident. Finally, it could be said that disclosures are not reflective of actual practice; judges may not follow the same criteria they claim in the booklets.

For the purposes of this study, the booklets are considered to be sufficient reflection of theory in practice. The judges participating in the National Debate Tournament are reflective of what most debate judges (and coaches) hope to achieve: the pinnacle of excellence in intercollegiate debate. In addition, they are likely to be most familiar with the theoretical literature and may be the opinion leaders in judging

¹This work investigates only the issue of the counterplan as delineated in the judging booklets. For a detailed look at the 1974 booklet, see Robert J. Cox, "A Study of Judging Philosophies of the Participants of the National Debate Tournament," Journal of the American Forensic Association, 11 (1974), 61-71. For a detailed analysis of the 1975, 1976, and 1977 booklets with a focus on presumption as related to disclosure judging paradigms, see Kidwell, pp. 89-153. Works consulted for this section were: The National Debate Tournament, Booklet of Judges, n.p., 1977; The National Debate Tournament, Judging Philosophy Booklet, n.p., 1978; The National Debate Tournament, Booklet of Judges, n.p., 1979.

practice. If disclosure is not reflective of practice, the judges are not honest, and the basic assumption behind publication of the booklets is false. It is granted that generalizations cannot be made to high school practice.

Although publication of the judging booklets began in 1974, the specific area of counterplan theory was not addressed until 1977. In the 1977 Booklet of Judges, each judge was asked to address six sets of questions within his/her philosophy statement. One of those questions was concerned with the counterplan in particular, and was worded:

How are your judging procedures affected by the presentation of a counterplan? What must the negative do to sustain the counterplan? What must the affirmative do to defeat the counterplan?²

The responses were largely free-form, although most judges did address the question of criteria for judging the counterplan. The 1978 and 1979 booklets also called for comment on the counterplan, but even fewer guidelines were provided. Judges were asked to disclose their philosophies commenting on topics of importance to the individual judge. Some topics, including the counterplan, were suggested.

To avoid needless repetition, this work considers the statements relevant to the counterplan within the three booklets as a single, collective work. It was at first postulated that trends in counterplan theory could be identified. For two reasons these trends were not apparent. First, different groups of judges were included in each

²Lee R. Polk, "Open Letter to N.D.T. Participants," in Booklet of Judges, 1977.

booklet. Few of the judges who were included in two or in all of the booklets reviewed changed their views, and it is probable that those new to the booklets in the 1978 and 1979 editions held the same positions, though unarticulated, before their inclusion in the booklets. Eighty-eight judges disclosed their philosophies in the 1977 booklet, ninety-six were included in the 1978 booklet, and 101 judges' philosophies appeared in 1979. Thirty-six of the judges included in the 1979 booklet had not appeared in the 1977 or 1978 booklets, seventeen were included in the 1978 booklet, but not in the 1977 edition, and ten of the judging philosophies had been in the 1977 booklet, but not in the 1978 version. Thirty-eight judges were represented in all three booklets. A second reason direct comparison of the 1977 and the 1978 and 1979 philosophies is difficult is the change in questionnaire format. While specific questions were asked of the judges in the earlier work, less guidance was provided for judges' discussion in the later compilations. A significant number of judges choose not to comment on the counterplan in their philosophy statements.

The major judging criteria: presumption, burden of proof, competitiveness, and nontopicality appeared consistently as important throughout the booklets. This analysis focuses on judges' attitudes toward these relevant judging tools.³

³Most of this section is descriptive, although selected quotations are cited. Authors of various viewpoints are not named in all cases, since this work is not concerned with individual theories. Certain authors are quoted; they are identified in footnote references. The year of inclusion in the booklets is provided. Where available, page numbers are revealed.

Presumption

Fifteen judges noted a retention of presumption by negatives offering a counterplan, or rejected the notion that presumption should automatically shift. Six of the judges holding this position disclosed a hypothesis-testing paradigm, and thus considered presumption to be against the resolution even after presentation of a counterplan. One of these judges implied that a negative should support added advantages of the counterplan over the affirmative plan. Nevertheless, even if the affirmative defeated these advantages, a negative ballot might still ensue based on presumption.

Forty-two judges suggested a loss of presumption by a negative advocating a counterplan. Most of the same judges were unclear as to the eventual fate of presumption upon presentation of a counterplan. According to at least three judges, the advantage of presumption shifts to the affirmative. This concept was explained by Kidwell:

I grant a prejudgment to the established system. The difference here is that I view the affirmative as the established system. It is a developed policy against which I must view the negative alternative.⁴

An alternate view, expressed by James Pratt, was more consistent with the traditional concept of presumption as favoring known institutions:

When negative presents a counter-plan, they forfeit presumption, which rests with the status quo. Because neither team defends the status quo, neither team enjoys presumption, which becomes an irrelevant concept in that round.⁵

⁴Michael Kidwell, 1977.

⁵James Pratt, 1977.

Both views were based on Whately's concept of presumption in favor of existing institutions. The former view considered the affirmative proposal an established order relative to the counterplan, since the affirmative plan was delineated earlier on the time line. The latter view thought the status quo to be the only known, or existing order, and did not recognize relative presumption. Presumption then became an irrelevant issue or ceased to exist, and thus was a mute point. One author rejected the ability of the negative to retain presumption, but did not explain what criteria he assigned in lieu of such a rule.

Twenty-one of the judges assigned presumption to the team incurring the least amount of risk based on the degree of change from the status quo. One judge specifically mentioned Lichtman and Rohrer's decision rules as applicable. Pfau explained the implications of a rule based on risk:

. . . when the negative counterplans, presumption does not necessarily shift to the affirmative. Since risk analysis is the basis for presumption, in a counterplan debate, presumption belongs to the team advocating the lesser degree of change (thus entailing less risk). This could either be the affirmative or the negative, depending on the particular debate. If the degree of change advocated by the affirmative and the negative is indistinguishable, then presumption rests with neither team, and is not an issue in the debate.⁶

Willard indicated that upon presentation of a counterplan presumption was "up for grabs." He agreed with four other judges that the issue of presumption was a debatable issue. Finally, one judge believed that the negative retained presumption if they won added advantages above the affirmative plan and won the competitiveness issue.

⁶Mike Pfau, 1979, p. 62.

Burden of Proof

Eighty of the judges addressing the issue required the counterplan to be superior in merit to the affirmative plan. The most common requirements were for added advantages unique to the counterplan. Unique disadvantages to the affirmative plan were also mentioned as rationale for negative decisions. One judge suggested that the counterplan need not be superior, but should avoid disadvantages unique to the affirmative plan. Eleven judges weighed the issue based on risk theory; if the counterplan involved a lesser degree of change, it retained presumption and, thus, must be only equal in merit to prevail. If the counterplan involved a more radical change than the affirmative plan and thus incurred more risk, presumption was lost and the negative acquired a burden to prove their proposal superior. Five implied a counterplan equal in merit could prevail, given theoretical support in the debate round.

Competitiveness

As expected, the issue of competitiveness was the most confused. One hundred and twenty of the judges addressed the issue of competitiveness. Seventy-seven of the judges required the negative to meet the same need as delineated by the affirmative. It is important to note that many judges listed such a requirement in addition to competitiveness. Thus, it is evident that many required the negative to solve the same problem, but did not consider that to be a component of competitiveness. Fifty-six judges mentioned mutual exclusivity as a standard of competitiveness. For many, this was a sole component of competitiveness.

For others, mutual exclusivity was mentioned in addition to competitiveness. Many judges mentioned both achievement of a common harm area and mutual exclusivity. One judge suggested that the counterplan be mutually exclusive from the resolution.

Standards for mutual exclusivity were limited. One judge called for a legislative standard:

I assume that all legislation should be passed at the same time, the real issue is should these two specific pieces of legislation be passed at the same time? The negative has the option of proving philosophical, legal, or practical incompatibilities.⁷

Southworth suggested a standard limited to legal incompatibility, although "the distinction between legal and reasonable coexistence (was) vague."⁸ This concept of inability to coexist seems central, although what constituted a real conflict was usually unsettled. David Thomas advocated a flexible rule:

Leeway exists where a competitiveness stems from political or pragmatic conflict, such as inadequate revenues to finance two alternative goal states not otherwise in conflict with one another.⁹

Kane rejected the concept of mutual exclusivity based on practical reasons:

I emphatically reject the notion that "similar funding sources" would make a counterplan competitive in and of itself. My position is a practical one: to allow the negative team that option means negatives would never have to prepare against affirmative cases, but simply counterplan with its own

⁷Thomas Goodnight, 1977.

⁸William Southworth, 1977.

⁹David A. Thomas, 1977.

affirmative, making the whole debate clashless and educationally non-productive. In short, the counterplan must deal with the problem outlined by the affirmative team and must, of course, be non-resolutional.¹⁰

Such sentiments were reflected in many of the judges' statements. Although some of the judges accepted the standard of mutual exclusivity, they rejected plans made to be competitive by "artificial" means. The most common example was financing. Stuart Singer proposed a different rule, but had the same complaint:

Competitive counterplans should either be structurally incompatible with the affirmative plan, attitudinally precluded after adoption of the affirmative plan, or more beneficial than both plans taken together. "Artificially competitive" counterplans (e.g., the use of the same funding source) are unacceptable.¹¹

Several judges suggested a standard of substitutability. Just what was meant by such a term is unclear. For one judge, each plank was to be considered in isolation:

. . . all portions of the counterplan must be reasonably substitutable for the affirmative proposal. Non-substitutable planks of the counterplan, similar to extra-topical planks of the affirmative plan, are dismissed from the comparison of policy systems.¹²

This explanation does not help to determine what is meant by substitutability. Four other judges felt that it was not sufficient for a counterplan to be merely substitutable; to be competitive a counterplan must be clearly mutually exclusive. Pfau rejected the idea that the counterplan need only be substitutable:

¹⁰Thomas Kane, 1979, p. 40.

¹¹Stuart Singer, 1979, p. 77.

¹²William Southworth, 1979, p. 10.

. . . [the counterplan] must be competitive. It is this . . . dimension that has created much difficulty during this debating season. The competitiveness test does not mean that the negative policy alternative must simply be a substitute for the affirmative policy system. Rather, the negative system must be mutually exclusive to the affirmative system. The critical question is simply this: Can we adopt both policy options (now or in the future)? If the answer is "yes," then the negative counterplan fails the test of mutual exclusivity; it is, in short, not a competitive policy option.¹³

Thus, even standards for mutual exclusivity were varied. Seven judges specifically mentioned the Lichtman and Rohrer two-level rule for competitiveness.

Charles Willard suggested an interesting legal analogy:

. . . the negative has a burden of rejoinder. They may legitimately fulfill that burden by a counterplan only if it is competitive. Otherwise, they could present any damn fool thing just so long as it saved more lives.¹⁴

This was true if the affirmative provided a prima facie case. Willard's standard for competitiveness was a rule requiring the negative to meet the affirmative need ("save the same lives") and accrue an additional advantage. Webb also felt a need for achievement of a common need. He allowed the affirmative to require mutual exclusivity, but suggested that to be superior a counterplan must be competitive in terms of meeting the affirmative need.

Four judges advocated a rule which required a counterplan to have a greater net benefit than a combination of the plan and counterplan. For one judge, mutual exclusivity had become a mute issue:

¹³Mike Pfau, 1977.

¹⁴Charles Willard, 1977.

Given recent debater ingenuity, I believe that the standard of mutual exclusivity has lost its meaning (i.e., the mutually exclusive plans using the same funding mechanism, in my opinion, distort the nature of policy comparison in the realm of "should" resolutions). Please note that this standard of net benefits necessarily means that a counterplan does not need to get all of the affirmative advantage or solve all the affirmative need to be considered, an implication in keeping with the nature of policymaking in the real world.¹⁵

Richard Roth believed competitiveness to be intrinsic to argumentation:

Competitiveness should be determined by weighing the arguments at the end of the debate. While it may be possible to adopt both the case and counterplan, the validity of the arguments will force me to do one or the other. To say "we could adopt both," is like a negative saying that the status quo could adopt the case tomorrow. While that is certainly true, the structure of the case, hopefully, tells me why they won't.¹⁶

As expected, competitiveness was a crucial issue which was extremely confused. Only one judge conceded no need to be competitive.

The most innovative criterion for competitiveness was that advocated by Jack Rhodes:

I seem to have a rather lax standard on the competitiveness of counterplans, perhaps because the issue does not bother or interest me that much. My own debaters say that I see a counterplan as competitive if it's introduced because I feel I can only vote affirmative or negative and thus can only vote for one plan or the counterplan.¹⁷

One other judge advocated a somewhat similar rule, requiring only a defense of the counterplan as nontopical:

¹⁵Greg A. Rosenbaum, 1978, p. 67.

¹⁶Richard Roth, 1978, p. 67.

¹⁷Jack Rhodes, 1977.

The fact that [counterplans] are nontopical makes them competitive to me because the affirmative cannot adopt a nontopical policy in addition to their own.¹⁸

It would seem that such a rule would add much confusion to debate, but Hunt clarifies by requiring the negative to solve the affirmative problem area. This, however, was not mentioned as a component of competitiveness. Judges believed the issue of competitiveness to be debatable.

Nontopicality

One hundred and forty-one of the judges specifically noted the requirement that the counterplan be nontopical. Very few judges provided any standard with which to consider topicality, however. Balthrop felt the counterplan should be defended as nontopical by reasonable interpretations of the resolution. This was consistent with Southworth, Hynes, and Strange, who felt that a counterplan should be reasonably nontopical by the affirmative's definition. Heden suggested that no negative action could be achieved through the operation of the resolution. Henderson also imposed a stringent nontopicality requirement:

I consider the resolutionality of the various provisions of the counterplan quite carefully, normally with a bias in favor of the affirmative on the question. If a provision is resolutional, I throw it away totally.¹⁹

Such a rule establishes relatively stringent obligations for a negative counterplan, and gives special importance to the topicality question. This is consistent with the hypothesis-testing model as disclosed by the above author.

¹⁸Steve Hunt, 1977.

¹⁹Bill Henderson, 1977.

Thomas Goodnight placed a relatively less stringent requirement on the negative:

To be topical an affirmative team must fulfill all the terms of the resolution. To be non-topical a counterplan must not fulfill only one of the terms of the resolution.²⁰

Thus, only one term in the resolution must be omitted by the counterplan.

Pash suggested nontopicality in regard to a reasonable negative definition of the resolution:

I do not believe the negative is held to the affirmative definitions; just as the affirmative must offer a reasonable definition to make themselves topical, so, I believe, can the negative offer a reasonable definition to make their counterplan non-topical.²¹

Such a view allowed the negative a great deal of latitude in what was acceptable as a nontopical counterplan.

Rosenbaum advocated argumentation based on contrast of definitions:

. . . here the negative can argue the reasonability of its definitions as opposed to the affirmative definitions; in fact, that the affirmative definitions might exclude a very reasonable counterplan may be proof of the unreasonable nature of the affirmative position.²²

Certainly topicality was the most frequently mentioned criteria for judging the counterplan, however little explanation was provided.

Conclusions

Most of the judges included in the booklets recognized the same criteria for judging the counterplan evident in the theoretical

²⁰Thomas Goodnight, 1977.

²¹L. Jeffrey Pash, 1978, p. 65.

²²Greg A. Rosenbaum, 1979, p. 67.

literature. A majority believed the negative lost presumption upon presentation of a counterplan, although few explained the eventual fate of the concept. A significant minority advocated allocation of presumption based on the particular circumstances in the individual debate, specifically, amount of risk incurred. A few hypothesis-testers and some others believed presumption was retained by the negative.

A majority of judges addressing the question required the counterplan a greater burden of proof. Some allocated the burden based on risk formulations. Although some said they would consider such a rule if advocated in a debate round, few of the judges suggested a counterplan equal in merit to the affirmative could prevail (excepting risk theory).

Although confusion was evident as to what standard should be applied, most judges mentioned competitiveness as an important criteria for judging the counterplan. Standards of mutual exclusivity, solvency of a common problem, superiority of counterplan over plan/counterplan combination, and nontopicality were mentioned as relevant to competitiveness. The first two criteria were prevalent. Nontopicality was the single most important criterion, as attested to by the number of judges mentioning it as a criterion. The most important conclusion to be noted was the apparent confusion on the issue of competitiveness.

II. A REVIEW OF HYNES' "DESCRIPTIVE ANALYSIS" OF THE COUNTERPLAN

In 1972, Tim Hynes conducted a mail survey of forensic directors concerning certain aspects of judging criteria for the counterplan.²³ Several limitations were recognized by the author. The first dealt with the nature of questionnaire methods. It was admitted that lack of clarity could influence participants' responses. The second noted limitation was the restriction of sample size. The author estimated he received responses from 25 percent of active debate directors. Despite these shortcomings, the results of Hynes' study are important as a unique measurement of the counterplan in practice.

Method

Of primary concern is the questionnaire structure. Hynes requested some amount of demographic information for comparison purposes. Although the results of his demographic analysis are extensively discussed, it is not the purpose of this work to investigate such differences. Five questions dealing with the nature of the counterplan in practice were posed. The first question dealt with the problem of burden of proof. Hynes recognized the variation of the theoretical writings on the subject. Some authors had required the counterplan to be superior in merit to the affirmative plan. Others felt the affirmative plan should prevail against any negative approach. In an effort to identify the status of the controversy, Hynes asked, "When a counterplan is used, do

²³Hynes, pp. 36-56.

you believe that it becomes the burden of the negative to show that its proposal is a superior policy system to that offered by the affirmative?"

A second concern of Hynes was the distinction between counterplan and counterproposition. The counterplan was described as a negative proposal which was a substitute for and counter to the affirmative plan, as opposed to the counterproposition, described as a negative option contradictory to both the resolution and the specific plan. At one time, plans were embodied within specific resolutions. Since recent debate propositions were broad, and called for affirmative action on only part of the entire resolution, it seemed possible that a counterplan which was philosophically distinct from the affirmative plan, and an alternate solution to the affirmative problem, could also be resolutional under another part of the topic. In order to determine whether judges would accept such a counterplan, the following question was posed: "When the affirmative has operationally defined the debate resolution with the affirmative plan, do you believe that any counterplan that is not the same as the affirmative proposal is an acceptable counterplan?" This question has important implications for the question of nontopicality.

In order to identify a distinction in judging criteria between minor repairs and counterplans, Hynes posed a third question: "Do you believe that a counterplan must involve a change in principle from that of the present system?" The final questions dealt with the same general problem. Question four asked, "Do you believe that any changes in the structure of the present system proposed by the negative constitutes a counterplan?" Finally, question five was, "If your answer to question four was no, then when does a minor repair become a counterplan?"

Two hundred and nine debate directors and their assistants received questionnaires. In order to avoid results biased by a large group of respondents not active in academic debate, half the sample was chosen specifically considering active forensic participation. The final half was chosen randomly with consideration for geographic distribution. Eventually 143 replies (68 percent) were received.

Results

The first question was most relevant to the purposes of the present study. One hundred and twenty-seven respondents (88.8 percent) felt that a counterplan should assume a greater burden of proof; it should be proved superior to the affirmative plan. This is consistent with the results of the survey of judging philosophies in the National Debate Tournament Judging Booklets. In addition, such a finding fairly accurately represents the majority of the theoretical literature. Only eight participants in the study (5.6 percent) answered the question "no." An equal number had no opinion or differing views. It should be remembered that Hynes' study was conducted before the advent of hypothesis-testing and risk theory.

Fifty-six respondents (39.16 percent) answered the second question affirmatively, while eighty-two (57.34 percent) rejected the notion. According to Hynes, theorists agreed that the counterplan should be inconsistent with the affirmative philosophy. In practice, he felt this meant the counterplan should in no way be resolutional. While a majority agreed with this interpretation, a significant group rejected it. Thus,

almost 40 percent of those questioned would be willing to accept a resolutional counterplan, if different from the affirmative plan.

One hundred and fourteen participants (79.72 percent) felt, in response to question three, that a counterplan should be significantly different from the status quo. Many of the twenty-three respondents (16.08 percent) that answered the question negatively felt the negative could support a counterplan which, though different in structure, sought the same goals and values as the status quo. The remaining questions were not relevant to the present discussion.

III. THE COUNTERPLAN: THEORETICAL AND PRAGMATIC REALITY

Conclusions

The counterplan as an issue in academic debate is well founded in theory, and accepted in practice. Its foundations are seen in the development of debate theory, and the first formulations of what constituted a negative attack. Analogies to the legal, legislative, and parliamentary systems are supportive as theoretical bases. Systems Analysis and Hypothesis-Testing find special places for the counterplan within their formulations. Nevertheless, consistent views on methods of weighing judging criteria for the counterplan are limited. A majority of theorists and judges seem to agree upon a presumption rule denying the presumptive advantage to a negative offering a counterplan. This is by no means universal, however, since in both theory and practice many are willing to grant the negative some presumption, or to weigh the question based on degree of risk involved.

The burden of proof is a similar dilemma. Although a sizable majority assign the counterplan a greater burden of proof, some feel that the counterplan need only equal the affirmative degree of merit. Others apply a risk formulation to the question of proof. If less change, thus less risk is incurred by adoption of the counterplan, it retains presumption, and thus must only equal the affirmative advantage. If the counterplan is a greater change than the affirmative plan, presumption is lost, and the counterplan must be superior to prevail.

Topicality and Competitiveness find no such majorities. Various standards for both are acceptable to many, both are considered important, yet neither attains any degree of consensus in terms of judging tools. Three major schools of thought on the question of competitiveness are identifiable. One group requires the counterplan to mutually exclude the affirmative plan. For some, this means only that the counterplan be substitutable for the affirmative plan, or that it is redundant. Others require a legal or structural barrier to simultaneous adoption. A second school requires the negative to solve the same problem addressed by the affirmative. This is a requirement of competitiveness for some, and is distinct from the issue of competition to others. A third group advocates a rule which considers a counterplan to be competitive if its benefit is greater than the potential benefit of simultaneous adoption of both counterplan and affirmative plan. Usually, this rule is applied in an either/or situation along with the standard of mutual exclusivity.

There is little theoretical data to explain the standard by which a counterplan should be nontopical. Some feel it is enough for the counterplan to be different from the affirmative's interpretation of the

resolution. Others have required the counterplan to be inconsistent with all reasonable interpretations. Finally, it has been stated that a counterplan could be nonresolutional by a reasonable negative interpretation. Although a majority believe the counterplan should differ from the resolution, a sizable minority view the affirmative's operational definition as a suitable standard against which to measure nontopicality.

It is apparent that debaters will need to establish operant criteria, and provide theoretical defense for counterplans in specific debate rounds. It is hoped that the material considered within this work will be helpful to that effect. In order for debaters to effectively establish various criteria for the counterplan, they must have a knowledge of theoretical foundations. A review of counterplan practice has evidenced a lack of such knowledge. Further, it is important for practitioners to understand concepts not clearly addressed by theory. Such theory, specifically competitiveness and nontopicality, must first be debated, as academic debate is the laboratory of the theoretical debate scientist.

Recommendations for Future Study

The counterplan, though mature in some aspects of its theoretical development, is still in its infancy in assigning criteria for evaluation. In order to expand the area of counterplan theory, several aspects of theory need to be explored.

This study sought to identify the nature of the counterplan in practice. In order to do so, the attitudes of judges were considered. Central to the question of counterplan practice is the attitude of those for whom the activity of academic debate was designed, the debaters.

Study should focus on the counterplan as actually practiced in debate rounds, and on the debater's perceptions of counterplan theory.

A second area of study needed for more clearly delineated counterplan theory is the area of judging paradigms. Study should focus on the various models for argument evaluation, and their implications for counterplan theory.

Finally, specific forms of counterplans should be addressed. Recently the question of acceptability of hypothetical and conditional counterplans has become significant. State level and "Studies" counterplans have special implications for counterplan theory, and deserve attention. The question of multiple counterplans is important. All these specific counterplan types should be investigated for the development of counterplan theory.

It is unlikely that a single, unified, generally accepted theory of the counterplan will emerge in the foreseeable future. Nevertheless, the members of the Sedalia Conference urged a professional concern for the extension and development of knowledge and theory of forensics. The area of counterplan theory offers great opportunities for such endeavor.

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