

THE COUNTERPLAN: A THEORETICAL STUDY OF  
JUDGING CRITERIA

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In 1977 Walter Ulrich identified an increasing interest in the use of the counterplan in intercollegiate debate.<sup>1</sup> This trend is somewhat surprising in light of the virtual absence of any generally accepted counterplan theory with the debate community. In 1951 Harold E. Wisner reviewed what he considered to be the twelve most important debate 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 who has the greater burden.<sup>2</sup> 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 texts to be complete or definite.<sup>3</sup>

In 1974 Allan J. Lichtman and Daniel M. Rohrer criticized the traditional concept of presumption as providing no guidance for judging counterplans. Later they indicted traditional theory as assigning arbitrary and confusing criteria to stock issues, and as providing no criteria from which to choose competing policy systems.<sup>4</sup> 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 discussed by debaters largely on an ad hoc basis.<sup>5</sup>

A great deal of debate literature has appeared in the last fifteen years. Little emphasis has been placed on the area of counterplan theory, yet the texts consistently have included some discussion. This paper expands the Wisner and subsequent Thompson studies, providing a review of relevant criteria. Those concepts, evident throughout the available literature, which are important as criteria to judge the counterplan are identified. Although other concepts are discussed, the natural division seems to be into three categories: 1) presumption, 2) burden of proof, and 3) competitiveness. This review focuses on these three areas.

A synthesis of the existing concepts of the counterplan is important in clarifying the responsibilities of a negative team choosing such a strategy. Thompson contended that such a clarification is an important value in itself. He further argued that eliminating confusion will allow better debating; debaters should not argue over procedural technicalities.<sup>6</sup>

Ulrich noted that since not all judges are likely to agree on a single theory of the counterplan, debaters will have to discuss these concepts in debate rounds. In fact, he encouraged this practice, but he argued that the debaters

should have an understanding of the important concepts. This is true for both affirmative and negative teams, since theory may also be used to refute the counterplan.<sup>7</sup>

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 and awareness of the underlying concepts is important. Neither goal can be achieved without a basic knowledge of the existing thought in the field. This paper examines the existing thought evident in debate literature.

#### A THEORETICAL BASIS OF THE COUNTERPLAN

Traditional theorists have consistently warned negatives of the dangers 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. Stites advised students to "simply avoid its use."<sup>8</sup> James C. McCrosky warned that many judges dislike counterplans, and that the inexperienced judge may not understand the concept.<sup>9</sup> 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.<sup>10</sup> 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 makes a debate multilateral and damages the ability to thoroughly test a single solution. The counterplan creates confusion, decreases the time available for each specific policy, and prevents direct clash. Thompson contended that a negative supporting a counterplan does not indict the weakness of the original policy.<sup>11</sup>

Despite these criticisms, traditional theorists generally have recognized the counterplan as a legitimate strategy in unique circumstances. George W. Zieglemueller and Charles A. Dause suggested that strong counterplans are rare due to the nature of debate resolutions.<sup>12</sup> Arthur N. Kruger contended that only in unique situations is a presumption for change warranted; thus, few propositions are chosen that actually offer the choice of a counterplan.<sup>13</sup> Nevertheless, a counterplan may be relevant to any policy resolution, when the status quo is not easily defended. Most of the traditional theorists agree that a counterplan is legitimate if the negative is unable to defend the present system. Kruger implied that the negative may choose a counterplan strategy if both teams agree on the intended end or goal of the system, but differ on the most effective means to reach that end.<sup>14</sup>

## 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.<sup>15</sup>

This situation often is referred to as taking an affirmative defense. Many of the authors, thus, considered the negative supporting a counterplan to be, in essence, an affirmative plan, and should be equally as detailed.<sup>16</sup> A major change in the second 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 upon to do so. Vagueness should be avoided.<sup>17</sup>

Another analogy frequently made to the counterplan is the legislative one. Henry Lee Eubank 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 programs and each fears the worst should the opposition's plan be adopted.<sup>18</sup>

Musgrave then suggested that a counterplan which would be relevant in a legislative context may be proposed.<sup>19</sup> According to Musgrave the "ideal 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."<sup>20</sup>

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.<sup>21</sup> In addition, the new motion must address the

the same questions as the original bill:

To be germane, an amendment must in some way involve the same question that is raised by the motion to which it is applied.<sup>22</sup>

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.<sup>23</sup>

### 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.<sup>24</sup> It is not the purpose of this paper 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 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.<sup>25</sup>

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 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 insuring 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.<sup>26</sup>

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?"<sup>27</sup>

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."<sup>28</sup> They warned negatives that a strategy of supporting repairs increased the negative burden of proof to be equal to that of the affirmative.<sup>29</sup> 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.<sup>30</sup> 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.

## 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.<sup>31</sup>

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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.<sup>32</sup>

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.<sup>33</sup>

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 the alternative. Counterplans questioned the affirmative justification:

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?<sup>34</sup>

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."<sup>35</sup>

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.<sup>36</sup> In summary, hypothesis-testing viewed the counterplan as an alternate hypothesis. It was conditional, challenged the affirmative justification of the proposition, and retained presumption.

### Summary

The counterplan, given certain situations, is generally accepted as theoretically sound. Traditional theorists supported the counterplan 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 view the counterplan as an alternate hypothesis, against which to test the probable truth of the resolution.

#### THE NATURE OF JUDGING CRITERIA

The counterplan is well supported as a sound negative approach in debate. Yet, there is little consensus on the necessary criteria for judging the counterplan. A greater understanding of the tools used for measurement and evaluation of argumentation is critical to a greater understanding of theory and to more effective practice. The most important concepts, identified by most authors and addressed specifically in this treatment, are presumption, burden of proof, and competitiveness. These terms are defined briefly and then examined in relation to the counterplan. Finally, some other relevant decision rules are discussed.

##### Presumption

Lichtman and Rohrer indicated that a presumption is a prejudgment made in favor of a given side.<sup>37</sup> The traditional concept of presumption is derived from Archbishop Richard Whately's definition of presumption as a "preoccupation of the ground." This implied not necessarily that an existing institution is good, but that it will stand until some sufficient reason is presented to change or remove that

institution. This concept is drawn from the legal analogy to presumption of innocence. A person is assumed to be innocent until sufficient proof is raised against him.<sup>38</sup> Although this is the predominant view of presumption, others have been forwarded. Most theorists contended that the negative supporting a counterplan abandons presumption, yet this is not universal, and there is no agreement on what does happen to presumption in the case of a counterplan. Two views that are relevant to a discussion of counterplans are those preceptions of presumption within the hypothesis-testing model and those advanced by Lichtman and Rohrer in their "risk" theory. These concepts are identified later where they are relevant.

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 Zieglemueller all indicated a negative loss of presumption. None clarified where presumption then lies, or if it ceased to exist.<sup>39</sup> 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.<sup>40</sup>

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 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.<sup>41</sup> 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.<sup>42</sup>

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 superior to the affirmative plan, the affirmative must overcome presumption to win. Thus, in a manner, the negative retained presumption.<sup>43</sup>

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.<sup>44</sup>

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.<sup>45</sup>

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. Recent studies have shown that the concept of presumption established in debate literature is similarly reflected in actual practice.<sup>46</sup>

### Burden of Proof

Closely related to the concept of presumption is the burden of proof. According to Whately's theory, the burden of proof lies with the side attempting to overturn presumption.<sup>47</sup> Lichtman and Rohrer argue that it is harmful to link presumption and burden of proof. Rather, they would contend that "he who asserts must prove" is a more accurate description.<sup>48</sup> The variation in counterplan theory concerning the burden of proof is quite simple and clearly bilaterally divided. One group contends that the negative must prove their counterplan superior to the affirmative plan; the other contingent supposes that a counterplan equal in merit to the affirmative plan warrants rejection of the resolution. This might seem a minor distinction; the possibility of a situation where plan and counterplan provide equal merits being 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?

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. Zieglemueller clarified by indicating that the negative assumed an equal but distinct burden of proof.<sup>49</sup> 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.<sup>50</sup> As mentioned earlier, Thompson provided support with the parliamentary analogy. A substitutive motion failed if the vote was tied; thus, the superiority of the counterplan represented the majority vote.<sup>51</sup>

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.<sup>52</sup> 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 would require rejection of the resolution.<sup>53</sup> 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."<sup>54</sup> 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.

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.<sup>55</sup>

### Competitiveness

Finally, the question of competitiveness is important. All agree that a counterplan must compete with the affirmative; that it, in fact, be counter. However, theorists differ on what constitutes competitiveness. Some argue that the advantages or need areas of each respective plan compete. Others feel that preclusion of simultaneous adoption equals competition. Clearly, this question is vital to a clearer understanding of the criteria for judging the counterplan.

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.<sup>56</sup> 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.<sup>57</sup>

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.<sup>58</sup>

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 area. Thus, they argued that while two plans could work together effectively, traditional theory would not allow adoption of both.<sup>59</sup>

Ulrich contended that the emphasis has shifted from competitiveness of the need area to the nature of the plans.<sup>60</sup> 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. Ziegelmüller 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."<sup>61</sup>

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.<sup>62</sup> One theorist advocated a concept of competitiveness based on structural, functional, or philosophical deviations.<sup>63</sup> As explained earlier, the parliamentary analogy was used to justify a requirement of solving a common need area.

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 counterplane alone.<sup>64</sup> 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.<sup>65</sup> 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.<sup>66</sup>



## Other Concepts

A few other concepts require comment. Most of the writers have implied that a counterplan should be non-topical. Only Ulrich provides any analysis. He suggests a problem concerning a standard of topicality of a counterplan, and cites three views. The standard of topicality for an affirmative plan is generally reasonableness. Some theorists have contended that a counterplan may be reasonably nontopical. Others argue that if an affirmative can prove the counterplan topical by any definition, it is topical; and finally, some require the counterplan to fall outside of the affirmative definitions.

Counterplans sometimes are said to be conditional or hypothetical. This strategy includes a defense of the status quo, and suggests that if the status quo fails, the counterplan can solve the needs. Hypothetical counterplans usually adopt less than the resolution to gain the affirmative advantage, and thus pose a question of affirmative justification.<sup>67</sup> A recent study of judges at the National Debate Tournament revealed that only 15.8% of judges generally accepted the conditional strategy. The remaining 84.2% of the judges were split evenly between accepting the conditional strategy with reservations and generally rejecting it. One judge commented, "A counterplan is like death--quite a commitment. You cannot be a little dead, a little pregnant, or a conditional counterplan."<sup>68</sup> Other authors allow a negative to minimize the affirmative's need and at the same time support a counterplan.<sup>69</sup>

## 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 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. In some cases a counterplan may be argued hypothetically or conditionally.

#### CONCLUSION

This paper has reviewed published counterplan theory as advanced by scholars interested in academic debate. The theoretical basis for the counterplan within traditional theory, systems analysis and hypothesis-testing has been examined and reviewed. The nature of judging criteria was identified. A description of the important concepts preceded a discussion of those concepts as criteria within counterplan theory. A brief analysis of some other relevant criteria was included.

The literature revealed more agreement than might be expected, yet no consistent theory of the counterplan can be identified. Future study should focus on the implications of the important concepts in actual practice, and on a synthesis of those concepts into a consistent theory. In addition, the effects of the differing decision models on counterplan criteria deserves more attention. Inevitably theory must be determined in debate rounds. It is hoped that a greater awareness of theory of counterplan judging criteria will help to give meaning to that practice.

## NOTES

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

<sup>3</sup>Wayne N. Thompson, "The Effect of a Counterplan Upon the Burden of Proof," Central States Speech Journal, 13 (1962), 247-52.

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<sup>10</sup>Roy V. Wood, Strategic Debate, The National Textbook Speaking Series (Skokie: National Textbook, 1968), pp. 28-30.

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<sup>15</sup>James 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.

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

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<sup>21</sup>Wayne N. Thompson, Modern Argumentation and Debate: Principles and Practices (New York: Harper and Row, 1971), p. 91.

<sup>22</sup>Henry M. Robert, Robert's Rules of Order Newly Revised (Glenview, Ill.: Scott, Foresman, 1970), p. 113.

<sup>23</sup>Ulrich, p. 5.

<sup>24</sup>Bernard 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).

<sup>25</sup>Brock et al., pp. 160, 161.

<sup>26</sup>Brock et al., pp. 87-88.

<sup>27</sup>Brock et al., pp. 160-61.

<sup>28</sup>Brock et al., p. 87.

<sup>29</sup>Brock et al., p. 133.

<sup>30</sup>Brock et al., pp. 153-54.

<sup>31</sup>David Zarefsky, "Argument as Hypothesis-Testing," unpublished paper presented at the Speech Communication Association Convention, San Francisco, California, December 28, 1976, p. 7.

<sup>32</sup>Zarefsky, p. 7.

<sup>33</sup>Zarefsky, pp. 7-8.

<sup>34</sup>Zarefsky, pp. 10-11.

<sup>35</sup>Zarefsky, p. 11.

<sup>36</sup>Zarefsky, p. 11.

<sup>37</sup>Lichtman and Rohrer, Systems, p. 11.

<sup>38</sup>Richard Whately, "Presumption and Burden of Proof," in Argumentation, ed. Jerry M. Anderson and Paul J. Dovre, (1963; rpt. Boston: Allyn, 1968), pp. 26-29.

<sup>39</sup>Glenn R. Capp and Thelma Robuck Capp, Principles of Argumentation and Debate (Englewood Cliffs, N.J.: Prentice-Hall, 1965), pp. 45, 51; Robert C. Dick, Argumentation and Rational Debating, Speech Communication Series (Dubuque, Iowa: Brown, 1972), pp. 57-58; Wood, pp. 28-30; Ziegelmüller and Dause, pp. 178-79.

<sup>40</sup>James M. O'Neill, Craven Laycock, and Robert Leighton Scales, Argumentation and Debate (1917; rpt. New York: Macmillan, 1927), pp. 36, 51.

<sup>41</sup>Ulrich, pp. 6-7.

<sup>42</sup>Wisner, pp. 11-14.

<sup>43</sup>Nebergall, pp. 217-21.

<sup>44</sup>Lichtman 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 in James M. O'Neill and James H. McBurney, The Working Principles of Argument (New York: Macmillian, 1932), p. 39.

<sup>45</sup>Ulrich, p. 8-9.

<sup>46</sup>Thomas J. Hynes, Jr., "The Counterplan: An Historical and Descriptive Study," unpublished M.A. Thesis, University of North Carolina, Chapel Hill, 1972; David L. Steinberg, "The Counterplan: Theoretical and Pragmatic Reality," unpublished M.A. Thesis, University of Tennessee, Knoxville, 1979, pp. 75-78.

<sup>47</sup>Whately, pp. 26-29.

<sup>48</sup>Lichtman and Rohrer, Systems, p. 15.

<sup>49</sup>Ziegelmueller and Dause, pp. 178-79.

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Thompson, Modern Argumentation, p. 91; Russel R. Windes and Arthur Hastings, Argumentation and Advocacy, (New York: Random House, 1965), p. 77; Ziegelmueller and Dause, pp. 178-79. Several journal articles also assign the negative a greater burden: Thompson, "Burden of Proof," p. 50; Roger E. Nebergall, "The Negative Counterplan," The Speech Teacher, 6 (1957), 217-20; Wisner, p. 13.

<sup>51</sup>Thompson, Modern Argumentation, p. 91.

<sup>52</sup>Austin J. Freely, Argumentation and Debate: Rational Debate: Techniques of a Free Society, 2nd ed. (New York: Macmillan, 1964), pp. 21, 198.

<sup>54</sup>Glenn E. Mills, Reason in Controversy: On General Argumentation, 2nd ed. (Boston: Allyn, 1968), p. 56.

<sup>55</sup>Musgrave, 3rd ed. 1957, pp. 132-34.

<sup>56</sup>Ulrich, p. 4.

<sup>57</sup>The following texts supported solvency of the affirmative need as the only component of competitiveness, or mention no other components: Ehninger and Brockreide, pp. 243-44; Hayworth and Capel, p. 39; Kruger, Modern Debate, pp. 55-56; Smith and Hunsaker, pp. 148-49; Lichtman and Rohrer, "The Role of the Criteria Case in the Conceptual Framework of Academic Debate," in Modern Debate Case Techniques, ed. Donald R. Terry (Skokie: National Textbook, 1970), pp. 56-57. These texts considered accrual of affirmative need to be a component of competitiveness: Bauer, p. 39; Braden and Bradenburg, pp. 438-39; Capp and Capp, pp. 45, 51; C. William Colburn, Strategies for Educational Debate, (Boston: Holbrook, 1972), pp. 157-59; Dick, pp. 57-58; Eubank, p. 115; McBurney O'Neill, and Mills, p. 167; Musgrave, 3rd ed., 1957, pp. 132-34; O'Neill, Laycock, and Scales, pp. 36, 51; Rowland and Eubank, pp. 72-73; Ziegelmueller and Dause, pp. 178-79. Journal articles supporting this concept were: F. W. Lambertson, "Plan and Counterplan in a Question of Policy," Quarterly Journal of Speech, 29 (1943), 48-52; McCrosky, 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: National Textbook, 1975), pp. 160-63.

<sup>58</sup>Bauer, p. 39; Terry, pp. 56-57; Thompson, Modern Argumentation, pp. 90-91; Freely, pp. 219-22; Pacilio and Stites, p. 6; Wood, pp. 28-30.

<sup>59</sup>Lichtman and Rohrer, Counterplan, pp. 74-78.

<sup>60</sup>Ulrich, pp. 4-5.

<sup>61</sup>The following supported mutual exclusivity as a standard for competition; Braden and Brandenburg, pp. 438-39; Dick, pp. 57-58; Eubank, p. 115; Freely, pp. 219-22; O'Neill, Laycock, and Scales, pp. 36, 51; Rowland and Eubank, pp. 72-73; Thompson, Modern Argumentation, pp. 90-91; Ziegelmueller and Dause, pp. 178-79; Colburn, pp. 157-59; and McBurney, O'Neill, and Mills, pp. 41-42. Bauer, p. 39; Capp and Capp, p. 51; Musgrave, 2nd ed., 1945, p. 17; and Picilio and Stites, p. 6 requires 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.

<sup>62</sup>Musgrave, 3rd ed., 1957, p. 17.

<sup>63</sup>Gregory W. Trianosky, "Counterplan as a Competitive System," in Advanced Debate: Readings in Theory, Practice and Teaching, ed. David A. Thomas (1974; rpt. Skolie: National Textbook, 1975), pp. 164-67.

<sup>64</sup>Lichtman and Rohrer, Counterplan, pp. 70-79.

<sup>65</sup>Fred 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.

<sup>66</sup>Lichtman and Rohrer, Counterplan Reaffirmed, pp. 235-39.

<sup>67</sup>See, for example: Freely, p. 222.

<sup>68</sup>J. Robert Cox, "A Study of Judging Philosophies of the Participants of the National Debate Tournament," Journal of the American Forensic Association, 11 (1974), pp. 61-71.

<sup>69</sup>See, for example: Ziegelmueller and Dause, pp. 178-79.