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THE COUNTERPLAN IN ACADEMIC DEBATE:
CONTEMPORARY THEORY AND JUDGING PRACTICES

by

Theda Babcock McLaren

B.A., Beloit College, 1957

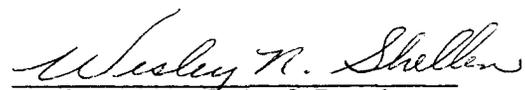
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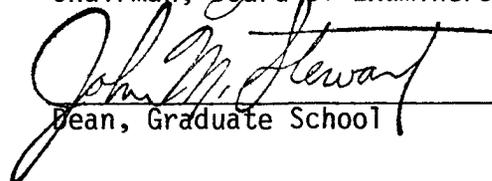
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TABLE OF CONTENTS

	Page
ACKNOWLEDGMENTS	iii
INTRODUCTION	1
REVIEW OF LITERATURE	7
Theories	7
Types of Counterplans	8
Need Analysis	10
Requirements	11
Presumption and Burden of Proof	13
Functions of the Counterplan	17
The Affirmative Response to the Counterplan	21
Decision Rules	23
ANALYSIS OF NATIONAL DEBATE TOURNAMENT JUDGES' SHEETS . . .	27
1977 Booklet of Judges - The Counterplan	28
1974 and 1975 Booklets of Judges - Conditional Counterplans	40
1976 Booklet of Judges	45
SUMMARY AND CONCLUSIONS	47
BIBLIOGRAPHY	53

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INTRODUCTION

According to Aristotle, "There are only two parts to a speech: you make a statement and you prove it." All debate is based on this theory; however, the process is not as simplistic as Aristotle's statement would indicate. Debate is more than a cumulative stacking of statements and proofs; "it involves the clash of arguments and ideas, of strategies and tactics."¹ It is a process in which opposing sides struggle in verbal controversy.²

Debate is one of man's oldest activities. When two primitive men attempted to lay claim to the same territory or the same food, a debate undoubtedly ensued. Debate was a highly polished art among the ancient Greeks. When nobles disagreed, they could debate their proposals before the king who acted as a judge.³ Any time a man has had to compare alternative situations, the merits of those

¹ Roy V. Wood, Strategic Debate (Skokie, Ill., 1975), p. 16.

² Eugene R. Moulton, The Dynamics of Debate (New York, 1966), p. 4.

³ James M. Murphy and Jon M. Ericson, The Debater's Guide (Indianapolis, 1961), p. 13.

situations may have been debated with another person or within himself.

Debate is an integral part of our American society. It is a part of our tradition. "A succession of great debates have crystalized the thinking of citizens and...shaped the course of our nation."⁴ Landmark debates have included those at the Constitutional Convention, the Webster-Hayne confrontations, the Lincoln-Douglas debates and the Kennedy-Nixon television clashes. Our legislative bodies frequently employ debates in resolving issues. The right to free speech allows us to propose a new solution, to debate an issue, or to defend the status quo.

Debate is a viable intercollegiate academic activity. Through debate research, students learn to analyze and organize material. During case formulation and actual debates they develop standards for evaluating evidence and discover logical connections. Since debate is a fluid situation, students must learn to adapt quickly. If their ideas are to be heard and to be accepted they must also learn the techniques of effective public address. This training is not something that will be filed away after college is completed, but training that will better equip them to live in American society.

⁴
James H. McBath (ed.), Argumentation and Debate: Principles and Practices (New York, 1963), p. 3.

Hopefully, debate will provide the initial motivation for continuing inquiry into controversial and significant public issues.

The first academic debate in the United States was a form of "syllogistic disputation" similar to that of the Middle Ages. Early in the 18th Century students took the lead in establishing a more flexible format that was better suited to the times.⁵ Since the beginning of the 19th Century additional elements have been introduced into academic debate such as tournaments, international debates, forensic honoraries, and new forms of debate (p. 14). A continual process of redefinition and refinement has occurred.

As debate has developed, so too have the options open to the negative and affirmative teams. No longer is a traditional plan-meets-need case the only affirmative option. They may also run comparative advantage, criteria or alternative justification cases. Currently the four major negative case structures are direct refutation, defense of the status quo, repairs of the status quo and the counterplan. Of these, the counterplan is the most controversial.

5

David Potter, "The Debate Tradition" in Argumentation and Debate: Principles and Practice, ed. James H. McBath (New York, 1963), p. 32.

In a counterplan, which has also been known as a "counter-proposal" or a "counter proposition", the negative team, rather than directly refuting the affirmative plan, elects to present a plan of its own. Through the implementation of a counterplan, debate changes from a bipolar situation with participants arguing for or against a single solution to a more flexible situation which permits a multi-sided examination of the problem. In addition, it allows the negative an option for a status quo which may be hard to defend.

Debate theory often lags behind debate practice and such is the case with the counterplan. Though counterplans were discussed in an article by Lambertson in 1943, at that time debate teams were just beginning to formulate concrete, concise plans and counterplans were almost non-existent.⁶ The debate texts of the 1960's contained little information about counterplans and views of them were not positive. They were considered unusual techniques⁷ and too risky because the negative had to accept the burden of proof.⁸

⁶
"Plan and Counter-Plan in a Question of Policy", Quarterly Journal of Speech, XXIX (1943), 48-52.

⁷
Murphy and Ericson, p. 55.

⁸
Otto F. Bauer, Fundamentals of Debate (Glenview, Ill., 1966), p. 39.

Debate judges were unimpressed with counterplans not "because there [was] anything wrong with them but because they [were] so poorly done."⁹ Terry, in 1970, felt a counterplan should be used only when "the negative is truly convinced that the status quo is inherently defective."¹⁰ "Most judges are psychologically 'turned off' by the counterplan and thus it is the least desirable" negative strategy in debating a traditional affirmative case (p. 7). Even as recently as 1975, Wood said counterplans were considered relatively uncommon and judges were biased against them because this was a strategy usually used by teams who wished to trick their opponents (p. 121).

Though the predominate theoretical view has been against counterplans, there have been a few articles and a text which have looked at them from a positive, instructional perspective.¹¹ While counterplan theory has lagged, counterplan use has increased to such a

9

David W. Shephard and Paul H. Cashman, A Handbook for Beginning Debaters (Minneapolis, 1966), p. 63.

10

Donald R. Terry (ed.), Modern Debate Case Techniques (Skokie, Ill., 1970), p. 7.

11

Allan J. Lichtman and Daniel M. Rohrer, "A General Theory of the Counterplan", Journal of the American Forensic Association, XII (1975), 70-79; James F. Klumpp, Bernard L. Brock, James W. Chesebro and John F. Cragan, "Implications of a Systems Model of Analysis on Argumentation Theory," Journal of the American Forensic Association, XI (1974), 1-7; Deborah Elsie Ziegler, "Competitive Policy Systems

degree that the questionnaires for the 1974, 1975, and 1977 National Debate Tournament Booklet of Judges have included questions on counterplans.

It appears that counterplans have become a viable negative strategy but there is a lack of consistent counterplan criteria and techniques for debaters to follow. In addition, there is a controversy among judges about the acceptability of the counterplan. The latter is compounded by a disagreement as to whether counterplans should be judged by traditional debate theory or systems theory.

With those problems in mind literature on counterplans and National Debate Tournament judging philosophy sheets have been surveyed for the purpose of clarifying this negative strategy. It is hoped that by combining judges' views and written theory the lag between debate theory and debate practice will be decreased.

and the Counterplan," Issues (March, 1974), and Gregory W. Trianosky, "Counterplan as a Competitive System," Issues (May, 1974) in Advanced Debate: Readings in Theory, Practice and Teaching, ed. David A. Thomas (Skokie, Ill., 1974); 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, 1973).

REVIEW OF LITERATURE

Theories

There are two major theories of debate: traditional and General Systems Theory. The most fundamental difference between the two lies in "the points of judgment upon which policy judgments are based."¹²

Traditional theory focuses on a particular problem and solutions. The causal argument and inherency are of vital importance. A traditional stock issues case, whether affirmative or negative, must be structured to show (1) the evils or problems of the status quo, (2) that these problems are produced by causes that can be remedied, (3) that the policy or action proposed will remedy the problems and (4) that the remedy is workable and practical. In a counterplan debate, the negative will usually accept the affirmative's designation of the problem area and then try to prove advantages for their plan in terms of remedying the problem, workability and practicality. In other words, they will integrate their plan with the affirmative case.

12

James F. Klumpp, et al., p. 3.

General Systems Theory debate focuses on a range of alternative policy options. Rather than subscribing to a single cause of a problem it recognizes multiple causality. The proper policy is not related to a single cause but there is a choice of alternative causes, any one of which may have the same end result (equifinality). At the same time any one cause may have multiple effects and the value of each effect must be considered. The question of the permanence of the problem which has been isolated by the affirmative and the proof that the plan will meet the need become probability arguments. In other words, they indicate that, given these factors, the undesirable effect will be diminished with a change but the change need not be that designated by the affirmative team.¹³

Types of Counterplans

There are three types of counterplans: conditional, systems theory and straight.

When employing a conditional counterplan, the negative "maintains that the status quo is functioning adequately but even if it were not, their plan would be more beneficial than the affirmative

¹³
Ibid., 1-7.

plan."¹⁴ In a systems theory counterplan situation, the negative is not required to concede the affirmative "need" or to address the same areas as the affirmative case. They can draw from a wide range of potential counterplans as long as they are competitive with the affirmative proposal.

The straight, or standard traditional counterplan can be subdivided into contingent or non-contingent counterplans. A contingent counterplan is dependent upon the affirmative plan. It employs all of the planks of that plan but implementation. Thus, the same advantages are accrued, but the plan might be implemented at the state level rather than at the federal level. A non-contingent counterplan extends beyond the scope of the affirmative plan. For example, the affirmative may propose implementation of a federal minimum annual income program for medical personnel through the use of vouchers for general medical services. The negative will then counterplan by implementing prepaid group practice at the state level in addition to cash assistance. Both achieve the same advantage--guaranteed income and necessary medical assistance--but through different means.¹⁵

¹⁴
Ziegler, p. 163.

¹⁵
Ibid.

Need Analysis

When considering counterplan use, the negative debate team will adapt one of three strategies to analyze the need areas specified in the first affirmative constructive speech. The negative may (1) accept the entire need as defined by the affirmative, (2) accept it in part, or (3) say that the affirmative has defined the need incorrectly and present their own analysis of need. The first of these alternatives has been the most commonly employed. When the negative accepts the affirmative need, they then show that there is a better solution which is not possible under the affirmative plan. This solution must correct the same problems as the affirmative case. The negative must be careful that the counterplan deals only with the problems specifically stated by the affirmative and not with problems "it wishes the affirmative had raised."¹⁶ If the negative adopts the second strategy and accepts a portion of the need, they must refute the remainder of the affirmative need contentions. The third strategy, non-acceptance of the affirmative need, is employed if the negative believes that the affirmative has inadequately analyzed the present system or if they wish to deal with other problems within the status quo.

¹⁶ Robert F. Newman, The Pittsburgh Code for Academic Debate (Pittsburgh, 1964), p. 21.

¹⁷ Bauer, p. 39.

Requirements

Competitive. Any counterplan presented by the negative must be competitive with the affirmative proposal. The counterplan can be functionally competitive, or structurally or philosophically substitutive. Systems theory defines "competitive" as mutually exclusive and/or more desirable when adopted alone than if adopted simultaneously with the affirmative plan.

A "functionally competitive" counterplan will achieve the same goals as the affirmative plan and be the superior option. In a "structurally substitutive" counterplan, the "laws in which the two policy options are embodied logically contradict one another."¹⁸ It would be impossible to adopt and implement both simultaneously. In a "philosophically substitutive" counterplan the adoption of one plan is philosophically inconsistent with the adoption of the other plan. For instance, one plan may give people a minimum guaranteed annual income, while the other provides additional jobs so that people can earn a minimum annual income (p. 166). Traditional debate theorists, who have been in the majority, feel a competitive counterplan must correct the same problems¹⁹ and/or

¹⁸
Trianosky, p. 165.

¹⁹
Wood, p. 124.

accrue the affirmative advantages.²⁰ The counterplan is competitive in that it offers an alternative solution.

Under the systems theory definitions if a counterplan is "mutually exclusive" it cannot exist simultaneously with the affirmative plan. Mutual exclusivity can be proved by the negative without acknowledging criticisms of the status quo and without dealing with the problem areas the affirmative has established. To fulfill the second systems theory criterion, that of being "more desirable when implemented alone rather than when implemented simultaneously with the affirmative", it is unnecessary for the negative to accept any of the affirmative analysis or even deal with the problem areas cited by the affirmative. They may not, however, ignore the affirmative because they must prove their plan is more desirable than simultaneous enactment of both plans.²¹

Non-topical. A second requirement for the counterplan is that it be non-topical. If it in any way fulfills all of the requirements of the resolution or the implications of the debate topic, it can be construed as support for the proposition. The negative need not vary more than one of the major terms of the proposition;

²⁰
Ziegler, p. 161.

²¹
Lichtman and Rohrer, pp. 5-7.

however, the change must be significant. For instance, 50 states acting in a similar manner is not substantially different than a federal government edict.

Prima facie. When the negative presents a counterplan it must contain the prima facie elements of harm, significance, and inherency (uniqueness).²² The negative then accepts the burden of proof to demonstrate that its plan is workable, practical and more desirable than the affirmative proposal. It loses the presumption of the status quo. The negative must be careful not to confuse the counterplan with the adjustment and/or repairs case, which accepts the status quo with modifications, as a policy alternative to the affirmative plan.

In summary, there are three essential requirements of a counterplan. (1) It must be competitive with the affirmative proposal, meeting any of the five definitions noted above. (2) It must be non-topical. That is, it may not fulfill the requirements of the resolution. (3) It must be presented as a prima facie case which is capable of standing until refuted.

Presumption and Burden of Proof

As noted in the preceding paragraph, if the negative presents a prima facie case they lose presumption and accept the burden of proof. There are, however, differences of opinion among theorists

²²
Ziegler, p. 161.

as to the definition of presumption and the acceptance of the burden of proof.

The term, "presumption", was first introduced by Bishop Whately who defined it as follows:

There is a Presumption in favour of every existing institution. Many of these (we will suppose the majority) may be susceptible of alteration for the better; but still the "Burden of proof" lies with him who proposes an alteration; simply, on the ground that since a change is not a good in itself, he who demands a change should shew cause for it.²³

Views since that time have been inconsistent.²⁴ Even when there is an acknowledged need for a change in the status quo it is a need for change and not for the specific change advocated by the affirmative.²⁵

If we accept these traditional views of presumption we can then say it operates in favor of the negative in a "standard" debate.²⁶ With the introduction of a counterplan, the negative loses presumption and thus, an inherent advantage.

A more flexible definition is offered by Cronkhite. He states that the party who initiates a dispute (the affirmative) automatically

²³

Richard Whately, Elements of Rhetoric (Boston: 1851), 79.

²⁴

Gary Cronkhite, "The Locus of Persumption", Central States Speech Journal XVII (1966), 270-277.

²⁵

Austin J. Freeley, Decision by Debate (New York: 1963), p. 32.

²⁶

Newman, p. 14.

awards presumption to his opponent. The "occupation of ground or existence as status quo is only a frequently accompanying characteristic accorded the presumption" (p. 273). If we accept this definition, the negative then maintains presumption when they employ a counterplan.

General Systems Theory also has applicability to the assignment of presumption. Lichtmann and Rohrer chastise traditionalists for accepting presumption as a decision rule. They say presumption can be used to identify the policy system which is accorded pre-judgement but the standard necessary to overcome presumption must be specified as well. Rather than arbitrarily awarding presumption to the existing system it should be awarded to the system with the greater degree of certainty. Under these circumstances it is conceivable that the locus of presumption could change within a debate as the uncertainty of a new plan (affirmative or counterplan) is diminished.²⁷

The assignment of presumption to one side determines that the opposing side must accept the burden of proof and present a prima facie case. Views on this are varied in the counterplan situation.

27

Allan J. Lichtman and Daniel M. Rohrer, "A Systems Approach to Presumption and Burden of Proof", Issues (February and December, 1974) in Advanced Debate, pp. 8-15.

Some theorists feel, as noted previously, that both affirmative and negative must present a prima facie case. As recently as 1975 Wood stated that although the negative loses presumption by admitting there are problems in the status quo, the affirmative still has the burden of proof for the proposition. The only difference in the affirmative position is that they no longer need to debate the need issue. They must, however, still prove that the change, as stated in the proposition, is the best solution to the problem (p. 28). This location of burden of proof was earlier advocated by Freeley.²⁸ Another view of the locus of burden of proof in a counterplan debate is that it is jointly shared by the affirmative and the negative.²⁹ A fourth view considers burden of proof as a requirement that every speaker support his assertions.³⁰

As can be noted from the above, there has been a lack of consistent clarity on these concepts with subsequent confusion for both debaters and judges, particularly when a counterplan is introduced. Later in this paper current judging practices regarding presumption and burden of proof in a counterplan debate will be

²⁸
Argumentation and Debate, p. 77.

²⁹
Terry, p. 7.

³⁰
Murphy and Ericson, p. 99.

examined in an attempt to reduce this ambiguity.

Functions of the Counterplan

The counterplan has been considered an effective negative strategy under the following conditions: (1) When a problem or problems in the status quo have been generally recognized.³¹ (2) When the affirmative has delineated a situation that is more desirable than the status quo, but less desirable than the negative alternative.³² (3) When the negative feels the affirmative has inaccurately defined the problem and/or their plan does not solve the problem(s) of the status quo.³³ (4) When the proposition calls for specific action to be taken.³⁴ (5) When case surprise is an effective strategy.

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

³²
Allan J. Lichtman and Daniel M. Rohrer, "The Role of the Criteria Case in the Conceptual Framework of Academic Debate" in Modern Debate Case Techniques, p. 57.

³³
Freeley, p. 214.

³⁴
Russell R. Windes and Arthur Hastings, Argumentation and Advocacy (New York, 1967), p. 77.

The clash in a counterplan debate results from the negative attempts to prove the superiority of its plan. If the negative does not accept the affirmative's definition of the problem, the debate can dissolve into a no-clash situation with advocates arguing two different, unrelated plans. This has been the problem with many counterplan debates in the past and may partially explain why the counterplan has been looked upon with disfavor by theorists and judges alike.

In the systems theory counterplan situation a clash occurs for two major reasons: (1) The negative will attempt to prove that its plan meets the two "competitive" criteria stated earlier in this paper while the affirmative will try to prove the opposite. (2) The negative will attempt to maximize the "costs" of the affirmative proposal and minimize the benefits. The net benefits sought in a policy system debate are "a function of both the probability that the system will achieve results and the values placed on those results."³⁵ The affirmative will attempt a similar analysis of the negative proposal.

Structure

The structuring of a traditional counterplan has not changed

³⁵
Brock, et. al., p. 122.

markedly since Lambertson suggested the negative ask itself the following questions in setting up a counterplan.

1. What are the limitations of the affirmative plan?
2. What is the nature of the negative plan?
3. How is it more workable than the affirmative plan?
4. Why is it more desirable than the affirmative plan?
5. How can it create fewer or less serious evils than the affirmative plan?³⁶

Moulton has suggested the negative attack should be structured in the following manner: (1) Grant the evils of the present system to the affirmative. These should, however, be expanded to the point where the affirmative plan can not solve the problems. The negative must, in addition, be prepared to meet the affirmative need for a change arguments. (2) Attack the affirmative solution. This may be done in several ways. The negative may show that the affirmative plan does not solve the problems addressed in the status quo, that the affirmative plan has more disadvantages than advantages, that the negative solution entails less serious disadvantages than the affirmative or that the affirmative plan is unworkable or impractical. (3) Present the new negative plan for comparison. After having enumerated the benefits of their plan, the negative should explain clearly why it is superior to the affirmative plan. (4) Be ready to defend the plan against attack.³⁷

³⁶

"Plan and Counterplan in a Question of Policy", p. 49.

³⁷

Eugene R. Moulton, The Dynamics of Debate (New York, 1966), p. 84

One of the restrictions traditional theorists have placed on the negative in building their case is that "all negative arguments must be adapted to the specific features of the particular affirmative plan."³⁸ A discrepancy exists here because other theorists feel the negative may redefine the need. If they do, they must be sure that the need, as redefined, is perfectly integrated with their counterplan.

In a counterplan situation, the negative has several advantages. They may choose which issue or issues to contest³⁹ as well as which disadvantages they wish to advance (p. 244). The major advantage is that they can force the affirmative to change roles and debate on negative ground. If this happens, it is likely that the affirmative, in defending itself against negative attacks, will spend insufficient time rebuilding its case. Then the negative can argue in rebuttal that even if the counterplan is rejected, the affirmative's proposal should not be accepted because it has been inadequately supported.⁴⁰

38

Douglas Ehninger and Wayne Brockriede, Decision by Debate (New York, 1963), p. 244.

39

Ibid., p. 245.

40

Wood, p. 124.

Systems theory enhances the strategic value of the counterplan by allowing the negative greater latitude in the selection of their plan and arguments and greater creativity in designing a competitive counterplan. In addition, it provides a rationale for assessing the legitimacy of counterplans.⁴¹

The Affirmative Response to the Counterplan

In the past, it has been alleged that in a counterplan situation, the first affirmative constructive speech which deals primarily with the need issue is a wasted speech. This is incorrect, because any plan advanced by the affirmative must solve the specified need.⁴² In many instances that speech also provides the ground on which the debate is to continue.

In responding to the counterplan one of the worst things the affirmative can do is assume that its obligations have changed. They must utilize the same basic strategies employed under any negative attack. That is, they must uphold the burden of proof, maintain the attack on the status quo and attempt to narrow the debate. In a traditional debate, if the negative has conceded the problems of the status quo, the second affirmative constructive speaker should

⁴¹ Brock, et. al., pp. 178-180.

⁴² McBath, p. 115.

then review his colleague's analysis of the need issue and, if the negative has suggested that there are other defects in the present system, either "deny that the defects exist or suggest that the present system is taking care of them."⁴³ It is conceivable that the alleged defects cited by the negative will be outside the problem area defined by the affirmative.

The affirmative, must then move to a direct comparison of the two plans. The first criterion is "Which plan best meets the need?" The affirmative has the advantage here because they have specified the need and carefully integrated their plan to solve that need.

The next step is to compare relative costs, workability, practicality and efficiency of the two plans (p. 123). If the affirmative can prove their plan is better or if both the affirmative plan and the counterplan can be adopted simultaneously, it should result in an affirmative win.

The affirmative can lose if they misanalyze the proposition or forget to uphold the burden of proof, both of which could be reasons for a loss in any debate. A loss could result if the affirmative lets the negative shift its ground. The affirmative has defined the problem and the debate must stay in that "arena" or there will be no clash. Losing the offense could also result in an affirmative loss.

43
Wood, p. 122.

They must keep their case uppermost in the judge's mind and be careful not to get into an exclusive position of defending against the counterplan (p. 124).

The following is a description of the major emphasis in each of the affirmative and the negative speeches in a counterplan debate.

- 1AC -- The affirmative proposal is needed.
- 1NC -- Agree that something must be done. The negative counterplan is better than the affirmative proposal.
- 2AC -- The affirmative proposal is superior to the negative counterplan.
- 2NC -- The affirmative proposal would be disadvantageous.
- 1NR -- Refutation of alleged affirmative advantages over the negative counterplan.
- 1AR -- Refutation of alleged disadvantages. Refutation of negative claims of advantages.
- 2NR -- Refutation of unresolved arguments.⁴⁴
- 2AR -- Refutation of unresolved arguments.⁴⁴

Decision Rules

When assigning a decision in a counterplan debate, the judge will, of course, consider many of the factors mentioned earlier in this paper, presumption and burden of proof being of prime importance. The first criterion is "Which team, through logical argumentation, has shown that its plan is better?" If the two plans appear equal the judge must then turn to a second criterion. In a

44

Arthur B. Miller and Remo P. Fausti, Elements of Deliberative Debating (Belmont, Calif., 1969), p. 56.

traditional debate, this may be the need issue. The affirmative will receive the decision if they have sufficiently proved the need for a change. Should the opposite be true, the ballot would not be a vote for the negative but against the affirmative. The negative must prove that its plan alone is superior while the affirmative has the option of proving that its plan or the simultaneous enactment of both plans is the superior option. There may be situations in which neither team has established the inadequacy of the status quo. The judge will then have to vote on the better policy. In any case, the judge must make a decision on how the debate was presented and not on how he wishes it had been presented.⁴⁵

Lichtman and Rohrer have suggested that judges who utilize presumption as a decision rule do so erroneously because the assignment of presumption is only the first step. A standard of critical assessment should then be applied to factors such as the extent of the change and the state of the status quo. If such a system were established, the judges would have a "value" number system from which to work. This could facilitate decision-making and produce greater consistency in judging.⁴⁶

45

Newman, p. 26.

46

"A Systems Approach to Presumption and Burden of Proof", pp. 22-43.

In summary, when the negative presents a counterplan, they may employ either traditional or systems theory analysis. If they utilize a traditional approach they must first deal with the analysis of need presented by the affirmative. Regardless of which type of analysis is used, the counterplan must be competitive, non-topical and prima facie. Much of the clash in the debate will result from the negative's attempts to prove the superiority and/or the competitiveness of their plan.

The negative which employs a counterplan has several advantages. For example, they may choose the issues and advantages they wish to advance and attempt to force the affirmative to debate on negative ground. In defeating any negative advantages, the affirmative must uphold the burden of proof, maintain the attack on the status quo, attempt to narrow the debate and prove the superiority of their plan.

Since presumption is usually considered to rest with the status quo, its location can become a confused and confusing issue in the counterplan debate. According to Lichtman and Rohrer, presumption should not be used as a decision rule. If only one criterion needs to be used it should be the superiority of the plan.

Thus far, this paper has dealt with the theory of the counterplan debate as expressed in texts and magazine articles. These views can be compared and contrasted with those of the National

Debate Tournament judges who represent contemporary practice in counterplanning.

ANALYSIS OF NATIONAL DEBATE TOURNAMENT JUDGES' SHEETS

For the past four years, prior to the National Debate Tournament,⁴⁷ the Tournament Committee has sent out a questionnaire to all coaches and guest judges who would be judging at that tournament. From six to eight questions have been asked on debate theory and technique; however, the questions have not precluded additional statements by the respondents. Some of the questions asked have been: "What role does cross-examination play in your evaluation of a debate?" "Do you see yourself as a chooser of policy systems, as a judge of 'who did a better job of debating', or in some other role as a judge?" "Under what, if any, circumstances will you vote negative when no disadvantages are carried by the negative? Why?" Responses to the questions were then printed in a National Debate Tournament Booklet of Judges which was made available to the participants at each tournament.

The coaches, who were from all nine American Forensic Association Districts in the United States, had teams competing in that tournament. Additionally, guest judges had been selected because of their

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reputations as outstanding decision-makers. The responses of these National Debate Tournament judges should be representative of current debate theory and contemporary judging practices at the intercollegiate level. On this assumption, responses to relevant questions on those philosophy sheets have been analyzed with the intent of obtaining an overview of the most current counterplan theory. In analyzing the answers to the selected questions percentile figures have been computed, wherever possible. When the numbers of specific responses were small and resulting percentage figures would be misleading, a composite view of the stated philosophies is presented instead.

1977 Booklet of Judges - The Counterplan

The most comprehensive question dealing with the counterplan was asked on the questionnaire for the 1977 National Debate Tournament, April 15-18 at Southwest Missouri State College in Springfield, Missouri. This question was: "How are your judging procedures affected by counterplans? What must the negative do to sustain the counterplan? What must the affirmative do to defeat the counterplan?"

Of the eighty-seven judges whose philosophy sheets were included in that booklet, eighty-four addressed themselves to the question in varying degrees of comprehensiveness. Unless specified otherwise, percentile figures have been based on those eighty-four judges' and coaches' comments.

Though the question did not solicit an opinion of counterplans per se, seven of the judges (8.3%) said that they did not like them. In general, they felt counterplan theory and practice had not been adequately defined and, as a consequence, debaters did not use this strategy effectively. One critic said counterplans were unwise because the negative had to give up presumption and inherency. Only two of the judges said that they had heard counterplans infrequently.⁴⁸ In a few instances judges stated their positive reactions toward counterplans but most simply addressed the questions.

"What must the negative do to sustain the counterplan?"

Since the counterplan is initiated in a debate as a negative strategy, this portion of the question was analyzed first. The following is an overview of the counterplan drawn from the judging philosophy sheets.

When the negative elects to use a counterplan, it must be presented in the first negative constructive speech. The counterplan must be unambiguous, specifically detailed, fully developed and formulated in a manner similar to that of the affirmative plan in the areas of procedures, enforcement, etc. In other words, it

48

In analyzing the booklets from the past four years, this type of response was found occurring most frequently in District 4 which includes Iowa, North and South Dakota and Minnesota; however numbers are too small to draw any definitive conclusions.

must be a prima facie case. The counterplan must offer a distinct alternative solution to that of the affirmative.

The two most frequently mentioned requirements for a counterplan were that the plan be non-topical (72.6% of the respondents) and competitive (67.9%) with the affirmative plan. Other requirements included solvency, superiority to the affirmative plan, and more advantageous and/or less disadvantageous than the affirmative.

Due, in part, to an apparent disagreement over the definition of "competitive" forty-four of those mentioning it as a criterion (77.2%) defined the term. The definitions varied according to the judge's bias toward traditional (54.8%) or systems theory debate (32.5%).⁴⁹ The remaining judges gave definitions which were either unclear or could not be classified under either theory. One judge gave his definitions for both perspectives.

Twenty-two of those with traditional viewpoints (50%) said simply that the counterplan must deal with the same problem area as the affirmative plan while 41.7 percent stated that it must meet

⁴⁹ Judging biases were determined as follows: (1) Some judges stated that they employed traditional or systems theory approaches. (2) If a judge's comments dealt with aspects of traditional theory such as accepting the affirmative definition of need, they were considered traditionalists. (3) When terminology used or areas of analysis were a part of systems theory, the judges were classified as being of that philosophy.

the affirmative advantages. This was specified still further by 20.8 percent who said the counterplan must accrue the same lives saved (or more) and/or be competitive in terms of money spent.

Of the two systems theory definitions of "competitive" -- mutually exclusive and more desirable than both plans implemented simultaneously--the latter was the more frequent response (85.7%). Mutually exclusive was mentioned by 57.1 percent of the systems theory judges. Some judges mentioned both definitions. Other systems theory judges either stated they judged competitiveness "according to the systems theory definition"⁵⁰ or gave rationale such as "must equal affirmative significance and possess additive advantages that exceed the affirmative advantages or the disadvantages of the counterplan." Two of the judges said that the plans must be mutually exclusive but due to other comments they did (or did not) make it was not feasible to classify them within the systems theory perspective and consequently their responses were not classified in either theory.

Though the term, "substitutional", has been considered by some as a definition of "competitive," four judges listed the two terms as separate entities. Some thought the negative's definition of competitive was a debatable issue. Others said they would determine the competitiveness of the negative policy by weighing the benefits and costs.

50

Unless indicated otherwise, all quoted statements in this section of the paper are from NDT judges.

If the counterplan is judged from a traditional viewpoint, it must "demonstrate solvency of 100 percent of the problem area isolated by the affirmative." In doing so, the negative must assume the same plan-meet-need burden of proof as the affirmative but must do so in a superior fashion. This can be demonstrated through the assignment of significant disadvantages to the affirmative case.

Several of the judges (21.2%) stated that the counterplan must be the superior option. "Superior" can mean that it is superior to the affirmative plan or superior to the solution called for in the resolution. It does not mean that the negative must meet all of the affirmative advantages but rather, that they must do so in a superior way.

The responses on advantages and disadvantages were extremely varied because they could and did deal with any of the four possible areas: affirmative advantages, negative advantages, affirmative disadvantages, negative disadvantages. The most cohesive group of answers dealt with negative advantages. The general overview of this area was as follows: The most frequent response (68% of those responding on this issue) was that the negative policy should accrue more or better advantages. Sixteen percent said this was unnecessary. Some judges felt that all affirmative advantages must be achieved; but two judges said "nearly all" was sufficient.

One judge said that advantages could only be accrued from parts of the plan which were competitive with the affirmative proposal while another stated that a substantially different alternative should be used to meet the affirmative advantages. Two judges said that the advantages should be based on a departure from the resolution. Little major consensus was found in this area.

In summary, generalizing from the responses included in the Booklet of Judges, the counterplan must be non-topical, deal effectively with the advantages accrued by the affirmative, have fewer disadvantages, solve the problems originally designated by the affirmative and be the superior option. When considered from a traditional perspective, competitiveness was seen to be achieved most advantageously by dealing with the affirmative problem area. From a systems approach, a competitive counterplan was most frequently seen as one which is more desirable than the two plans existing simultaneously.

Presumption which usually is accorded to the status quo, becomes an important issue in a counterplan debate because the status quo is not being defended. As a consequence thirty-three (37.9%) of the judges stated their opinions about the locus of presumption. One of those statements was too ambiguous to be included in the analysis.

Of the thirty-two known judge's opinions about presumption, sixteen (50%) said that the negative forfeits presumption when using a counterplan thus giving them an additional burden, the burden of proof which they did not have before. One of those said it was granted to the affirmative because it then became the established system (the developed policy against the negative alternative). In direct contradiction to this, eight (25%) said that presumption did not shift. Some of these judges viewed presumption as resting against the adoption of the resolution or against the specific affirmative case rather than with the status quo.

Several other opinions were also expressed. Four of the judges considered presumption as resting with the team whose plan presented the least risk or the least radical change. Others said the location of presumption should be debated in the round if it was critical to the team's stand. One judge felt that "because neither team enjoys presumption it becomes an irrelevant concept in the round." Another said it was confusing and still another said that he was undecided as to its location.

What must the affirmative do to defeat the counterplan?

Of the eighty-seven judges who stated their philosophies on counterplanning, fifty-six (60.1%) responded specifically to the portion of the question dealing with affirmative strategies in a counterplan situation.

In a counterplan debate, the affirmative must continue to perform "normal" affirmative duties. They must present a prima facie case, maintain the burden of proof, and prove that the resolution should be adopted. Their duties are increased, however, because they must go beyond an extension of their own case and prove that the counterplan should not be adopted.

The two issues considered as most debatable by the affirmative were non-topicality and non-competitiveness. Next in importance, according to references on the philosophy sheets, was the advantage-disadvantage issue (47.8%). The fourth most frequently mentioned issue was plan superiority (24.6%) which was not specifically defined in most instances and could be determined by several factors. Few of the systems theory judges mentioned specific affirmative attacks.

The affirmative may show that the negative has not met any of the non-topicality and competitiveness requirements discussed previously in this section of the paper. Topicality can be considered with a bias in favor of the affirmative. It may be necessary to debate the non-competitiveness of the counterplan from a theoretical perspective as well as from the more standard approaches.

To win the advantage-disadvantage issue, the affirmative should deal with the disadvantages of the counterplan. They may prove that the counterplan has unique disadvantages, more disadvantages than the affirmative plan, or more significant disadvantages.

This was the response of fifteen of the judges who addressed themselves to this issue (45.5%). Proving added affirmative advantages and sustaining original advantages was considered a winning strategy by 33.3 percent of the judges. Once the affirmative has shown that their plan can meet their advantages, they can refute the counterplan advantages. Then they can show (1) that the negative cannot accrue the same level of advantages through on-balance comparison, (2) that their plan has fewer disadvantages than the counterplan and/or (3) that the advantage-disadvantage ratio for the affirmative plan is better than the negative ratio.

The affirmative must defend the superiority of their approach. They may show that their plan is the better means of achieving their advantages, that fewer disadvantages are entailed, and/or that given the limited resources available, their plan constitutes a better expenditure of those resources.

Though not mentioned as frequently as those issues above, solvency can be another issue in the debate. The affirmative must illustrate their ability to solve the problems more effectively than the counterplan because the final decision for some judges is based on which team sustains solvency in a superior fashion.

When the debate is viewed, and debated, from a systems theory approach, the affirmative must defend the workability and advantages of their plan and compare or refute the negative advantages. They

should employ a cost-benefit comparative analysis wherever feasible. In some instances, they may be able to prove that the counterplan can be subsumed under the affirmative plan.

Other important affirmative strategies are as follows: (1) Make the negative position seem less rational and/or desirable than the resolution. (2) Argue on the basis of argumentation theory and real-world policy making. (3) Argue that the added advantages the negative claims can occur or are occurring under the status quo.

How are your judging procedures affected by the presentation of a counterplan?

In responding to this portion of the question a frequent comment was: "I reach for more flow material" because the debaters are dealing with arguments for and against two separate plans rather than for and against one plan. When a systems approach is used, the problem becomes further confounded because both case and plan structures differ since the affirmative problem area need not be accepted.

There was little consistency in the judging procedures expressed by the respondents. Several said they viewed the counterplan simply as another policy option or another issue in the round. The next most frequent response was that they tended to judge the two plans comparatively. Some said the criteria for acceptance or rejection of the counterplan were left to the debaters in each round.

Many other judging procedures were mentioned which could serve as guidelines for potential counterplan use. They were as follows:

- (1) Since the counterplan is a controversial strategy, debaters should introduce arguments which support their views of counterplan theory. These should then be related to their specific strategies or issues.
- (2) The judge enters with no preconceived view of what is best (i.e., no presumption) and evaluates the teams on the basis of the arguments in the round.
- (3) The issues of competitiveness and advantages become more important than in a "standard" round.
- (4) The choices between teams becomes narrower and therefore minor factors get promoted in a decision.
- (5) Arguments which support or refute are evaluated by the same criteria as in any other debate.
- (6) In the end, the question is which "resolution" appears to be better.
- (7) If the judge has any doubts or reservations about the counterplan, the ballot will go affirmative.
- (8) If the negative has solvency, advantages, and competitiveness, the debate will revolve around a comparison of advantages and disadvantages.
- (9) In the event that neither policy is a winner, the decision goes to the plan which advocates the least change.
- (10) If the negative argues the case and wins the theoretical issues related to the counterplan, the decision is based on the political decision-making model, focused around the traditional stock issues.

Of the eighty-seven judges in the study, sixty-seven (77%) listed a series of 3 or 4 critical areas or issues on which the debate should focus. By far, the most important of these were topicality and competitiveness. The seven most frequently mentioned areas are listed below in order of descending importance as inferred from incidence of mention.

1. Topicality
2. Competitiveness
3. Added, superior, or unique advantages
4. Solvency
5. Mutually exclusive
6. Superior option
7. Disadvantages to plan.

Other voting issues mentioned were inherency, plan entails less risk, counterplan does/does not preclude affirmative plan, substitutable, same or similar advantages, diminished case significance and ability to argue stock issues. In all, fourteen different critical areas were noted by the judges.

To win the counterplan debate, the negative must win all of the three or four areas deemed critical by that particular judge. The affirmative need win only one of the areas against the counterplan.

A problem exists here because the debater, unless he has been judged by the individual previously or has one of the judge's

philosophy sheets available, does not know which of the areas or issues he must win. Some consistent list of criteria would be helpful. At present, the debaters can only hope that they will select the right areas or that the judge will decide the critical areas as they are debated by the two teams.

1974 and 1975 Booklets of Judges - Conditional Counterplans

During the 1973-74 and 1974-75 debate seasons there was considerable controversy over the conditional counterplan, a strategy in which the negative upholds both the status quo and the counterplan through an "even if" argument. That is, "even if" the status quo were not functioning properly, the negative counterplan would be better than the affirmative plan. To provide teams with knowledge of the judges' bias on this case structure, the question, "How do you generally react to conditional counterplans?" was included on the National Debate Tournament questionnaire.

To analyze the data from these philosophy sheets, a 5-point accept-reject scale was used which included "accept, accept with reservations, neutral or non-committal, reject with reservations, and reject." An example of a statement classified as "accept with reservations" was "I accept those that are offered to attack the significance of the affirmative case." A "reject with reservations" response was "I am not particularly receptive to conditional counterplans...[but] I have voted on [them]."

In 1974, nineteen of the seventy-six judges did not respond to the question, discussed the counterplan instead of the conditional counterplan or said that they had not heard any conditional counterplans; therefore, the philosophy sheets of these judges were not considered. This left fifty-seven judges with valid answers. The results are shown in Table I.

TABLE I. 1974 NATIONAL DEBATE TOURNAMENT

<u>Reaction to Conditional Counterplan</u>	<u>Number</u>	<u>Percent</u>
Accept	19	33.3
Accept with reservations	11	19.3
Neutral	3	5.0
Reject with reservations	12	21.1
Reject	12	21.1

As can be noted, a slightly larger percentage (52.6%) accepted the conditional counterplan than rejected it (42.4%).

The philosophy sheets for this year were the only ones which listed years of coaching experience. Cox, in a similar study of these philosophy sheets found that the majority (71.8%) of those who rejected the conditional counterplan had 6 or more years coaching

experience while those who accepted the conditional counterplan were about equally divided between coaches with 1 to 5 years experience (51.5%) and those with 6 or more years (48.5)⁵¹

When the question was again asked in 1975, seven of the eighty-four judges solicited for comments (8.3%) did not respond to the question in contrast to 13.1 percent who had not responded the previous year. Three of the ballots could not be classified. Therefore, seventy-four ballots were utilized in this study. The results and comparisons with the preceding year are listed in Table II.

TABLE II. 1975 NATIONAL DEBATE TOURNAMENT

Reaction to Conditional Counterplan	Number	Percent	Number	Percent Change
Accept	25	33.8	+8	+ .5
Accept with reservations	7	9.5	-4	-12.5
Neutral	3	4.1	--	--
Reject with reservations	10	13.5	-2	- 7.6
Reject	29	39.2	+17	+18.1

51

J. Robert Cox, "A Study of Judging Philosophies of the Participants of the National Debate Tournament," Journal of the American Forensic Association XI (1974), p. 69.

Apparently judges were committing themselves more in their views of the conditional counterplan. The trend was toward rejection of this strategy rather than toward acceptance though the difference between the two views was not large (43.3% accepting, 52.7% rejecting). However, in comparison with the previous year's totals it can be noted that both the decrease in acceptance and the increase in rejection were approximately 10 percent.

Some of the judges felt that a counterplan was the same, or utilized the same strategies, whether it was conditional or straight and must be debated as such. They stated that the conditional counterplan must be shown to be a coherent policy system, not contingent on the adoption of the resolution. For the negative to win with a conditional counterplan significance must be demonstrated and not assumed from general evidence, "plan objectives must go beyond mere observations" and the superiority of the negative approach must be demonstrated. Some indicated conditional counterplans needed more care and preparation than was usually given them.

When a conditional counterplan is used, the affirmative grants the negative inherency and significance. Superiority of their approach can be demonstrated by proving additional advantages, the absence of affirmative disadvantages, superior solvency, or a less radical departure from the status quo with less risk and greater predictability involved.

Several of those who rejected the conditional counterplan did so because they felt time restrictions precluded the debate of three positions. Another common view was that the conditional counterplan was inconsistent with the policy system approach in that the negative "avoid[s] the advocacy of a substitute system from the perspective of actually, not conditionally, choosing a course of action." Others said they preferred the negative to argue a consistent philosophical position and in the conditional counterplan debate they were unsure of what the negative policy system was.

One judge considered the counterplan a weak method of attack and the conditional counterplan an even weaker method. Other views expressed were: "It's a cop-out for the negative because they seem to want the best of both worlds." The negative is risking too much while they try to maintain presumption. "It is a horrendous loss of presumption." "I don't feel obligated to listen to a negative rationale for a change as well as a justification of the status quo."

Typical comments of the most opposed were: "Since I can't cast conditional ballots, I don't care for conditional counterplans." "A counterplan is like death--quite a commitment. You cannot be a little dead, a little pregnant or a 'conditional' counterplan."

Those who were willing to accept the conditional counterplan less frequently explained their reasons. Some felt that because

debate is for discussing debatable issues it was acceptable. Others said that the conditional counterplan should be considered in the light of policy options. Those who qualified their answers said the conditional counterplan was acceptable if it was presented as a "conditional" counterplan, if it was designed to meet only part of the affirmative plan or if it was offered as an attack against the significance of the affirmative case. One judge stated that the negative should not present a conditional counterplan and then attempt to drop it in rebuttals.

1976 Booklet of Judges

The 1976 questionnaires did not contain a question on counterplans, however, some judges stated their counterplanning preferences under the question, "Must the negative, like the affirmative, support a specific policy proposal? Why or why not?"

There were fifteen responses on the conditional counterplan. Of those, seven said they would accept a conditional counterplan, two would accept them with reservations and six rejected them. If conclusions can be drawn from these few philosophy sheets, it would appear that the trend toward acceptance of the conditional counterplan had increased slightly from 1975.

The reverse was true on the 1977 philosophy sheets, however. Of twenty-two judges who commented on the conditional counterplan, seven (31.8%) said they would accept them, while the same number

(7) said they were not receptive to conditional counterplans and eight (36.4%) said they would reject them. Thus, the percentage rejecting the conditional counterplan increased greatly.

Counterplan

The response on the 1976 questionnaire was the opposite for the counterplan. Of the twenty-three judges who commented on the counterplan, eighteen (78.3%) were in favor of the strategy. Only one judge indicated he would not support a counterplan while three (13%) said that they didn't particularly like them. This last figure can be compared with 8.3 percent who, in 1977, said they didn't care for counterplans.

SUMMARY AND CONCLUSIONS

When a counterplan is employed, the nature of debate changes. It moves from a bipolar situation with a single solution to one which permits a multi-sided examination of the problem. The question changes from "Should we have international control of world resources?" to "Should we have international control of world resources or something else?" As with the affirmative's comparative advantage, alternative justification, and criteria cases, the counterplans has enlarged the scope of debate. It can be considered the embodiment of a negative justification argument. With such theoretical growth, debate has become more complicated and more intellectually challenging.

Unfortunately debate theory has lagged behind debate practice. For example, the 1975 edition of Strategic Debate said counterplans were uncommon,⁵² yet in practice, counterplans were sufficiently common that judges at that year's National Debate Tournament were asked their opinions of the conditional counterplan. Those opinions would serve as guidelines for the debaters at the same tournament.

⁵²
Wood, p. 121.

As with any change within a structure, guidelines for implementation must be established if counterplans are to be utilized effectively. In the absence of comprehensive guidelines for counterplan debate, as it exists today, literature and judging practices have been examined with the intent of formulating a more concrete view of the counterplan debate.

In reviewing the context of this paper, it can be noted that two debate theories exist which can be applied to the counterplan. The first of these, traditional theory, has been the predominant view and is the perspective of the majority of the texts. When utilizing the traditional theory approach, the counterplan debater will focus on the need issue as defined by the affirmative. In the more recent of the two approaches, systems theory, analysis deals with multiple causality and equifinality. This perspective, though introduced only five years ago, has gained acceptance by one-third of the coaches and judges at the 1977 National Debate Tournament. These individuals represent a major influence in debate practice today. Systems theory has provided the debater increased options, over and above those already afforded by the counterplan.

Theorists have said that a counterplan must be prima facie, non-topical and competitive. A competitive counterplan may be functionally competitive, structurally or philosophically competitive, mutually exclusive or more desirable when implemented alone than

when enacted with the affirmative plan. The judges have indicated acceptance of these definitions and further defined them.

Other issues in a counterplan debate include solvency, superiority and advantages-disadvantages. Judges have substantiated and qualified theorists views of solvency. They have stressed the importance of proving the superiority of the counterplan and stated ways in which this can be accomplished, primarily through the use of advantages and disadvantages. Of the 3 issues stated above, the judges' most important contribution has been in the delineation of advantage-disadvantage attacks. Though a variety of strategies have been mentioned, the predominant view is that the debater must prove his plan is more advantageous than that of the affirmative and show the disadvantages of their plan.

Theorists have been responsible for the structures of the counterplan debate, while both they and the judges have specified strategies which may be used by the affirmative and negative teams. In general, the strategies noted by the judges have been more specific.

The location of presumption can be a factor in the decision reached on a counterplan debate. As defined by Whatley, presumption rests with the negative. Views on the location of presumption in a "standard" debate have never been consistent and they are even more inconsistent in a counterplan debate; however, one-half of the judges noted, said the negative forfeits presumption in a counterplan situation.

The conditional counterplan, an alternative to the "standard" counterplan, has elicited mixed responses from judges. Though views fluctuate, judges tend to be about equally divided in their reactions.

If the two debate theories, traditional and systems, are to continue to be utilized in counterplan debate, proponents of each must be knowledgeable about the other theory as well so that either style of counterplan can be debated effectively and judged with expertise. To assist in understanding the similarities and differences the following chart has been prepared from material in this paper.

Comparison of Counterplan Judging Requirements
According to Traditional and Systems Theory

	<u>Traditional</u>	<u>Systems Theory</u>
General	Particular problem and solution	Multiple causes and interaction
Affirmative Need	Accepted or accepted in part	Need not be accepted
Competitive	Functionally Competitive, structurally or philosophically competitive, deals with	Mutually exclusive, cannot exist simultaneously with affirmative plan

TraditionalSystems Theory

same problem areas as
affirmative

Meet affirmative advantages

Other Requirements Solvency

Non-topical

Prima facie

Clash

Superior option

Meets competitiveness
definitions

Advantages-

Achieve affirmative

Disadvantages

advantages

Accrue more or better advantages
Fewer disadvantages

Affirmative must
defend

Workability

Superior

Fewer disadvantages

More advantages

Cost-benefit comparison
Show counterplan can be
subsumed

	<u>Traditional</u>	<u>Systems Theory</u>
Presumption	Rests with status quo	Rests with system with greater degree of certainty

Percentage of judges	54.8%	32.5%
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generally employing
these approaches in
1977.

Counterplan theory is still in its infancy, but by synthesizing judge's comments with theory it is possible to establish a new theoretical base. Though in some instances, conflicting views have not precipitated conclusive definitions or strategies, they are nevertheless facilitative. The debater and/or judge can either circumvent or anticipate those discrepancies. To promote proficient counterplan debates, however, theoretical approaches in textbooks must be updated so that debaters and coaches may have easy accessibility to a complete and comprehensive theoretical background of the counterplan.

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