

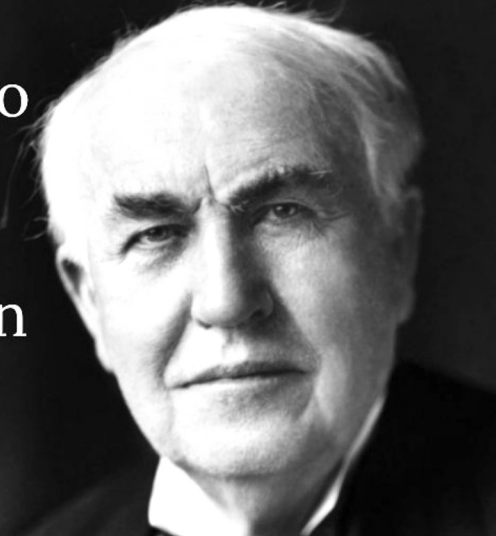
COUNTERPLANS IN POLICY DEBATE

An Introduction to Counterplans on the
Intellectual Property Topic

by Rich Edwards, Baylor University

"There's a way to do
it better - find it."

- Thomas A. Edison



WHAT IS A COUNTERPLAN?

A counterplan is a policy defended by the negative team which competes with the affirmative plan and is, on balance, more beneficial than the affirmative plan.



REQUIREMENTS OF THE COUNTERPLAN

Specificity: The counterplan text must be explicit

Nontopicality: Some theorists say the counterplan must represent the NON-resolution

Competitiveness: The counterplan must give the judge a reason to choose between the plan and counterplan.



COUNTERPLAN SPECIFICITY

SAMPLE COUNTERPLAN TEXT:

- ❖ **Example 1:** Universal Basic Income: All Americans (including creative artists) will receive a monthly basic income in order to compensate for the employment displacement caused by generative artificial intelligence.
- ❖ **Example 2:** The United States federal government will institute a carbon tax to incentivize a rapid shift away from the use of fossil fuels and will end all programs designed to promote green patent filings.



COUNTERPLAN NONTOPICALITY

Though some judges will continue to think this is important, many contemporary debate theorists say it is NOT, for the following reasons:

1. The affirmative team is asking for adoption of the PLAN not the resolution.
2. Competitiveness provides adequate protection against abuse.
3. Ground is preserved, since the affirmative team had free opportunity to choose its position first from anywhere within the resolution.



COUNTERPLAN NONTOPICALITY

In practice, however, it is so easy to argue the nontopicality of the counterplan that it is hardly worth it to engage in the theoretical debate about whether a topical counterplan is OK.

1. In the case of the Universal Basic Income counterplan, there is no strengthening of copyrights, patents, or trademarks.
2. In the case of the Carbon Tax counterplan, the negative can just argue that this mechanism is not any one of the three redistribution mechanisms listed in the resolution; nor does it strengthen “protection of intellectual property rights” – its only purpose is to solve for climate change.



COUNTERPLAN COMPETITIVENESS

Mutual Exclusivity: It is logically impossible to do both the plan and counterplan.

Net Benefits: The counterplan alone is more beneficial than the plan plus the counterplan (in practice this means that the counterplan avoids a key disadvantage offered by the negative).

Other (suboptimal) Possibilities: Resource competition, Philosophical differences

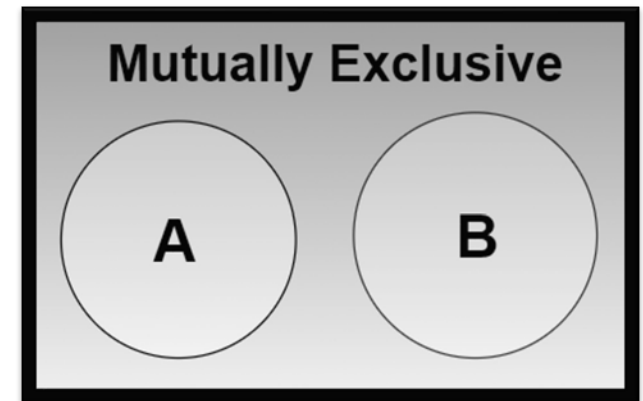


MUTUAL EXCLUSIVITY

It is logically impossible to adopt both the plan and the counterplan.

Example: In the case of Counterplan Example 2, the negative would claim it is logically impossible to do the affirmative plan to incentivize green patents and also to ban green patent promotions.

Problems with Mutual Exclusivity: Usually the competitiveness argument based on mutual exclusivity is artificial because the text of the counterplan simply bans the plan. Often the affirmative team will suggest ways that the essence of the plan could be combined with the essence of the counterplan.



NET BENEFITS

“Net Benefits” competitiveness shows why it would be undesirable to combine the plan and counterplan; as a practical matter, there is some disadvantage to the plan which the counterplan does not link to. Technically speaking, “net benefits” means that the counterplan alone is more advantageous than the plan plus the counterplan.

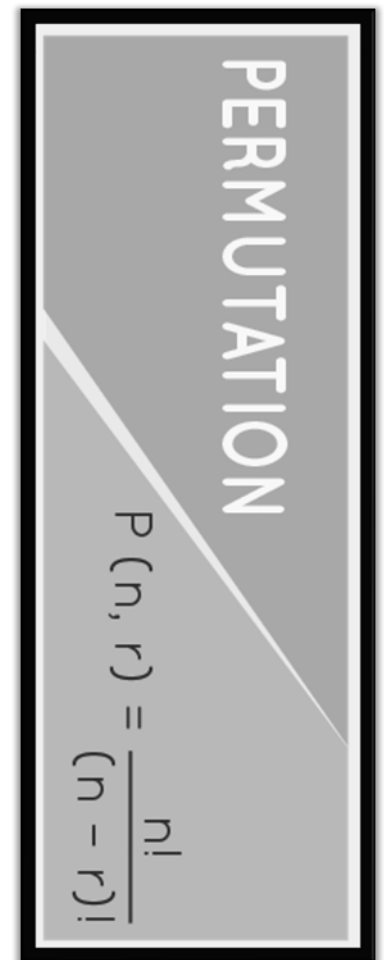
In the Counterplan 1 example, the negative team would claim that even though it is logically possible to support BOTH a carbon tax and green patent promotion, the counterplan alone is superior because it would solve for climate change while avoiding the disadvantage claiming that green patent protection blocks climate action in developing countries.



PERMUTATIONS

A permutation is an argument offered by the affirmative to demonstrate the non-competitiveness of a counterplan; it suggests a specific way that the plan and counterplan can be desirably combined in order to maximize the affirmative advantage(s) and avoid the negative disadvantage(s).

Consider the following example: The affirmative plan proposes green patent promotion while the negative counterplan calls for a carbon tax. The affirmative offers a permutation proposing that the proceeds from the carbon tax be used to provide sizeable prizes for green patents – the affirmative argument is that technological breakthroughs will work in conjunction with the carbon tax to support a maximum effort to slow climate change.



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