

AFRICAN VOICE



FIRST PRINCIPLES TRAINING HANDBOOK

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INTRODUCTION

Debating requires knowledge. Successful debaters must have a strong understanding of a wide array of issues in order to articulate a strong case with minimal preparation time. The level of knowledge required to succeed as a debater can seem overwhelming.

This guide is aimed at providing a starting point by identifying the ‘First Principles’ of debating. First principles are key concepts and ideas that are applicable to a wide variety of debates. By illustrating the core clash of values underpinning certain issues, this guide provides an accessible template for debaters approaching unfamiliar topics. Our aim is that this guide will provide a clear framework for approaching most (but not all) debates.

This guide is split into two sections. First, it provides a background to debating and adjudication, outlining the basics of British Parliamentary (BP) Debating, tips on how to construct an argument and an approach to BP adjudication. Second, it outlines the First Principles governing a variety of issues: government intervention and individual freedom; advancing social change; criminal justice; morality and ethics; process vs. outcomes; and international relations.

A cautionary note: this guide does not attempt to exhaustively define the different perspectives concerning the issues we have identified. It merely seeks to provide a clear outline of some of the most common approaches adopted. The information in this guide is based largely on what we have learnt as members of the Monash Association of Debaters.

We hope you will find this guide useful.

Damien Bruckard, Kiran Iyer and Sashi Balaraman

ABOUT AFRICAN VOICE

African Voice is a non-profit organisation that runs workshops for young people from across Africa focused on strengthening public speaking confidence, developing critical thinking skills and increasing awareness of crucial public policy challenges. We run debating training aimed at facilitating awareness of human rights and good governance principles, while equipping students with the communication skills to reshape their societies.

To date we have run:

- A 2 day workshop for university students with Rwandan NGO Never Again Rwanda assessing post-genocide transitional justice strategies;
- A 3 day workshop for university and secondary students with Zimbabwean NGO Contemporary Affairs Foundation aimed at developing a culture of free and open debate among Zimbabwe's next generation of leaders;
- Special training at the 2012 Pan-African Universities Debating Championships for over 500 delegates from across Africa designed to equip them with world class debating skills; and
- 2-3 day workshops with Monash South Africa Debate Club, the Namibian Debate Union, and the University of Free State.

African Voice is an initiative started by three Monash Association of Debaters Alumni:

- Kiran Iyer, the 2012 World and Australasian Debating Champion;
- Damien Bruckard, a finalist at the Australasian Debating Championships and former President of the Monash Association of Debaters; and
- Sashi Balaraman, a finalist at the World Debating Championships, runner up at the Australasian Debating Championships, and former Editor of the Monash Debating Review.

If you are interested in learning more about African Voice, please email us at africanvoice2013@gmail.com or like us on Facebook ([facebook.com/africanvoicedebating](https://www.facebook.com/africanvoicedebating)).

**BACKGROUND TO
DEBATING AND
ADJUDICATING**

THE BASICS OF BRITISH PARLIAMENTARY DEBATING

British Parliamentary (BP) debating is the style of debating used at the World Universities Debating Championships (WUDC). This Chapter is not intended to provide a comprehensive overview of BP debating. However, it will outline the basics of this style and provide some tips on crafting effective Points of Information and Extensions.

Teams in a BP Debate

BP debates involve four teams of two speakers each:

| <u>Government Bench</u> | <u>Opposition Bench</u> |
|---|---|
| <i>Opening Government</i> Prime Minister Deputy Prime Minister | <i>Opening Opposition</i> Opposition Leader Deputy Opposition Leader |
| <i>Closing Government</i> Government Member Government Whip | <i>Closing Opposition</i> Opposition Member Opposition Whip |

The members of the Government Bench argue in favour of the motion. The members of the Opposition Bench argue against the motion. For example, if the topic is ‘This house supports invading Syria’, the Government Bench will argue in favour of an invasion and the Opposition Bench will argue against an invasion.

Structure of a BP Debate

The Prime Minister is the first speaker in the debate, followed by the Opposition Leader. The speakers from each side then alternate until the debate concludes.

Therefore, the order of speeches is as follows: Prime Minister; Opposition Leader; Deputy Prime Minister; Deputy Opposition Leader; Government Member; Opposition Member; Government Whip; Opposition Whip.

Each speaker can speak for 7 minutes. Between the 1st and 6th minute of every speech, debaters from the other bench can stand up and offer questions, known as Points of Information (POIs), to the speaker. Speakers should accept a minimum of one POI and a maximum of two POIs during their speech, but have the discretion to refuse to accept a particular POI (generally by waving down the person offering the question). Each team should accept at least three POIs during their combined speeches.

Winning a BP Debate

All four teams in a BP debate are competing with each other. At the end of the debate, the adjudicator awards 1st place, 2nd place, 3rd place and 4th place. This order will be based on a comparison of the persuasiveness of the teams, based on the style and content of the speakers.

Team Roles

All of the teams in a BP debate have a specific role. Adjudicators will consider the extent to which teams have fulfilled their role when ranking the teams. Role fulfilment is not a separate category for adjudicators to consider, but is relevant to the extent that it affects persuasiveness.

| Team | Role |
|----------------------------------|--|
| <i>Opening Government</i> | <ul style="list-style-type: none"> • Outlining the context and defining key terms • Outlining the policy (if a policy debate) • Providing arguments supporting the motion • Responding to the Opening Opposition arguments • Actively engaging in the debate through POIs |

| | |
|----------------------------------|---|
| <i>Opening Opposition</i> | <ul style="list-style-type: none"> • Outlining the stance of the Opposition Bench • Providing arguments opposing the motion • Responding to the Opening Government arguments • Actively engaging in the debate through POIs |
| <i>Closing Government</i> | <ul style="list-style-type: none"> • Providing an Extension (a new contribution to the debate) • Responding to the main argument/s in the Opening Half • Responding to the Closing Opposition extension |
| <i>Closing Opposition</i> | <ul style="list-style-type: none"> • Providing an Extension (a new contribution to the debate) • Responding to the main argument/s in the Opening Half • Responding to the Closing Government extension |

Speaker Roles

Individual speakers also have specific roles.

| | |
|--|---|
| <i>Prime Minister</i> | <i>Opposition Leader</i> |
| <ul style="list-style-type: none"> • Outlining the context for the debate • Defining any contentious terms • Outlining the policy (if a policy debate) • Providing arguments supporting the motion | <ul style="list-style-type: none"> • Outlining the Opposition stance • Accepting/rejecting definition (if necessary) • Rebutting the Prime Minister • Providing arguments opposing the motion |
| <i>Deputy Prime Minister</i> | <i>Deputy Opposition Leader</i> |
| <ul style="list-style-type: none"> • Rebutting Opposition Leader (defending Prime Minister if necessary) • Providing arguments • Summarising Opening Government case | <ul style="list-style-type: none"> • Rebutting Opening Government (defending Opposition Leader if necessary) • Providing arguments • Summarising Opening Opposition case |
| <i>Government Member</i> | <i>Opposition Member</i> |
| <ul style="list-style-type: none"> • Rebutting most important issue/s in the Opening Half • Providing an Extension | <ul style="list-style-type: none"> • Rebutting Government Member and most important issue/s in Opening Half • Providing an Extension |
| <i>Government Whip</i> | <i>Opposition Whip</i> |

| | |
|---|---|
| <ul style="list-style-type: none"> • Summarising and rebutting most important issues in the debate • Defending Government Extension (limit new arguments as much as possible) • Rebutting Closing Government Extension | <ul style="list-style-type: none"> • Summarising and rebutting most important issues in the debate • Defending Opposition Extension (strictly no new arguments) • Rebutting Closing Opposition Extension |
|---|---|

Points of Information

POIs are an essential element of BP debating. There is a growing consensus in the international debating community that each team should accept a minimum of three POIs across their team. Therefore, speakers should accept at least one POI during their speech and two if their teammate only accepted one POI. Furthermore, across a team, it is worth ensuring that each opposition team has the opportunity to ask at least one POI.

Rules about asking POIs

There are only two prescriptive rules about asking POIs. First, debaters should ask POIs by standing and saying ‘Point of Information’ or ‘Sir/Madam’. Debaters should avoid asking POIs by saying anything else, such as flagging the issue they wish to ask a question about (‘On criminal responsibility’ or ‘On your model’). This is often referred to as 'Headlining'. Saying anything other than ‘Point of Information’ or ‘Sir/Madam’ is unfair to other teams (by raising a point outside your allotted time) and unfair to the speaker (by distracting them and distracting the adjudicator from the speech).

Second, POIs should be no longer than 15 seconds. Any POIs longer than 15 seconds unfairly eat into the opponent’s speech. If a POI lasts longer than 15 seconds, the speaker may wave down the person offering the POI and the adjudicator should call the offeror ‘Out of Order’.

Beyond those rules about the *form* of POIs, there are no rules about the *substance* of POIs. You may ask a speaker anything you like.

Advice for asking effective POIs

The opportunities available to ask a POI are quite limited. Therefore, you want to make your POIs count. There are two important aspects to asking an effective POI.

First, you should consider the way in which you ask the POI. POI's should be short and sharp – you are making a point, not being given an opportunity to make an argument or offer more rebuttal. POI's should not be longer than 15 seconds. In order to maximise the impact of your POI, consider writing it down on a piece of paper before you ask the question so that you can offer it in the most effective way possible.

Secondly, you should think carefully about what type of POI is most useful for your team in the circumstances. Some of the most effective POIs are:

1. **Rebuttal:** the aim of such a POI is to immediately point out a problem in the argument of the speaker. This is the simplest and most common form of POI.
2. **Pointing out a contradiction:** the aim of asking this POI is to immediately highlight to the adjudicator a contradiction in the speaker's case. By asking this POI, and not waiting for when it is your turn to speak, you can force the speaker to defend his or her case and spend less time on substantive argumentation. It should be noted that you should be careful in labelling something as a contradiction – do not label something as a “contradiction” unless you are absolutely sure that this is the case, because if you get it wrong and the speaker points that out, you've wasted a POI and undermined your credibility.
3. **Hard case question:** the aim of such a POI is to force the speaker into a corner and is best illustrated through an example. In the debate where the government wants to ban cigarettes, an effective hard case POI from the opposition is to ask the government whether they would also ban alcohol. If the answer is yes, then the opposition can argue the government is being too intrusive. If the answer is no, then the opposition can argue that the government is being philosophically inconsistent – why not ban alcohol when it is potentially as harmful as drugs?
4. **Bringing back your own material:** these are most effectively used by Opening teams to keep their material in the debate during the closing half. The POI is usually asked through the prism of your own material, and rather than directly addressing the speaker's material, it aims to force the speaker to turn their attention to arguments put forward earlier in the debate.

5. **Flagging an extension:** flagging your extension through a POI can be an effective tool to influence the manner in which a debate is progressing, by making the speaker address your own material before you have presented it. Do not ask such a POI until the speaker immediately preceding you, to ensure that your Opening team doesn't steal your extension!

How to respond to POIs

Answering a POI should be seen as an opportunity for you to highlight the strength of your case, and not as something to be scared or worried about. Accordingly, there are two things you should keep in mind:

1. **Answer questions directly:** when you are asked a question, don't try and distract the issue by saying you'll answer it later, or answering the POI by continuing with your own material. Answer the question you're asked.
2. **Look confident:** Be in control when you're accepting and answering a POI – choose the best moment in your speech to take the POI, rather than simply accepting a POI because POIs are being offered repeatedly. This will help ensure that you're tackling questions about your case at the best possible moment in your speech.

Extensions

An extension is a new contribution to the debate. The Closing teams are expected to provide an extension. Importantly, what constitutes an extension is not limited to what is flagged as 'the Extension' in the Member speech. Any new contribution to the debate (whether made in arguments or in rebuttal) may also be considered part of the extension.

Commonly, there are two types of extension:

1. **New Issue/Affected Group:** The simplest extension is to identify an issue that has not been outlined by the Opening team. Let's take the debate: 'This house supports banning smoking'. If the Opening Government does not provide a principled justification for the government restricting individual choice to smoke, the Closing Government might provide this argument, thereby outlining a new issue.

The Closing teams may also highlight the impact of a policy on a group that has not been analysed in the Opening half of the debate. Say, for example, you are debating the topic: ‘This house supports high taxes on fatty foods’. The Closing Opposition may argue that this policy disproportionately and unfairly affects the poor, who are more likely to consume fatty foods. This is a new group that has not been analysed in the debate.

If you are using an extension that identifies a new issue or group, it is essential to demonstrate that this issue/group is central to the debate, to ensure that your extension does not seem marginal.

2. **Deeper Analysis:** Often, the most effective extensions provide deeper analysis (more compelling reasons) for an argument outlined in the Opening half.

Let’s look at the topic: ‘This house supports banning boxing’. The Opening Government may argue that individuals do not consent to the harms of boxing, without providing reasons justifying this position.

At Closing Government, you may provide a series of reasons why consent does not exist, including: financial pressures to enter boxing; impaired consent once you enter the ring; and pressure from managers and peers to keep boxing. Alternatively, you may provide a clearer definition of what constitutes consent, arguing that the decision to box is uninformed and not made voluntarily.

If you are adopting this approach, it is essential to clearly differentiate yourself from your Opening team. During the debate, if you feel that the Opening team has comprehensively covered an issue, it is not worth rehashing this argument, as you will not have provided a new contribution to the debate.

CRAFTING AN EFFECTIVE ARGUMENT

An effective argument generally has the following structure:



1. IDEA

The Idea is the assertion that you are trying to justify.

For example, if you are defending the death penalty, you may outline the following Ideas:

1. The death penalty is morally justified;
2. The death penalty deters criminals;
3. The death penalty delivers justice for victims; and
4. The death penalty is the best way to protect society from future harm.

These are all potentially powerful arguments. However, at this stage, they are mere assertions. Often, debaters will merely outline the Idea (or Heading for their argument) without providing any reasons justifying this view.

2. ANALYSIS

The Analysis is the portion of the argument in which you outline the reasons justifying the Idea. Effective Analysis requires you to answer two questions:

1. **Why is the Idea true?:** If you are arguing that the death penalty deters criminals (prevents them from wanting to commit the crime), you need to provide reasons why this is true. For example, you may argue that people are rational and weigh up the

risks of offending against the benefits of doing so. People fear the death penalty and will avoid conduct that puts them at risk of death. Therefore, the death penalty deters crime.

2. **So What?:** This is where you explain why the analysis, if true, is significant for your case and for the outcome of the debate. Your aim is to link the Idea back to the topic. In the context of the death penalty debate, you may argue that deterrence is essential because the government has an obligation to do whatever it can to prevent harm occurring to its citizens. This obligation trumps consideration of other aims of the sentencing process, such as rehabilitation. Failure to complete this step in the analysis may mean that a clever opposing team can argue that even if deterrence is established, it is insignificant compared to other issues such as the right to life.

To improve your Analysis, it is worth asking ‘Why?’ after every point that you make and ‘So What?’ to explain why this point is important.

3. EVIDENCE

Evidence is used to substantiate the Analysis that you have provided.

If arguing that the death penalty deters criminals, you may outline the following Evidence:

1. **Case Studies:** You may argue that the death penalty, since its introduction in [X] State, has led to less violent crimes when compared with [Y] State that has abolished the death penalty; or
2. **Statistics:** You may argue that the death penalty has led to a 20% reduction in violent crime in [X] State.

Evidence may be important in justifying your claims and adding credibility to your team. However, this is the least important component of an effective argument. An Opposition team can easily dispute your evidence or offer alternative evidence that supports their case. It is therefore more effective to use Evidence sparingly and focus your time on developing your Analysis.

APPROACHING DEBATES STRATEGICALLY

Approaching topics with only 15 minutes preparation is a difficult challenge. Teams that win close debates often do so by being more strategic.

WINNING FROM THE OPENING HALF

1. Identify the Problem and Solution

This section of the guide concerns policy debates. Policy debates require teams to propose a change to the way the world works now (i.e. ‘banning drugs’ or ‘invading Syria’). The topic refers to a problem and it is your job to outline the best solution for this problem. Outlining a clear problem and solution is often essential to winning from the Opening Half.

Identifying the Problem

After receiving the topic, you should identify what the problem is. Ultimately, you are asking a simple question: Why was this topic set? What is the issue that the adjudication team is trying to raise?

Identifying the problem requires you to identify the failures of the current situation (‘status quo’). Let’s look at some examples.

- *This house supports banning cosmetic surgery:* Cosmetic surgery may be harmful because it: is a risky procedure; creates low self-esteem among patients and the wider community through reinforcing unrealistic expectations about body image; and takes resources away from other, necessary forms of surgery.
- *This house supports invading Syria:* The Syrian government violently represses its own people; a civil war has broken out; and Syria continues to empower terrorists in other countries, such as Lebanon.

Approaching the problem strategically

Once you have identified the problem, it is essential to use this strategically. Teams will benefit by highlighting the severity of the problem or the urgency of resolving the problem.

It is often useful when outlining the problem to:

- **Use Evocative Language:** When describing the problem, it is worth using language that corresponds to your solution. For example, if you are defending military intervention in Syria, it may be worth briefly describing the horrific atrocities occurring to better justify this extreme step.
- **Outline Trends:** If the problem continues to get worse, this may be a trend in need of correction. For example, in defending an invasion of Syria, the trend of increasing violence by the Syrian government and reprisal attacks by the rebels may mean that immediate action needs to be taken to prevent an all-out civil war.
- **Outline Tipping Points:** A tipping point is a point of no return. For example, many people argue that we are at a tipping point when it comes to resolving climate change: if we do not act now, it will be impossible to prevent the most harmful consequences of global warming. Therefore, outlining a tipping point adds urgency to the solution and makes it harder for the opposition to defend inaction.

It is not always possible to identify an obvious trend or tipping point. In the debate, ‘This house supports banning cosmetic surgery’, it is hard to isolate an obvious trend justifying a ban. However, you may point to society’s increasing obsession with body image as a subtle trend that needs to be redressed.

In addition, sometimes it will be strategic for an opposition team to argue that the trend does not exist, that a contrary trend exists, that there is no tipping point or that the tipping point is far away.

Identifying the Solution

The solution ('model') is your policy response to the problem that has been identified. In the examples listed above, the solutions identified by the topics are 'banning' cosmetic surgery and 'invading' Syria.

It is essential before developing your solution that you have a clear idea of the current policy approach to this issue. The topic may be helpful in developing this understanding (for example, the topic 'That this house supports invading Syria' makes it clear that the current policy is not to invade Syria, 'That this house supports banning cosmetic surgery' makes it clear that the current policy is one of free access).

Opening Government

For the Opening Government, identifying the solution is usually quite simple (as the topic generally identifies the solution that you need to support).

However, it is important to keep three things in mind:

1. **Provide sufficient detail about how your solution will work:** For example, if defending invading Syria, you will need to outline: (1) which countries will be invading Syria; (2) what type of invasion they will be launching (i.e. air strikes or ground troops); (3) how will they defeat the Syrian army; and (4) what happens next (i.e. will there be elections and/or a continued peacekeeping force). If you are defending banning cosmetic surgery, you will need to outline whether you support a ban in all cases, or support an exception for certain procedures (such as for burns victims).
2. **Clearly define the scope of the debate:** If you are given a broad topic (i.e. that we should offer amnesties to dictators), be very clear about whether you want the debate to be about all dictators or about a particular dictator (i.e. Bashar Assad). There are pros and cons of defining the debate broadly or narrowly and you should consider which approach provides your team with the best chance of success.

3. **Avoid the problem-solution gap:** This refers to situations where the solution identified does not match the problem identified. For example, if you are arguing that cosmetic surgery has terrible implications and should be banned, a problem-solution gap exists if the solution you outline is ‘banning this procedure for women between 18 and 21 years old’. As this only targets a small group of individuals, it fails to fix the broader problems associated with cosmetic surgery. Therefore, always aim to ensure that your solution is proportionate to the problem identified.

Opposition teams have three options in crafting a solution:

1. **Reject the existence of the problem:** It is rare that this approach will be effective, as adjudicators generally set topics in response to a clear problem. You won’t get very far arguing that there are no problems in Syria or that cosmetic surgery has no harms. Having said that, it may be effective to dispute the size or nature of the problem and thereby undermine the opposition team’s imperative for action.
2. **Accept the problem, but propose a counter-solution:** Adopting this approach requires opposition teams to outline a detailed alternative proposal for resolving the problem. Importantly, this still involves a departure from the current policy. For example, with reference to the examples above, counter-solutions may involve mandatory counselling rather than banning cosmetic surgery, and offering the Syrian leader an amnesty to leave the country rather than launching an invasion.
3. **Accept the problem, but argue that the harms of the Government model are worse than the status quo:** This approach involves defending an imperfect status quo as superior to the Government model. Therefore, in the Syria debate, an Opposition team may argue that an invasion would create serious problems and the current approach of sanctions and isolation will take time but ultimately be effective. In the cosmetic surgery debate, an Opposition team may accept that these procedures cause harm to society, while arguing that the harms of an unregulated black market (created by a ban) are more substantial.

2. Identify the Competing Principles

This guide outlines a series of First Principles that are applicable to a variety of debates.

In approaching a topic, it is essential to identify the competing principles that will be drawn upon in the debate. This principle is the foundation of your case and is generally the first argument made by the first speaker in each Opening team.

Let's look at some examples:

1) *This house supports banning all recreational drugs*

- **Government Principle:** The Government has the obligation to protect people from their own harmful choices by restricting their freedom, in this case to consume recreational drugs.
- **Opposition Principle:** Individuals should have the freedom to make choices about their own body, including the choice to consume drugs for pleasure.

2) *This house supports banning hate speech*

- **Government Principle:** Individual freedom of speech does not extend to speech that causes serious harm to others and undermines social cohesion.
- **Opposition Principle:** Individuals should have the freedom to express their opinions, regardless of how offensive these opinions are, and the correctness of an idea should be assessed through a free process of debate and discussion.

Winning the Clash of Principles

Once you have identified and outlined your principle, it is important to keep a few things in mind to ensure that your principle wins:

1. **Be Pre-emptive:** In outlining your principle, make sure you prepare for the opposition team's principle and pre-emptively explain why your principle is superior. So, for example, if defending banning hate speech, you will need to explain why the government interest in protecting people from harm is more important than unfettered individual freedom and why it is insufficient for public opinion to reject harmful speech.

2. **Be Specific:** Principles often have limited impact on a debate because they are expressed in a generalised way. For example, if discussing banning hate speech, do not simply argue that actions that cause harm should be banned. Explain why *hate speech itself* causes significant emotional harms to individuals (providing examples) and then explain why emotional harm is something that the government should care about.
3. **Identify clear limits for your principle:** Debates often hinge on the exceptions to a principle. For example, if defending banning drugs, you may argue that bodily autonomy is an important right that should only be limited in instances of serious harm to individuals. However, in taking this approach, you need to consider whether you would also ban other addictive substances such as cigarettes and alcohol, which may also create harms. Ensure you have a clear idea of the exceptions to your principle and can differentiate similar situations if necessary.

3. Stakeholder Analysis

If you are struggling to come up with arguments during prep time, it is worth considering a stakeholder approach. This requires you to consider all of the different groups that may be affected by a policy, making it easier to develop arguments.

Let's consider the topic, "*This house supports banning hate speech*". The stakeholders affected include:

- Victims of hate speech (who may benefit from this speech being banned);
- Members of extremist groups that spread hate;
- Members of the general public; and
- The Government.

It is important to avoid generalisations when discussing how particular policies would affect groups. For example, not all members of the general public would react the same way to hearing hate speech. Some people, who are more susceptible to racism, may be more likely to join extremist groups. Others may reject this speech as unacceptable. Therefore, make sure to analyse all of the different sub-groups when assessing the impact of a policy.

WINNING FROM THE CLOSING HALF

1. Preparation Time

The persuasiveness of Closing teams will be influenced by the extent to which they have provided a new contribution (Extension) to the debate. An Extension is *any* new contribution to the debate (new arguments, new rebuttal, new examples etc).

To construct the most effective Extension possible in your preparation time, here are a few suggestions:

1. **Identify a comprehensive list of arguments:** As noted earlier in the guide, the easiest type of extension is to identify a new issue or group that has not been identified in the Opening Half. This process is made easier if you have a clear idea in preparation time how you would structure the case in the Opening Half. In brainstorming these arguments, consider the advice for Opening teams listed above (such as considering the different stakeholders and identifying the competing principles).
2. **Try to predict the key points of clash:** Often, the most effective extensions will target the biggest issues of clash in the Opening Half of the debate. Consider the obvious responses to the main arguments on your side of the motion and try to think of strong responses to these attacks that can distinguish you from your Opening team.

2. During the Debate

It may be worth having a sheet of paper on which you list all of your ideas for Extensions. As these issues are covered, you may cross them off. Importantly, you should consider whether an issue has been comprehensively covered in the Opening Half or whether there remains scope for Deeper Analysis (i.e. making the logical links your Opening team failed to make).

Once you have established your Extension, it is crucial to deliver it in the most effective way possible. Here are a few suggestions:

1. **Develop a clear label for your Extension:** In the BP adjudication process, it is often essential to have an adjudicator fighting for you to win. It is much more likely this will occur if you are extremely clear about your new contribution to the debate. Considering developing a short label (i.e. ‘our extension will be that society’s obligation to protect life outweighs the importance of deterrence’ in the death penalty debate) that captures your new contribution and makes you memorable. Use this label early in the Member speech to ensure that this new contribution is not missed and reinforce it in the Whip speech.
2. **Explain why your Extension is important:** Too often, teams do not do enough to explain why the new issue they have identified matters. Be very clear about the significance about your Extension or you may be dismissed in the adjudication as marginal to the debate. For example, if you are debating ‘This house supports banning smoking’ and your extension is about why this policy disproportionately harms the poor, explain why the poor are an extremely significant group that are an essential consideration in determining whether the motion succeeds.
3. **Clearly distinguish yourself from your Opening team:** In both the Member and Whip speeches, it is essential to clearly demonstrate that you are providing a new contribution to the debate. Be willing to explicitly note the new contributions you are providing and the ways in which you have added to your Opening team. Try to avoid spending too long summarising the entire debate in the Whip speech and ensure that the Extension is prioritised.

THE BASICS OF ADJUDICATING

This Chapter is based on the rules for adjudicating British Parliamentary debates at the World Universities Debating Championships (WUDC). However, many of the principles discussed apply to adjudicating other styles of debate.

Role of the Adjudicator

Adjudicators have three primary roles:

1. Deciding who won the debate;
2. Deciding why the winners won; and
3. Giving constructive feedback to the participants.

Approaching Adjudication

Adjudicators must be impartial. You must put aside any pre-existing bias when judging a debate. For example, if you are judging a debate on the motion: ‘This house supports banning smoking’, and you work for the tobacco lobby (or if you are simply a smoker), you should not allow your own views to influence the outcome. You should never allow factors specific to the speaker, such as his or her race, religion or gender, to influence the outcome.

Your role is to assess the arguments in the debate from the perspective of the **ordinary intelligent voter**. You are watching the debate through the eyes of someone who would not have any specialised knowledge of the debate, but who has a basic understanding of the issues outlined. Therefore, if you possess knowledge of the motion that you wouldn’t expect the ordinary intelligent voter to possess, this should not influence your decision.

Ultimately, your role is to adjudicate the debate that *actually occurred*, rather than the debate you wanted to see. Avoid penalising debaters merely because they did not raise arguments you find compelling.

Determining the Winner of the Debate

Debating is ultimately about persuasiveness. Your role is to assess the *style* of the speakers in the debate and the *content* of the speeches to determine which team was most persuasive. There are no hard and fast rules to determine which team has won the debate.

However, there are a number of factors that commonly affect persuasiveness:

1. **Logic and Relevance:** Have teams presented logical, well-structured arguments that are clearly relevant to the motion?
2. **Engagement:** Have teams responded to the arguments of other teams in the debate, including through using points of information to highlight deficiencies in the opposition case?
3. **Role Fulfilment:** Have Opening teams set up a clear framework for the debate and outlined arguments that remain relevant? Have Closing teams provided an extension (a new contribution) to the debate?
4. **Style:** Have speakers confidently presented their content and responded to POIs effectively?

Adjudication is not a science. Intelligent adjudicators often differ about the extent to which they found teams persuasive. Therefore, ensure that you do not attempt to follow a rigid approach to judging debates. Every debate is different and the reasons for results will differ.

Assessing Individual Speeches

This section outlines some matters to consider when assessing an individual speech. In addition to deciding which team won the debate, an adjudicator must also assign scores to each speaker. This requires an adjudicator to assess the *persuasiveness* of each speech, which requires consideration of the ‘content’ and ‘style’ of each speaker. A detailed BP scoring range is provided at the end of this manual.

When you assess the content and style of each speech you will be making a subjective judgment. But you should try to be as objective as possible when you do this. The best way to

do this is to consciously focus on certain considerations, which are detailed below. This is not a definitive list of considerations and they should not be applied rigidly.

Judging Content

There are a number of factors you should consider when assessing the persuasiveness of content:

1. **Logic:** Weak speakers rely on assertions and fail to detail the links required to establish a point. Strong speakers outline and substantiate a series of propositions that lead logically to a conclusion.
2. **Sophistication:** This refers to the level of analysis given, not how fancy an argument sounds. The most sophisticated arguments identify and refute potential weaknesses.
3. **Clarity:** A key element of an argument's persuasiveness is clarity. Clarity is often linked to structure. Speeches that are poorly structured are often difficult to follow.
4. **Relevance:** Speakers that clearly highlight the relevance of their content to the motion and the outcome of the debate should be rewarded.
5. **Prioritisation:** Even if arguments are well explained, a failure to prioritise the most important issues undermines the persuasiveness of a speech. Consider whether speakers have allocated time appropriately to reflect the significance of their arguments and have focused their rebuttal on the opposition's *analysis*, rather than merely contesting *examples*.

Judging Style

Judging style is difficult. There is no consensus on what constitutes good style. However, there are some factors that you can take into account to help you judge style as objectively as possible. These include:

1. **Control and engagement:** As a general rule, good style is defined by the ability of a speaker to control the room and engage with the other debaters, the adjudicator and the audience. A speaker with poor style might be nervous, disinterested or boring. On

the other hand, a speaker with good style might be natural, interesting and commanding. Speakers with good style can accept POIs without sounding flustered.

2. **Clarity:** Speakers that have poor expression, conflate arguments or are repetitive and confusing are unlikely to have persuasive style.
3. **Appropriateness:** Good style depends to a large degree on how 'appropriate' a speaker is. Appropriateness is context dependent. For instance, a forceful tone may be most appropriate (if arguing for invasion of a recalcitrant regime) or a compassionate tone might be best (if describing a humanitarian disaster). It all depends on the subject matter of the debate, the relationship between the participants in the debate, the evenness off the teams and myriad other factors. Adjudicators should be aware that good style consists in part of adopting the right tone in the right circumstances.

Panel Discussions

BP debates are often judged by a panel of adjudicators. Typically, this panel includes a 'Chair' and two 'Panelists'.

Role of the Chair

The Chair has four primary responsibilities:

1. Running the debate;
2. Facilitating the panel discussion;
3. Finalising the scores and ranking for the teams;
4. Delivering the oral adjudication

Running the Debate

Chairs should facilitate an environment where this discussion can take place. As such, the Chair should:

- *Welcome and introduce the teams* – whilst this is not essential, it does create a sense of occasion and ensure teams are aware preparation time is over and the debate has started. You are in control of the room once you announce the debate.

- *Timing*: most speakers will keep their own time. However, other teams will look to the adjudicator in determining when is appropriate for them offer points of information. As such, you should confirm how you intend to signal speaker times, and make sure those signals can be heard by everyone in the room.
- *Maintain order in the debate*: as debaters can often get quite fired up about their particular viewpoints in a debate, it is important that the adjudicator maintains a sense of order during the debate. Ultimately, the person speaking is entitled to speak with minimal interruption (obviously points of information are an acceptable interjection).

Facilitating the panel discussion

The Chair's responsibility is to ensure that the different views within the adjudication panel are efficiently identified, and if possible, resolved by consensus. The aim is to facilitate a comparative evaluation of the teams on the basis of their overall contribution to the debate.

There are a number of different ways to facilitate an effective discussion. One approach is to begin by asking the Panelists to outline their rankings. At this stage, it may be possible to achieve consensus on some/all of the rankings in the debate. If everyone has exactly the same rankings, it is worth having a brief discussion to ensure rankings are the same for the same or similar reasons.

However, often adjudicators will have different rankings. If this occurs, the Chair's role is to ensure all members of the panel have the opportunity to defend their position. Do not ignore the views of adjudicators you disagree with and remain open to changing your position.

Ultimately, if it is not possible to reach a consensus, the Chair should hold a vote to break the deadlock. If the Chair is in the minority, the Panelist/s should deliver the oral adjudication.

Finalising the scores and rankings

After finalising the rankings for the debate (1st, 2nd, 3rd and 4th), the panel should then consider the team and speaker scores.

There is no single approach to scoring. One effective way to approach this process is to:

1. Determine the total scores for the team that receives 1st position (keeping in mind the quality of the individual speeches and the overall quality of the debate);
2. Determine the margins between the teams; and
3. Allocate speaker scores for each team based on the total team score, differentiating between the individual speakers.

It is important to avoid conclusively determining your scores after each individual speech, as your evaluation of the speech may differ once it can be evaluated in the context of the debate as a whole.

Delivering the oral adjudication

An effective oral adjudication has three components:

1. **Rankings:** You should commence your adjudication by outlining the rankings. It is essential that you provide a comparative analysis differentiating the teams. For example, ‘the Opening Government took first place because they outlined a clear policy and the most sophisticated analysis of [X]; the Opening Opposition took second place because they lost the main issue of clash in the Opening Half but still provided [Y] argument that was well explained and remained relevant, the Closing Opposition took third place ... ’
2. **General Feedback:** It may be worth highlighting general feedback that applies across the debate (for example, a failure to offer POIs).
3. **Individual Feedback:** Ask teams if they want individual speaker feedback and provide suggestions on how individual speakers could improve. Tailor your feedback based on the standard of the debate (don’t destroy the confidence of novice debaters)!

Role of the Panelists

After the debate, Panelists should formulate initial rankings and be prepared to outline their reasons for differentiating between the teams.

As with chairs, Panelists should be open to changing their mind if they are persuaded by the views of the other adjudicators.

Finally, if the Chair is in the minority, a Panelist may be required to deliver the oral adjudication. Speakers may seek individual feedback from Panelists regardless of who delivered the oral adjudication, so prepare some individual comments during the debate.

Taking Notes Effectively

In order to judge a debate and provide valuable feedback, it is important for you to take notes during the debate. Given the volume of information that will be presented to you, it is impossible to accurately assess proceedings without having notes to refer back to.

Here are a few suggestions to make your note taking more effective:

- **Write comments on individual speeches as they progress:** It may be worth highlighting specific strengths and weaknesses during the individual speeches, so that the individual feedback you provide is more effective.
- **Write comments on each team during the debate:** As the debate progresses, consider noting your initial impressions of each team's performance. This may assist in quickly arriving at your final rankings after the debate.
- **Track POIs:** Many adjudicators have a separate page where they track the number of POIs offered by each team. This assists in determining the extent to which teams have been active during the debate.
- **Use Bullet Points:** Unless you're an incredibly fast writer, you won't have time to write down everything that is said. Be selective about what you write down.

Official WUDC speaker scoring range

| Score | Explanation |
|--------|--|
| 100-95 | Plausibly one of the best debating speeches ever given, flawless and astonishingly compelling in every regard. It is incredibly difficult to think up satisfactory responses to any of the arguments made. |
| 94-90 | Brilliant arguments successfully engage with the main issues in the round. Arguments are very well explained, always central to the case being advocated, and demand extremely sophisticated responses. The speech is very clear and incredibly compelling. Structure and role fulfilment are executed flawlessly. |
| 89-85 | Very good, central arguments engage well with the most important issues on the table and are highly compelling; sophisticated responses would be required to refute them. Delivery is clear and manner very persuasive. Role fulfilment and structure probably flawless. |
| 84-80 | Relevant and pertinent arguments address key issues in the round with sufficient explanation. The speech is clear in almost its entirety, and holds one's attention persuasively. Role is well-fulfilled and structure is unlikely to be problematic. Perhaps slight issues with balancing argumentation and refutation and/or engagement in the debate. |
| 79-75 | Arguments are almost exclusively relevant, and frequently persuasive. Occasionally, but not often, the speaker may slip into: deficits in explanation, simplistic argumentation vulnerable to competent responses or peripheral or irrelevant arguments. The speaker holds one's attention, provides clear structure and successfully fulfils their role on the table. |

| | |
|-------|---|
| 74-70 | Arguments are generally relevant, and some explanation of them given, but there may be obvious gaps in logic, multiple points of peripheral or irrelevant material and simplistic argumentation. The speaker mostly holds the audience's attention and is usually clear, but rarely compelling, and may sometimes be difficult to follow. There is a decent but incomplete attempt to fulfil one's role on the table, and structure may be imperfectly delivered. |
| 69-65 | Relevant arguments are frequently made, but with very rudimentary explanation. The speaker is clear enough to be understood the vast majority of the time, but this may be difficult and/or unrewarding. Structure poor; poor attempt to fulfil role. |
| 64-60 | The speaker is often relevant, but rarely makes full arguments. Frequently unclear and confusing; really problematic structure/lack thereof; some awareness of role. |
| 59-55 | The speech rarely makes relevant claims, only occasionally formulated as arguments. Hard to follow, little/no structure; no evident awareness of role. |
| 54-50 | Content is almost never relevant, and is both confusing and confused. No structure or fulfilment of role is, in any meaningful sense, provided. |

FIRST PRINCIPLES

GOVERNMENT INTERVENTION AND INDIVIDUAL FREEDOM

Introduction

Almost all debates are about government policy. The topic might ask whether the government should compel something (such as citizens becoming vegetarian), allow something (such as the use of marijuana), ban something (such as smoking) or criminalise something (such as incest). These topics almost always involve government controlling or influencing the decisions of its citizens in some way.

Because a government policy is normally targeted at solving certain problems, it is natural that you should consider the practical outcomes of the proposal. For example, you might consider the environmental consequences (of everyone becoming vegetarian) or the public health consequences (of legalising marijuana or banning smoking). Each speaker in the debate should make arguments about the benefits and harms of enacting the policy.

However, you should not stop there. While it is sometimes possible to win a debate by focusing on the effectiveness of a policy, often a debate is won or lost on a more fundamental question. That question is whether it is *legitimate* for the government to act in the proposed way. This requires a *principled justification* for the government to intervene in the lives of its citizens. And because this is a more fundamental question, this should ordinarily be the first argument you advance in the debate.

Small Government vs. Big Government

How do you determine whether government intervention in the choices of its citizens is legitimate? It is helpful to think of principled justifications for government intervention along a spectrum: from “Small Government” to “Big Government”.

Small Government

The Small Government position supports limiting government intervention in the lives of its citizens to the greatest extent possible.

Libertarianism is the most prominent strain of political theory that supports the Small Government approach. A libertarian position might be that the role of government is “limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts, and so on” and that any expansion of state power past this minimal threshold is unjustified (Nozick). Other tasks commonly performed by the government (such as education and welfare) should be taken over by religious bodies, charities and other private institutions operating in a free market. Government may have a role in providing information to ensure people are making informed choices, but should not seek to alter these choices.

The Small Government position emphasises individual choice. Typically, this approach is based on the following logic:

1. Individuals are rational actors, who typically make decisions based on an assessment of the harms and the benefits of their choices;
2. Individuals, rather than the government, are in the best position to decide which choices would maximise their happiness, justifying their inherent right to life, liberty and the fruits of their labour; and
3. The government has no right to infringe on individual choices based on its assessment of what would be best for individuals, unless direct harm is caused to others by these choices.

According to this position, the following government activity may be illegitimate:

- Prohibiting a self-endangering activity (like driving without a seat belt);
- Prohibiting deviant but harmless behaviour (like nonstandard sexual practices);
- Regulating what citizens eat, drink or smoke (since this would interfere with their right to use their self-owned bodies as they see fit);
- Controlling what citizens publish or read (since this would interfere with their right to use the property they’ve acquired with their self-owned labour as they wish);
- Administering mandatory social insurance schemes or public education (since this would interfere with citizens’ rights to use the fruits of their labour as they desire, in that some citizens might decide that they would rather put their money into private education and private retirement plans); and

- Regulating economic life in general via minimum wage and rent control laws (since they violate citizens' right to charge whatever they want to for the use of their own property).

Advocates of the Small Government position argue that government intervention should be the exception, rather than the norm.

Example 1: Individuals should have the right to consume recreational drugs

Libertarians believe that individuals are rational actors, who are able to calculate risk and make decisions that maximise their happiness. Even though drugs may be risky if used inappropriately, libertarians believe that individuals should have the choice to do so if they believe that the pleasure of consuming drugs is more important to them than the health risks. Individuals should be able to pursue their version of the 'good life' without government interference, particularly as no one else is harmed by the choice to take drugs.

Big Government

On the other side of the spectrum is "Big Government".

The Big Government position suggests that government can interfere with individual freedoms if the person affected would be better off, or would be less harmed, as a result of the policy. Governments all over the world are considering Big Government policies to deal with problems such as gambling, consumption of unhealthy food, alcohol abuse and smoking. For example, banning smoking is a classic Big Government policy, as it restricts choice in order to promote the interests of the individual (in better health) and the interests of society (reducing the burden on the healthcare system).

Big Government policies generally have three characteristics:

1. They involve interference in a person's choice or opportunity to choose;
2. They aim to further the person's perceived good or welfare; and
3. They are made without the consent of the person.

You may justify a Big Government approach by arguing that:

- The individual is making decisions that are involuntary or ill-informed (*soft paternalism*). For example, banning boxing may be justified because individuals may not be aware of the high likelihood of brain damage associated with boxing;
- The individual is making decisions against their own interests, even though they may be acting voluntary and knowledgeably (*hard paternalism*). For example, banning drugs may be necessary because of the objective risks of certain drugs and the harms to society associated with drug consumption;
- The policy would protect people's moral well-being or enforce particular community standards (*moral paternalism*). For example, banning prostitution may be necessary to improve perceptions of women, even if no one is directly harmed; and
- The policy is necessary to promote society's interests (*collective welfare*). For example, banning gambling may reduce the burden on the welfare system.

Big Government vs. Small Government debates often hinge on the question of whether the individual or the state is in the best position to know the individual's interests. Big Government theorists argue that individuals are often predisposed to make harmful choices, based on their biases towards maximising their short-term happiness at the expense of their long-term wellbeing.

Adopting this position, the following policies are appropriate:

- Banning harmful drugs;
- Making the wearing of seatbelts or motorcycle helmets compulsory;
- Requiring workers to contribute to a superannuation fund;
- Requiring minors to have blood transfusions even if their religious beliefs forbid it;
- Requiring parents to ensure their children attend school; and
- Requiring a person to be civilly committed if they are a danger to themselves.

Middle position

A middle position might be to argue that governments should “nudge” people's choices in the right direction. Rather than banning certain activities, this approach supports policies that

discourage harmful choices, while preserving the freedom to make these choices. Commonly, this is achieved through “sin taxes”, which make harmful choices more expensive. Sin taxes are often imposed on products like alcohol, cigarettes and fatty food, with the aim of reducing the number of people that consume these products. In theory, this policy sends a more accurate *price signal*, as the additional charge ensures that the individual is aware of the additional cost (to society and the individual) of consuming harmful products.

To take the example of fatty food:

- A *Small Government* approach to dealing with the consumption of fatty food would be to end all sin taxes and allow individuals to make their own choices about consuming this food, based on their assessment of whether the individual happiness produced by eating the food outweighs the health risks;
- A *Big Government* approach might be to ban the fatty food or restrict the access of vulnerable groups like children; and
- A *middle position* might be to ensure that the fatty food is properly labelled (so individuals have accurate information about the fat content), while imposing a sin tax to nudge people away from this choice.

Consent

This Chapter has highlighted the different positions concerning individual capacity to make choices. To win this issue, it is necessary to make arguments about consent. In many debates, there will be a dispute about whether an individual or a class of individuals has consented to a certain activity. For instance, in a debate about banning prostitution, one side may argue that women (or men) that become prostitutes do not really consent to that activity; in a debate about legalising incest, the sides may differ on whether family members really consent to sex with a family member; and in a debate about euthanasia, there may be a dispute about whether a person is able – and should be able – to consent to being killed.

In these types of debates, the team that has the most sophisticated understanding of consent will likely win the issue. Simply signing a contract or taking up a profession does not in itself prove that someone *meaningfully consents* to that activity.

In order to assess whether someone *meaningfully consents* to a certain activity, you should prove two things:

1. **Informed choice:** First, that the person (or class of persons) is making an informed decision. A person who does not know the risks of making a certain decision cannot be said to have made an informed decision. For example, if the topic is ‘This house would ban smoking,’ a government team may argue that many people who take up smoking, especially children, do not know of the risks involved and that they, therefore, do not make an informed decision about whether to smoke.
2. **Voluntarily made:** In addition, the person (or class of persons) who has made the decision must do so voluntarily. This has two elements. First, the person must be rational, so that they are able to weigh up the risks and benefits of the decision. In this way, children, the mentally impaired and animals may not be capable of consenting to certain activity. Second, the person must make the decision free of pressure that may compromise their ability to make a decision in their own interests. In a debate, you may be able to argue that social or financial pressure means that the decision is not made voluntarily. For example, in the debate ‘This house would ban prostitution’ it may be argued that financial pressure leads many women to become prostitutes, such that they cannot meaningfully be said to consent to the activity. However, if you are arguing that a choice is not being made voluntarily, it is essential to establish an *unacceptable degree of pressure*. Financial pressure may lead people to work in the mines, but the state does not ban mining. It is important to demonstrate that the degree of pressure is sufficient to undermine voluntariness.

Consent arguments differ based on the nature of the activity being considered. It is essential to tie your consent arguments to the specific activity. Clever teams may adopt a ‘sliding scale analysis’, in which the level of consent required for it to be considered *meaningful* will increase if the activity concerned is risky (such as euthanasia or boxing) and will decrease if the activity concerned is less risky (such as signing a will).

ADVANCING SOCIAL CHANGE

Certain groups face historical disadvantages that have not yet been rectified. For example, women often remain excluded from powerful positions in government and business. Minorities, such as Australia's indigenous population, disproportionately suffer serious problems such as poverty, malnutrition and inadequate education standards. Homosexuality is criminalised in a number of countries across the world.

This section addresses two questions. First, are governments obliged to implement specific policies to advance the interests of disenfranchised groups? Second, if so, what form should these policies take?

Are governments obliged to implement specific policies to advance the interests of disenfranchised groups?

This issue hinges on the nature of the government's responsibilities. There are two broad views relevant to this question:

1. **Majoritarian View:** In a majoritarian state, the interests of the majority determine government policy (*majority rule*). Therefore, if this view is adopted, government should only adopt policies to protect or advance the interests of disenfranchised groups if this is supported by the majority of society. The government's legitimacy (in a democracy) stems from representing the views of the majority of citizens. Discrimination against minorities is justified if the majority of people support this discrimination.
2. **Pluralist View:** This view suggests that governments have an active obligation to protect disenfranchised groups. Rather than bowing to the will of the majority, governments should actively promote minority interests, on the basis that individuals have certain universal rights (regardless of their race, religion, gender or sexuality). An independent judiciary should strike down laws that infringe on these universal rights. According to this view, one of the key reasons for the existence of government is to protect vulnerable groups from the harms that may occur if majority views were

always decisive and to maximise the opportunity of each individual to pursue their version of happiness.

What form should these policies take?

If it is accepted that governments have a role to advance the interests of disenfranchised groups (regardless of majority assent), there are a number of different views on the type of policies that should be adopted.

1. **Formal Equality:** This view suggests that government's only obligation is to ensure that laws do not directly discriminate against disenfranchised groups. Policies that are based on formal equality include: allowing homosexuals to serve in the military; giving women the right to vote; and ending Apartheid. Individuals should be treated the same, regardless of their differences. Government's role is to ensure *equality of opportunity*, regardless of what the outcome is.
2. **Substantive Equality:** This view suggests that formal equality is insufficient. Even if laws do not directly discriminate against disenfranchised groups, discrimination may still occur in practice. For example, even though women have the right to vote in most countries (formal equality), they remain underrepresented in Parliament and in leadership positions. Therefore, governments should pursue *substantive equality* (equality in substance). Governments should treat disenfranchised groups differently, in order to correct cultural biases that limit their opportunities. Policies that are based on substantive equality include: affirmative action policies (such as requiring 20% of each university class to be made up of minorities) and special tax treatment (such as allowing women to pay a lower income tax). Government's role is to ensure *equality of outcome*.
3. **Autonomy/Self-Determination:** This view suggests that the best way to approach the problems faced by disenfranchised groups is to give them more control over their lives. According to this view, governments should cede control to these groups, to enable their leaders to make choices that more accurately reflect what these people want. Policies that are based on granting autonomy/self-determination include: granting independence to minority groups; granting minority groups exclusive control over natural resources; and allowing the creation of separate legal systems, such as sharia law.

CRIMINAL JUSTICE

Criminal justice debates typically hinge on two key issues:

1. Should a particular practice be considered 'criminal'?
2. How should criminal behaviour be punished?

1. Should a particular practice be considered 'criminal'?

A 'crime' is socially defined. As society's morals evolve, a practice that was once considered a crime may no longer be considered a crime. For example, homosexual intercourse has been decriminalised in a number of countries in light of increased acceptance of sexual freedom. By contrast, practices that were once legal, such as rape in marriage, are now considered unacceptable in most countries and have been criminalised.

Criminal justice debates often hinge on whether a particular activity should be criminalised. Topics featuring this issue include: 'This house supports criminalising drug use'; 'This house supports decriminalising consensual cannibalism'; and 'This house supports holding directors criminally liable for environmental damage caused by their company'.

In approaching these types of debates, it is necessary to consider two questions:

- a) Is it principally justified to criminalise this practice?
- b) Does criminalisation have positive or negative outcomes?

a) Is it principally justified to criminalise this practice?

Justifying Criminalisation on Principled Grounds

Individual freedom is limited by criminalisation. A criminal penalty has potentially significant implications for an offender, including time in prison and the stigma of being labelled a criminal. Therefore, the Government teams (defending criminalisation) need to justify this limitation of individual freedom and the significant consequences for the offender.

To defend limitations on individual freedom, the Government teams must outline the situations in which it is legitimate for individual freedom to be restricted. These are three common justifications for criminalisation:

1. **Harm Principle:** This is the view that it is legitimate for individual freedom to be restricted only when harm is caused to others. Therefore, murder is criminalised because individual freedom to commit murder would cause harm to others. However, it is necessary to justify why a particular harm is sufficient to merit criminalisation. For example, the government teams may need to justify why inflicting pain on animals is the kind of harm that justifies criminal sanction.
2. **Big Government Approach:** If you are defending the criminalisation of practices such as drug use, the Harm Principle may not be enough to justify restricting individual freedom. Drug use may lead to harm to others (for example if people steal to fund their addiction) but the most direct and predictable harmful effect is to the drug user. The Government teams need to defend why it is acceptable to limit an individual's freedom to harm him or herself. To justify this, it may be worth taking the 'Big Government' view discussed earlier in the guide. From this perspective, the government's role is to protect people from their own poor choices. Criminalisation reduces the likelihood that people will make harmful choices, advancing their best interests.
3. **Moral Justifications:** Criminalisation may be justified on moral grounds. Prostitution is banned in many countries not only because of the risk of harm to prostitutes and their clients, but also because it is seen as morally wrong to allow a practice that dehumanises women. The 'Morality and Ethics' section of this guide provides some guidance on how to make this type of argument.

Opposing Criminalisation on Principled Grounds

Opposition teams may oppose criminalisation on the following grounds:

1. **Contesting the Harm:** Opposition teams may either deny that harm exists or argue that the harm is insufficient to justify criminalisation. For example, the Opposition teams may argue that animals do not have any moral standing and that therefore pain inflicted on animals is not the type of harm that justifies criminalisation.

2. **Small Government approach:** The Opposition teams may argue that individual freedom should trump the government's interest in criminalisation. For example, Opposition teams may argue that it is principally unjustified to criminalise drug use, as individuals have the right to choose what happens to their bodies even if harm occurs. Provided individuals are consenting and no one else is being harmed, it is wrong for the government to criminalise this behaviour.
3. **Contesting the Moral Justifications:** Opposition teams may argue that a practice (such as prostitution bestiality) is not morally wrong for the purposes of the criminal justice system. Alternatively, they may argue that morality is contested and governments should leave choices about morality to individuals rather than imposing a uniform approach.

Individual Criminal Responsibility

Some debates focus on whether a particular individual/class of individuals should be held liable for their conduct. For example, topics featuring this issue include: 'This house supports holding directors criminally liable for environmental damage caused by their companies'; and 'This house supports prosecuting CEOs of banks that acted recklessly during the Global Financial Crisis'. These topics are distinctive because they focus on *individual* responsibility rather than the criminalisation of an *activity*.

This type of debate hinges on whether individual criminal responsibility is fair. Government teams may argue that directors are responsible for the actions of their companies and deserve responsibility when things go wrong. Opposition teams may argue that directors should not be held criminally liable because they had no role in causing this damage and were not directly responsible for the damage caused. From this perspective, criminality is only justified when individuals make actively harmful choices, rather than when they were in a position where they may have been able to prevent harm.

b) Does criminalisation have positive or negative outcomes?

Even if it is principally justified to hold someone criminally liable for their behaviour, criminalisation may have harmful effects in practice.

In assessing the practical outcomes of a policy, it is worth considering:

1. How will criminalisation shape behaviour?
2. Will criminalisation have harmful unintended consequences?

Example: Criminalising Drug Use

Supporters of this policy argue that criminalisation will positively shape behaviour. Individuals will be less likely to use drugs and consequently less likely to suffer the serious consequences of drug usage. The message sent by criminalisation will reduce the extent to which vulnerable groups (such as youth) are attracted to using drugs.

Opponents of criminalising drug use argue that criminalisation will not positively shape the behaviour of users. Drug addicts will continue to take drugs. Young people will continue to seek out drugs (and may be more attracted to them when they are illegal). Furthermore, criminalisation leads to harmful unintended consequences such as empowering the drug gangs who rely on the black market for their profits, further increasing the risks to users.

2. How should criminal behaviour be punished?

Crimes are committed against individuals. However, the state has a responsibility to prosecute crime, to preserve social order and deliver justice for victims.

Criminal justice debates often hinge on how the state should respond to a particular crime. Topics featuring this issue include: ‘This house supports the death penalty’; ‘This house supports the chemical castration of paedophiles’; and ‘This house supports mandatory prison terms for arsonists’.

In approaching these types of debates, it is necessary to understand the four aims of the sentencing process

- **Rehabilitation:** Rehabilitation is targeted at reforming a criminal’s behaviour, making it easier for them to re-integrate into the community and less likely to offend

in the future. For example, rehabilitation may include counselling targeted at tackling the causes of offending.

- **Incapacitation/Community Protection:** Incapacitation is aimed at reducing the risk posed by the offender to society. For example, violent criminals are locked up in prison to protect the community from the risk that they will cause further harm.
- **Deterrence:** Deterrence is aimed at preventing people from committing future crimes, based on the consequences of committing the crime. For example, imposing a prison sentence for drug use may deter the offender from committing the crime again (specific deterrence) and may also deter others from ever committing the crime (general deterrence).
- **Punishment:** Punishment is aimed at delivering justice for victims and preserving community order. If crimes are not punished and victims do not feel like justice has been served, the state has failed to recognise the harm caused to them and risks increasing the likelihood of vigilante justice (where people take matters into their own hands).

Criminal justice debates often revolve on the intersection between these aims. For example, punishment often conflicts with rehabilitation, as the harsher a punishment is the less likely it is that an offender can be reintegrated into society. The examples listed below highlight the potential conflict between these aims.

Example 1: Death Penalty

The death penalty is an extremely strong punishment and delivers justice for victims. The death penalty is the most effective way to protect the community from a specific offender by guaranteeing that he or she can never enter the community and offend again. However, the death penalty is obviously incompatible with rehabilitation, as it denies the possibility that an offender can reform. Furthermore, it is questionable whether the death penalty is an effective deterrent, as many serious offences are committed by offenders in the heat of the moment without considering the consequences.

Example 2: Youth Diversionary Programs

Youth diversionary programs are aimed at diverting young offenders from the criminal justice system, by emphasising rehabilitation above punishment. By emphasising rehabilitation, young offenders are less likely to be exposed to harmful influences in juvenile detention and less likely to self-identify as criminals. However, the emphasis on rehabilitation may conflict with the aim of punishment, as victims are denied justice for the offence committed against them. Moreover, diversion programs may undermine the aim of deterrence, as the consequences of offending are not high enough to prevent someone from committing a crime.

In approaching these aims in a debate, it is essential to do two things:

1. Establish that the policy **achieves certain aims** (i.e. rehabilitation or deterrence). For example, you cannot take for granted that the death penalty is an effective deterrent and must provide reasons why this is the case.
2. Establish why the **aims achieved by your plan are more important than the aims advanced by the opposing bench**. For example, if you are defending a policy that is an effective form of rehabilitation but is a light punishment, it is important to explain why the state has a greater interest in reforming offenders through rehabilitation than in acting punitively.

Furthermore, it is important to be aware of the assumptions underpinning these aims when defending them in a debate:

- **Rehabilitation:** Rehabilitation is based on the assumption that people are not inherently criminal and have the capacity to reform. However, certain groups such as paedophiles may not be able to reform their natural impulses, making it harder to justify rehabilitation. Therefore, teams defending a rehabilitative approach must make it clear why reforming a particular class of offenders is possible. Note, however, that teams should avoid making generalised statements about entire classes of offenders and should rather focus on what is the *most likely* outcome.
- **Punishment:** Punishment is based on the notion of delivering justice to victims. However, any punishment may be inadequate in delivering emotional closure to victims, particularly in the context of serious offences. Victims often seek a

punishment that is more or less severe than the sentence that is given, based on their emotional state and capacity to forgive. Therefore, arguably the criminal justice system should not place victims' interests at the centre of the sentencing process. Teams defending harsh punishments must explain why the state has an obligation to the victims of crime that is more important than other interests.

- **Deterrence:** Deterrence is based on the notion that offenders are rational and weigh up the costs of offending against the benefits of doing so. However, many offenders act irrationally and do not carefully consider the potential punishment before acting. Moreover, many offenders do not expect to be caught, diluting the deterrent effect of a harsh sentence. Therefore, it is important to explain why a harsh sentencing regime can alter the decisions of enough people for it to be worthwhile.

TRANSITIONAL JUSTICE

This section considers the specific criminal justice challenges faced by post-conflict states. Post-conflict states are states that are transitioning from a legacy of violence and oppression towards freedom and democracy. For example, Egypt and Libya are states that are transitioning from dictatorship (under Hosni Mubarak and Colonel Qaddafi) to democracy.

Post-conflict states face unique criminal justice challenges. Should members of the past regime face prosecution for the crimes they committed? Or would future peace and harmony be better served through rejecting prosecutions and adopting an approach that emphasises healing and moving on from the crimes of the past? Topics featuring this issue include: ‘This house supports a Truth and Reconciliation Commission in Sri Lanka’; ‘This house supports abolishing the International Criminal Court’; and ‘This house supports indicting Syrian President Assad’.

There are three approaches that post-conflict states may adopt in responding to past atrocities:

1. **Retributive Approaches:** Retributive approaches (commonly criminal trials) require prosecutions of individuals that commit crimes and the imposition of sentences that reflect the gravity of these crimes. For example, the Nuremberg trials after World War II were held to punish members of the Nazi regime for the Holocaust. Benefits of trials include: (1) justice for victims through ensuring that perpetrators are punished; and (2) deterrence for future perpetrators of crimes. Weaknesses of trials include: (1) increased conflict if the outcome of these trials is controversial; and (2) limited opportunities for victims to participate in proceedings and have their voices heard.
2. **Restorative Approaches:** Restorative approaches seek to ‘restore’ the order that existed before the crime was committed. There are a wide array of restorative approaches that may be adopted. Most commonly, truth and reconciliation commissions (TRCs) have been used by countries such as South Africa, which emphasise healing and forgiveness rather than prosecution. Individuals may be granted amnesty in exchange for coming forward and admitting to their crimes. Victims are given the opportunity to participate in this process and the parties work together to determine an outcome. Benefits of TRCs include that: (1) they are more likely to identify the truth than trials; and (2) they ensure that the voices of victims are

heard in a non-adversarial forum. Weaknesses of TRCs include that: (1) they fail to ensure that perpetrators face significant consequences for their crimes, undermining deterrence; and (2) they deny victims the chance to see their perpetrators paying for their crimes (assuming that amnesties are granted in exchange for truth).

3. **Forgetting:** This approach involves moving on from past atrocities by choosing not to confront what occurred. Forgetting may be beneficial because confronting these past atrocities may lead to more violence and instability, as old grievances resurface. However, this approach may also be harmful, as a failure to confront major crimes ensures that lessons are not learnt, making it more likely that these crimes will be repeated.

MORALITY AND ETHICS

Introduction

In many debates, there will be a dispute about whether a policy is ethically 'right' or 'just' or whether the subject matter of a policy is ethically 'wrong' or 'unjust'.

This may be in addition to similar questions about the Role of Government and other more specific First Principles. As an illustration, consider the topic 'This house would criminalise consensual cannibalism'. This topic may call for debate about the proper Role of Government, as criminalising consensual acts between two individuals would seem to infringe upon people's individual liberty. The topic also raises issues specific to the First Principles of Criminal Justice, since it asks whether certain acts should rightly be considered criminal and subject to enforcement and punishment by the state. But the topic also raises the question of whether *the practice of consensual cannibalism itself* is ethically wrong.

Debaters often find arguing about whether a practice is ethically right or wrong very difficult. For example, even though many people might find the thought of cannibalism disgusting, they may find it difficult to articulate principled reasons why it is actually wrong. But just saying 'Yuk!' is not a very convincing argument!

So, how can you argue about whether a policy or practice is ethically justified?

Types of moral reasoning

Broadly speaking, there are two types of ethical reasoning that are invoked in debates.

1. **Consequentialist reasoning:** This locates morality in the consequences of an act. An act is justified if the benefits outweigh the harms.
2. **Categorical reasoning:** This locates morality in certain duties and rights. Rather than focusing on the consequences of an action, this type of reasoning says that it is the intrinsic quality of the act that matters.

The most common type of consequentialist reasoning is Utilitarianism, which considers that the right thing to do is to maximise 'utility'. In this context, 'utility' means the balance of pleasure over pain, happiness over suffering. Therefore, utilitarians say that a policy or action is ethically justified if it maximises the overall level of happiness in the community. Utilitarians do not focus on the intrinsic quality of the act, but the effect it produces. Their mantra is 'the greatest good for the greatest number'.

Categorical vs. Consequential reasoning

Sometimes debates centre around a clash between these two types of reasoning. A good example is the topic 'This house would allow the torture of suspected terrorists'.

An approach using consequentialist reasoning might be that in some circumstances harming one individual may save the lives of many. For example, if on September 10, 2011, American law enforcement authorities apprehended a person who knew there was going to be a terrorist attack the next day that would kill over 3000 people but who refused to tell them how they could stop the attack, the police would be justified in torturing the person to extract that information. Harming one person by torturing him would save 3000 lives. Allowing torture in some circumstances would lead to significantly less pain for more people than enforcing a blanket ban. The act of torture would be justified because of the consequences of the action.

An approach using categorical reasoning might be that it is always wrong to torture someone, even if it does result in saving many lives. Three reasons of principle might be advanced to justify why torture is always wrong, without focusing on the (potential) consequences of using torture:

1. It treats humans as a means to an end and not as an end in themselves. It treats persons as a 'thing' and thereto dehumanises the victim;
2. Torture may destroy a person's autonomy. The victim may end up changing their own views and beliefs and possibly adopt those of the torturer. This is sometimes done deliberately (such as in repressive regimes suppressing dissent) or accidentally (such as where a person loses their reason or forms an attachment to their torturer).
3. Torture violates the legal rights (including the right to remain silent during interrogation) and the human dignity of the person.

The categorical approach is premised on the notion that each of us has certain fundamental duties and rights that take precedence over maximising utility. Morality is not about calculating consequences. Instead, each individual must be treated as an end in themselves, and not simply as a means to an end. Furthermore, the categorical approach says that if you believe in rights at all, you can't simply abandon them when it is convenient: the whole point of rights is that they cannot be traded away. Therefore, if the right not to be tortured is to mean anything at all, it must trump the general welfare of the community.

Purely Consequential debates

Often sides do not clash about what type of moral reasoning to employ. Instead, both sides use consequentialist reasoning. This is probably because it is easier to point to potential consequences of an action rather than pinpoint principled reasons why something is wrong.

Again, a classic example is the torture debate. In addition to, or instead of, arguing that torture is categorically wrong, Opposition teams may argue that torture is wrong because of its consequences.

For instance:

- Torture is a slippery slope: each time torture is used it makes it easier to use in other circumstances. After all, if there is no principled reason why torture is wrong, even if it is justified when 3000 lives are on the line, is it also justified when 300 people are at risk, or 30, or 3?
- Torture is an ineffective tool. People will say anything under duress. This may lead investigators down the wrong path and divert resources from more effective leads. It may also mean that any information given by the victim is tainted and so would be inadmissible in a court of law. Most importantly, investigators may not get good information and therefore they may not be able to prevent any attacks from occurring. In this case, there is no certain benefit, but certain harm.
- Torture damages the humanity of the torturers. It may cause them emotional harm, dehumanise them or harden them so that they may use torture more often than is necessary.

- Torture damages the reputation and moral authority of the institution that carries it out. The police are meant to fight crime, not commit crime. In addition, knowledge that an institution uses torture may provide the 'enemy' with something they can exploit for propaganda.

Yuck! How to morally justify your intuition

Some of the most difficult issues to debate well are those that deal with activities that are harmless (at least in a narrow sense), private and consensual, but violate strong social norms. Often these issues relate to taboos concerning death, food or sexuality. Examples of topics include 'This house would decriminalise bestiality'; 'This house would allow consenting adults to engage in incest'; 'This house supports polygamy'; and 'This house would allow consensual cannibalism'. Many people find bestiality, incest, polygamy and cannibalism disgusting but also find it difficult to articulate why.

How to argue that these activities are immoral

Consider three categorical arguments usually invoked to say that bestiality is wrong.

1. You might argue that bestiality is *disgusting* and therefore wrong. However, this is probably a weak argument because disgust is culturally variable. For a long time people thought eating sushi was disgusting, but surely that didn't make it wrong.
2. You may further argue that bestiality is *against the natural order of things*. But why does that mean it is necessarily immoral? Wearing clothes, taking a shower or having protected sex are not ordinarily thought of as morally wrong.
3. You may also argue that bestiality is *contrary to human dignity* because it degrades humans and challenges the idea that humans are exceptional with a higher moral worth than animals. But what is to say that humans have a higher moral worth than animals? And how is human dignity degraded if humans choose to engage in the practice?

In sum, it is very difficult to argue why something is categorically immoral simply because we are repulsed or disgusted by it. If revulsion to an idea meant it was immoral at one point

in time it would have been immoral to give minorities the vote, to legalise homosexuality, and to eat sushi.

A better approach is to provide reasons why a *specific practice* is morally unconscionable. Instead of arguing that bestiality is disgusting, consider arguing that bestiality is immoral because it involves the sexual exploitation of a being that cannot communicate its consent to the pain it may suffer. Instead of arguing that incest is unnatural, consider arguing that allowing incest undermines all family units, by sexualising interactions between its members.

Furthermore, you may argue that the government does not have a mandate to impose its own norms above the norms accepted by society. Assuming the government did not seek election on the platform of decriminalising incest or bestiality, it is questionable what authority it has to implement these policies. Individuals want to feel comfortable in the society they live in and the mere existence of these practices may cause emotional pain, which is a relevant consideration for governments in shaping their policies.

How to argue that these activities are moral

If you are arguing that a yucky practice is moral, it is often useful to focus on the Harm Principle: a practice is moral so long as it does not harm others. Bestiality, on this view, may be justified as it does not harm anyone other than the person involved. When arguing through the prism of the Harm Principle in debates about taboo issues like bestiality or incest, there are three issues to bear in mind. First, you need to be realistic about whether there is no harm to others. In the incest debate, an opposition could claim that consensual sex between family members undermines the family unit or creates dangerous power dynamics in families. Secondly, you need to consider whether any harm caused affects a moral agent. In the bestiality debate, teams will argue about whether animals have moral standing and are therefore worthy of our consideration. If they were, then the Harm Principle would be infringed. Finally, even if you successfully characterise an activity as being private and not harmful, it is essential to properly outline the scope of this argument. While it is easy to suggest that it is important to preserve one's right to choose what they do in private, there are countless examples where the government interferes in this sphere.

Accordingly, it may be more persuasive to suggest that there is no need for continued criminalisation of an act that only a minority of people engage in, as the harms are quite limited. Further, it may be beneficial to note that decriminalisation would not lead to an uptake in the practice – consider relying on the “yuck” factor here to suggest that while it may be palatable to a small proportion of the population, it is highly unlikely society at large will adopt it as common practice (i.e. S&M). To add or lend weight to this argument, it would assist to place limits on the decriminalisation (i.e. the animal has to be registered/can only take place in a controlled environment).

PROCESS vs. OUTCOMES

Many debates involve a clash between one team arguing that certain administrative or judicial processes are necessary and the other team arguing that those processes should be ignored in order to achieve certain outcomes. This Chapter demonstrates how this clash occurs and how you may make effective arguments on either side. Before delving into this clash, however, it is important to understand four different models of government and their various emphases on process and outcomes.

Four systems of government

Across the world there is a huge variety of governance arrangements employed by states. There are also many different ways of classifying those governance arrangements. At a very high level of generality, there are states that can be thought of as liberal democracies (such as the United States, Australia and the Norway), illiberal democracies (such as Venezuela, Egypt and Russia), liberal autocracies or 'enlightened dictatorships' (such as the technocratic government of Italy) and illiberal autocracies (such as China, North Korea and Chad).

Most states do not easily fall into any of these four categories. But it is important to understand that, at a very basic level, governments differ according to:

- How much freedom they grant their citizens (the liberal-illiberal spectrum), and
- How much they allow citizens to participate in decision-making (the democratic-authoritarian spectrum)

Where a government (or a specific government policy) falls on the liberal-illiberal spectrum is covered by the 'Legitimacy of Government Intervention' Chapter in this guide. This Chapter considers the second democratic-authoritarian spectrum.

Democratic vs. Authoritarian Systems

In their most extreme form, democratic governments allow all citizens to play an equal role in creating and enforcing the laws of the community – elections are “free and fair” and are

seen to be free of corruption. There are many political parties. Media are independent and diverse. There is an effective system of checks and balances. The judiciary is independent and judicial decisions are respected and enforced. Civil society is strong. In these systems, *process* is more important than *outcomes*. Even if it takes longer to pass legislation or achieve certain goals, accountability and transparency is seen as more important than efficiency. The United States of America is a clear example of this type of state.

On the other hand, the most extreme form of authoritarian governments do not permit citizens to have any say in creating and enforcing the laws of the community. The government is not chosen by the people (or at least there is no real choice about who is chosen). Media organisations are often state-owned, controlled by groups connected to the government or subject to significant restrictions. There is no independent judiciary. There is repression of criticism of the government and pervasive censorship – opposition parties often have little to no say in the way the country is run. In these systems, *outcomes* are more important than *process*. From this perspective, governments should be able to implement their policies quickly and efficiently, even if this limits accountability. China is a clear example of this type of state.

The relevance to debating

Most countries, of course, fall somewhere between these two extremes. Some countries, for example, might have free and fair elections but a weak media and weak civil society (such as Argentina).

In a debate, you will rarely be asked to evaluate whether a democratic system is better (or worse) than an authoritarian system. However, the reason it is important to understand the differences between democratic and authoritarian systems is to recognise the *clash between process and outcomes*. In many debates the two sides will disagree about whether process (accountability) or outcomes (efficiency) are more important.

It is also important because liberal democratic systems do not always adopt liberal democratic policies. For example, many countries' anti-terrorism laws prioritise outcomes over process (i.e. indefinite torture, detention without a right to trial etc).

Example 1: targeted assassinations

Consider the topic 'This house endorses the use of targeted assassinations'. This topic can clearly be approached at the level of Morality and Ethics. At that level, the clash is about whether it is morally justified (or even required) for a government to deprive some people of their rights (to life and to due process) if it ensures that many more people's rights (to not be killed or injured) are protected. Teams could approach this using either categorical or consequentialist reasoning.

At the level of Governance, however, there is a clash between process (accountability) and outcomes (effectiveness). The team arguing against the use of targeted assassinations would argue that judicial processes that ordinarily apply before the state is able to kill an individual (warrants, laying of charges, trial by jury, conviction beyond reasonable doubt, exhausting appeals, etc) should apply even if it means that governments have less flexibility in how they conduct wars. This is because judicial *processes* are more important than national security *outcomes*.

The team in favour of using targeted assassinations, on the other hand, would argue that those ordinary judicial protections are not applicable (in specific cases or in times of war generally) because they place too great a burden on states trying to protect vital national security interests. That is, national security *outcomes* are more important than judicial *processes*.

On both sides of the debate, the most important thing to do is argue *why* the value you are advocating is more important than the value the other side is advocating. On both sides of the debate, in order to do this persuasively, it is crucial to *be specific*.

Advocates of processes need to:

1. identify each individual process;
2. explain the purpose behind each process; and
3. explain why those purposes could not be achieved without having the process in place

For example, in the assassination debate, one side would argue that obtaining a warrant (*identification of process*) is designed to ensure that the executive is not acting arbitrarily or

capriciously (*purpose of process*) and without the independent assessment of the judiciary there is no way to know whether the executive is acting arbitrarily and there is no incentive for the executive to not act arbitrarily (*necessity of process*).

Advocates of outcomes generally should argue that the specific process is not necessary for the achievement of its stated purpose (rather than arguing that the purpose of each process is unimportant, which will be very difficult). Two arguments that are often effective are:

- That the government can restrain itself without formally adopting the relevant process
- That the government is likely to restrain itself

For example, while it is important for the government to not act arbitrarily (*agree with purpose of warrants*), a warrant is not necessary to restrain government action (*process not necessary*) because existing rules require that targets must be approved by military lawyers in accordance with international law (*capacity to restrain itself*) and the government will not want to abuse its power because it would undermine its military strategy, harm alliances and reduce its 'soft power' (*likely to restrain itself*).

INTERNATIONAL RELATIONS

To consistently win international relations (IR) debates, it is essential to have a strong knowledge of a wide array of complex issues.

IR debates include topics as diverse as:

- This house supports granting independence to Chechnya;
- This house supports abolishing the World Trade Organisation; and
- This house supports partitioning Sudan.

This Chapter is aimed at providing an overview of how to approach the most significant IR challenge: how to respond to the behaviour of a recalcitrant state/non-state actor? States (like Israel) may seek to change the behaviour of non-state actors (such as Hamas) or the behaviour of other states (like Syria). Often blocs of states (like the North Atlantic Treaty Organisation (NATO)) seek to modify the behaviour of states (like Russia) or non-state actors (like the Taliban). IR debates often require a comparison of a series of tools to change the behaviour of a recalcitrant state/non-state actor, including: sanctions; military intervention; amnesties; and negotiations.

The types of topics that are relevant to this Chapter include:

- This house supports military intervention in North Korea;
- This house supports surgical strikes against Iranian nuclear facilities;
- This house supports lifting all sanctions on Burma;
- This house supports offering Syrian President Assad an amnesty in exchange for stepping down from power; and
- This house supports negotiating with the Taliban.

Approaching These Debates

Identify the Problem

In IR debates, it is essential to provide a comprehensive outline of the problem contemplated by the topic (the reason for the debate).

For example, if the topic you are debating is ‘That this house supports military intervention in Syria’, the problem contemplated by the topic is obviously the situation in Syria. However, to succeed in this debate, it is essential to provide some detail about why the current situation in Syria is harmful. The relevant problems may include: the Syrian regime is committing serious war crimes against its people; a civil war is breaking out; Syria continues to assist insurgent groups in other countries, such as Hezbollah in Lebanon; and the West’s credibility is undermined by allowing the bloodshed in Syria to continue. While it may not always be easy to identify all of the problems with the current situation, it is worth developing as detailed a picture as possible.

Identify the Solution

Often, the solution is identified by the topic (i.e. military strikes in Syria; negotiations with the Taliban). Even if this is the case, it is essential to remember a few things when outlining the situation:

1. **Prove that the current situation cannot work:** It is not enough to argue that because the current situation is harmful, your solution is necessary. It is important to demonstrate that the current situation is *inherently* unlikely to work. For example, if arguing that sanctions against Iran are not working, your case that military intervention is the only option is strengthened if you can show that sanctions *cannot* work. This ensures that your opposition has a more difficult task in defending their plan rather than merely criticising your approach.
2. **Be Specific:** It is essential to provide as many details as possible about how your solution would work. If proposing strikes on Iranian nuclear facilities, you must consider issues such as: (1) who will be leading the operation; (2) what types of strikes will be used; and (3) what will happen after the strike?

Three Key Questions

IR types of debates generally hinge upon three key questions.

1. Will a particular action be taken?

This is the least important question in an IR debate (or any debate). Debating requires you to suspend disbelief and argue about hypothetical policies that may be implausible in the real world.

However, establishing that a particular action will be taken adds credibility to your arguments and makes the policy sound sensible. For example, consider the topic: ‘This house supports intervention in Syria’. If you cannot establish that the West would ever intervene in Syria in practice, this makes your arguments sound unrealistic and the solution seem improbable.

The way to establish that a particular action will be taken is establish why it is *in the interests* of a particular actor to adopt this policy. So even if it is theoretically unlikely that the United States would send troops to Syria (considering their budget constraints and the failed legacy of past interventions), your case is strengthened if you can show that the United States will take this action as it is in their interests (maintaining credibility as a protector of human rights; undermining Syria’s propagation of terrorism etc).

Furthermore, establishing that it is in the interests of a state to adopt a policy makes it more likely that this policy will be effective. For example, unless you can show it is in the United States’ interest to invade Syria, it is hard to argue that they will commit sufficient resources and time to ensuring the intervention works.

2. Will it be effective?

Answering this question is often decisive in IR debates. The factors you need to consider in measuring effectiveness differ based on the type of strategy you are defending.

- a) **Military Intervention:** If you are defending regime change through military intervention, effectiveness hinges upon whether: (1) the intervention will defeat

the existing regime's army (through overpowering air defence, ground troops, allies and proxies); (2) supporters of the regime will either be defeated or abandon their support, avoiding a protracted civil war; (3) there is a credible and superior alternative government that can take power; and (4) there are sufficient national/international resources to ensure the country can be rebuilt.

- b) **Economic Sanctions:** If you are proposing economic sanctions against a rogue state/non-state actor, effectiveness hinges upon outlining: (1) a clear aim for the policy (the behaviour you are seeking to change); (2) what form the sanctions will take (banning all trade; targeted sanctions against the leader and his/her allies; and/or travel bans); and (3) the intended consequence of the sanctions (dictator abandoning this behaviour; allies defecting from the regime; and/or the general public rising up in revolt).
- c) **Amnesties:** If you are proposing amnesties in exchange for giving up power, effectiveness hinges upon outlining: (1) who these amnesties will be granted to (dictator or other key members of the regime); and (2) the significance of these figures leaving power to achieving peace. In order to answer the latter question, it is essential to show that the regime is fragile and that the removal of certain figureheads will lead to power being given up.
- d) **Negotiations:** If you are proposing negotiations with a rogue state/non-state actor, effectiveness hinges upon outlining that the other party is willing to cooperate provided that the right incentives are offered. For example, in considering negotiations with a state like North Korea, the effectiveness of negotiations hinges on whether the North Korean leadership is willing to bargain in good faith. To win this issue, you must win the characterisation of the other party: (1) do they have incentives that are compatible with ours; and (2) are they ideologically incapable of compromising? It is essential to remember in this context that there is a significant amount of uncertainty concerning the intentions of rogue states/non-state actors and it is essential to provide 'even if' arguments that engage with other possibilities.

3. Is it justified?

IR is often described as anarchic. There is no world government that forces states to act in a particular way.

However, this does not mean that states do whatever they want. States often trade off some of their freedom in exchange for achieving order. Therefore, states sign up to international institutions such as the United Nations that set binding rules regulating their behaviour, because they have an interest in other countries following the same rules. For example, the United States may have an interest in launching military strikes against any countries it chooses. However, for the most part it refrains from doing so, because of the importance of avoiding promoting the norm of unilateral military intervention, which may be exploited by hostile states like Russia.

The question of whether a policy is justified hinges on whether it breaches the accepted principles governing international relations. States seek to justify their actions for a number of reasons, including: (1) maintaining their international credibility and ability to influence IR; (2) avoiding backlash, potentially through economic sanctions or military intervention; and (3) promoting consistency and certainty in IR.

The types of issues arising in this context differ based on the type of policy that is being advocated:

a) **Military Intervention:**

- i. Military intervention overrides the national sovereignty of another state. National sovereignty refers to the right of nations to make decisions about matters within their own borders, without external interference. National sovereignty is important because: (1) people have the right to choose how they are governed; and (2) international stability is promoted when countries respect each other's borders. However, states defending military intervention argue that national sovereignty should be overridden, potentially because: (1) the state being invaded is harming international peace and security through its behaviour; or (2) the state being invaded is committed serious crimes against its own people, undermining the regime's claim to non-interference and triggering an international responsibility to act to protect people from reprehensive crimes.
- ii. *Unilateralism vs. Multilateralism:* A military intervention may be justified if it is approved by a group of states (multilateral) rather than by a single state (unilateral). The international community has set up a framework, which

seeks to promote multilateralism, with the United Nations ensuring that certain interventions are only justified under international law with the consent of the permanent Security Council members (United States, United Kingdom, China, Russia, and France). Arguably, this reduces the likelihood of countries acting recklessly and advancing their interests at the expense of the international community. However, multilateralism may also lead to stagnation, through making it harder for necessary interventions to occur.

- iii. *Just War Theory*: Just War Theory establishes two principles: (1) the principle that there must be just cause to go to war (*jus ad bellum*); (2) the principle that the conduct of war must be appropriate (*jus in bello*). The first principle applies to a broader range of debates. In determining whether there is just cause to go to war, consider: (1) whether the intervention is justified on the basis of pre-emptive self-defence (to prevent an imminent risk); (2) whether the intervention is justified because of the harm caused to other states by the regime; and (3) whether the intervention is justified because of the harm caused to people within the state by the regime.
- b) **Surgical strikes on nuclear facilities**: The legitimacy of these strikes hinges on whether there is a right to nuclear weapons. The Nuclear Non-Proliferation Treaty (NPT) bans the pursuit of nuclear weapons, although arguably this is unfair considering that a number of countries (i.e. the United States, Russia, China and Israel) possess nuclear weapons.
- c) **Amnesties**: Offering amnesties to dictators in exchange for ending the conflict is a difficult trade off. On the one hand, this policy may be necessary to achieve peace, through removing the figurehead that is causing continued violence. On the other hand, this policy undermines the ability for justice to be served, with major crimes receiving no response. It is essential in this debate to justify why peace or justice is the most important value.