Monash Association of Debaters

Member Training Handbook

Edition 1, 2010

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Introduction to the Handbook

While MAD has successfully produced many different training resources and handbooks over the years, this is the first time that a handbook has been put together specifically to fit with the member training program that will be offered throughout the semester.

This is not exactly lecture notes for the sessions that will be presented, nor is it a wonderful but unlinked textbook. Instead, each chapter will roughly correlate to one training session. Perhaps the best way to view them is as recommended readings.

As to what you do with this – it's up to you. If you're the sort who likes to read over lecture notes before going to lectures, consider flicking through the relevant chapter before coming to the training sessions. For others, I hope this will help make it easier for you to keep track of notes that you take throughout the year, rather than losing them after each session like I am prone to do. If you miss a session and would like to catch up, reading the relevant chapter here should help with that.

--Victor Finkel, Member Training Officer 2010

PROVISIONAL TRAINING PROGRAM SEMESTER 1
Competitions nights are in Italics

	MONDAY NIGHTS			WEDNESDAY
WEEK	**Beginner**	**Novice**	**Intermediate**	**All Levels**
1	Intro to public argumentation	Intro to 3-on-3 Debating	Adjudication Training	
2	Intro to 3-on-3 Debating	Tips & Tricks for 3-on-3 Debating	Advanced Tactics in 3-on-3	Rights & Morality
3	*Competition - Freshers*	*Competition - Freshers*	*Competition - Freshers* , Team Leader Workshop	Criminal Justice & Legal Systems
4	*Competition - Freshers*	*Competition - Freshers*	*Competition - Freshers*	Democracy, Politics & Indigenous Peoples
5	Tips & Tricks	Advanced Tactics in 3-on-3	tbc	Environmental Theory
6	Easters Topics Discussion / Adjudication Training	Easters Topics Discussion / Adjudication Training	Easters Topics Discussion	*Easters Practice Debates*
7	*Competition - Sorensen*	*Competition - Sorensen*	*Competition - Sorensen*	Economics
8	*Competition - Sorensen*	*Competition - Sorensen*	*Competition - Sorensen*	International Relations
9	*Competition - Sorensen*	*Competition - Sorensen*	*Competition - Sorensen*	
10	Manner Training	Manner Training	Manner Training	
11	Issues in Australasia	Issues in Australasia	Issues in Australasia	

Chapter 1: Introduction to Public Speaking

By Victor Finkel

A fear of public speaking is one of the greatest challenges many people face in being successful in education, employment and social settings. Conversely, confident public speakers often find it easier to have their talent recognized in education, at work and in all manner of contexts.

The good news is that public speaking is a skill that can be worked on and improved, just like any other. This chapter aims to highlight a couple of simple things that can help you in your public speaking.

1) Have a message
The easiest way to be more confident in public speaking is to know what you want to talk about. Whether speaking on a set topic or on something that you have chosen, try and come up with a single sentence that describes your main contention. Using a sentence like this makes it easier for the audience to understand what you will be talking about, and will make it much easier for you to make sure that your speech does what you want it to.

2) Structure your speech
A clear structure for a speech makes it much easier for an audience to follow. In debate we like to talk about the 'Rule of 3s.' One application of the rule of three is to try and have 3 points in a speech. I don't know why, but it seems like a magic number that is very easy for most people to follow.

Another is to say everything 3 times. First, introduce the points that you are going to make. Secondly, make each point in turn. Thirdly, summarize the points that you have made. In this way people will clearly remember the main messages of what you have to say.

Signposting is another trick that makes it easier for your audience to follow where one point ends and the next begins. Signposting is literally telling the audience "My next argument is" or "Moving to the next point."

3) Relax
It's important to remember to relax! Have a positive mindset – in nearly all the public speaking you will ever do, the people watching will want you to succeed. Particularly in the practice sessions we do at MAD, everyone wants to see you do your best.
Don't feel the need to apologise if you make a mistake. It's natural to make mistakes, and everyone does. Just refocus on the speech and move on!

One final tip is to take the time to relax and build confidence before you speak. Once you stand up, take a deep breath and count to three before you start speaking.

4) Add some variety
Aim for a little variety in the way that you speak. In some ways learning to speak in public can be just like acting. Try to think what the appropriate emotion is before you make a point. For example, if talking about the horrors of war, I should try to sound

outraged, or maybe even distressed. If talking about the potential for renewable energy to save the world, I should try to sound excited. And if making complex points about the mechanics of financial regulation, I probably shouldn't sound too emotional at all!

Another useful way to add variety is to have a short pause between points. This breaks up the rhythm of the speech and gives audience members a chance to catch up – meaning they are fresh and ready for your next point.

The final thing to remember is that you already possess the speaking skills you need. In the right context, you can be funny, clever, persuasive and heartfelt. Try and remember what it feels like when you speak like that, and apply it to your public speaking.

5) Practice!
The best way to develop your public speaking skills is to practice! There are many great ways to practice. Take the opportunity to speak whenever it presents itself. MAD presents a number of opportunities, ranging from general public speaking to debating.

Other great ways to practice by yourself include:
- writing short speeches and reading them aloud
    - reducing the written speech to keywords, and then speaking from that
- reading opinion articles out loud
- practicing speaking into a mirror!

Chapter 2: Introduction to 3-on-3 Debating

Debating is a form of formalised argument where the winner is the team that most effectively persuades the adjudicator.

The Format

In the first half of the year MAD debates the Australasian 3-on-3 style. While there are some variations, discussed later, the basic style has the following key features:

- Two teams of 3 speakers each

- Each team is assigned a side (the Affirmative, who argue in favour of a topic, and the Negative, who argue against it.)

- A topic is decided for each debate

- Teams are given 30 minutes to prepare

- Each speaker speaks for 6 – 8 minutes

- Speakers alternate between the teams, from 1st Affirmative through to 3rd Negative

The skills of debate are formally broken down into three categories

- Matter (40%) – The logic and relevance of your arguments

- Manner (40%) – The style with which you present yourself

- Method (20%) – The structure and clarity of your speech

These are the elements that together contribute to persuasiveness in a debate.

Matter

By Tim Sonnreich, excerpts from the *MAD Schools' Training Handbook*

Constructing Arguments

First and foremost, you need to know the difference between an argument and an assertion. In simple terms an assertion is something that is stated as true, without enough analysis to demonstrate that it is reasonable to believe that the statement is likely to be true. It's a statement of fact, without proof of its validity.

To avoid using assertions, you need to understand the anatomy of an argument.

Anatomy of an Argument:
The Argument Chain

1.The IDEA
The idea is simply the point you are trying to make. It's just a heading or a title - it might be true, it might not, but that's something for you to prove later. So for example, in the debate "That we should ban smoking in pubs and clubs", the first affirmative speaker might have as the IDEA for one argument, "that banning smoking will improve the profits of the businesses involved". Now that may be true, but it hasn't been proved yet; it's just an IDEA. IDEA's are often the things you mention when you are signposting your part of the team split.

> For example: "I will be talking about the economic reasons why we should ban smoking in pubs and clubs. My first argument is that **it will improve the profits of the businesses involved." (IDEA)**
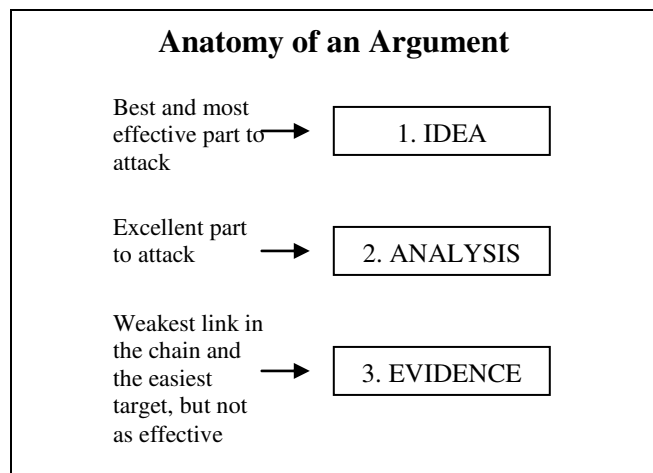
2.ANALYSIS
Once you have an IDEA, the next step is to provide the analysis to prove it. Basically this is where you show logically or analytically that the IDEA is likely to be true (it's hard to really "prove" things in debates, but you can show it's highly likely to be true). You can do this by demonstrating that logically the IDEA is true when taken in the context of the topic, or you can offer a series of reasons to support it. Using the previous example of banning smoking, a speaker might say, "banning smoking will actually generate more profits for businesses, because it will attract more customers. At present many potential customers are put off going out to pubs and clubs, or cut short their visits because they are put off by cigarette smoke, which they know is dangerous to them". You could explain this in more detail but I think you get the point. However, although this ANALYSIS is partially persuasive on its own as a justification for the IDEA, it would be stronger if it had some evidence. Which brings us to the last step (note my excellent use of signposting!)…

3.EVIDENCE
The third step, EVIDENCE, is usually the easiest. This is the stage where you provide something like a statistic, a survey, a case study or an analogy to give greater credibility to your IDEA and ANALYSIS. Partly because it's the easiest to do, it's also the least important link in the chain of an argument, but it's a good to thing to have[1]. So to finish our example-argument one piece of evidence might be a survey conducted by ASH (Action on Smoking and Health) that demonstrates how a significant number of people would spend more time in smoke-free pubs and clubs.

Anatomy of an Argument

Best and most effective part to attack → 1. IDEA

Excellent part to attack → 2. ANALYSIS

Weakest link in the chain and the easiest target, but not as effective → 3. EVIDENCE

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[1] See William B. Panlilio's article in MDR Edition 3 for a very sophisticated discussion of why this is true.

Rebuttal - Deconstructing Arguments

Now that you know what a good argument is, you can effectively destroy it. The argument chain is at weakest at link three – EVIDENCE – since it's always easy to dispute the evidence presented by your opposition. For example you could criticise the study conducted by ASH - since it is an openly anti-tobacco organisation, it would probably be biased in the way it conducted the survey. But attacking the argument here is a poor strategy. This is because the opposition can repair the chain by providing more evidence (which you attack, then they give more and it becomes a stalemate) or argue over whether ASH is a good source of evidence. Boring…

Moving up…

Attacking the argument a little higher, at the ANALYSIS, is more difficult but more effective than simply attacking the evidence level. If you can demonstrate that the ANALYSIS is illogical or based on assumptions that are not true (or unlikely to be true) then you heavily damage the credibility of the whole argument. This is the most common sort of rebuttal used by experienced speakers. However it's usually not a fatal blow.

For example: you might say that smoking is not really a reason why people choose not to attend pubs and clubs, since less than a quarter of the Australian population smoke, but nightclubs and pubs are full of non-smokers every weekend. Unfortunately for you, a clever opposition can rebuild their ANALYSIS by giving other reasons, or explaining the logical links in a different way, and that weakens your rebuttal.

The Top of the Chain

So finally we get to the top of the chain, the IDEA. This is usually very difficult to attack since often they are reasonable ideas, it is just that your team has to argue that they are not true in the context of this debate. But sometimes you can attack the idea, and if you can do it effectively, it's a fatal blow to that argument.

So in our example, you can attack the idea that banning smoking in pubs will be good for business by arguing that firstly you don't think that's true (and attack the analysis) but even if it is, "it's not the most important priority in this debate. Smoking is a legal activity, consenting adults have the right to do lots of things that are harmful to them (like drinking the alcohol served in pubs and clubs) and the government can't ban it simply because it might make more money. People's liberties are more important than a nightclub owners profits". If the adjudicator accepts that sort of argument (or any other attack on the IDEA) then the other links in the chain are irrelevant. Obviously it's not that simple: the opposition will defend their idea, and you need very good reasons to show that an entire IDEA and the argument that flows from it, is irrelevant. But if you think the IDEA is vulnerable, you should attack it, because it's effective and efficient.

Now that you know the parts that make up an argument and the ways you can attack them, you can start to use these techniques as you go through your rebuttal. Not only do you have the strong framework of thematic rebuttal to work within, you have more specific ways to attack your opponent's arguments!

General Rebuttal Tips

Although a well researched and persuasively presented case are an enormous help when trying to win a debate, it's usually the quality of rebuttal that separates two good teams in a debate. Rebuttal is the 'dark' side of debating since it requires you to locate and exploit the mistakes and weaknesses in your opponent's arguments. I guess that's why I like it so much. So here are my tips on mastering this essential element of debating.

(1) Do you know how much rebuttal you are supposed to do? Be certain.

The number one complaint made by adjudicators in relation to rebuttal is that speakers are not doing the appropriate *amount* of rebuttal. Never mind the quality, most debaters are just too eager to get off rebuttal and to start their prepared material. Make sure that you know how much rebuttal is expected of you (see the section on speaker roles in this handbook) and aim to meet those requirements.

(2) Listen *very* carefully before you even try to think of rebuttal. Small details can be crucial.

The longer most people debate, the less attentive they are to the finer details of their opponent's arguments. Do not assume that after 10 or 20 seconds of listening to your opponent that you "know what they are saying" and can then focus on formulating rebuttal. Listen carefully and pay attention to details, especially when a team is presenting a model. You don't want to be accused of misrepresenting an argument or misquoting a speaker – it makes you look unprofessional and ill informed.

(3) Save nothing for later – hit 'em as hard as you can, as soon as you can.

Rebuttal needs priorities, with the best points coming out first. Especially for the 1st Negative speaker. Remember that your opposition has just had several minutes of uninterrupted time to persuade the audience. You need to very quickly undermine the credibility of their case and take control of the debate. However at every stage of the debate speakers should use their rebuttal to change the momentum of the debate, and reassert the superiority of their teams argument.

(4) Good rebuttal combines accurate criticisms of your opponent, with references to your own team's case.

Whenever you point out a flaw in your opponent's logic or in the practicality of what they are proposing, that is the best time to demonstrate to the audience that your team did not make similar mistakes. Continuous comparing and contrasting of the opposing arguments throughout the debate is an effective and methodical way to simultaneously tear down your opponent, while propping up your own arguments. Just be careful not to spend too much time discussing your own material; just refer to it as a reminder of the strengths in your case.

Kim Little's Guide to
THEMATIC REBUTTAL

It sounds impressive and difficult. Actually, thematic rebuttal isn't that hard at all. The idea is that instead of just listing the opposition's arguments speaker by speaker, you group their arguments into themes. Common examples of themes are: economic, social, feminist, national and international. Sound familiar? They are the same sorts of categories that you use when setting up team splits. A theme can also be an issue that didn't seem important at the beginning of the debate, but became a big issue. Throughout the debate, write down the opposition's arguments, and start grouping them into themes. Some debaters have coloured cards ie; yellow for economic arguments, red for social arguments – under which they write points concerning these themes.

Thematic rebuttal is more than just grouping themes together – it's all about presentation. At the beginning of your speech, list the major themes of the opposition, and then shred 'em one at a time. It's as simple as saying: "…tonight, the opposition have presented three themes: economic, social and environmental. I will discuss these one at a time." Believe it or not, this sort of stuff is guaranteed to whip your adjudicator into a frenzy.

And the best thing about thematic rebuttal is that each speaker can do it when they rebut at the start of their speech!

Manner

By Ray D'Cruz, excerpts from *The Australia-Asia Debating Guide*

Body language

The body language of a speaker is a very important element of their speaking style. As the expression indicates, *body language* is a language of its own. It can have asignificant impact on an audience and can create powerful impressions such as confidence, trust and credibility. It should go without saying that failing to create these impressions can be very damaging to the persuasiveness of a speaker. The Kennedy–Nixon debate is an example in which body language was crucial – eye contact created trust.

Some of the elements of body language include:
– eye contact (and the use of notes by speakers);
– gestures; and
– stance.

Eye contact is associated with confidence and sincerity; an audience is more likely to believe someone who is willing to look them in the eye. Debaters should attempt to maintain eye contact with their audience by moving their eyes over the audience as a whole, without becoming fixated on a single member of the audience, the adjudicator or an inanimate object in the room.

The overuse of notes limits the eye contact and reduces the capacity of the adjudicator to engage with the audience. Adjudicators should discourage speakers from reading their speeches – a debate is not an essay-reading competition; it is an exercise in persuasion that requires engagement with the audience. Notes should not become obtrusive or distracting – either to the audience or to the speaker. One way of avoiding this is to record only key words or headings rather than the whole text of the speech.

There are no rules regarding gestures, except that they should be natural and appropriate to the point being made. Overly dramatic or theatrical gestures may appear forced and unnatural, and distract an audience. Adjudicators assess the effect of gestures, determining whether they enhanced the speech or distracted the audience.

Speakers may stand to deliver their message in a variety of ways: some remain still, other move about the stage. Once again, the adjudicator will assess whether the speaker's stance was distracting, or whether it was appropriate and effective in the context of the speaker's total presentation. Speakers should find a stance with which they are comfortable.

Vocal style

The second element of manner is the vocal style of the speaker. All speakers must have their message heard and understood. Vocal style is central to this goal. Some of the elements of vocal style are:
– volume and pace;
– tone; and
– clarity and the use of language.

The volume of delivery should be such that the speaker can be clearly heard by the whole audience, without doing permanent aural damage to those in the front row. The pace of the delivery should be neither so slow as to be ponderous nor so fast that the audience feels overwhelmed or is unable to keep up with the speaker.
A certain amount of *light and shade,* or pausing to draw attention to crucial passages, and then dropping back to a conversational one, can be very effective. However, it should not become artificial or theatrical. The objective is persuasion, and most people find artifice unconvincing.

The tone of the speech should be confident and conversational. Adopting such a tone will allow the speaker to build rapport and trust with the audience. Some speakers have an ability to lose the favour of the audience by being overly antagonistic or arrogant. It should come as no surprise that this affects their capacity to build rapport and trust with the audience.

The clarity of enunciation should allow the speech to be understood without difficulty, and without causing the audience to strain to comprehend the words. While speakers should be reasonably fluent, and cautious of over-using "ums" and "ahs", debating is not about getting things word perfect. It's about adopting a fluent and comfortable conversational tone.

Debaters should not use overly complex language and should steer well clear of jargon which the audience may not understand. This is particularly the case with acronyms which the audience may be unfamiliar with. Speakers at international competitions should take particular care as the audience or the adjudicator may come from a cultural background different from that of the speaker and may not be familiar with the use of certain language.

Method

Method is the way in which you structure both yours and your team's speeches for maximum clarity and maximum impact.

Internal Structure

In debate we like to talk about the 'Rule of 3s.' One application of the rule of three is to try and have 3 constructive arguments in a speech, and up to three rebuttal points as well where appropriate. As third speaker, try and summarise the debate into three main issues.

In this way your speech's structure is much like the highly stylized greek temple seen to the right; a speech built on three arguments, each built of an idea, analysis and evidence.
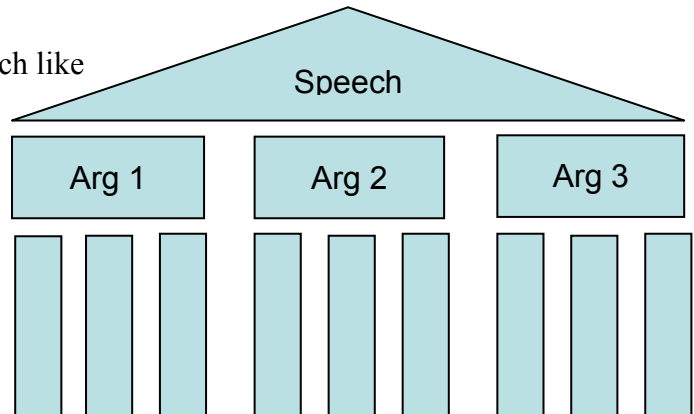
Another is to say everything 3 times. First, introduce the points that you are going to make. Secondly, make each point in turn. Thirdly, summarize the points that you have made. In this way people will clearly remember the main messages of what you have to say.

Signposting is another trick that makes it easier for your audience to follow where one point ends and the next begins. Signposting is literally telling the audience "My next argument is" or "Moving to the next point."

Speaker Roles

Each speaker must fulfill certain roles for a team to perform well and for a good debate to occur. While role fulfillment is mandatory and marked under method, these guidelines are also the most effective and powerful way to present a debating speech.

1st Affirmative
- Intro / Context
- Definition / Team Line
- (Model)
- Split
- Arguments (5 - 6 minutes)
- Conclusion

1st Negative
- Introduction / Team Line
- (Definition Issues)
- Rebut (3 mins)
- Team Split
- Arguments (4 mins)
- Conclusion

ROLE of 1st Speakers: Establish the grounds on which the debate will be fought

2nd Affirmative
- Summary of debate so far
- Rebut (3 mins)
- Personal Split
- Arguments (4 mins)
- Conclusion

2nd Negative
- Summary of debate so far
- Rebut (3 mins)
- Personal Split
- Arguments (4 mins)
- Conclusion

ROLE of 2nd Speakers: Move the debate forward by developing analysis of existing arguments and introducing new lines of argument

3rd Affirmative
- Intro – core clash
- Rebut (7 mins)
- Summary and Conclusion

3rd Negative
- Intro – core clash
- Rebut (7 mins)
- Summary and Conclusion

ROLE of 3rd Speakers: Organise the debate into clear questions/themes to make understanding it easier - then show why you won all of them!

30 Minutes Prep Time

Don't Panic!

Suggested use of time.

Activity	Time	Who
Brainstorm arguments	10 minutes	Individually, then together
Prioritise arguments, Split arguments	10 minutes	together
Flesh out arguments	10 minutes	Individually, with 3rd speaker helping both
Brainstorm opposition case	Walking to the debate!	together

Definitions

By Cathy Rossouw

The best definitions are short, simple and above all **clear**. To be acceptable in a debate, a definition must be reasonable. This is assessed from the perspective of the ordinary, reasonable person. Ask yourself: would a reasonable person apply your definition to the topic?

When defining a topic, **define key words only**. For example, for the topic *That euthanasia should be legalised*, the terms that need defining are obviously *euthanasia* (passive or active?) and *legalised*. You do not need to define words like 'that' or 'should'.

Remember, a definition sets the parameters of the debate, that is, allows you to decide what direction or issues the debate will revolve around. For example, if the topic was *That there is no case for terrorism*, you may want to limit your discussion to political terrorist groups such as the IRA and the PLO rather than cult groups such as the Aum Group of Supreme Truth (responsible for the Sarin gas attack in Tokyo's subway). Using criteria is another way to set parameters for a debate.

UNREASONABLE DEFINITIONS

If a definition is unreasonable it can be challenged by the negative team. Definitions can be judged unreasonable on several grounds…

*No logical link to the topic

Defining the topic *That we have more to hope than fear from China* as being about whether porcelain chinaware can harm us or help us is unreasonable because there is no logical link to an issue which allows discussion.

*Place/time setting

Where the affirmative have restricted the debate to one incident in history or to one country. For example restricting the topic

That politics should stay out of the pulpit to the Spanish Inquisition would be unreasonable. However, **some debates benefit from a context** eg; restricting a land rights debate to Native Title claims.

*Truisms

A truism is *a definition that cannot be argued against ie; it is objectively true or a fact*. For example, defining the topic *That we should eat, drink and be merry* literally, (ie; because if we don't eat and drink we will die) is a truism because the negative cannot argue against this fact.

HOW TO MOUNT A DEFINITIONAL CHALLENGE

A definitional challenge can be mounted for any of the above reasons. The challenge MUST be made by the first negative speaker as their FIRST piece of substantive speech. Challenges cannot be mounted by other speakers.

1. **State why the definition is unreasonable**
   This is as easy as saying "…the definition of the Olympics as Australia's obsession with sport is unreasonable because *it has no logical link to the topic*."

2. **Explain why the definition is unreasonable**
   Usually the best way to do this is to show that the average, reasonable person would believe the topic to be about something else. Eg; The Olympic dream would be about fair competition, friendship and athletic excellence.

3. **The 'EVEN IF'**
   Just because you're challenging their definition doesn't mean you don't have to rebut their arguments. This is done by saying "…but **even if** we accept their definition of the Olympics, their arguments are still flawed because…"

4. **Propose an alternative definition**
   Make it short and simple because by now everyone has a pretty good idea of what your case is.

Chapter 3: Tips & Tricks

By Tim Sonnreich, Excerpts from *Tips, Tricks & First Principles*

Case Construction

Hard/Soft Lines and Models

The terms 'hard' and 'soft' in reference to a definition or model are an indication of how profound the change is that is being proposed.

> A very small modification to the status quo is *soft*, while a big change is *hard*. The status quo might be in terms of legal principle or in terms of people's attitudes.

> **NOTE:** Generally speaking these terms do not imply how difficult it is to argue for that level of change – since often it is easier to argue a 'hard line' rather than a 'soft line' – but we'll get to that later.

Once you have determined the 'strength' of your line, it should be relatively easy to create your model (which is the subject of the next chapter).

Example: For the topic "That this house supports euthanasia," below are different definitions you might choose.

Soft line ------------------------ Moderate line --------------------------Hard line

Restricted to incredibly sick people, who are *very* close to death, and who have no hope of cure or a decent standard of living. Patients need the consent of multiple doctors and psychologists. Passive euthanasia only – deny food/medicine	Allowed to the terminally ill, who have very low standard of living and little-to-no hope of a cure. Doctor & psychologist consent. Doctor assisted euthanasia allowed	Available to anyone diagnosed with a terminal or debilitating or degenerative illness, whether physical or mental. Need medical consent. Doctor assisted or self-administered.

A smart team will stay somewhere between the moderate and the hard line in *every* debate, because it's both the fairest thing to do, and is the tactically sound choice too.

Fairness: The problem with the soft line is that will virtually always fail both tests of a good definition. It will rarely be a contextually based definition or model, because a plan so close to the status quo would rarely be controversial enough to illicit serious media attention or public debate. Obviously in terms of the spirit of the motion, a soft line is highly unlikely to yield a good, complex debate with a range of important issues. It is by definition not particularly controversial, and therefore is a poor choice to debate (see "ultra-soft lines" in Chapter Seven)

Tactically: A harder line is usually easier to defend because it is more philosophically consistent, and more closely bridges the gap between the scale of the problem and the scale of the solution.

Also a hard(ish) line pushes you further away from your opposition, and that means you'll need to argue why your model has more benefits, but is also the correct 'norm' by which this issue should be addressed (see Trends, Norms and Tipping Points). Forcing yourself to make these kinds of arguments is good because it ensure your case is sophisticated and well developed.

The single biggest problem with running a soft line, is that you will run out of (smart) arguments. Just like with a truistic definition, it might seem like logically a truistic definition is best, but in terms of filling 6-8 minutes with intelligent analysis, it's just impossible if what you are saying is simply, irrefutably true. So running a hard line means both teams will have a better debate, because they will both have the scope to make strong arguments, with sophisticated analysis. But don't push this rule too far, or you'll end up running 'insane' definitions…

The extreme ends of the spectrum – the status quo and insane definitions.

(1) Status Quo: simply put, the Aff should never run the status quo unless compelled to by the topic (which usually would mean it was a bad topic). There is nothing more to say about it – just don't do it.

(2) Opposition teams can run the status quo, but there are several factors that need to be weighed up before you make the decision to do it (see Chapter Three).

Obviously the status quo is attractive to teams who are not well prepared for that particular topic. This is because any decent Aff will explain the status quo in their set-up before outlining their alternative and a smart (but ill-informed) Neg can use that information, but portray it as knowledge they had all along.

However this needs to be weighed up against the fact that the Neg does not in fact know much about the details of the status quo, and risk being caught out in a lie or misrepresentation of the status quo by the Aff. They also risk being made to defend alleged 'harms' of the status quo which may be exaggerated or incorrect, but which the Neg team will not be equipped to refute effectively.

Conversely, if the Neg invent their own counter-model then there are pro's and con's.

The benefit of counter-proposing an original model is that will negate much of the Aff's pre-prepared criticisms of the status quo. The downside is that an original model concedes that the status quo is a failure and therefore weakens the burden of plausibility (the likelihood based on current trends that their model will ever be implemented) on the Aff. In other words it's more difficult to argue that the Aff's new model wont work or will never happen, if the Neg's own model is also novel and therefore vulnerable to exactly the same criticism. But since one side's model is usually more ambitious than the others, weakening the burden of plausibility can be disproportionately beneficial to one team (usually the Aff).

Of course 'plausibility' is a relatively weak argument. All but the most ridiculous models must still be analysed as though it were viable through an 'even if' discussion (for example, proposing a hardline euthanasia model is almost impossibly idealistic when judged against the current norms and trends in society, but if you get hung up on that fact you will forget to engage in the debate!).

> (2) Insane lines: Although hard lines are good, and usually there is a positive relationship between the 'hardness' of the case and its moral and practical consistency, there is a point at which this relationship breaks down. Past a certain point a definition or model stops being 'hard' and becomes insane.

There a few ways to judge if your line is 'insane'. The first is the laugh test. If the opposition (and audience) laugh when you propose the case, it's usually a good sign that you have stepped across the line (it may be the way you explained the argument, but nevertheless it's a good indication). Secondly, if anyone in the team feels seriously uncomfortable making the argument, then that's a bad sign. Debaters should be flexible and willing to argue counter-intuitive positions, but if a reasonable person is offended or disturbed by your case, then you have a problem.

It's fine to argue for things that are unlikely to happen, even things that are *highly* unlikely to happen, but you should think carefully before arguing in favour of something that is *incredibly* unlikely to happen.

The best test is to remember that the model is not the debate. Your model simply exists to clarify and focus the terms of the debate. If you are spending all your time defending the reasonableness of the terms of your model, then you have probably gone too far (or debating against terribly pedantic, inexperienced debaters).

Using the previous example of euthanasia as a guide, the insane line might be; providing 'suicide pills', on request to any adult or child following the initial diagnosis of a serious medical problem, which they could use at their discretion. It's just too far fetched.

Search for a Super-Model

There seems to be a fair bit of confusion about what a model is, how to construct one and what to do with it once you have it. Models are an extremely important and useful part of debating, so let me try to clear up all those questions.

The first question is *what is a model?* The answer is simple. A model is a specific set of practical actions proposed by a team in a debate. So it means that instead of just arguing that a certain idea is good, the team actually set up a particular type of system that they support for reasons that are linked to various parts of the model.

For example, the "*heroin trials*" debate (i.e. "*That we support safe heroin injecting rooms*") is one where there is room for a range of models, because there are many important questions about the practical application of the idea. For instance, teams should choose between a model of government supplied heroin or a 'user supplies' system – i.e. a 'no questions asked' policy about where a user obtained their drugs as long they use them in the safe injecting rooms.

Both these models have strengths and weaknesses. The government supplied model will generate criticism on the grounds that it turns the government into a drug dealer, as well as questions of how long the government can afford to maintain such a system (especially if the number of users grow as a result). However this system does effectively put many drug dealers out of business and it also means that users will always get pure heroin and not the 'dirty' varieties often found on the street (which is a major cause of overdoses). So you see the choice of model is extremely important, because it can change the focus of the debate, and bring in (or cut out) various issues.

Building your model.
There are many ways to construct a model, the easiest of which is to steal someone else's! The vast majority (if not all) the debates you'll do are real, contemporary issues. That means that they are being debated in the public arena right now. So it's perfectly legitimate for you to take the side of one of the groups who are publicly lobbying on this issue. Take the republic referendum held a few years ago. At that time debates about a republic were obviously common and the model you picked was critically important. But thankfully the Constitutional Convention produced a wide range of models representing the ideas of each of the republican groups represented at the convention. So by keeping up to date with the news, and becoming aware of the various proposals being suggested by different groups in society, you have ready-made models just waiting to be debated!

Alternatively, you can modify an existing model. So once you've stolen a model off a political party or whoever, you might be able to think of ways to improve it or expand it. That's fine too. Just make sure that you're really clear about how your version of the model is different to the group that you stole it off.

The only other way to come up with a model is to invent it from scratch. This can be time consuming, but rewarding in many ways. What it requires is for you and your team to really talk about the issues in the debate. Remember that most debates stem from 'a problem', either a real or perceived problem and if you understand the problem, you might be able to come up with a solution. The best thing about invented models is that they are original. That means that your opposition won't be prepared for them (whereas they can be prepared for a common model) and you have a chance to have a truly unique debate, on issues that you have established.

I strongly encourage teams to come up with their own model, because it shows research (no matter how smart you think you are, there is no substitute for learning the details of an issue), thought and a genuine attempt to tackle the issues, however I have one warning. Keep it real. Make sure your model is realistic and practical. By realistic, I mean make sure that you are taking into account the way people really behave, otherwise your model will be hopelessly flawed (for example the counter-model to attacking Iran is not "world peace" because at this point in history it is simply unrealistic). By practical I mean that it should be possible given the resources that currently exist. Don't propose a model that would cost trillions of dollars, or require technology that doesn't exist, or is highly unlikely to exist anytime soon.

How to use your model
The model should always be presented by the first speaker, before they present their substantive arguments. This is because you want your model to frame the debate, and

structure which issues are important to this debate. You can't do that if your model comes out at second speaker. Nevertheless the important thing to know about models is that they are not the 'be all and end all' of debates. There are precious few debates where a good model will win a debate all by itself. The model is a tool to structure debates and focus them around important issues. It is the analysis of those issues that will be the deciding factor in most debates. A model makes a debate clearer because it tells the audience precisely what the debate is *about*, but you still have to show why that's a good thing, and why the benefits of the model outweigh the inevitable costs.

Final Tips on Models
- Negative teams can have a model too. They're called a counter-model and are just as effective as an Affirmative team model.
- Don't get too hung up on how much a model costs (in monetary terms) as long as the benefits of the model are worth the cost, (and the cost is realistic) then its really not that important. Lots of programs cost the government a lot of money, but they are important and worthwhile.
- A good way to attack a model is to look at what assumptions the team have made when they constructed it. Did they realistically assess how individuals and groups act in society? Is it really the role of the government (or other organisation) to do what is being proposed?
- It is OK for opposing teams to concede some of the benefits of a model as long as they show why the problems the model will create are worse than those benefits.

Models are a great way to show your ideas are practical and possible, and in any case where you're proposing to significantly change something, a model of some description is a must. But again, the model is pretty useless without strong arguments to back it up – and that's the subject of the next chapter.

Classic Aff Mistakes and Opp Tactics.

Many of the mistakes that Affirmative teams make when setting up debates are also the perfect weapons for negative teams to use – especially if they are squirreled or have limited knowledge of the substantive issues in the debate. For that reason they are discussed here together.

Classic Trap One: The Problem – Solution Gap.
This mistake is most common and most damaging when teams propose soft models. Basically the trap is this; usually when a team propose a soft model they will start by identifying a very real and important problem, but simply offer a soft solution – or worse still, offer a soft mechanism to simply 'improve' the situation. The trap however is this, it's morally inconsistent to be consciously aware of a great and pressing problem, but then think it is defensible to do very little about it. The trap grows stronger the more the Aff push the moral dimensions of their case.

To give an obviously exaggerated example; if a team identify the context to the debate as the growing problem of hunger and starvation in the developing world, and cite a recent UN or NGO report filled with horrifying statistics of the suffering these people endure. THEN the team propose a model in which rich nations increase the amount of food aid they donate by some tokenistic amount.

It is certainly true that this tiny amount of extra food is literally 'better than the status quo', but there is a vast inconsistency between the scale of the problem they have identified and the solution they have offered. If they truly think the problem is that big and that important than their model is unconscionable.

A more realistic example is in a 'euthanasia' debate, if a team started by identifying the suffering of the terminally ill in our hospitals and the desperate need to find a way to help these people alleviate their pain and to have dignity in their final moments (a common and reasonable way to contextualise that debate), AND then they ran the soft model described on Page 3, they will have fallen into the Problem – Solution Trap.

How to exploit the Problem – Solution Gap.
There are two ways to exploit this gap – a combination of the two is most effective.

Firstly oppositions should attack the case as being unable to effectively make inroads on the problem they themselves wanted to tackle. Pretty obvious but still worth doing. You can't acknowledge a serious problem and then propose an inadequate solution

Secondly, (especially useful if the opposition don't know much about the topic), simply counter-propose something that would be even marginally more effective at tackling the problem (but more effective the better). The tactical advantage of this is that it totally neutralises the moral argument and in fact steals it for the opposition. It's the perfect opportunity to hijack the debate. This is one way that teams can win debates after being squirreled. It's a form of 'first principles' case construction/rebuttal. It also works sometimes against ultra-soft lines.

Classic Trap Two: The Ultra-Soft line
I've already discussed previously why it is, tactically speaking, a bad idea to for an Affirmative team to propose the status quo as their model – and generally speaking any half-competent topic selector will usually word motions so that running the status quo is impossible for the Aff. But that doesn't stop stupid or inexperienced teams from proposing very-soft line models which are almost the status quo, but not quite.

This creates a number of problems for both teams, and a decent adjudicator should expect something pretty special from the Aff if they are to win (so long as the negative team don't freak out and drop the ball).

So what do you do when the Aff run an ultra-soft case?

First you can laugh to yourself, because the Aff are in a lot of trouble. The reason why an ultra-soft case is a bad idea is because they have the strong potential to 'collapse' a debate and make it difficult for the teams to find any meaningful 'clash'. From the point of view of adjudication theory, the Affirmative team have an obligation to provide the conditions for a good debate – which basically means a good, reasonable clash (so there is a strong clash between an Affirmative team that is in favour of freedom – and which asks the negative team to defend slavery, but that is an 'unreasonable' clash and should be punished by an adjudicator because – amongst other things – it breaks the definitional rule and probably the code of conduct).

But the negative team also have an obligation to come to the party and engage in the debate established by the Aff, so long as the clash is reasonable.

However the tactical reason why Aff teams should avoid ultra-soft lines is that they don't give you enough opportunities for providing deep analysis. Almost by definition, an ultra-soft line, a very small change to the status quo, is likely to be very uncontroversial – meaning that there is nothing much to say in favour of it!

If the topic was "that all public schools should have a uniform" and the Affirmative team define it as "a common dress standard – such as no 'name brand' clothes, and no expensive jewellery, minimal make up allowed and only flat heeled, closed toe, single colour shoes". It might seem like an impossible case to lose. But you have to ask yourself, how many quality arguments can you make in favour of this standard? Can you think of enough to fill 15 minutes (1st Aff, and half the 2nd Aff) of speeches, without it getting repetitive, simplistic or boring? I'd be impressed if you could.

Even assuming that the Affirmative team have done themselves a massive disservice by running an ultra-soft line, the negative still need to be careful they don't become victims of an imploding debate – where the area of clash is small and gets smaller and smaller until there are virtually no strong areas of difference between the teams. Under those circumstances an adjudicator will have few good reasons to award the debate and will probably end up giving to the team which is penalised *less* for ruining the debate.

As a negative team, your best tactic – under all circumstances, but most especially in response to an ultra-soft line – is to *clearly create space* in the debate. That means taking up a hard line (or at least a very firm line) to clearly delineate the stance of your team from the Affirmative, and to give you a clear principled line to defend. In effect the debate ends up being more about whether of not you can clearly explain and strongly defend your line, than it is about defeating your opponents position (in a normal debate those priorities are equally important).

Of course you still need to make a strong effort to engage with your opponent's case, but the central thrust of your rebuttal tends to be that the Affirmative have based their case on the wrong principle – rather than the fact that the specifics of their case will cause some great harm.

So in relation to our example, a negative team should run a fairly strong, clear line that students should be able to wear any clothing which suits them, without being unnecessarily provocative or inappropriate (you don't want be condoning students coming to school wearing their pyjamas or dressed like prostitutes, but that still allows a very wide range of acceptable attire). The neg would then focus on why it is important that children be able to wear whatever they like – both because it's a form of personal expression, and important to the development of their personalities, plus its important for kids to learn to cope with material differences – everywhere they go after school the way they look will have an impact on their life, from job interviews and workplace, to fitting in socially – and school is a good place to learn those skills.

The attack on the Affirmative team is that any serious attempt to stifle the sartorial freedom of students is simply limiting the development of their personal autonomy,

and making harder for them to learn how to interact with others in the real world. Which would be the same line you would run anyway, but the focus shifts from comparing the potential 'harms' of a proper school uniform (cost, strict conformity, etc) with the 'harms' of free dress (bullying, social segregation, peer-group pressure) and becomes more focused on whether of not freedom of dress/expression is the superior principle to guide this particular debate than the alternative of uniformity of dress.

The Affirmative team – being the soft and timid people that they obviously are - will probably try and have the best of both worlds and argue that their 'soft uniform' still gives children room to express themselves – but this is the crucial thing, now they are fighting on your terms! You need to keep your cool and simply point out that hypocrisy of their position – if they think that free expression is important they can't have what amounts to a uniform by stealth. The more they defend the need for students to have self expression, the more you can argue that students will consistently bend and break their rules and that the 'natural' position will be more like that you are proposing.

Don't get me wrong, I'm not saying that this would be a great debate – once a team go ultra-soft its very rarely a good debate (which should be reason enough to never do it yourself) but it's a fight for survival. An ultra-soft line is an attempt to suck the controversy out of a debate, and controversy is the oxygen of debate. So the best neg tactic is anything that increases the controversy and injects in some more oxygen.

Any decent adjudicator should reward a team that is trying everything it can to save a debate from imploding and so they will hopefully be generous towards you, but you have to keep your cool and run a clear and consistent line.

Basically you should go back to 'first principles' figure out what the clash *should* have been, then figure out which line you can run that will push the debate as far towards that original level of clash as possible.

Slippery Slopes
So you might say; if we legalise abortion even under very specific circumstances (such as where the pregnancy presents a medical danger to the mother) we will unleash forces that will eventually lead to abortion under any circumstances ("abortion on demand").

This type of argument is incredibly common, and is a natural instinct amongst inexperienced debaters who are seeking to inflate the harm of their opponents' model as much as possible. High school debaters are notorious for making slippery slope arguments that are so extreme that they become absurd, and hence most adjudicators discourage any argument that even approaches a slippery slope. Consequently there is a now a common, but mistaken, belief that slippery slope arguments are automatically weak or invalid. That isn't true.

The problem with the way most people make slippery slope arguments is that they aren't actually proper "arguments" at all, they are in fact "assertions" and that's why

> **NOTE**: Before I explain how to develop a slippery slope into a proper – and often powerful – argument, it's important to note that this type of argument shouldn't be overused. Firstly there are effective ways to counter slippery slope arguments, and secondly they are only truly relevant under specific circumstances. So that's the trick – first learn *how* to do them, and then think hard about *when* to use them.

they seem weak.[2] Assertions are always weak - by definition – and slippery slopes are almost always assertions because people don't know *how* to do proper analysis.

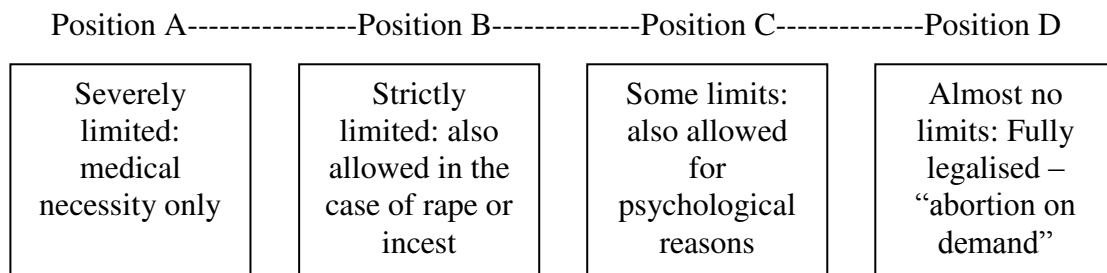**Making Slippery Slope Arguments Work**

The key to an effective slippery slope argument is showing how strong the motivation will be for a government to take additional steps down a particular policy path after they have taken the first – but that's not automatically or intuitively true, and that's the trick.

What you're really trying to do is to show that your opponent's model will change the social norms and begin a new trend – a trend that will inevitably lead to unacceptable conclusions.[3]

Let's take the abortion example I used before. Imagine an Aff team is proposing that abortion should be legalised, but only under certain circumstances (eg. where the pregnancy would threaten the life of the mother) – we'll call that Position A. And you want to make the argument that legalising abortion, even in such a limited way, will inevitably lead to a much wider tolerance of abortion, meaning "abortion-on-demand" – we'll call that position D.

The problem is that it is not reasonable to believe that a government would move from Position A to Position D in one step, so you have to explain what the middle steps - Positions B and C – would be, and why the trend would be to legalise those positions too. Here's an example.

The Abortion Slippery Slope

Position A----------------Position B--------------Position C--------------Position D

Severely limited: medical necessity only	Strictly limited: also allowed in the case of rape or incest	Some limits: also allowed for psychological reasons	Almost no limits: Fully legalised – "abortion on demand"

It should be obvious just by looking at each of the positions, that there is a clear progression and a continuation of logic flowing from Position A to D. Position A relies on a key concept – that the health of the mother outweighs the health of the foetus. But that's essentially the same logic that justifies each of the other positions, and you can demonstrate that:

"If we allow abortion, in cases where the health of the mother is endangered by continuing the pregnancy, then we will enshrine in law a principle that will inevitably go much further than we intend. How can we say that it is acceptable to disregard the rights and interests of the foetus if the mother's medical health is at risk, without accepting the same rationale in cases where a woman has been the victim of rape or incest? Since clearly the psychological health of the mother has a strong influence on her physical health, and we know that the victims of rape and incest often suffer from

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[2] See Chapter Four for a detailed discussion of the difference between arguments and assertions
[3] See Chapter Six, for a discussion of Trends, Norms and Tipping Points.

severe depression that can lead to suicidal tendencies, surely we must treat all these risks the same way.

But if we accept that the trauma of rape, compounded by an unwanted pregnancy, creates a psychological harm that is a significant health risk to the mother – then why does the cause of the psychological harm matter? If the health of the mother is the over-riding concern, then it shouldn't matter *why* a women is suffering a severe depression or why she is suicidal, all that should matter is that she is, and that if the pregnancy is exacerbating that, then the women should be able to terminate the pregnancy.

Of course if the health of the women truly is paramount, and a risk to her health, whether medical or psychological is connected to the pregnancy, then surely we must extend that to any set of circumstances that endanger the health of the mother – whether they are medical, psychological, economic or social. Clearly if having a child would leave a woman impoverished, then that could represent a threat to her health. Equally if a pregnancy could result in social exclusion or ostracism, then there is obviously a risk there of depression and poor-health. So what we have here is a model that seeks to be restrictive, but which if we are to belief the arguments that sustain it, then there are very few reasonable restrictions on it at all".

So you see the key is take it step by step, and show how logically, once you accept certain principles of the model, it is unreasonable to include the sort of restrictions that are entailed in the model. The important thing is to sound reasonable and measured – just follow the chain of logic, explain every step and keep referring back to the original arguments for Position A.

It helps if after explaining the argument you can throw in a case study, and in the example of abortion it's pretty easy because it's hard to think of a country which has legalised abortion in any way in which, thereafter, there hasn't been a general trend for further liberalisation. But just because history is on your side, doesn't mean that you don't need to do good analysis of *why* it is true, and why it will *remain* true.

Chapter 4: Adjudicating 3-on-3 Debating

The adjudicator has three functions:
1. to decide which team has won the debate;
2. to provide an explanation of the reasons for the decision; and
3. to provide constructive feedback to the debaters.

The Role of the Adjudicator

By Ray D'Cruz et.al, from *The Australia-Asia Debating Guide*

The adjudicator adopts the role of an average reasonable person, who has the average reasonable person's knowledge of the topic but who, unlike the average reasonable person, has expert knowledge of the rules of debate.

Adjudicators must eliminate any preconceived ideas as to the merits of the issue in debate, and any expert or special knowledge of the subject matter. The average reasonable person is assumed to be intelligent and capable of assessing flaws in arguments; the adjudicator is invested with these qualities.

The assumption of this artificial role is one of the most difficult aspects of adjudication, and imposes a heavy burden on adjudicators. Nonetheless, it is central to the whole notion of adjudication. The alternative of permitting adjudicators to assess a debate from their own personal viewpoint, and to take into account their own expert knowledge, prejudices and preconceptions, would strike at the heart of debating as an exercise in the skills of persuasion.

Taking Notes

By Ray D'Cruz *op cit.*

Note taking is important because notes allow an adjudicator to resolve issues which emerge later in the debate, for instance, where there is a dispute over the definition of certain terms. Adjudicators must be wary not to enter the debate while making notes by filtering the comments made by speakers. For example, a speaker may provide an argument which has no clear link to the topic. The adjudicator may infer a link and record this inference in their notes, later crediting the speaker with having made the link.

Adjudicators should mark the scores of the speakers as the debate proceeds. Leaving the marking of scores to the end of the debate can be a perilous exercise in recalling the matter, method and manner of earlier speakers. It may result in the adjudicator overemphasising the impact of third speakers.

Reaching a Decision

3-on-3 debates are technically scored on the three categories of Matter (40%), Manner (40%) and Method (20%). The aim of the adjudicator should be to award the result to the team that is the most persuasive, the team that presents the most persuasive matter, with the most persuasive manner and arranged with the most persuasive

method. The debate should be awarded holistically, with an awareness of how the teams performed in all three categories.

There are a number of different strategies that can be used to help reach a decision.

The first is to assess both your gut feeling at the end of the debate and the sum total of your indicative speaker scores. If these align, try and identify the reasons why you believe that a particular team won, with reference to their matter, manner and method.

The second approach, and most common in cases where teams are evenly matched, is to go through the debate issue by issue and establish which team won the major issues of the debate. In this case the adjudicator is effectively acting like a third speaker – identifying the themes of the debate and then within those working out who won and why. This approach tends to intrinsically favour matter above manner and method. However, it can then be followed by an assessment of the manner and method of the teams. For example, if on examination of the issues the negative team had a slight advantage, but the affirmative was definitely stronger on manner and method, it would then be appropriate to grant the debate to the affirmative.

Deciding the Margin

By Ray D'Cruz, *op. cit.*

The following guidelines should help adjudicators decide the margins by which teams win or lose debates:
– Margin 1–4 points: a very close debate, with only minor differences separating the two teams.
– Margin 5–9 points: a relatively clear decision, with one team having an obvious advantage.
– Margin 10+ points: a very clear win, with the losing team probably having failed in one or more fundamental aspects of its argument or presentation.

Speaker Scores

While the range varies somewhat from tournament to tournament, all competitions MAD participates in are based on a 100 point scale, where 75 points is an average speech.

It is common for the average speech to be defined as being the average speech *at a particular tournament.* Thus the standard of a 75 at Australs will be significantly higher than that expected for a 75 at a novice competition such as Freshers.

For reference, below is an interpretation of the meaning of scores as suggested by the adjudication core of the 2010 World University Debating Championships.

Score	Interpretation
81	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.
79-80	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 fulfillment are executed flawlessly.
78	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 very persuasive. Role fulfillment and structure probably flawless.
77	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.
76	Arguments are almost exclusively relevant, and frequently persuasive. Occasionally, but not often, the speaker may slip into: i) deficits in explanation, ii) simplistic argumentation vulnerable to competent responses or iii) peripheral or irrelevant arguments. The speaker holds one's attention, provides clear structure, and successfully fulfills their basic role on the table.
75	Average.
74	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 fulfill one's role on the table, and structure may be imperfectly delivered.
73	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 fulfill role.
72	The speaker is often relevant, but rarely makes full arguments. Frequently unclear and confusing; really problematic structure/lack thereof; some awareness of role.
71	The speech rarely makes relevant claims, only occasionally formulated as arguments. Hard to follow, little/no structure; no evident awareness of role.
69-70	Content is almost never relevant, and is both confusing and confused. No structure or fulfillment of role is, in any meaningful sense, provided.

Judging Manner

Manner can be one of the hardest categories to judge as it is widely considered to be totally subjective. Nevertheless, manner is a critically important part of debate, (worth equal points to matter) and there are two reasons why adjudicators can and should make important decisions based on manner.

Firstly, there are a number of objective measures on which manner can be judged. All of the technical features of good body language and good vocal style can be explicitly identified and an objective decision made based on persuasiveness as a result.

Secondly, a subjective judgement is not necessarily a bad thing IF, you can explain what elements of the speaking style contributed to it's persuasiveness – for example,

the use of emotion at a particularly appropriate moment, humour to effectively ridicule an opponents argument out of the debate.

Chairing Debates

It is the responsibility of the adjudicator to bring a sense of occasion to a debate.

Introductions: A good welcome and introduction sets a debate off on a positive note. Collect the names and speaking orders of the teams before the debate starts. Welcome everyone to the debate, and introduce the two teams and their speakers. State the topic. Welcome the first speaker, Janet Holmes, to Open the Debate! Lead the applause. After each speech, thank the speaker and invite the next speaker.

Timing: The chair must provide a clear clap/knock at 6 minutes and two clear clap/knocks at 8 minutes. From 8:30 should be three clap/knocks, then onstant clap/knocks. The chair may choose to appoint a timekeeper. If so, make sure the timekeeper is clear about their job. To avoid confusion it is a good idea to run through the timing signals with new debaters before the debate commences.

Order: In the case of heckling or loud talking from the bench distracting the speaker, the adjudicator should act. As chair, the adjudicator has and should use the power to call people to order in order to preserve the sanctity of the speaker's time. Simply say "Order" or similar until people behave.

Equity: *What if the teams say something I think is a clear equity violation?*
By the Koc Worlds 2010 Adj Core

Do nothing during the round unless someone in the room is clearly extremely upset. In that case, you may want to intervene but even then continue with the debate. In the vast majority of cases, however, an immediate response is not needed, and we would prefer if you didn't give one. Mark them as usual afterwards, not taking the alleged equity violation into account. It is sometimes said that if the argument is really offensive it is probably not a good argument. Our priority here is to separate evaluation of the analysis (your job) from evaluation of the offence (not your job). Find the equity officer after the round and describe the alleged violation. It is then their decision as to what sanctions would be appropriate. This is vital if the equity policy is to be consistent, and fair: debaters must be able to reasonably anticipate what would constitute an equity violation. In order for this to happen, equity must be administered by a single source.

Note Taking Methodology

Many adjudicators simply divide the page in half, using the left hand column to track what is being said and the right hand column to jot quick comments during the debate.

Taking note of what is being said is critically important, as discussed above. However, this does not mean word for word. Rather, you should aim to find a balance that involves writing the minimum words necessary in order to be able to have a full recollection of the debate.

Writing ongoing comments is crucial to effective adjudication. Simply passively 'minute taking' throughout the debate makes it incredibly difficult to be fully engaged with the debate and to come up with a decision in a timely fashion. By writing comments as speeches progresss it is possible to analyse the quality of argument as they are being made, and thus be more aware of the way the debate is swinging from speaker to speaker.

Many adjudicators develop shorthand, such as ticks - good, crosses - bad, strange squiggles – neutral, question marks – confusing, letters in circles – missing (A) Analysis or (E) Evidence. Jotting short notes also helps later when coming to give feedback.

Example:

What was said	My running notes
-Bad Argument	×
-really good bit of logic	√√√√
-questionable bit	?contradict previous speaker?

The Oral Adjudication
By Ray D'Cruz

In delivering the adjudication, adjudicators should highlight the critical differences between the teams rather than replay the whole debate. A useful start is to total the marks in each of matter, manner and method for each team, and to use this as the focus for comment.

There may be one or several strategic issues which were critical in the debate; issues on which the debate was won or lost. Focusing on these strategic issues allows the adjudicator to identify the main reasons for the decision.

At the end of the adjudication, the debaters should have a clear understanding of why their team won or lost. Most complaints arise because adjudicators are not able to clearly identify the reasons for the result.

Giving Feedback
By Ray D'Cruz (with bits added by Victor Finkel)

Adjudicators are in a position to perform a valuable training function. Particularly with novice or school-student debaters, the feedback offered by an adjudicator is likely to be the most substantial basis for improvement.

Feedback can affect the confidence of individual debaters. Adjudicators must take this responsibility extremely seriously. An overly sarcastic or negative adjudication may undermine the confidence of novice debaters to the point where they are fearful of speaking in public again. Feedback should be couched in constructive terms.

When giving feedback it is very important to give attention to the positive aspects of

people's speeches as well as just highlighting things they can improve. Firstly, because it is just as important that people keep doing the good things as well as stop doing the bad things, and secondly people will be more responsive to constructive criticism when they are feel like the good things they did have been properly recognized.

One practical tip for balancing feedback that is very effective across many applications is the 'sandwich' method. Try using the 'sandwich' method. Sandwich each piece of constructive criticism between two positive comments.

Chapter 5: Advanced Tactics

By Tim Sonnreich

More Case Construction Tactics

Once you know how to choose the right definition, pick a 'medium-to-hard' line and then construct analysis-rich arguments, then case construction is really just about how to bring all those things together in a way that is consistent.

Most of you will be familiar will the 'traditional' case prepping method (brainstorm for the first 10 minutes, then compare notes to come up with a definition and a model… etc, etc) and that system is fine for beginners because it's very clear, simple and easy to follow. But experienced teams don't prep like that, and like training wheels, the sooner you gain the confidence to move on to a more sophisticated process the better. My system (explained in Appendix Two) is based around maximum communication between teammates and a truly collaborate process which is meant to help you be more creative when thinking up arguments, while simultaneously improving consistency amongst speakers (which is usually lacking in inexperienced teams, and is absolutely vital when debating strong teams).

In addition to having prep techniques that help you develop more innovative arguments, there are some tactics that you can employ to improve your team's consistency and responsiveness to challenges. The first tactical decision to make regards **speaking order** and the second is a technique I like to call "**filters**" and then finally there is the issue of making **tactical concessions**.

In addition to those concepts, it is also vitally important that teams properly contextualise their cases – to not only explain the factual context of the debate, but to help build momentum for their argument, and set the tone for the debate. Three factors that are useful to contextualising a case are **trends, norms** and **tipping points,** which will be discussed later in this chapter.

Speaking Order and Filters.

Speaking Order - It's difficult to generalise about speaking order, because each team has its own strengths and weaknesses, but there are some things worth considering.

Ideally speakers should be capable of competently performing any of the speaker roles (even if most people have a favoured speaking position) and young debaters should set themselves the goal of gaining that level of flexibility and skill as soon as possible. Being able to speak in any position is crucial to developing a comprehensive understanding of the dynamics of debates, which will improve your debating skills (through better understanding of tactics and case construction) and is also a crucial part of become an elite adjudicator.

All things considered equal it is my view that the more knowledgeable person on a given topic should speak second. There are two good reasons for this. Firstly, it helps with consistency – because the first speaker can be briefed on the issue in the prep and then because the 2nd speaker was the principle source of that information they

should be well placed to avoid contradictions or inconsistencies as the case expands. Secondly this configuration gives the team maximum flexibility when responding to the initial attacks of the opposition. Since this person is the most knowledgeable on the issue, they are best placed to reposition the team following the opposition's speaker.

I think this is a good rule for teams of all skill levels, but especially for teams at the ends of the spectrum – very inexperienced teams and very experienced teams. Intermediate teams might find it more difficult to identify which speaker is the most knowledgeable, and speakers at this level might have limited capacity to be flexible in terms of speaking roles (whereas at the novice level speakers might feel more comfortable in a given role, but few would actually have a significantly higher level of competence in that role then they do in any other).

Of course a good set-up to a case is absolutely vital, and great care and attention should be given to a first speaker during prep to ensure that they are ready and able to fully explain all aspects of your definition and model. There is no point having maximum flexibility at second speaker if the case has been badly presented from the start. Again – all things considered equal – the most knowledgeable and confident person on a given topic should probably speak second.

Finally a note about speaking third; a disproportionate number of former high school debaters consider themselves to be 'natural' third speakers. That's not necessarily a problem, and every good team needs a strong third speaker, but the reality of university debating is that in most cases, third is the last place to have your best speaker. Especially in 3-on-3 styles, the strength of the case and the sophistication of the analysis early on are absolutely vital, and if it's not done well then a brilliant 3rd speaker will be unable to save that team from any decent opposition. Speaking 1st and even 2nd can seem daunting or even boring sometimes, but at this level a great 1st speaker is much more valuable to a team then a great 3rd.

Filters – A filter is simply a 'test' that you establish (either explicitly or just amongst your team mates) by which you will gauge your sides reaction to any question or argument raised by the opposition. So it's a 'guiding principle' if you like, by which your team will navigate throughout the debate.

Applying a clear filter/s to your case has two benefits, the first of which is that it generates consistency – anytime the opposition ask whether your plan will include a certain group you will know immediately what the correct/consistent answer should be, even if you hadn't considered it during prep.

Secondly, and this is especially useful when debating with very inexperienced speakers with which you need to spend a lot of time building up their understanding of the fundamental issues in the debate – filters give them clear boundaries and confidence when delivering rebuttal.

What are some examples of a filter in a debate? The topic "*That intellectually disabled children should be taught in mainstream schools*" was run at ADAM in 2005 and my team successfully employed a simple filter to keep our case clear and consistent –allowing us to defeat a team with a higher (average) level of experience.

The filter was simple and drew on the most obvious and relevant analogy – as the affirmative team, we set as our guiding principle that we would not accept any restrictions on intellectually disabled children, which is not the norm for physically disabled children.

With that in place my team could focus during prep on developing ideas and persuasive analysis. This meant that we didn't spend *much* time thinking about the opposition's arguments, but instead had a well-developed case.

During the debate we were challenged on issues like; violent students, severely disabled kids, the cost of specialty staff and upgrades to facilities to accommodate the intellectually disabled, and every time my team answered confidently and consistency – even though we hadn't discussed many of those issues. We don't tolerate extremely violent physically disabled children in the mainstream system, moreover, we don't generally put severely physically disabled kids in mainstream schools (but the vast majority do get in). Equally we wouldn't tolerate a child in a wheelchair being denied access to a mainstream school because the government didn't want to pay for a ramp or a special aide teacher – so why apply different rules to the needs of intellectually disabled kids?

> **NOTE:** This is not to suggest that our case was flawless, or our opponent's case had no merit, but running every argument through a clearly defined filter helps to keep your responses consistent and relieves the stress on inexperienced speakers.

But can a negative team make use of filters? Absolutely they can and a good example would be the topic "That we should ban pornography which features violence or coercion" used in early 2006 in a MUDS internal comp.

This is a difficult topic for the negative team; you need to clearly establish what sort of pornography you are prepared to defend. Not everyone is knowledgeable about various kinds of hardcore pornography and it's not an area where people will be easily able to think of examples and evidence. But the filter is fairly obvious, a smart negative would set as their test that we should only accept restrictions on pornography if the same principle was the norm for mainstream media. This gives the Neg a chance to spend their prep time preparing the best possible free-speech/pornography case they can think of, without worrying too much about how they will cope with the arguments that will obviously be raised by the Affirmative.

This filter deals eloquently with the issue of violence – dealing with it the same way as with other media – namely that it should be assessed, classified and if necessary access can be restricted (such as with R rated movies) but that's not the same thing as a ban. However there is a limit to how much violence a mainstream movie can get away with, and it should be the same – so grotesquely violent pornography can be banned, but just like ultra-violent movies, this is a minority, and lots of violence is still allowed to be shown, and violent pornography shouldn't be any different.

Just like the previous example, using this filter throws the onus back onto the opposition to show how the analogy is inappropriate – so in the first case they would need to show why intellectually disabled children cannot be treated under the same principles as for physically disabled children, and in the second case the Aff would

need to show why pornography is so special that adults are unable to process it in the same way as they can watch violent action and horror movies without turning into serial killers. It's harder than it might seem! There isn't always a convenient and simple filter for every case, but it's a trick you should have up your sleeve because where appropriate it's a simple but powerful tool.

Tactical Concessions – Tactical concessions are in the same tactics family as filters – because in both cases the issue is knowing how to choose your battles. It's not possible or advisable to try and rebut every argument made by your opposition – it's always better to prioritise the arguments and focus on attacking the most potent ones your opponents made. But which arguments should let through? Well there are two answers to that – those that are weak/stupid, and those that can simply be conceded. Obviously weak or irrelevant arguments should be ignored if dealing with them was an unreasonable distraction from more important issues (although sometimes its worth pointing out quickly how stupid an argument is to discredit your opponents, but you'll still only win the debate if you deal with their strongest points).

But the second option is to make a tactical concession. This is simply admitting that you happen to agree with a proposition put forward by your opponents. Some people think it looks weak to agree with your opponents too often. I think that as long as you're smart about it, then tactical concessions make you look reasonable and allow you to focus attention on the true areas of clash in the debate.

When should you concede an opposition's argument?

(1) Concede if you would look stupid if you didn't
(2) Concede if it makes an argument you can't win go away.

So what are some examples? Well in 90% of debates both sides should agree with the existence of a problem (you can still strongly disagree with the proposed solution). In a debate about drugs, it would seem churlish to deny that there is a drug problem, or in a debate about 'rogue states' like Iran or North Korea, it would look silly to pretend that these states are not dangerous – but admitting that doesn't mean that any particular course of action is automatically the right response.

The second rule is more difficult to implement. Conceding in order to make problematic arguments 'go away' (in other words, lose relevance in the debate) is a fine line. Often it's better to concede that there is a moral imperative to act (in response to some sort of problem or situation) than it is to fight it. But be careful.

If you are going to defend the status quo, and an opposition is foaming at the mouth about how terrible the current situation is, then it would be a bad idea to concede that and then propose no change to the situation. But if both sides have agreed that there is a problem, and both sides think the status quo needs to change, then don't let your opponents go on and on about how morally superior they are. Concede that there is a moral imperative to act, then remind the adjudicator that your side has a plan to tackle the problem too and your opponents are really just wasting time talking about an issue that everyone agrees on.

When building a case the very first thing you should do is clearly establish the context in which the debate occurs. This means discussing some of the factual circumstances that have led to the debate, but can be made more potent by developing a sense of urgency – a need to implement your particular policy *now* **(see Chapter Ten).**

How can you do this? Well it's critical to first understand the nature of the problem (see Appendix Two – step one) so that you can describe why something is a problem. But simply pointing out a problem is often not enough, to make the case really strong you need urgency, why should this plan be done now (especially if its something that has been debated many times before, like the death penalty, or euthanasia, etc). Well one part of the answer can be to point to trends, norms or tipping points.

Following the terrorist attacks of 9-11 there has been a clear trend developing of governments passing increasingly restrictive 'anti-terrorism' laws (detention of suspects, intrusive

Trends – **The trends are the current direction of policy**

investigation powers, increased penalties) in the name of public safety. It's clear from the way that Australia has modelled some of its most recent 'reforms' on laws based in the UK, that there is a widespread trend emerging.

Some trends can be very broad, so since the early 90's there has been a clear trend amongst Western governments to pursue economic policies based on 'neo-liberalism' (privatisation, reductions in trade barriers, deregulation of industry). That's not to say that this process has been universal, but it clearly happening in the majority of cases and regardless of whether it is good or bad, it is the reality.

Maybe you want to propose a policy that would be a change to this trend, perhaps even reverse it. That's fine, but it's important to understand the trends because that will help you understand what sort of problems your proposal will be likely face.

It's perfectly fine to use the development of a trend as the impetus for a policy. So you might say as part of your set up "there is a clear trend developing over the last decade for the United States to act militarily without the consent of the United Nations (Bosnia, Iraq, etc) and we think it is critical that we make reforms to the international system so as to encourage the US to act more multilaterally, and to strengthen the relevancy of the UN. We would do this by reforming the UN in the following way…

Or "As we have seen from the recent trend of massive corporations (World Com, Enron, HIH, etc) going bankrupt as a result of the serious mismanagement by Directors, we think its time to institute far harsher penalties for Directors who deliberately run companies into the ground. Therefore we will be proposing the introduction of laws to make Directors personally financially liable for acts of deliberate mismanagement that they conduct…"

But equally there is nothing wrong with proposing a case which would be an extension of a current trend; you can use analysis of a trend to add momentum to your argument. So for example;

> *"Over the last 10 years we have a clear trend emerging whereby parents are increasingly being given access to reproductive technologies as a means to better plan their families and ensure healthy babies (IVF, pre-natal genetic screening, etc) and so we think that it is the simply the next logic step to give potential parents access to the next generation of reproductive technology - which involves genetic*

manipulation of the foetus. Therefore we support a parent's right to genetically modify their unborn child."

This is an example of how you can use a 'trend analysis' to make something which is objectively *very* controversial, appear to be simply the next step along the path which society is already on. It is analysis that will form part of the core of your case - genetic modification is not that different in terms of principle, from what we already allow (if we allow a foetus to be screened for genetic diseases which might lead to the parents making a decision to abort, then why not allow parents to use technology to ensure that the foetus is healthy in more ways than simply avoiding disease?).

If you can demonstrate that the relevant trends are pointing in the direction of your team's logic, then the task is that much harder for the opposition.

Norms – Norms are the status quo, or what people are willing to accept now (the trend might be moving in any direction but at any given moment a particular position will be the commonly held 'norm').

For instance it is a norm in our society that citizens have equal rights. This seems simple enough, but it wasn't always the case. Less than a century ago it was the norm (globally) for women to be denied the right to vote, 50 years ago it was the norm in Australia for Indigenous people to be denied to right to vote. Since those times we have seen a growing trend towards greater equality but as it stands, the norm is that neither group has reached a position of full equality. The extent to which society accepts inequality is the 'norm', while the direction things are moving is the trend.

Norms can be highly culturally specific. In Norway and Japan many people view the consumption of whale meat as being little different to any other meat, but in Australia the norm is for people to view whales as worthy of special protection.

Norms can also be influenced by economic factors (poor and rich people can have very different ideas about norms) religion, ethnicity, nationality, etc.

It is important to understand norms for two reasons. Firstly it's necessary to understand how 'hard', 'soft' or 'insane' a particular argument/model is (because this is largely based on how different people perceive your case to be from the norm). Secondly, at international tournaments norms are critical because your opponents and opposition will usually be from quite different backgrounds to you, and you need to understand what norms and assumptions they are likely to bring to the debate – not because you are constrained by those norms, but because you need to know how much analysis you will need to do to make a given idea seem plausible or reasonable.

Tipping Points – A tipping point is basically what happens when a 'trend' gains momentum to the point where a major change is the norm is likely.

Tipping points are important because they add weight and credibility to what might otherwise be seen as an unlikely or highly speculative outcome. So basically when you're setting up your case you obviously want to make it sound like the plan that you are proposing is going to work - that people are going to be fairly willing to do it and that it's going to have benefits. Sometimes this is hard to do – especially if you are arguing for something quite hardline. So if you can describe the situation – or the 'problem' of the debate – as being at a "tipping point" then you can give your case a sense of urgency and credibility. These are both powerful things to have on your side.

So what are some examples of a tipping point? Well they occur when a situation has reached a critical juncture – where policy makers are either forced to make a fundamental choice (should we abolish voluntary student unionism? Should we become a Republic?) and there is really no 'half-way' point. Or maybe a series of events have quickly moved a situation forward, making previously remote options seem more plausible. Two recent examples of debates which somewhat unexpectedly reached a tipping point are abortion and the Israel/Palestine question.

Abortion is rarely a burning issue in Australian politics, and when the conservative Howard government won control of both houses of parliament, most people would have thought the issue would stay that way. But then a cross-party alliance of MPs forced a 'conscience vote' on the legalisation of the abortion pill RU486.

In response, MPs in Victoria's parliament agitated for a relaxation on legal restrictions to abortion under State laws and for a moment it looked like there might even be a cross-party Private Members Bill introduced to force a vote on the issue. A series of related events like that could be said to be moving us towards a 'tipping point' in the debate about abortion laws. Before the RU486 vote it was hard to imagine how the abortion debate could become a live issue in Victorian politics, but after the vote both the leaders of the major parties were forced to discuss it and state their positions.

The second example is the situation in Israel/Palestine. Until quite recently it was very hard to debate the situation in Israel because it was very clear that Palestinian leader Yassir Arafat wasn't that interested in signing a deal, and in any event the Israelis weren't interested in offering Arafat one. So it was a stalemate and any team who tried to propose a solution to the conflict had a hard time making it sound even remotely plausible that the players involved would accept their model.

But then Arafat died and everything changed. The stalemate was broken and both sides started acting in ways that were almost unthinkable a year ago. The Palestinians held democratic elections – bringing the militant group Hamas to power (a radical power shift in Palestinian politics) and the Israelis begun the previously unthinkable, unilateral program of removing Jewish settlements from Palestinian lands.

Then Israeli leader Ariel Sharon had a stroke and is in a coma, at a time when Israel was weeks away from a general election! So thanks to all these dramatic developments, some of the old reasons why peace plans were unlikely to work were gone and a lot more options were on the table. So the Israel/Palestine situation is clearly at a crucial crossroads – where decisions made now will affect the whole

region for the next 50 years or more. Both the Israelis and the Palestinians seem ready to consider proposals which were impossible just months ago. This is a tipping point. A single major event could cause a tipping point – like (to take an extreme example) if Burma tested a nuclear weapon. You can imagine how strong the sense of urgency would be to find new ways to restrict the spread of nuclear weapons technology and to do something about the dictatorship in Burma. It would make options like invasion or attack *much* more likely that they are at the moment. But usually a tipping point is the result of a series of events that propel a debate into uncharted territory.

The Illusion of Sameness
Quite often debaters will analyse an entire category of thing, which should rightly be seen as a larger number of discrete entities that have a small number of things in common but nevertheless possessing significant difference.

Some examples include, the media, corporations, developing countries, racial/ethnic/gender/sexuality groups, etc.
In each of these cases there are commonalities between individual members that make generalisations fair and accurate. For example it's fair to say "corporations are profit driven", because any corporation that doesn't seek (maybe amongst other things) to make a profit, is not really a business – it's a charity, or community service, but it's not a 'corporation' in the colloquial sense of a private business. However that said, the pursuit of profit takes many forms – corporation's aim for different markets (eg. cheap and low quality vs. expensive and high quality) and operate under different conditions (eg. big business has large profit margins and massive resources vs. small businesses that usual run on small margins and have limited resources).

Any time an opposition talk about a one of these categories as though they are homogenous ("what women want is to be represented politically by women" or "West Papuan's don't want development, what they really want is to be free to pursue their traditional culture") even if you know nothing about the group in question, you can confidently assert from first principles that the situation is more complicated than that ("many women are more concerned with the ideological beliefs of their representatives, rather then their gender because 'women' are as a group are far from united in their views") and then provide the analysis for why these differences within the group are reasonable, important and how they will complicate the fair application of the oppositions model.

Chapter 6: Reply Speeches

By Simon Quinn, reproduced from *www.learndebating.com*

What are reply speeches?
Reply speeches are speeches that follow the third speeches. They are significantly shorter than the substantive speeches – usually, the substantive speeches are eight minutes long, whereas the reply speeches are only four minutes long, with a warning bell at three minutes. Reply speeches are given by either the first or second speaker on each team.

Reply speeches occur in reverse order – the negative reply before the affirmative. The negative team therefore has two consecutive speeches: the third negative speech, followed by the negative reply speech.

Reply speeches are not 'more of the same' – they are not merely a continuation of the third speeches. The aim of reply speeches is to give each team a brief opportunity to consolidate its ideas and review the debate, in order to present the debate in the most favourable light for each side.

The aim of a good reply speech
By now, you will have realised that some parts of debating can be very inflexible, even painfully technical. Reply speeches are quite the opposite. Being a good reply speaker is therefore largely about understanding the aim and the role of an effective reply speech, rather than learning numerous rules.

The reply speeches should be different from the other six speeches in the debate. By the time the reply speeches arrive, the debate is essentially concluded. The goal of the reply speech, therefore, is not so much to win the *argument* as it is to step back and explain how your team won the *debate*. Of course, saying, "We have won this debate because…" is hardly likely to endear you to either your audience or your adjudicator! However, this is the essential idea that *drives* effective reply speaking.

In many respects, you should view a reply speech as a post-match interview after a football game that your team has won. You can emphasise the reasons that your team won, and your can constructively criticise your opponents' approach, explaining why they lost. However, you cannot tackle an opposition player who merely happens to be walking past at the time!

The distinction between tackling an opposition player (rebutting an opposition argument, in our case) and criticising your opponents' approach can seem minor. However, it is nonetheless important, and can be reinforced by using two techniques:
1. Use a tone that is less confrontational, and more analytical. That is, worry less about why your side of the topic is true and more about why your side won the debate.
2. Use the past tense wherever possible. For example, instead of "We say [X]", try "We showed you that [X]".

You can show why your side won the debate by critically 'adjudicating' their case as you recount it. For example, suppose that your opposition has argued that "[X] is

true" (whatever that may mean!). If you were to *rebut* this in a substantive speech, you would aim to (i) criticise the way the argument was presented, and (ii) use this to show how "[X] is false". In a reply speech, you would find it more effective to focus merely on the criticism – to say (for example), "Our opposition *asserted* that [X] is true. However, they made no effort to substantiate this assertion. In fact, their third speaker largely conceded the point when she claimed [Y]."

The structure of a reply speech
There is no set structure for a reply speech. As a reply speaker, you really can structure your speech in whatever way you choose. Of course, this does not mean that every structure is equally good – your structure will be marked on its effectiveness, so an issue-by-issue analysis will always outdo a random collection of ideas! Most reply speakers, however, like to have a structure to work with, so we examine the two most common approaches here.

Regardless of the structure you choose, the best way to start a reply speech is generally to identify the big issue of debate. A reply speech is designed to be a simple and brief overview of the entire debate, so there is no need to make this complicated or subtle. Usually, the issue that you decided in preparation will have been – at least in the broadest terms – the issue of the debate. It may not be exciting, but it is generally a safe way to start a reply!

The simplest approach is to spend approximately half of your reply speech discussing your opposition's case, and approximately half discussing your own. Of course, this does not mean giving an even-handed appraisal of the cases – naturally, you will analytically criticise your opposition's case as you summarise it, and emphasise the strengths of your own case.

Ideally, when you summarise your case, you will show how it answered the questions or problems posed by your opponents.

Another approach is to recount the debate as it occurred – essentially, give a 'blow by blow' summary. This approach is not often used, because it can be confusing. However, it can be very effective in a debate where your opposition's case has changed throughout the debate, or where the issues have substantially evolved. For example, this approach might be the best way to explain how your opposition's case changed in response to your rebuttal, how this was inconsistent with your opposition's earlier arguments, and why you therefore won the main issues of contention.

A more sophisticated approach (although not necessarily more effective) is to show how the cases clashed on an issue-by-issue basis. This is done by spending the first three minutes of your reply speech comparing and contrasting the cases, and the last minute on a summary of your own case and a conclusion.

Of course, we still need to know just what 'compare and contrast' means. Under this structure, it means identifying a few main issues in the debate. As the reply speaker, you can then move through those issues. Within each issue, you can set out your opposition's argument(s), and provide some kind of response – either by a 'critical adjudication', or by showing how your team answered that argument. At the end of

each issue, you can briefly highlight any further arguments that your team made on the point.

Having taken the trouble to divide the debate into issues, it is worthwhile outlining those issues before presenting them, and summarising them afterwards. Having summarised the issues of debate, you can then summarise your own team's approach before presenting a 'punchy' conclusion.

Choosing the issues
Choosing the issues or areas upon which to base your reply speech is very similar to the process of choosing the issues or areas for a third speech. Inevitably, there will be many issues in the debate. It is not enough merely to choose some of the more important of these – you will miss important ideas. Instead, you need to group the issues and arguments of the debate into larger and more abstract areas, just as a good third speaker will group arguments and sub-issues into his or her targets for rebuttal.

Both the third speaker and you as reply speaker will therefore be undertaking a similar task in choosing issues for your structure. However, ideally, you should not choose the same issues – if you do, the reply speech may seem like merely a rehashing of the third speech, which is clearly not its aim. Besides, the reply speech is an additional four minutes of material for your team – if you can use it to look at the debate from a somewhat different perspective, you will likely have covered the issue in a more comprehensive way.

This does not mean that the third speaker and the reply speaker should discuss different content (although obviously the reply speech is shorter and presented somewhat differently). Rather, it means that the third speaker and the reply speaker should ideally choose different groupings to examine the same content.

It is important to remember that a reply speech is your last chance to convince an adjudicator that you deserve to win the debate. For that reason, as with rebuttal generally, you should not necessarily focus on your team's strongest arguments, or on those aspects of the debate about which you feel confident. Rather, you should concentrate first on those significant aspects of the debate about which you do not feel confident – these will be the most likely reasons for you to lose, so you should pay special attention to showing how you prevailed on these issues.

Finally, look for specific reasons that your opposition may have lost the debate. For example, your opposition may have established criteria that it has failed to meet, or promised to support a model that has not been mentioned since the first speaker. Similarly, your opposition may have forgotten to rebut one of your arguments – you should keep track of this, because it can be a significant point in your favour. As we noted earlier, it is not endearing to say, "Our opposition has lost because…".

However, short of actually using those words, you should highlight any specific problems that your opposition's approach may have suffered. As experienced debaters know, nothing sways an adjudicator like a broken promise – if your opposition has promised something but not delivered, you should remind your audience and adjudicator of that in the clearest terms!

The interaction between reply speeches and third speeches

We noted earlier that points of information and reply speeches do not substantially change the characteristics of good debating technique. They do, however, have some impact on the ideal structure. Specifically, the presence of reply speeches has an impact on the optimal structure for a third speech.

Without reply speeches, the third speaker is the final speaker of a team. It is therefore a third speaker's responsibility to provide quite a detailed summary of the team case. Specifically, the third speaker would be expected to summarise the theme and perhaps the basic case approach, as well as summarising each speaker's individual arguments.

However, when reply speeches are used, they are the final speeches of each team. Therefore, the bulk of the summary (namely, the summary of the individual arguments) should pass to the reply speaker. The third speaker needs only to summarise very briefly the theme and case approach, and perhaps mention the team split (that is, the labels for the first and second speakers' speeches). More detailed summary of arguments can strategically be left to the reply speaker.

Manner and reply speeches

We learned in Part Three that manner must be appropriate to its context. It is worth emphasising the context of a reply speech: a reply speech should be analytical (rather than confrontational) and it should be different from the third speech. This, therefore, should govern the manner of your reply speech. Ideally, you should speak in a calm and analytical manner – without speaking too loudly or quickly. Of course, this does not mean lulling your audience to sleep! Above all, it means you avoid the trap of becoming flustered. A reply speaker often needs to cover a relatively large number of points in a relatively short period of time. The best way to do this is to maintain a calm and controlled demeanour. Becoming flustered may be easy, but it is not helpful!

Finally, if possible, you should try to provide a contrast to your third speaker's manner. This is less important, but it can still help: just as variation in the identification of issues is welcome, so too is variation in manner.

Chapter 7: Manner

By Tim Sonnreich, from *Tips, Tactics & First Principles*

What is good manner? Unfortunately, there are very few convenient tests or tactics with manner (although the next chapter has some tips for intermediate speakers). But that's not to say that good manner can't be taught and so it must be possible to describe it. I'd stress that there is no single definition of good manner. You can be loud or quiet, you can be funny or serious, and in some speeches you might do all those things. If you made up a list of the best debaters in the world, it would include people with range of styles. But that said, I think good manner is the right combination of three things; Persuasiveness, Credibility and Conviction.

Persuasiveness – Persuasiveness means making your message appealing to the audience. It incorporates all of the obvious things you learned at school; make eye contact, project your voice…. etc. But that's like saying that driving a car is just a combination of turning a wheel and moving your head. It sucks all of the art of out it.

The art is in the psychology of persuasion. For instance it's vital that you understand the difference between intuitive and counter-intuitive arguments.[4] Running a counter-intuitive argument is not bad *per se,* but it is harder. If you don't acknowledge when you're running a counter-intuitive argument you'll never make it fly in the debate.

But how to you make a counter-intuitive argument work? Well you have explain it carefully and use strong analysis but from a manner point of view its crucial that you choose your language carefully, don't overcomplicate things any more than is necessary, and most importantly *look* at your adjudicators while you're saying it. You have to learn to read the faces of your judges, and if it doesn't look like they understand you, then you need to slow down and try again until they get it.

Credibility – Learning to have *gravitas* is difficult, because it's linked to personal maturity, which you can't rush, but in the meantime there are some ways to project the maximum amount of credibility that you're currently capable of.

> Rule number one: Take it seriously, don't undermine yourself.

Too often inexperienced speakers do everything possible to emphasis how inexperienced they are. That's just counterproductive. Don't ever talk your speech down while you're giving it. That sounds obvious but it's astonishing how many debaters will make an argument, and then they'll say something like "that didn't really make sense did it?" I'm not sure if it's just a result of nerves, or some misguided attempt to be endearing, but either way you should stop it immediately.

Another classic example is deferring to your opposition. So an opponent will make some arguments that sound good about say economics, and the next speaker will say something stupid like "well I don't know as much about economics as the last

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[4] A counter-intuitive argument is something that people will initially find difficult to accept – something that seems to conflict with their gut feeling.

speaker, but I'll have a go at rebutting her argument anyway". This is a double hit – it weakens your credibility and it *increases* your opponents' credibility!

I can't stress enough how much damage this does to you. It seems like a small thing, but it can be devastating. The reason is because talking yourself down can act as a subtle but powerful confirmation of any negative perception of you that an adjudicator might already be harbouring. This is especially true for ESL speakers and young female speakers. I wish it wasn't like that, and of course many adjudicators are fair and unbiased in terms of manner, but a significant proportion of them operate under the general principle that the older you are, the more credible you are, and that generally men are more credible than women.

Equally, inexperienced adjudicators (even unbiased ones) are nervous about complaints (they don't have the personal relationships or status to survive negative feedback from teams) so if a judge is struggling to decide between teams, the one that doesn't sound like they think they're winning is the team that will often end up losing the debate. Again, it shouldn't work like that, but occasionally it does.

> Rule number two: *NEVER* talk down your speech, yourself or your ideas.

Broadly speaking, the better you're doing at a tournament, and therefore the higher up the tab you move (which increases the quality of your adjudicators) the less important those stereotypes are, but while there has been enormous improvement in the adjudication culture over the years, it's still not perfect.

> Rule number three: Sound like you know what you're talking about.

So that means one of two things – either *actually* know what you're talking about, (by working hard on learning first principles as well as specific knowledge), or *sound* like you know what you're talking about (the first is better). You can sound credible by avoiding simple mistakes – like make sure you get the names of things right – including pronunciation, and use then them confidently. If you're not sure whether the name of the Chinese President is Hu Jin Tao or Wen Jao Bao, take a guess, but whichever you choose, say it confidently!

The only sure way to build up your credibility is to really know what you're talking about, but that takes time. Meanwhile, focus on being confident, and remember that your adjudicators/opposition will rarely know anything about you – if you look confident, and sound confident, they'll usually think you are confident!

Conviction – is probably the most under-rated facet of manner. Basically, if you don't look like you care about the topic and you care about the arguments that you're making, then why should anyone else care? Remember that adjudicators suffer from all the same things that you as debaters endure at tournaments – they're tired, they can be bored, they can dislike the topics – if you don't do everything you can to make the debate engaging and appealing then you can't expect them to make much effort either.

There is a fine like between sounding passionate and sounding ridiculous, but:

> Rule number three is: "I'm here to persuade" *not* "I'm trying to win a debate".

What's the difference? The difference is everything. It's the difference between high-school and university debating; and it's the difference between being a good *debater*, and a truly great *speaker*.

Trying to persuade means engaging in the issues first and foremost, and again, you should be trying to project the image that you care about them and that you genuinely want other people to believe you – not just so that you and get another win for your team, but because its *inherently* important to you that people believe you on this issue. Alternatively you can try and win the debate, and that means doing everything you can point out to the adjudicator why your team has scored more points, and everything you can to make your opponents look bad, instead of making them look wrong. My advice is; don't tell adjudicators how to do their job, just focus on doing your job – being persuasive. The rest will take care of itself.

So that means avoid referring to the fact that you're having a debate – so don't say high school-like things, such as "welcome to today's debate, the topic is" or "As the first speaker it's my job to explain the model…" just get to the issues as fast as you can. Use your context and set-up to explain the debate – that's why you should contextualise at the start of first speaker's speech. In team splits, talk about how your case expands logically; instead of it appearing like you've made some arbitrary distinction. Sound professional, sound sophisticated and sound genuinely interested.

Again these are subtle things and individual instances of "debate speak[5]" (talking about the debate, instead of talking about the issues) don't matter much, but cumulatively they have a big impact. They remind the adjudicator that this is just a contest, and the teams are just trying to score points. You can still win when that happens, but you'll never really learn to "persuade", instead you'll just learn how to be better than other team – and sometimes that's not saying very much.

People often ask how to "put teams away", in other words, how to win by large margins – and the key to scoring big wins against good teams, is manner. If you can master these three facets of manner, then when coupled with a strong case (which all good teams have by virtue of experience) you will able to smash opponents, not just beat them.

But it takes patience and of course lots of practice!

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[5] See Jeremy Brier's excellent article in Edition 4 of the Monash Debating Review

Advanced Manner - Momentum and Urgency

By the time debaters reach the intermediate level of experience they are well versed in the need to begin their cases by establishing the 'context' to the debate. Most see this as simply a 'harm reduction' strategy, (i.e. if you don't include a context the adjudicator will criticise you and think you don't know much about the topic) and while that might be true, context setting is also a strategic opportunity to position yourself and your opponents in the debate at its earliest point.

> **NOTE:** The aim is to go beyond a mere recitation of recent facts (although demonstrating your awareness of pertinent contemporary events is important) and to generate a sense of **urgency** and **momentum** – which will propel your case and hamper your opposition's capacity to advocate a status quo case.

The aim is to generate an atmosphere of crisis – either impending or escalating – to justify firstly the rejection of the status quo, and secondly to set up your model as the most effective solution.

This is relatively easy, and even intuitive, in situations where a topic is in reference to a well recognised crisis – such as "that we should withdraw troops from Iraq", or "that the West should intervene in Darfur". Categorising the status quo as a disaster (or impending disaster) in these cases is advantageous for a number of reasons:

1. It discredits the status quo, either forcing your opponents to abandon it in part or in whole (when in most cases they were probably going to run a largely unmodified version of it as their case).
2. Even when your opponents do run an alternative model, if it would be slower or less effective than yours then the urgency point will erode their legitimacy.
3. It provides a useful defence against some of the flaws in your own model ("when the situation is this desperate we can't worry about getting approval from the UN, by then everyone will be dead, we have an obligation to act urgently…").
4. Grabbing and holding the moral high ground will give you a rhetorical advantage and make your opponents seem insensitive.

But the task of generating momentum and urgency is much more difficult when the topic is less contemporary and more of a 'classic' – one you might have done many times over a number of years.

In these cases, to overcome the lack of an explicit driver to create a sense of urgency, you need to reach up to the next level(s) of abstraction to link your model into a more general trend. What does that mean in practice? Lets look at the mother of all classic topics – 'That we should legalise euthanasia".

Sometimes this topic is set in reaction to specific events – such as the arrest of a doctor for performing euthanasia, or because something has sparked a public debate on the issue. In those cases you'd rely heavily on those instances to give urgency to your case. But given that euthanasia is usually not a matter of focused public debate, but is a very common topic, you need to have a fall back.

One example of how you might open a debate on euthanasia is this:

"Modern medicine has made many miraculous achievements – including new ways to detect problems early and treat diseases more effectively. It's a wonderful thing, but unfortunately there are unintended consequences, which are partly responsible for our current aging population crisis. Diseases that were once deadly have now been reduced to chronic afflictions, consigning the terminally ill to a more drawn out decline than was previously imaginable.

That's why we need to give people control over when they die – because you shouldn't be forced to endure pain or indignity, just because science now permits it. And with our aging population it's a problem that is getting worse every day. To restore the balance we need to assist people who choose to die if…"

This example highlights how you can generate urgency and momentum in a variety of ways simultaneously – firstly the 'modern medical marvels' angle. This is the driver for change, because it's simply a fact that some diseases, such as particular strains of cancer, that used to kill in a matter of months, can now be held off for years, but not painlessly or permanently. Obviously no one can advocate an end (or roll back) of medical advances because the benefits clearly outweigh the costs, so everyone is forced to accept that there is a problem.

Secondly, the 'modern medicine' angle creates a rationale for the development of new social/legal norms regarding euthanasia. It's entirely conceivable that 50 years ago there was little justification for euthanasia because the terminally ill didn't suffer long and being a smaller proportion of the population they could be well cared for in hospitals or hospices. But this is a *new* angle to the euthanasia debate, meaning that previously accepted social norms need to be reconsidered (this helps overcome the fact that euthanasia has historically been rejected by most democratic societies).

Thirdly, the 'aging population crisis' is a deliberate attempt to insert the term 'crisis', in a way that seems objective (the notion of an 'aging population crisis' is well established in public discourse, alongside others like the 'skills crisis' and the 'global credit crisis'). By linking your case to broadly acknowledged social phenomena you gain credibility, and limit your opponent's ability to downplay the urgency of the situation.

Finally, the 'aging population crisis' helps you build momentum – it means there is already a problem ('modern medical marvels') and it's getting worse.

So you see that it takes a bit of creativity and some careful phrasing, but when done well you take a stale debate and turn it into a pressing issue. Immediately putting your opponents on the defensive and establishing a powerful central theme that will permeate your entire case.

SECTION 2: FIRST PRINCIPLES

THE SECRET TO MAD'S SUCCESS

Chapter 8: Intro to First Principles

By Tim Sonnreich, from *Tips, Tactics & First Principles*

Making Cases from First Principles

As a novice or even intermediate debater you will constantly feel like you don't know enough to debate most topics to their full potential – and unfortunately that's probably true. But how to you fix that lack of knowledge? You focus on first principles.

First Principles has two key elements:

(1) A good understanding of the principles of logic (i.e knowing how to show that an argument is logically flawed without knowing any facts about the issue).

(2) A good understanding of the key concepts that form the fundamental 'clash' in the debate - (see the next page for a basic list)

Simply put, you can't prep a good case without having good and consistent IDEAS about a topic, and short of being an expert on every issue; these two elements are the best way to generate those ideas in prep.

NOTE: The language isn't that important. Don't worry about learning the labels/jargon used in the list, it's the IDEAS that are important.

None of this is meant to suggest that you shouldn't try to keep up with the news, and even go further than that and specifically research issues that you think might be useful – of course you should do that. But that's a process that will be on-going throughout your debating career. At the start you want to give yourself the best possible chance of building good cases on a wide range of issues – and first principles is the best way to do that.

The case prepping method outlined discussed previously is designed to show you how to build up a case by approaching it from first principles – incorporating both logical progression of ideas, as well as being able to identify and understand the philosophical clash that lies at the heart of any debate.

There are few short cuts to learning first principles. The best ways are to read and to pay attention during debates/adjudications. All debates are built on a foundation of conflicting ideas and theories about how to solve problems – like how to best run the economy (e.g. Keynesian or Neo-liberal?) or the best principles for a political system (e.g. communitarian or liberal?), etc. These ideas might sound complicated, but for the purposes of debating you just need to understand the key concepts in each theory.[6]

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[6] For more examples of how specific 1st P theories relate to a range of debates, see the matter articles in the Members section of the MAD site, on democracy and secularism (etc) www.monashdebaters.com

First Principles Exercises

In 50-100 words describe the key features of the following philosophies/concepts.

Governance
1) *Liberal* democracy (some liberal democracies are more liberal than others)
2) *Social* democracy (see Scandinavia).
3) *Guided* democracy (see Singapore)
4) Dictatorship
5) Communism
6) Regionalism ('pooled sovereignty')

Economics
1) Efficient Market Hypothesis (Neoliberal)
2) Keynesian
3) Behavioural economics

Environment
1) Humanist ecology (Sustainable development)
2) Technological ecology
3) Deep-green ecology
4) Tragedy of the Commons

Morality
1) Kantian (people as ends, not means)
2) Utilitarianism – (preference and hedonistic)

Legal
1) Social Contract theory
2) J.S.Mill's Harm principle
3) Aims of the Criminal Justice System
4) Zero Tolerance ('broken windows')
5) Retributive Justice
6) Restorative Justice ('harm minimisation')

Others
1) Game Theory

Science
1) Precautionary principle

Business (Corporate Social Responsibility)
1) Stakeholder model
2) Shareholders only
3) Industrial Democracy

Security
1) Collective & Cooperative Security
2) Just war theory
3) Pre-emptive and Preventative war
4) 'Golden Arches' peace theory
5) 'Democratic Peace' theory

Politics
1) Liberalism
2) Socialism/Communitarianism
3) Secularism

Australian Politics
1) Federalism vs Unitary government
2) Bi-cameral vs Uni-cameral
3) Subsidiarity vs Centralised power
4) Party discipline (Aust vs USA)
5) Mandates

Feminism
1) Liberal feminism
2) Radical feminism
3) Developing-world feminism
4) Power feminism

Development Theories
1) Dependency Theory
2) Liberalisation (free trade)
3) Export Promotion & Import Substitution
4) Capital Controls
5) 'Development as Freedom' (Sen)

International Relations
1) Neoconservatism
2) Realism
3) Liberal Internationalism (multilaterialism)
4) 'Soft Power' vs 'Hard Power
5) 'Constructive engagement' vs Sanctions

Chapter 9: Rights & Morals

By Amit Golder

I am not a philosopher, philosophy lecturer nor a particularly good/hard working philosophy student. Much of the content of this is stolen from first year philosophy subjects, so apologies for boring some of you to death. With that caveat in mind, please enjoy this brief introduction to moral and rights theory. If you want to know more, use the words/names that are **bold and underlined** as the start of your wikipedia-ing/ actual research.

1   MORALS

Utility vs Deontology – the central dichotomy of all moral discussions. Should we analyse ideas and conduct by looking to their consequences or their intrinsic moral rightness or wrongness?

Utility – something is good if it leads to the best outcomes
- But what are the best outcomes? Most preferences fulfilled? Most urgent preferences fulfilled? Greatest net happiness?
- No extra importance is placed on the lives of those with special relationships to you (family/friends)
- Does not care about rights! As **Bentham** said, the notion of rights is "nonsense on stilts".

Deontology – fuck the consequences, things are moral if they follow rules. Something is good if its good (right?), that is, if it follows the rules of being good. For example, for many philosophers, the exercise of reason (rational thought) is something that is just good.[7] For **Kant**, the unique capacity of human beings to exercise rationality means that each individual must always be treated as an ends in and of themselves, and never as a means to an end.

That's his rule, and so following that is morally correct. Wonder what he'd think of medical testing on people?

> Note: if you are actually a deontological, rights-based thinker (as many of us claim to be) you can't abandon rights when it's convenient. The whole point of something being a right is that it can't be traded away, that it is non-derogable, as **Dworkin** would say, that "rights are trumps".

Now for a classic ethics thought experiment:

A tram is running out of control down a track. In its path are 5 people who have been tied to the track. Fortunately, you can **flip a switch***, which will lead the trolley down a different track to safety. Unfortunately, there is a single person tied to that track. Should you flip the switch?*

Obviously, a utilitarian would flip the switch. A deontological moral system might not be so quick to approve of that. Yes more people will be saved, but the person flipping the switch becomes much more closely involving in choosing to end someone's life – possibly leading to greater moral culpability.

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[7] See also: the enlightenment

In debating-land (where we all live) **utility almost always wins**. I don't mean that in a competition between a utilitarian account of something and a rights-based account, the utilitarian will always win. I mean that most debates occur within a solely utilitarian paradigm, where consequence is the only metric of value. This is something that Australian debaters are accused of a lot – ignoring principle. I can understand why this is so – its much easier to explain why something will/won't lead to certain outcomes, as opposed to explaining why something is morally right or wrong.

A debate which illustrates this clash is *"That we should torture terrorist suspects for information"*. The affirmative will typically outline a <u>utilitarian</u> case – basically that torture leads to potentially life-saving information. The negative will often rebut this utilitarian idea by saying that it leads to poor information/lies and that it ruins interactions with key stakeholders etc. The negative can also argue that, further to the disutility of torture, it is also <u>immoral</u> to violate someone's bodily integrity, cause them pain and suffering and diminish their autonomy – particularly where that person is merely suspected of wrongdoing. In this example, the negative, but not the affirmative, have dealt with the principled component of the argument.

2   RIGHTS

When we talk about rights we're talking about many things. Human rights tend to control what humans can do to themselves/each other, what the state can do **to** us and what we can legitimately expect/demand **from** the state.

Sources of Rights

<u>God?</u> Do we have rights because God gave them to us?
- excludes certain people/ living things
- excludes certain things as rights ie taking life (abortion, euthanasia)

<u>Utility?</u> Do we have certain rights because the best consequences flow from having them?
- Maybe social cohesion/trust/ basic functionality require respect for life and autonomy
  - Major justification for eg. property rights (patenting)
- Does this mean that if they aren't useful/don't generate the best outcomes, rights can be ignored? Torture example again…

<u>Inherent in Humans?</u> This is what Kant would say – why?
- Because we have souls? Not us atheists…
- Rational Capacity? What about babies and the severely disabled?

<u>Social Contract?</u> The social contract is an implicit/artificial agreement between society/the sovereign/the state and the people to alter the distribution of rights. There can be two conceptions of the **social contract** as it relates to the formation of rights:
- Citizens agree to reduce their individual freedoms in exchange for collective benefits provided by the state. In effect, ceding some rights in exchange for protection; or
- Citizens collectively agree on what rights people do/do not have – meaning that rights are culturally specific and can vary.

Types of Rights

1. **<u>Negative (Liberty Rights)</u>** – these are freedoms that you have and that most people can exercise from without the help of the state. The role of the state in facilitating negative rights is to **not** restrict them, and not allow others to eg by using the criminal law. An example of a negative right is freedom from pain/torture.

2. **<u>Positive (Benefit Rights)</u>** – freedoms which require the active support and participation of the state to materialise. The role of the state here is to actively **do/provide something**, so that these rights can be activated. For example, the right to education is usually considered a positive right, meaning the state is obliged to provide this for all.

3. <u>Individual</u> – rights that correspond to people and not communities, other groups, nations etc. The United States, and its **<u>Bill of Rights</u>**, is a prime example of a society/document which preferences individual conceptions of rights. Individual rights are closely associated with liberty rights – freedom to do what you want and so on.

4. <u>Community</u> – rights that accrue to communities, not just the individual constituents that comprise them. Similar to the social contract, the principle here is that sometimes individual rights can be either damaging to, or just less important than, community-wide benefits. **<u>Communitarian</u>** theory usually involves advocating for positive rights – the state doing things for the community, eg welfare. Communitarian accounts of human rights are popular in Scandinavian/Northern European nations.

5. <u>Legal Rights</u> – this is a stricter account of rights than many of the above, which holds that rights are things that can be sued against for infringements. For example, if a constitution/bill of rights has a 'right to housing' (eg South Africa), then technically you can sue the government if they fail to provide those rights. This is stricter, because many things we would consider rights are not enshrined in explicit laws which give standing to sue the government.

The Limits of Rights

<u>1. The Harm Principle</u>

Where do rights end? Pretty simple, when they conflict with other rights!

This smart dude called **<u>JS Mill</u>** enunciated a clever theory for when it should be acceptable for the government to limit your rights and freedoms: when their exercise reduces the rights and freedoms of others. That's why, for example, the government can legitimately use coercive force to imprison people who assault others.

But it's hard to define the border of when the exercise of one right actually starts impinging on the rights of others. What about drug-taking? Certainly, if it involves assault or theft, that's harm to others and the state can stop you doing that. But what if it's only self-regarding conduct? It could be argued that in welfare states, voluntarily harming yourself drains resources from welfare and healthcare, which harms other citizens. This is far from a **direct harm** justifying state intrusion though. But it is the principle behind, for example, mandatory seatbelt and helmet laws. Its hard to find a satisfactory line which includes intuitively bad things, such as drugs and public nudity, but excludes things like drinking alcohol and even eating meat!

Mill's harm principle, as described above, is all about negative rights – what about **positive rights**? Can the government justifiably reduce some of your rights, not because you're impinging on the freedom of others, but to grant *extra* freedoms to others? Sounds crap, right? But that is (to be fair only one part of) the justification behind **<u>redistributive taxation</u>**.

Another option for where the state can justifiably intrude on human rights and freedoms is where people don't/can't consent. Why can the state force children to go to school or prevent them from getting tattoos or engaging in sex below a certain age? Because as a society we've decided that people who are young (or perhaps cognitively incapable) cannot consent to certain activities and therefore do not have the freedom to engage in them.

That makes a lot of intuitive sense, and is particularly true if you believe that human rights flow from our rational capacity. But what about cases where consent is just unclear. An adult is judged to be able to consent to smoking a cigarette (or 1,000), despite the fact that the actual risk of that person developing deadly cancer is real but unknown. What about the fact that cigarettes (and other fun drugs) are addictive? If you are chemically addicted to something, do you consent? What about those who argue (and I suspect they are correct) that human beings are bad at judging long-term risks against short-term gains/pleasure?

This is similarly true of **collective-action problems**, where individuals do not have the foresight or the ability to comprehend the full extent of consequences of their actions, but the state does. This might, for example, justify seatbelt laws, or the regulation of CO_2 emissions. In fact, it could easily be said that it is in someone's long-term best interests to cede much of their freedom to the state. But this makes for quite a fuzzy line about where the state can and can't intrude into our lives.

Debates about euthanasia, medical testing, sexual freedom and, of course, drugs are all classical discussions of when the state can step in and limit the freedoms of individuals based on unclear conceptions of consent and consequence.

Balancing Rights

Regardless of whether you accept Mill's formulation, sometimes seemingly equal rights will come into conflict – how do we decide who wins? Two options include:

1. A hierarchy of rights: this could differ but would usually have a right to life at the top, followed by freedom from pain and suffering, a right to act autonomously, then followed by secondary rights, perhaps such as privacy, free speech, religion, education and so on.

2. Utility: we could potentially solve conflicts of rights by asking "giving preference to which rights will result in the best consequences for the most people?". That might be a self-defeating way to conceptualise rights-clashes though. If utility is again our metric, why bother with thinking about *rights* at all?

Debates about *hate speech* are good rights-clash debates. One side argues that speech which offends people, makes them feel uncomfortable in society and creates social friction should be prohibited. The other side argues that the government shouldn't punish thought, that the market place of ideas is the best regulator of pernicious bigotry and that free speech is important for a functioning democracy. The clash is thus: right to be free from offence vs right to free speech. Fight!

Chapter 10: Justice

By Tim Sonnreich, from *The Next Step*

Introduction

After basic debates about the 'role of government' (banning drugs, gambling, guns, offensive speech etc) and democracy, arguably the next most common category of topics relates to what I'll call 'crime and punishment'. Generally speaking these debates involve a simple clash – harsh punishment for criminals versus a greater focus on rehabilitation. Some examples of debates featuring this clash include; mandatory sentencing, public registries for paedophiles (variations of which are sometimes referred to as Megan's Law and Sarah's Law), death penalty, at-home detention, juvenile detention, etc.

Like most debates, there are sophisticated and interesting ways of debating these issues, and then there are boring and simplistic ways. Hopefully this article will steer you away from the latter category which is all too common even at the university level.

The Criminal Justice System

The phrase 'the criminal justice system' (CJS) is commonly used, but somewhat poorly understood. The CJS is the entire process of law enforcement – from the police, to the courts and finally punishment (sometimes in prison, sometimes in another form of punishment). It is widely recognised that there are four aims of the criminal justice system, these are:

- **Punishment/Retribution (of criminals)**
- **Protection (of society from further criminal acts)**
- **Deterrence (of similar acts)**
- **Rehabilitation (of the criminal)**

While most debaters can easily recite these aims, few have really considered how they interact with each other. The simplest example is the relationship between punishment and rehabilitation. The tougher you punish a criminal the more difficult it is to rehabilitate them. The reasons for this fact are straight forward. The more you isolate and disconnect someone from society, the more you brutalise or dehumanise someone, the harder it is to successfully reintegrate them back into society. The flippant response from many people to this claim is to say "so what? They don't deserve to be well treated, they did despicable things". However, regardless of whether or not criminals 'deserve' to be well treated, since the vast majority will eventually re-enter society at some point, we all have an interest in ensuring that they emerge better adjusted than when they went in. Otherwise it will be one of us that suffers when they re-offend.

So the four aims of the CJS need to be seen as (to some extent) competing interests, and that any time you increase the focus on one element, by necessity there is a reduction in focus on at least one of the others. Think of it as a pie chart – if you want to increase the size of one 'slice', you have to decrease the size of another.

8

Life in Prison

Legend: Punishment, Rehabilitation, Deterrence, Protection
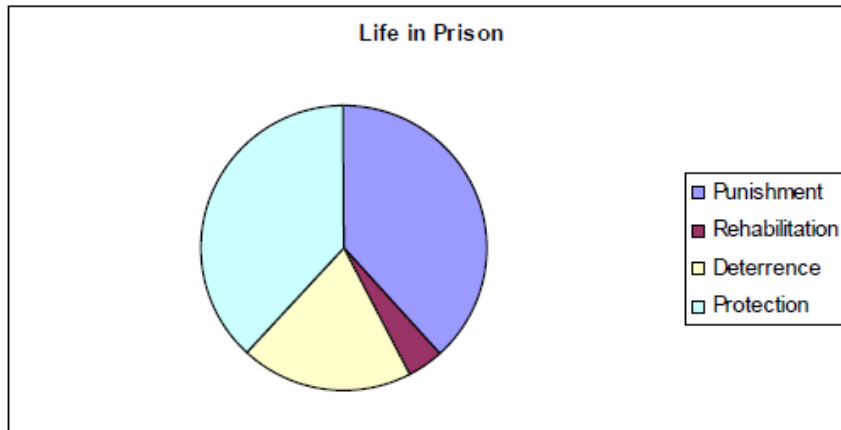
This is a rough representation of sentencing a criminal to 'life in prison' (with parole as a possibility).

In this scenario, punishment and protection factors are high (because the criminal will not leave prison for a long time), but rehabilitation is very low (in part because neither the criminal, nor the state, have much incentive) and deterrence is medium (since most criminals don't expect to get caught, deterrence is always less than we might hope, which is why there is no statistically proven link between the use of the death penalty a reduction in associated crimes).

Medium length prison term

Legend: Punishment, Rehabilitation, Deterrence, Protection
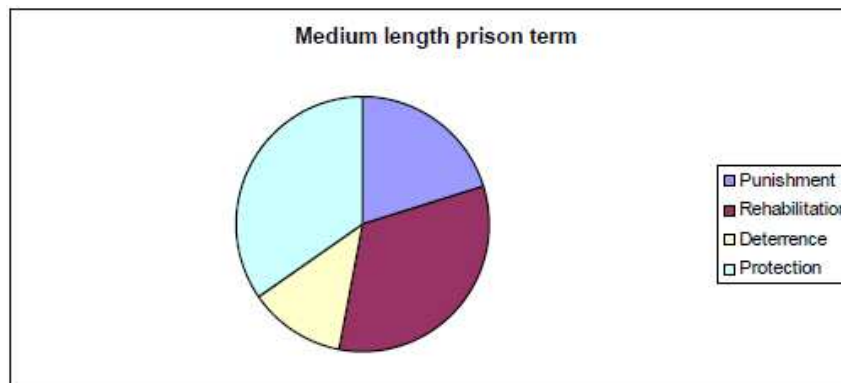
In this second scenario of a moderate term of imprisonment (say 10 years) you naturally see a significant decrease in the level of punishment. But protection is only slightly lower because there is a large increase in rehabilitation, which helps to off-set some of the loss of 'protection' because of the far lower likelihood of re-offence. Deterrence is also a little lower, but again, deterrence is already substantially lower than most people realise to begin with because any level of jail time generates a certain base level of deterrence, but there is not a linear relationship between increased lengths of jail time and increased levels of deterrence.

So when you're debating about the CJS remember that it's a complex and inter-related system where any change to one element, affects all the others (positively or negatively). Finding the right balance between all four legitimate (but competing) aims is very difficult (that's why judges get paid the big bucks), but that's also why they make such interesting debates.

If you do the crime…
One of the easiest rhetorical devices is the 'tough on crime' mantra, because it aligns so closely to most people's base assumptions about crime and criminals. If any of these phrases sound familiar (either from debates, or from politicians during elections) then you'll understand what I mean:

"We're not going to be soft on crime"
"If you do the crime, you should do the time"

"Criminals give up their rights when they decide to hurt other people"
"We need to send a strong message to the criminal elements in our society that their behaviour will not be tolerated".
"All this talk about the rights of criminals, what about the rights of victims and their families?"

The point I'm trying to make isn't that these messages are entirely wrong – they wouldn't resonate so strongly with the average person if they didn't contain just enough truth to generate an intuitive sense of accuracy. But if when viewed in isolation these sentiments don't seem simplistic and reactionary then you're probably not thinking about it carefully enough.

The simple fact is that in a democratic society, people never lose all of their rights. Even convicted criminals have the right to appeal, to a fair trial and legal representation, the right to be free from torture, and the list goes on. But of course they must lose some rights – imprisonment entails the loss or diminution of freedoms of association, speech, movement, voting (sometimes), etc.

So the real question that underlies all 'crime and punishment' debates is; where do we draw the line? To put that another way; what balance of loss and preservation of the rights of criminals is appropriate in a given situation? The purpose of this article is to give you the philosophical tools to construct consistent and sophisticated cases on either side of the divide.

The state of nature
Whenever you need to make the hardline – 'hard on crime' – argument, there are few concepts more useful than that of the 'Social Contract'. Its worth pointing out, as a disclaimer of sorts, that what I'm about to say about social contract theory is a selective interpretation of elements of the theory that are relevant to criminal justice theory. This is in no way intended to be a comprehensive or authoritative discussion of the general concept. But that said, I've rarely lost a debate when I've used this principle as the cornerstone of my case.

The Social Contract is a theory about the nature and origins of rights. Even amongst theorists who agree that there are such things as rights, there is fierce debate over their origins, since their origins have a substantial impact on questions of what rights people have, and when they can be legitimately breached. For some thinkers, human rights are an extension of the fact that man was created by a divine power, in His image, and therefore we enjoy a privileged status. But you don't need to be religious to justify the existence of rights. For social contractarians rights are (as the name implies) the result of a 'contract' between citizens and the state – a *quid pro quo,* in which the people agree to limit their personal autonomy by granting their government the legitimate power to set and enforce laws. In exchange for this reduced freedom the state agrees to use its power to enforce and protect those liberties that remain.

To put that another way, without government we would have anarchy (the state of nature) – I mean that in the literal sense of people being able to do anything they liked because there would be no such thing as 'laws'. Under a system of anarchy we would have ultimate freedom, we can kill, steal, cheat, and no institution would seek to prevent it or punish it. But anarchy is also dangerous for obvious reasons. If I can kill

you without consequence, then you can also kill me without consequence, and that's not a great position for me to be in unless I'm a lot stronger than everyone else (which unfortunately I'm not). So it makes sense to make deals with people for mutual protection – you help protect me and I'll help protect you. The social contract is the idea that the whole reason for the existence of government is because it functions as one big mutual protection society. We all give up option of killing each other without consequence, in exchange for the protection of the group against those who might refuse to be part of the deal or to try to cheat.

Lock em up and throw away the key
Any time you need to argue in favour of a 'tough on crime' response you need to prove at least two things – firstly that it's necessary (i.e. that there is a serious problem) and secondly that a strong punishment is appropriate and proportionate to the crime. I'll come back to the issue of 'necessity' in a moment, because the second problem is usually the more difficult and important, and social contract theory has important implications for demonstrating the appropriateness of harsh punishments. Firstly it establishes the idea that rights are artificial, and therefore can be rescinded (especially useful in death penalty debates for obvious reasons) or at least curtailed to meet society's needs. Second they establish a wider societal interest in a given criminal act. This is a little complicated, but astonishingly important and useful.

When you want to argue that truly vile criminals – murders, rapists, paedophiles – should be punished harshly, you can get away with making the argument that the devastating suffering inflicted on the victim is justification for a stiff penalty. However when you need to argue that lesser criminal acts (such as drug crimes, or property crimes) should be punished harshly (e.g. a '3 strikes law' debate) you need a better argument because the impact on the victim is much less, or might be nothing at all (in the case of say graffiti of public property). Here is where the impact on society is especially useful. Drugs are a good case study. In a debate about mandatory death penalty for drug traffickers (such as in Singapore) the social contract is a critical concept to justify such a draconian policy. The argument works like this:

> *"When seen in isolation, the impact of a single drug offence – importation of a bag of marijuana, or a few hundred ecstasy tabs - doesn't really justify the death penalty. Even in instances where these drugs result in the death of the user, that's usually not intended – since dead drug users make terrible customers – and in any case the 'victim' was an accessory to the crime by purchasing an illegal substance. But to view drugs in this way would be to ignore the pervasive social impacts of drugs, which are the real reason why responsible governments have responded by instituting the harshest punishment, and strongest deterrence available".*

> *"Drugs don't just injure people, they damage societies. It fuels crime, funds corruption, turns family members against each other and creates ghettos and no-go areas in our cities. Each of these is a harm of its own, but in total drugs rob people of their sense of safety and personal security, which is the single most important obligation of the state. Without a broad sense of trust and security, the social capital of our societies is eroded, and our ability and willingness to pursue our other rights is dramatically reduced. Property rights are meaningless in suburbs where addicts regularly break into homes*

looking for ways to fund their addiction. Freedom of movement and association is meaningless if you're too scared to use public transport or venture into the city at night".

"When seen in this way, the potential harm of drugs is very high, and avoiding what amounts to a fundamental break-down of society's rights is justification enough for severe punishments. The comforting sense of security you feel on the streets of Singapore is evidence enough for the effectiveness of appropriately strict punishment for drug offences".

It should be reasonably clear that this type of argument can be extended to cover most, if not all, of the topics where you would be required to advocate a stiff punishment for a particular category of crime.

"<insert crime here> is out of control!"

Having seen how social contract theory can help you to build a coherent argument justifying strong punishments as appropriate, even for seemingly moderate crimes, we can turn to the issue of proving the necessity for such punishments – in other words, how do you show that there is a problem that needs the solution you're proposing?

The most obvious problem facing the 'tough on crime' advocates is that in Australia (and many other parts of the developed world) serious crime isn't actually a big problem because it doesn't happen very often. One of the reasons why virtually all of Australia's major cities are rated amongst the 'world's most liveable cities' is because of the very low crime rates.

But that fact isn't very helpful to the team that is proposing a tougher line of crime. So what should they do? Well what school kids do is simply lie. They tell the audience that crime is out of control, and because the media constantly tells us that it is, a lot of oppositions (and adjudicators) will believe them. But lying (on purpose or not) is never a good strategy, because sooner or later you're going to come across someone who knows the truth. So the more effective, and honourable, strategy is to come at the issue from another angle – public perception – and again social contract theory provides the justification.

While it may be true that crime rates are generally low and have remained that way for many years, it's also true that in the public imagination the opposite is true. Tabloid media (like Today Tonight and the Herald Sun) play up the crime rate to boost their ratings, and politicians (especially Conservatives, but Opposition parties generally) also have a vested interest in heightening public fears about crime. Surveys consistently show people have a distorted view of the prevalence of crime, especially serious crime, despite very little evidence to support such views. Similarly, there is a widespread public perception that the punishment meted out to convicted criminals is too lenient, and that judges are 'out of touch' with public expectations about sentencing. Again, neither of these things is actually true but it's a persistent myth and

governments have an obligation to respond to those fears.

Broken Windows
But why does elevated perceptions of crime and lenient sentencing justify harsher punishments? Doesn't it justify better public education? Maybe, but if you're the 'tough on crime' team, the answer has to be 'no'. Firstly, the tough on crime team doesn't admit that the perception is wrong, you just talk about the perception and how important it is to address it. Secondly, it's not very easy to simply re-educate the public on this issue, and even if you could it wouldn't be a quick process. In the meantime (going back to the social contract) the government has an obligation to make people *feel* safe, because perception matters as much as fact – since if you don't feel safe you'll behave in the same inhibited way as you would if you were actually unsafe.

Furthermore, this principle extends equally to the CJS. It's just as important for justice to be *seen* to be done as it is for just to actually *be* done. If people lose confidence in the CJS, then they begin to feel unsafe, with all the loss of liberty and social capital that was discussed above. So one of the burdens for the 'tough on crime' team is to show that harsher punishments will make people *feel* safer, and improve their confidence in the CJS.

 These ideas were embodied in the so-called "broken windows" theory of crime prevention propounded by Wilson and Kelling, and enacted by New York City's former mayor Rudy Giuliani in what he called "zero tolerance" policing. Boiled down, zero tolerance means cracking down harshly on minor crimes such as littering, graffiti and minor property damage (like broken windows) because of the belief that tolerance of these lesser offences undermines the social conventions that discourage more serious crime. Streets covered in graffiti and litter, neighborhoods in disrepair, are places where people *feel* very unsafe, even if they're actually not. Why does this perception matter? Well it matters because a seemingly permissive attitude towards crime might encourage more serious crimes, but also because honest, decent people will flee these kinds of neighborhoods, reducing them to ghettos and further increasing the likelihood that these places will descend into crime and dysfunction.

Hopefully you can now see how even without the reality of a crime wave, the 'tough on crime' team can still justify a crackdown on what little crime there is, because of the importance of public perception. A combination of arguments about addressing public perceptions of crime and lenient punishments, coupled with a clear analysis of the appropriateness of particular 'tough' policies, is a very consistent and powerful case – and there is no need to lie about anything!

Hug a criminal
OK, now that I've shown you how to argue for a focus on punishment and protection in the CJS, how do you defend a more rehabilitation focused system? The most important thing to do is to be well prepared with the facts about the status quo.'
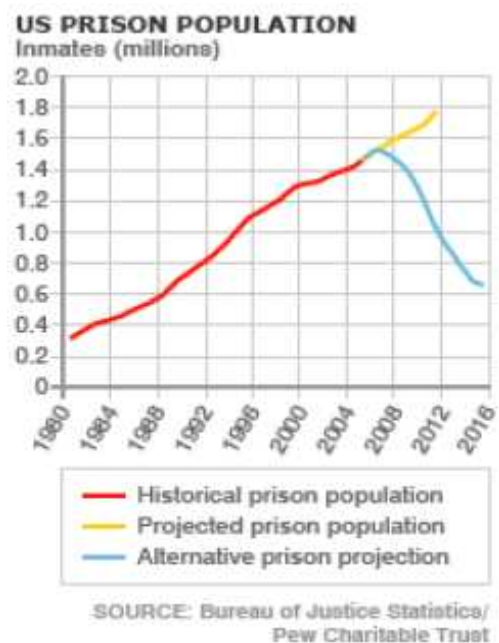
Firstly, as mentioned above, crime rates are low and falling across Australia and most parts of the developed world. So the 'problem' of crime is much more about perception than reality.

Second, punishment for criminals is not 'soft', nor is it getting 'softer'. The Australian CJS generally traps criminals between a rock and a hard place. The rock is that more people are going to jail – the size of the Australia's prison population is rising year on year – in part because now even 'lesser' criminals are regularly being sent to prison for crimes that would not normally have led to jail time. One good example is culpable driving. In 1998-99, 54% of culpable drivers were jailed, but in 2005 the figure was 77%, a massive increase.

The hard place is that the perception that the worst criminals are getting off lightly is also wrong. 96% of murders go to jail, and the average sentence for convicted murders is a little over 18 years – meaning that judges are certainly not hesitating to hand out long sentences if that's the appropriate penalty.2

Thirdly, the idea that judges are out of touch with community standards on sentencing is also untrue. Last year a team of Melbourne Uni researchers released the findings of a two-year study into community standards on sentencing. They gathered groups of people from across Victoria and presented them with all the evidence and testimony of four real-life serious crimes, but didn't tell them the sentence handed down by the court. In three out of four cases the community juries handed down sentences that were, on average, *less* than those actually imposed.3 Basically, when the public is *fully* informed about the circumstances of a given crime, they tend to be more forgiving than judges. Unfortunately the media doesn't fully inform people of all the facts, they summarize the crime and focus on the most lurid and distressing elements. No wonder public perception is so off the mark!

Fourthly, rehabilitation of criminals really works – meaning it reduces rates of re-offence, which reduces the suffering associated with future crimes, and saves governments the extremely high cost of incarceration. To realise how important rehabilitation is, consider the fact that, despite the increasingly rates of imprisonment, and the increasing average sentences, on average 800 people are released from prison *each day* across Australia. That means that roughly 30,000 convicted criminals will re-enter society each year.4 That means we can either do everything within reason to try to ensure that people come out of prison better than when they went in, or we can roll to dice and hope that their next crime isn't going to be committed against us or someone we care about.

US PRISON POPULATION
Inmates (millions)

— Historical prison population
— Projected prison population
— Alternative prison projection

SOURCE: Bureau of Justice Statistics/ Pew Charitable Trust

In 2000 the Victorian Government initiated a $334.5m program designed to boost rehabilitation of prisoners – it included three new prisons (to reduce overcrowding), community corrections (e.g. at home detention and 'half-way houses' like the Judy Lazarus Transitions Centre5), specialist Koori courts and diversionary programs for drug offenders. The result of that program is that Victoria now has a prison population that is half the size of NSW (who have followed a strict 'tough on crime' approach) on a per capita basis.6

Finally, remember that safeguards such as judicial discretion over sentencing, and rigorous appeals processes exist for good reason. Judges are highly trained and are well equipped to dispassionately assess the fairest punishment for a given crime. Each crime should be assessed individually, on their specific merits, since every crime is different. People who favour mandatory sentencing of any variety seem to ignore the fact that different criminals have different levels of culpability, different levels of remorse and different likelihoods for rehabilitation. It doesn't make sense to treat them all the same, and more importantly, it doesn't work. As Tony Blair used to say, we need to tough on crime, but also tough on the causes of crime".

Further Reading:
Therapeutic Jurisprudence
> Karen Kissane, "Healing side of the law" *The Age*, 21/7/07 (available online)

Neighbourhood Justice Centres
> "One-stop legal shop", *The Law Report*, ABC Radio National, 3/4/07 (online)

Koori Courts
> "Koori Courts in Victoria" *The Law Report*, ABC Radio National, 3/4/07 (online)

Circle Sentencing/Circle Courts
> "Indigenous justice in Australia - Community and government interventions in Indigenous justice", Australian Institute of Criminology, www.aic.gov.au

References
> 2http://www.theage.com.au/news/national/judges-tough-on-killer-drivers/2005/09/11/1126377206386.html
> 3 http://www.theage.com.au/news/in-depth/time-fits-the-crime/2006/09/29/1159337334468.html?page=fullpage
> 4 http://www.abc.net.au/4corners/content/2007/s1863714.htm
> 5 http://www.news.com.au/sundayheraldsun/story/0,,21377015-2862,00.html
> 6 Geoff Wilkinson, "Trading Places", Herald Sun, 17/3/07

Chapter 11: Democracy

By Tim Sonnreich, from *The Next Step*

Defining Democracy

There are many debates, ranging from Australian politics to third world development priorities, which require you to have an understanding and definition of democracy. Please avoid the temptation to wax lyrical about the ancient Greeks - or anything else you have learned in any course that includes the words "introduction to..." and instead simply say that democracy is a system of governance that seeks to maximise:

Accountability
Representation
Participation.

"Accountability" means that at every level there is some sort of oversight and everyone is answerable to someone. Basically it's what people mean when they talk about 'checks and balances'. So the lower Houses of both State and Federal Parliament, (the government at least), are held accountable to their upper Houses (houses of review), and the whole parliament is answerable to the people every 3-6 years when there are elections.

Plus the decisions of parliament can be scrutinised by the court system, in accordance with the Constitution - which is enforced by the High Court and the Governor General. But the courts themselves are also accountable. Firstly the judges are picked by the parliament and can be sacked by them too. Plus the Constitution can be changed by the people via a referendum (or in some jurisdictions by a simple act of parliament) and the courts can usually only interpret laws, not create them, which again come from the parliament. In short it's what called:

"The Separation of Powers"

Judiciary (courts) → Executive (government) → Legislative (parliament)
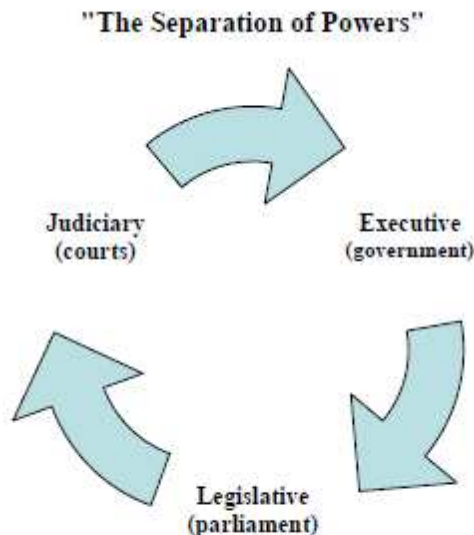
"Representation" refers to the fact that democracy is a system where leaders derive their credibility, their 'mandate', directly from the people. I'll talk about mandates in more detail later, but the principle of representation means that all citizens and have a right to be heard in their political system.

This is problematic though because democracy is also about voting and that's a process that inherently benefits 'majorities' over 'minorities,' so how can minorities be assured of proper representation? That's the question that leads to many debates, but there are a number of structural responses built into most democracies. For one there are different levels or 'tiers' of government (local, state and federal) which give people multiple opportunities to be heard (it's worth learning more about the concept of *subsidiarity*, which is another first principle).

Secondly remember that the minority is not excluded from the system - that's what the Opposition is for, and it has many powers. Additionally there the rights and restrictions built in to the Constitution to protect minorities.

And finally there are different voting systems in use that attempt to compensate for the tendency of majorities to dominate the system. The simplest example is "Proportional Voting" which is used in the federal upper house (Senate), which means that political parties receive a percentage of the available seats, equal to the percentage of the overall votes they received. So if a party represents the views of 10% of Australians, assuming all 10% voted for that party at an election, the party would then control 10% of the Senate seats. Whereas in the lower house, which uses a different voting system ("Preferential") that same party, with the same number of voters, would be unlikely to win any seats at all. This is why the Senate is considered a 'house of review' - because it includes a far greater spectrum of views than are represented in the lower house, and so it modifies potential laws to be inclusive of the minority views that they represent.

But it's obviously not perfect. Many minority groups are not officially represented in the Senate (eg there are no parties specifically representing the views of minority religions, sexualities or ethnicities - which can sometimes be a problem). That's why you need to debate these issues and why I'm writing this article.

Finally, "Participation" is the most basic and arguably the most important principle of democracy. It's so crucial because it underpins the other two principles and because it is the fundamental basis for democracy - government 'by' the people, 'for' the people... blah, blah, blah. So simply put, participation means that; unless there is a very good reason, everyone deserves a vote and all votes should have equal weight.

Clearly there are exceptions to this – for example we don't let mentally ill people vote, or children (but there was a finals debate at 2004 Worlds on the topic that we should give children voting rights), or hard-core criminals (but round one of Australs 2003 was on the topic of prisoners voting rights) - so you need to think very carefully about this issue. Denying people the right to vote is one of the most serious things a government can do in a democracy, and something that has been thoroughly abused in the past 100 years.

Deeper Analysis
Ok, now you have the basics of democratic theory, how can you build on it and develop it into more sophisticated analysis - since that's the stuff that wins debates against strong teams. There are many ways to develop democratic theory, but here's one example - mandate theory.

As I said before, a mandate is the authority politicians have to make decisions that derives from the fact that you voted for them. That's a 'direct' mandate. There are also indirect mandates, for say appointed officials (judges, public servants, etc.) They have a mandate (or authority) because they were given power by people who you voted for, or the law/constitution empowers them to act on behalf of other people.

So how is it used? Well the clearest example of a direct mandate is when a government tries to implement polices they ran as an election platform. Basically political party X campaigns before an election saying "vote for us and we'll do A, B and C". Then they win the election and claim a 'mandate' to do A, B and C - because you voted for them knowing it would mean those policies would be enacted. That's the way that mandates are traditionally conceived.

Simple right? Sometimes. But the deeper analysis stems from the understanding that elections are far more complicated than that. If would be fine if every political party only had a couple of policies - but in fact they scores (for example, in the 2006 Victorian election, the then Bracks Government put out almost 50 policy documents including over 400 specific promises). And this is compounded by the fact that there are so few viable political parties (there are over a hundred registered parties but very few have the cash, the brains or the organisational capacity to seriously campaign) that people almost never vote for a party they entirely agree with - they vote for a party they mostly agree with.

So to use my previous hypothetical - the majority of people might have wanted policies A and B, but not C. But they liked even less of the policies advocated by the other parties, so still voted for party X. Does that mean party X has a mandate for all their policies? Most people would say no. Plus what about spontaneous policies - not everything a government does was part of their election platform. What about in emergencies (like September 11?) The government didn't campaign on specific policies relating to events that no one imagined would happen - so they have no mandate. Or do they?

Well strictly speaking, no they don't have a direct mandate but they do have a lot of legitimacy that comes from the fact that the majority of people voted for them. You see political parties don't just campaign on policies - they campaign on philosophy, and people know that. Voters know that electing the Liberal Party in Australia means 4 years of philosophically "conservative" policy and knowing that, if they still vote for the Liberals, then surely they are delivering a mandate for conservative policies in general, and the election platform more specifically?

You could argue that. But as usual, there are problems. You see most democracies are bi-cameral (two houses of parliament) and the weird thing is that very, very few political parties in Australia, Britain and everywhere except America, get a majority of seats in both houses. It happens sometimes (think of the Kennett years, the second term of the Bracks government, or the fourth terms of the Howard government) but it's increasingly rare as more and more minority parties gain prominence. So what does that mean? Well it could be that voters are just a bunch of stupid monkeys OR it might be that they are in fact highly intelligent monkeys who purposefully split their vote between the two Houses to deliberately create conflicting mandates. "Whoa, slow down egghead", I hear you say. Let's look at that more closely.

For the first three terms of the Howard government the majority of Australians clearly wanted the Liberal Party to be the government. But if that same majority had wanted all of the Liberals' policies and 4 years of totally conservative policies, why didn't they give the Libs a majority of seats in the upper house so they wouldn't have tree-huggers and communists modifying and blocking their legislation? Well maybe they wanted it that way. Take the GST for example. Howard made it pretty clear that if he was elected to a second term, he'd introduce a GST on almost everything. And the people voted him in, so I guess they were ok with that. BUT they also gave the Democrats the balance of power (the deciding votes) in the Senate - and they had made it pretty clear that although they would support the GST, they would want to modify it in certain ways. So if we assume people aren't stupid, then it means they wanted a GST, but not the exact GST being offered by the Libs, so they split their vote (voted Lib in the lower and Democrat in the upper) and got what they wanted. In that case the Libs had every right to claim a 'mandate' to pass the GST, but the Democracts also had mandate to modify it... complex stuff, eh?

What about the fact that politicians often hate each other & won't compromise?
That's another problem. The previous example shows that "conflicting mandates" can sometimes be resolved fairly easily through a degree of compromise. But there are times when compromise is impossible. The US political system provides generates this sort of situation virtually on purpose, which seems sort of odd, but they're the leaders of the free world so who am I to judge?

The problem in America is of course the fact that the Executive and Legislative branches of government are entirely separate, so it is easy for conflicting mandates to arise. Former Democratic President Bill Clinton experienced this problem follow the Congressional election in 1994 when the Republicans gained the majority in both Houses. This meant that there was a socially progressive President and a socially conservative Congress. Trouble was unavoidable.

The obvious issue was abortion. While Clinton was elected on an explicit 'pro-choice' platform, the Republicans campaigned hard on 'pro-life' policies. In 1996 the Congress passed H.R. 1833, a bill that would have imposed a nationwide ban on the type of abortion known as dilation and extraction (sometimes controversially referred to as 'partial birth abortion'). Both sides could claim a mandate (and both did) so what should happen?

1. The legislation should be enacted. Congress should prevail because they are the legislators and they have a direct mandate from the people. Clinton might not like it but he doesn't have the right to block it.
2. President should veto it – he has a clear mandate and on an issue this divisive you have to ensure that people's rights are protected.
3. Whoever has the 'fresher' mandate - i.e. whoever was elected more recently, since that reflects the most recent desires of the people.
4. No one does - it's fucked, call elections or toss a coin...

If you're interested, the outcome in 1996 was that Clinton vetoed the bill, as well as several others that the Republican controlled Congress put up over the remainder of his term in office. But that doesn't the resolve the question of what he *should* have

done, which is certainly a matter of considerable debate today in the US where the situation is reversed – a Republican President facing a newly elected Democrat-majority Congress. In March 2008 President Bush vetoed H.R. 2082, the Intelligence Authorization bill, which would prevent the CIA and other agencies from using techniques widely considered to be torture during interrogations. The use of torture by the US military was a key issue in the previous Congressional elections, but equally President Bush could claim a conflicting mandate on 'homeland security' issues as a result of his re-election.

But you should be ready for lots more debates than the few examples I have given here. Think about how you could use democratic and mandate theories for these common topics:

That we should elect our judges

That we should abolish the Senate/States/Local Government

That we should extend voting rights to minors/criminals

That we should become a republic (and any republican model debate)

That we need a Bill of Rights

That we should have quotas in parliament for women/minorities

That the third world should put democracy before economic development.

Further reading
J.R. Nethercote ,"Mandate: Australia's Current Debate in Context", ", *Research Paper 19 1998-99,* Australian Parliamentary Library (available online)

Margaret Healy, "Deadlock? What Deadlock? Section 57 at the Centenary of Federation", Re*search Paper 2 2000-01*, Australian Parliamentary Library, (available online)

http://www.elections.org.nz/printer_mps-make-decisions.html

Todd S. Purud, "Shutdown by US fast approaches in budget battle", *New York Times,*12/11/95 (available online)

Chapter 12: Environmental Theory

By Victor Finkel

Global warming… groan.   You hear it all the time. Don't be like that - environmental debates are awesome!

So, what I want to do in this article is just lay out a couple of thoughts to help in approaching environmental debates from a first principles perspective.

1) Nearly every environmental debate can be construed as a clash between three fundamental viewpoints – deep green ecology, sustainable development and technological development. (courtesy of TS) With these principles as a framework, you should be clearly able to identify where you stand on any environmental debate.

	DEEP GREEN	SUSTAINABLE DEVELOPMENT	TECHNOLOGICAL DEVELOPMENT
CONCEPTUAL APPROACH TO SOLUTIONS	Enviro damage is caused by over-consumption. Only way to protect earth is to cut consumption. This could be seen as the 'hippy' approach.	Development is crucially important, and technology will provide the solutions, but it needs to be guided and bad actions actively regulated away.	The solution to environmental problems is ever more rapid economic development. Development leads to cleaner technology.
HUMANS v NATURE	Nature has intrinsic and equal value	Nature has intrinsic value, but human interests trump them	Nature only matters as it serves human interests
Example action on Climate Change	Outlaw dirty industries, directly intervene in markets	Carbon Trade – Kyoto Protocol	Asia-Pacific Pact for Clean Development (no restrictions, just promises of investment)
- View s on 3rd World/1st World responsibility	All nations must cut	Focus on 1st world – easy steps and weak timetables to get people on board	Let things happen naturally
Efficiency	"efficiency paradox" – While cars today are twice as efficient as 20 years ago, there are three times as many – ergo while efficiency	Essentially these guys are a bit from column A, a bit from column B. It's about taking the arguments from either side and explaining why in particular cases tech solutions are not	"efficiency" – market forces that drive ever cheaper products also drive production to become more and more efficient, and hence environmentally friendly – because using up resources

	gains are real, they make things cheaper and more accessible and hence total env impact goes up. "inefficiency paradox" – open free trade might bring prices down but it actually makes things less environmentally efficient – as everything is shipped from further afield	sufficient, while in others showing they are.	costs money. Random point that doesn't fit anywhere else: People care more about the environment when they have enough wealth to be able to go beyond struggling for the fundamentals necessary for life.

2) There are a number of slightly economic principles that are extremely useful to understand in environmental debates.

Tragedy of the Commons

Common goods – air, forests, water. No one necessarily owns them, but everyone uses them. In the historic example, farmers in the UK had shared access to a pasture. Individual farmers tried to get as many cows on it as possible to maximize their profits, but in doing so, overgrazed the fields and hence destroyed them.

Possibly the best contemporary example of a tragedy of the commons is fishing in international waters. While overfishing will cause fish stocks to be depleted unsustainably, individual fishers have an incentive to fish as hard and fast as they can, because if they don't get the fish, someone else will.

Solutions to such tragedies involve privatizing commons, or issuing permits for their use. These solutions have their pros and cons, but we'll touch on these more in an another article on economics.

Negative Externalities

A related concept is that of Negative Externalities. An externality is something that isn't included in the cost of production or of a product. Negative implies it's bad. For example, air pollution. It doesn't cost you anything to emit waste, or carbon dioxide into the air. But doing so has a profoundly negative impact on the world. But because it's cheaper to do it than to not (expensive systems to clean out exhaust, or completely change industry,) people do. Solutions to this are to either charge for them (either through taxes or through creating permits that *internalize* the cost of the negative externality) or restrict their use. Hard limits were used to significantly cut down

Sulphur Dioxide emissions (contribution to Acid Rain.) Adding a price to negative externalities to internalize the costs is the logic behind carbon trading.

3) Enviornmental debates are not that different from any other debate – you need to think carefully through the incentives of various actors, and how particular policies will change their behaviours.

Sample env topics:
- This house believes we should not trade with nations that do not act to reduce their carbon emissions
- This house believes that China and India should bear the same obligations as the west in fighting climate change
- This house would not prosecute eco-terrorism
- That we should grant asylum to climate change refugees
- THBT the west should only direct aid to nations that pursue environmentally sustainable development
- THW subsidise the purchase of electric cars
- THW lift the IWC moratorium on Whaling
- THW adopt nuclear power
- THW ban the importation of lumber from nations that log unsustainably

Chapter 13: Economics

By Ravi Dutta

"The science art of explaining tomorrow why the predictions you made yesterday failed to come true today"

The ultimate goal of economics is to try and explain all aspects of human behaviour – to understand why people make the choices they make, and to use that to predict how individuals will then make choices in the future. Choices don't have to be purely about buying and selling things (though they often are), and even monetary choices can have other, non-monetary factors at play. Analysing the costs and benefits faced by individuals, and how they are likely to react is something that is useful not just in economics debates but in all kinds of debates (and indeed just generally in life).

Margins

The first thing to realise is that economic effects are not black and white; they are often about shades of grey. Any policy, even a blanket one, will affect only some people (seems obvious, but you'd be surprised how often this idea gets lost in debates). Raising taxes on cigarettes by 10% isn't going to stop everyone smoking, but it will have some effect. Who will it affect? Well, probably those people for whom the benefits of smoking just outweigh the costs, before the 10% tax rise. For them, a 10% tax rise is just enough to make the costs now outweigh the benefits, leading them to quit. An economist would say they are "at the margin".

Marginal analysis can be quite powerful in debates – it means that you don't prove as wide a benefit, but you end up proving a relatively smaller benefit much more effectively. For example, in a debate about the death penalty, it's hard to prove that the death penalty will deter all murders, but it's relatively easier to argue that for some people, the harsher punishment will alter the way they weigh up the risks and benefits of their crime. Similarly, in the previous example about smoking, it's hard to say any amount of tax rises will deter everyone from smoking, but clearly you can argue that even some addicts will be forced to quit if the price gets too high for them.

Another way of thinking about marginal analysis (which can often allow you to turn the argument around the other way) is to consider the marginal impact as the "extra" impact of the policy. This is just another way of conceiving the same idea as above – given that we already have a certain set of incentives and disincentives in place, we're not interested really in the total effects of incentives or disincentives, we're really interested in the extra impact a given policy will have.

A good example is the death penalty debate – whilst the threat of death may very well be a significant deterrent in its own right, what's really important is if the death penalty is a substantially greater penalty than the existing harshest penalty (life without parole). You might argue that the people deterred by the death penalty would already be deterred by the existing punishment regime; whilst those not deterred at present wouldn't see the death penalty as a substantially greater cost to them, given the alternative is spending their life in prison.

Markets

It's useful to keep in mind marginal analysis when considering markets. Markets are mechanisms through which scarce resources are allocated. Now, people don't consume goods continuously – even when things are very good, people usually have a point at which they stop. Why? Because, eventually, the extra benefit they get from consuming an additional unit of the good is outweighed by the extra cost. Generally, the more of something you consume, the less benefit each extra unit gives you (try eating 10 Cornettos and see if the 10th one is as enjoyable as the first). So, individuals will buy things until they no longer gain benefits. Similarly, producers will sell things as long as they still make a profit (except for a few exceptional circumstances, firms don't sell things at a loss, and even then they have a logic behind it).

The specific mechanism through which this happens is the price – it's a signal to people and to firms about how much they should buy or produce. If a product is priced too low, it will run out quickly, and firms can then take this as a signal to raise prices. This then deters some people from buying, till eventually the amount being bought and sold is the same. If the price is too high, fewer people will buy the good, or another producer will come along and find a cheaper way to sell the good, so the price will fall.

The effect is thus that everyone gets what they want – people end up buying things if they are at a price they want, and other people sell them at a price where they make a profit. Things get allocated without waste, and everyone's happy. Or so you'd think.

Market failure and Intervention

The theory behind markets rest on several assumptions, almost none of which turn out to be true in the real world – we get close, or close enough that it doesn't matter in some cases – but by and large there are some gaping holes in the free market's execution. Most debates about economics revolve around some sort of market failure as a result of one of these assumptions failing. They end up being a clash between a side arguing that harms of the market failure necessitate intervention, and a side arguing either that there isn't really a failure (or that the market can more or less fix itself), and that the harms of intervention are worse than the current market failure.

So how do markets fail? Spectacularly, in many cases (I also would have accepted "frequently" and "hilariously"). We'll look at some of the assumptions and how they break down below.

Infinite Buyers and Sellers
If I wanted to get all Freakonomics on you, it's about now that I would ask a question like "How is Telstra similar to the AFL draft?"
The answer is not particularly interesting, and won't come up in debates much – but it's a concept that most people will be familiar with and helps to explain market failures. In the case of Telstra, at least in the past, it used to be a monopoly – that is, it was the only seller in the market. If what Telstra sells was needed by people (and it was), then as the only seller it could charge whatever it wanted and people would still have to buy from it. Prices wouldn't come down because there was nowhere else to get telecommunications services. Of course that's changed now (to an extent), but this is a clear-cut example of market failure, and of justified Government intervention – the Government has all sorts of regulations that force Telstra to provide access to its phone and cable internet infrastructure at competitive prices to other telecommunications providers. Incidentally,

the AFL draft is an example of a monopoly – a market with only one buyer who can charge as little as they like. When a player gets drafted by a club, that club is effectively the only buyer of the player's labour.

A similar problem is the concept of oligopolies – when instead of one seller, there are a small number of sellers. This is not the same problem as a monopoly, but can still result in elevated prices, as firms may collude both explicitly and implicitly to set an artificially high price. Government policies generally prohibit collusion and cartel-like behaviour (a cartel is an industry group that meets to set high prices – there's a global cartel of oil producers called OPEC who routinely do this), but they can't always stop implicit cartel-like behaviour, such as when firms set high prices similar to their competitors.

There's little argument that the Government should not intervene (except, perhaps, to suggest that the Government should make it easier for competitors to enter the market), so generally we don't have debates about monopolies or oligopolies, but the principles are useful to consider – issues about market power and relative competitiveness do come up in other debates, particularly when considering labour debates such as minimum wage, labour union or right to strike debates.

No External Effects
One key assumption behind markets is that the transactions that go on are entirely self-contained – that is, no third party is affected in any way by the result of the buyer and seller transacting. When a third-party is affected, it's considered an externality. Externalities can be positive or negative, and can occur in production or consumption. The classic example of a negative externality in production is the case of pollution. If a factory produces cars, and then dumps waste into a local river or emits gases into the air without having to pay for it, then it imposes this as a cost on the people who live near the factory. The buyer of the car doesn't pay for it (and thus doesn't account for the cost they impose), but the third party is affected nonetheless. This means that a free market will see cars being over consumed, as the economic costs don't reflect the social costs.

An example of a positive externality in consumption are the economy-wide benefits of education. Being educated has direct benefits to the individual, but an educated society has extra benefits. If all of society can read, then information can simply be printed and widely distributed, reducing costs of doing business and administering the society. A large number of tertiary-educated individuals is attractive to large corporations, encouraging them to set up operations. Individuals consider the benefits to themselves, but don't necessarily consider the wider benefits to society. So a free market will see a less than socially optimal amount of education consumed.

The usual Government response is to either outlaw or mandate certain things, or tax or subsidise externalities to make the social costs and benefits align more closely with the economic costs and benefits. Hence, some types of pollution are banned entirely and some education is mandatory for all people. Generally, however, taxes and subsidies are used – the Government subsidises tertiary education to ensure that a socially optimal number of people undertake it. Similarly, heavily polluting vehicles are generally taxed at a higher rate to reflect the costs they impose. Note that in both cases the externality is not completely eliminated – it is just brought to efficient levels.

However, these mechanisms can be imperfect – whilst they will create certainty around the costs and benefits for individuals, there is no certainty as to what effect they will have. This is because in order to be effective, we need to know what the socially optimal

amount of production or consumption is, and we need to know exactly what everyone is willing to pay (i.e., what the marginal impact of a subsidy or tax will be). So, even if we can determine that a certain amount of education is optimal, or that a certain level of pollution is optimal, we cannot be sure that a 10% subsidy or tax will achieve this. Even if it does, if the preferences or situations of people change, then the subsidy or tax will no longer be as effective.

Another solution that has gained popularity recently is a market-based solution. Here, the rights to pollute (or the rights to clean air) are created and assigned, and are made tradeable. They can then be bought or sold, meaning that the efficient market amount also becomes the efficient social amount (because parties can buy or refuse to sell the rights to pollute beyond which they deem excessive). This of course requires a fair process to distribute the rights, and runs into income inequality problems, but those are separate issues.

Public Goods
Similar to an externality in some respects, a public good is a good that is non-rivalrous in consumptions and non-excludable. In other words, it doesn't matter if one person or a thousand people consume the good, it costs the same to provide it (and one person consuming doesn't interfere with another person consuming the good), and it is not possible to stop people from consuming the good. A good example is free-to-air TV, national defence or a lighthouse.

Let's take the lighthouse example to explain why they are an important concept. Building a lighthouse obviously has benefits to certain people, but if it's on for one person then it's on for everyone – this means that if someone builds a lighthouse, everyone else can access the good without having to pay for it. This is why they are interesting – on their own, most public goods wouldn't come about because individuals have no incentive to create the good in question, or at least will create it below the optimum level.

Tragedy of the commons
This is a situation where the good in question is non-excludable (so you can't stop people from accessing it) but it is rivalrous in consumption, meaning that one person's consumption does affect everyone else's. The most common example is a communal field, or global fishing grounds.

Take the example of a communal grazing field. The more the land gets grazed, the less productive it is, and there is the possibility that it will eventually be grazed to the point that nobody can use it. However, every individual has the incentive to consume as much as possible – because even if they hold back, that simply means others will use more and deplete the resource. So, they need to maximise consumption to gain benefit before it runs out. Everyone thinking like this leads to the resource running out. Ways to fix it are usually centered around creating a market to trade the rights.

Perfect Information
In order for consumers to be able to make the right decisions, they need to have perfect information about everything (you can hardly choose the product that satisfies your needs the most if you don't know which one that is). However, this clearly doesn't happen in the real world. So, Governments intervene to protect individuals by ensuring that products are of a certain standard, and label how they work or what went in to them.

However, sometimes there are insurmountable cases of information asymmetry (where one party has information, and the other party doesn't, and that information is very important to the transaction). The two most interesting cases are moral hazard and adverse selection, and something like health insurance gives a good example of both.

Moral hazard occurs when, by protecting an individual against some bad outcome, it leads to behavior that actually may increase the likelihood of that bad outcome occurring. If you have top notch health insurance, and know you will be covered no matter what happens, then you are likely to be less careful with your health, meaning you may in fact be more likely to get sick (without insurance, the threat of getting sick and having to pay for all your medical bills may make you more careful). There are many other examples, including several that involve the Government, where individuals are protected from some bad outcome in a way that means that their behavior changes.

Adverse selection, on the other hand, describes the fact that the people who are most likely to seek health insurance are the people who are the sickest, or most prone to getting sick (most people in their 20s don't have health cover, and frankly don't need it because they don't get sick much). In other words, when people self-select in a certain way, it is often the least desirable candidates who will present themselves. There aren't examples of Government intervention, but there are other examples out there that can be explained by adverse selection (like, say, used cars).

Perfect Rationality
The assumption that is the basis for most economic thought (and indeed much of Western thought), is probably the most flawed. People are stupid. Like, incredibly stupid. The new and rapidly growing field of behavioural economics is demonstrating time and time again that people are simply incapable of making the right decision. For example, offer most people $50 now or $100 in a year, and far too many people will take the $50 now (even though that implies discount rate, or effective interest rate, of 100%). People cannot value money across time very well, and they can't value their future selves very well. That's why, for example, a lot of people smoke far too much (and end up regretting it later on). This can justify some interesting interventions – probably my favourite of all time is superannuation. The Government actively restricts your right to income by sequestering a portion of it until you are much older, because without it you simply will not save enough.

Of course, you have to ask yourself whether, even if people are stupid, interventions are justified, as once you start arguing the Government can intervene in these places, it is difficult to point to a place where they should stop.

But is Intervention Always the Solution?

 Even though the assumptions underlying markets often don't even come close to holding up, markets often have a way of correcting for this on their own, or acting as if the assumptions do hold up. Take the example of the employment market, especially graduate employment – it's a classic example of information asymmetry. Employers don't really know how smart you are, and they especially have a hard time working out more intangible factors like your dedication, motivation and other soft skills. Yet, markets find ways to get around this – education, especially higher education, is basically a market correction. Aside from vocation-focused courses like medicine, and law to an extent, most of what people learn in university isn't used at all in their later careers. Instead,

education acts as a signalling mechanism to employers that shows them how intelligent, capable and motivated a person is (as do, to a lesser extent, extra-curricular activities).

If you're not convinced, just take a look at the number of people who do honours after their undergraduate degree, but don't go on to do a PhD/Masters, or academic work. Honours is meant to be a preparation for post-graduate work, yet most people choose to go straight into work after honours, and this trend has been growing in the past couple of decades especially. This is because an undergraduate degree on its own has lost its relative prestige, so to further separate themselves from the crowd, people are doing an honours degree to signal that they are not just an ordinary graduate.

Even if the market can't come up with its own solution, intervention has its downsides as well. Governments are notoriously inefficient, and the private sector can often provide the same goods at a much cheaper price. This is because the private sector faces competition and aims to maximise profits, whereas the Government has different priorities. Governments and their bureaucracies aim to maximise accountability, and often have multiple checks and layers to ensure transparency, which adds to costs. Moreover, the very act of collecting taxes and administering the Government generates costs through the employment of bureaucrats.

Even then, however, Governments don't always achieve their aims. Governments suffer heavily from lobbying, where relatively small interest groups seek to gain advantage through pressuring Governments to bias legislation in their favour. One of the biggest problem with emissions trading schemes around the world has been that they have had their effectiveness consistently eroded by special interest groups who lobby to have permits given away to their sector for free, undermining the effectiveness of putting a cost on carbon.

It is also questionable (or, debatable, in case you didn't get the hint) as to whether some things that are claimed to be market failures really are market failures; they may in fact be the market correcting itself. A classic case is debates about bailing out failing industries – most economists would argue that if a bank or a company fails, this is not a market failure, this is in fact the market correcting itself by weeding out an inefficient company. Protecting the company only causes further problems (through moral hazard).

Conclusion

Most economics debates will be about whether or not there is some market failure (sometimes there is, sometimes there isn't) and if there is, whether Government intervention is best. However, remember that economics can be applied to almost all debates in some way – ultimately debates are about analyzing how individuals will respond to incentives that are presented to them, and that's what economics is all about.

Chapter 14: International Relations

By Fiona Prowse

Key Terms

We've all had those moments where we think...what the $%^& does that mean, hopefully this helps!

Sovereignty: when a country has independent and absolute authority over territory.

The Treaty of Westphalia (1648) codified the basic principles of territorial integrity, border inviolability, and supremacy of the state (rather than the Church).

Basically, whatever happens within a country's borders, stays within those borders.

Application in debates: often an issue in debates about invasion – on what terms can we sacrifice sovereignty and intervene? How high should that threshold be? Genocide? Absence of political rights?

Sanctions: a method for attempting to influence the behaviour of others. Can take a variety of forms:

- Economic sanctions - typically a ban on trade, possibly limited to certain sectors such as armaments, or with certain exceptions (such as food and medicine)
- International sanctions - coercive measures adopted by a country or group of countries against another state or individiual(s) in order to elicit a change in their behavior
- Trade sanctions - economic sanctions applied for non-political reasons (WTO disputes for example)

Application in debates: it's always easy to talk about problems with another country…not so easy to propose a solution in 7-8 minutes that can fix them.

Often useful to argue through analogy – so when have past sanctions worked on other countries, how are the two cases similar etc.

Always make sure your sanction is proportionate to the problem and explain how it will actually change behaviour/get results. Don't just assume an economic sanction will work (i.e. perhaps the despotic leader doesn't care about the economy).

Mutually Assured Destruction (MAD): prominent school of thought during the Cold War, belief that if both parties have nuclear weapons, and are aware that the other could blow them up, then they won't attack each other because their destruction is mutually assured.

Perhaps relevant during the Cold War (although questionable – think Cuban Missile Crisis) but less so now because assumes a) bipolar world or at the very least, b) rational actors (think terrorists, not always about the long term….that is if you're a suicide bomber who thinks they'll soon meet their bevy of virgins in heaven).

> **Schools of Thought**
>
> Academics and politicians have spent hundreds of years developing political theory – here is a brief snap shot of the concepts which most commonly arise in debates.

Neoconservatism: a political philosophy that emerged in America which supports using American economic and military power to bring liberalism, democracy, and human rights to other countries.

Really popular term during the presidency of George W. Bush given the perceived neoconservative influence on American foreign policy, as part of the Bush Doctrine.

Just war theory: a doctrine of military ethics which says that a conflict can and ought to meet the criteria of philosophical, religious or political justice, provided it follows certain conditions

Just War Theory has two sets of criteria. The first establishing jus ad bellum, the right to go to war; the second establishing jus in bello, right conduct within war.

Jus ad bellum - just cause - the reason for going to war needs to be just and cannot therefore be solely for recapturing things taken or punishing people who have done wrong; innocent life must be in imminent danger and intervention must be to protect life.

Jus in bello - Once war has begun, just war theory also directs how combatants are to act. (Think Geneva conventions, ottowa convention on land mines, POW's etc)

Democratic peace theory (or liberal democratic theory): democracies rarely go to war with one another.

The original theory and research on wars has been followed by many similar theories and related research on the relationship between democracy and peace, including that lesser conflicts than wars are also rare between democracies, and that systematic violence is in general less common within democracies.

'Golden Arches' peace theory: theory is that no two countries with a McDonald's franchise have ever gone to war with one another (it's a version of the democratic peace theory).

The argument goes that when a country has reached an economic development where it has a middle class strong enough to support a McDonalds network, it will not be interested in fighting wars anymore.

'Soft Power' vs. 'Hard Power: broadly describes different ends of the 'influence' spectrum.

Soft Power is just that – soft and almost the warm and fuzzy bits of IR. Includes things like diplomatic negotiations, aid, engagement etc. and seeks to influence behaviour of other states subtly and positively.

If Soft Power is the carrot, Hard Power is the badass stick – often associated with things like invasion, economic sanctions and diplomatic isolation. Seeks to send a strong message to other actors and often also attempts to undermine/disempower said actors.

Application in debates: what's better, the carrot or the stick? Most likely the answer lays somewhere in the middle. It's always useful to be able to point to a progression in actions – i.e. we've tried soft power, it hasn't worked, we need to therefore progress to hard power.

Also relevant to consider issues of proportionality – are you sanctioning a country for a minor offence?

Unilateral vs. multilateral war: big issue in recent years – is it legitimate for and should countries intervene internationally on their own? Is there a certain mandate and legitimacy that comes with collective intervention?

Application in debates: aside from the obvious example of Iraq II, which was latterly unilateral, it often arises where it's claimed that 'we can't wait for things to get any worse'.

Consider issues of precedent, slippery slope, role of the UN etc.

Rational vs irrational actors: also a big issue of late – important to consider the nature of actors – are they logical, rational actors i.e. will respond to conventional threats like economic sanctions? Or are they nut jobs with too much power who won't be swayed by normal tactics? Think Kim Jong Il.

Application in debates: often relevant in debates about dictators and terrorists – generally speaking, the least rational. Aren't influenced by normal means.