

AN INTRODUCTION TO ACADEMIC, PARLIAMENTARY AND CROSS-EXAMINATION STYLES OF DEBATE

Foreword

This is a collection of articles that Brian Casey wrote in the mid 1980's introducing students to the three styles of debating most commonly used at present at the high school level in Canada.

The order in which the styles are presented is intended to be from the most basic to the most sophisticated. I would recommend to coaches that novice debaters begin using Academic style, without heckling. Once they have developed some proficiency at this, introduce heckling. Next move on to Parliamentary style, with its Points of Order and Privilege, heckling and special forms of address and terminology. Once they have mastered these styles, expose students to Cross-examination and Academic with Worlds Style Points of Information. These most difficult and challenging of styles require debaters to ask and answer questions.

Debating can be done on prepared or impromptu topics. To begin with, you may want to give debaters relatively simple or humorous resolutions, to whet their appetites. Once they see how enjoyable debating is, they will want to do thorough research on more serious subjects, and perhaps to enter competitions.

Speaking times can be very short - say, a minute or two - to begin with, but as they gain experience, debaters will be able to hold the floor for longer periods as they become more aware of the intricacies of the art. The speaking times mentioned in Mr. Casey's articles are usual maximum times for prepared debates.

We prefer to use Cambridge rebuttal format (except in Parliamentary style, where the Oxford format is traditional), to put all students on the same footing.

The size of teams varies from province to province and event to event. In Nova Scotia, we have used debating duels (one on one) and two-person teams in our Provincial Impromptu Championships and three-person teams for our Junior and Senior High School Championships. Three-person teams seem particularly appropriate for Parliamentary style debates while two-person teams are probably preferable for Cross-examination and Worlds Style matches. In Nova Scotia we use three-person teams for our provincial championships to give more students a chance to compete without necessitating more judges. (Three students judged for the same price as two!)

An Introduction to Academic Debate

Acknowledgements

This paper owes a great deal to many people and organizations, including: David Bennett; Debate and Speech Association of B.C., *A Guide to the Elements of Debate*; John Field; John Filliter; Chris Harker (the man who introduced me to debate); and Rosemary Penn.

Introduction

Basic Academic debate (that is, without the options of heckling or Worlds Style Points of Information), which proceeds without interruption from Parliamentary opponents or from cross-examination, is the purest form of debate. When all else is stripped away, Academic debate remains. It is suitable for novice debaters, who might be intimidated by the prospect of Parliamentary interruptions or cross-examination. But it comes alive in the hands of an experienced debater, who, free from interruption, makes effective use of his time to bring his remarks to a powerful and moving conclusion. It is particularly important that debaters make a conscious effort to reply to opponents' arguments, because the absence of Parliamentary interruptions or cross-examination questioning makes it easier for the debate to become merely a series of unrelated public speeches.

How it differs from other styles

Basic Academic debate consists of a series of alternating speeches in favour of, and against, a resolution. It differs from other debate styles in that there are no embellishments, merely speeches: unlike Parliamentary debate, there are no Parliamentary interruptions (Points of Order or Privilege), and (unless specifically permitted) no heckling; unlike Cross-examination debate, there is no opportunity to question opponents or be questioned by them (unless Worlds Style Points of Information are permitted). Because there is no opportunity for Parliamentary interruptions, debaters are given a chance at the end of the debate to identify rules violated by their opponents, etc.

Procedure in a basic Academic debate is much the same as in a Cross-examination or Parliamentary debate. A chairman moderates the debate, introduces each debater at the beginning of his or her remarks, and thanks the debater at the conclusion of his or her remarks. Speaking times will normally be similar to those used in other styles of debate, with all debaters receiving an equal amount of speaking time (except for the complaints session at the end).

In Canada, Academic high school debates follow one of two rebuttal models, the Oxford format or the Cambridge format (and the types of debate are often called Oxford debate and Cambridge debate as a result). The association with the two universities may not be exactly correct but the terms are now well established. In basic Oxford debate, each debater speaks only once, with the exception of the first affirmative debater. In that single address, each debater is expected to incorporate both constructive and rebuttal remarks. The first affirmative debater, however, cannot incorporate his rebuttal in his original address (as no negative debater has then spoken) and so is given a final rebuttal period. In a Cambridge debate, each debater speaks twice, once to deliver his constructive remarks and later to make a rebuttal speech.

(Those familiar with other styles of debate will note that Parliamentary debate usually uses an Oxford rebuttal while Cross-examination debate normally employs the Cambridge rebuttal format.)

A typical **Oxford format** Academic debate proceeds as follows:

	(sample maximum speaking times)
1st Affirmative (constructive speech)	5 minutes
1st Negative (constructive and rebuttal speech)	8 minutes
2nd Affirmative (constructive and rebuttal speech)	8 minutes
2nd Negative (constructive and rebuttal speech)	8 minutes
3rd Affirmative (constructive and rebuttal speech)	8 minutes
3rd Negative (constructive and rebuttal speech)	8 minutes
1st Affirmative (rebuttal speech)	3 minutes
Complaints of rule violations, misquotations, etc. by either team.	

A typical **Cambridge format** Academic debate proceeds as follows:

	(sample maximum speaking times)
1st Affirmative (constructive speech)	5 minutes
1st Negative (constructive speech)	5 minutes
2nd Affirmative (constructive speech)	5 minutes
2nd Negative (constructive speech)	5 minutes
3rd Affirmative (constructive speech)	5 minutes
3rd Negative (constructive speech)	5 minutes
1st Negative (rebuttal speech)	3 minutes
1st Affirmative (rebuttal speech)	3 minutes
2nd Negative (rebuttal speech)	3 minutes
2nd Affirmative (rebuttal speech)	3 minutes
3rd Negative (rebuttal speech)	3 minutes
3rd Affirmative (rebuttal speech)	3 minutes
Complaints of rule violations, misquotations, etc. by either team.	

The advantage of Cambridge format is that it emphasizes rebuttal skills; there should not be several disconnected speeches because during the formal rebuttal period, the audience expects a direct refutation of an opponent's arguments. This is a particularly good style to use in teaching rebuttal skills.

A major disadvantage of Cambridge debate is the rigid division between constructive and rebuttal functions. It is often most effective to rebut an opponent's speech at the beginning of one's remarks, before proceeding with your own constructive speech; the Cambridge format does not encourage that. Although a debater is permitted to devote part of his or her constructive remarks to rebuttal in a Cambridge debate, this can be done only at the expense of his or her constructive time. As well, it is usually inappropriate (and sometimes prohibited by the rules) to make constructive arguments during the formal rebuttal period. You may rebut in both speeches but build your case only during your first speech.

An Academic debate will normally be on a question of fact ("UFO's exist", "Vikings discovered North America") or a question of value ("Women are better than men", "Canadian television programming is more worthwhile than American television programming"), rather than on a question of policy ("The government limit medicare", "The government increase police powers"). The resolution may, however, be a question of policy, and if so, the affirmative team may wish to introduce a Plan for implementing the policy they propose. (More information on policy debates may be found in *An Introduction to Parliamentary Debate*.)

Forms of Address

The debaters, regardless of the style of Academic debate, are referred to in the third person by their position in the debate: “the first affirmative debater”, “the second negative debater”, or as the case may be. The debaters may refer to the audience directly in their remarks (“... and so, ladies and gentlemen, I conclude ...”) and a common opening, instead of the Parliamentary “Mr. Speaker”, is “Mr. Moderator, honourable judges, worthy opponents, ladies and gentlemen”. In fact, it is only necessary to refer to “Mr. (or Madam) Moderator (or Chairman)”, and debaters are free to dispense with the longer address if they wish.

Strategy

Two of the best debaters in Canada have described the Academic debate style as the “preferred” style. In saying this they were probably slightly mistaken, as it offers the potential to be the best or the worst. Your objective as a debater is to make it the best. Let us consider the particular advantages it offers.

In the first place, no one may interrupt you, unless heckling or Worlds Style Points of Information are allowed or the Moderator calls you to order. (See the addendum at page 6 for a description of Worlds Style Points of Information.) This means that during your speech, you are entirely in control: you can be at times very calm, at times very agitated - without worrying that as you reach the climax of your remarks you will be interrupted by a Point of Order designed to destroy the dramatic effect of your speech. You should take full advantage of the opportunities presented to make your points in the most effective way. Polish your language and give attention to your delivery. Free from interruption, your speech can be rehearsed until the prepared portion of your remarks is perfect.

The absence of interruptions has a number of drawbacks, however. Interruptions often maintain audience interest, especially if they are witty. Without interruptions, your speech alone carries the burden of sustaining the audience’s interest. By contrast, cross-examination is a means of tying together opposing arguments and showing how they relate to one another. In the absence of cross-examination, your speech has a special burden to answer directly each opposition argument and refute clearly the particulars as well as the generalities of the other team’s case. Your success in this style of debate will largely depend on your ability to shoulder these two burdens.

Cambridge debate offers a further challenge: although much of your rebuttal comes at the end of the debate in the rebuttal-defence-summary period, you must rebut some particular points your opponents make immediately - a challenge to definitions, for example, cannot wait until the end of the debate. And even though it is permitted, it would be bad strategy not to outline immediately your fundamental objections to the other team’s argument. If you sketch that objection at the first opportunity, the judges can understand how the two arguments fit together. If you wait until the end, the judges may be confused, or worse, already persuaded by your opponents’ earlier remarks.

Your final rebuttal period is precious and short. In that time you should try to present your remarks with particular clarity. Organize them carefully. Unlike the situation that prevails in most styles of debate, in Cambridge debate each debater has a substantial time in which to prepare his or her rebuttal. Make good use of that time. The final speakers for each side should make a special effort to summarize the course of the debate as well. So that they can find time to do this, the other debaters should make a special effort to do more than their share of rebuttal. Team members may divide up the rebuttal-defence-summary functions.

Heckling

Heckling is sometimes allowed in Academic style debate. For advice on this skill, please refer to its treatment in *An Introduction to Parliamentary Debate*.

The Judging Ballot

At the National Seminar and in most provincial competitions, debaters will be judged using a score sheet similar to that used for other styles of debate. The Judging Ballot has a separate category in which to evaluate “Debate Skills” - one’s knowledge of the debate rules, courtesy, rebuttal and listening skills, and the ability to use humour and rhetorical devices appropriately.

Revised by
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Brian P. Casey
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Academic Style Debating featuring Worlds Style Points of Information

During the 1990’s, the Canadian Student Debating Federation began to use the same Points of Information in Academic Style debates as are used at the Worlds Schools Debating Championships, in an effort to prepare our students to compete successfully at the international level. This style is not recommended for novice debaters.

The C. S. D. F. Rules Committee has attempted to codify the rules of these “Worlds Style Points of Information” in Rule 07 of the C. S. D. F. Rules for Academic Debate, which may evolve further as we become more familiar with the style. The Director of a tournament should decide whether or not to permit such Points under Academic Rule 07 and indicate this decision in the tournament invitation.

Basically the Worlds Style requires each debater to raise at least one Point of Information of each opponent, and to accept at least one such Point from each opponent, while her or she is delivering the constructive speech.

Points of Information may be raised only *between* the first and final minute of a debater’s constructive speech; they may not be raised during rebuttal speeches or during the first or final minute of a constructive speech. The interrupted debater has sole discretion when to accept a Point and how long to let it go on, and whether to accept more than one Point from an opponent. However, it might not be prudent to refuse the first Point from an opponent, because he or she might not raise another! A debater whose only attempt to raise a Point has been rebuffed should complain of this infraction during the complaints period at the end of the debate.

Points of Information may take the form of a question to the interrupted debater or a remark addressed through the moderator, and they must be brief. The time taken to raise and respond to Points is included in the speaking time of the interrupted debater.

The procedure for raising a Point of Information is simply to stand and say, “Point of Information” or words to this effect. The interrupted debater should respond by:

- (a) refusing to entertain the Point and cutting off the opponent and asking him or her to sit down; or
- (b) accepting the Point immediately; or
- (c) deferring the Point (that is, indicating that it will be dealt with later during the speech).

If more than one opponent raises a Point at the same time, the interrupted debater may refuse to entertain any of them or may accept one.

A debater whose Point is not accepted must immediately sit down; however, this does not prevent him or her from attempting to raise another Point later on.

If a debater speaks for more than one minute less than his or her maximum speaking time, any opponent who has not raised a Point of Information is permitted to raise it at the conclusion of the speech. To do so, the debater seeking to raise the point should stand and say, “Mr./Madam Moderator, may I raise my Point now? The honourable member spoke for more than a minute less than his/her allotted time.”

Judges are instructed to penalize the raising of excessive Points of Information. The practise of “barracking” (team members raising Points simultaneously to disrupt or intimidate their opponent) is not encouraged.

Judges are also instructed to penalize debaters severely for failing to raise, or for refusing to accept, Points of Information.

Timekeepers should be instructed to keep careful track of time and to signal to all debaters when a constructive speech is one-minute long, and also when it is in the final minute of maximum speaking time.

This style of debating is very challenging and exciting, though the interruptions may seriously impede the flow of the debate. It certainly forces debaters to clash and remained involved throughout the contest.

John D. Filliter
October 2004

An Introduction to Parliamentary Debate

Acknowledgements

This paper owes a great deal to many people and organizations. Particular thanks go to Daphne Gray-Grant, *Remarks on Parliamentary Debate* (1978); and Judith Wyatt, *Advanced Debating Techniques* (1984). John Filliter, besides offering general advice, also corrected these remarks when they appeared in part in *Some Elements of Debate*.

Introduction

Parliamentary debate, with its opportunity for wit and Parliamentary interruptions, is a lively debate format. It offers rewards to those who think on their feet and can remain confident and good-natured in the face of criticism. It also gives the debater with a flare for policy a chance to show off this talent. Because of the opportunity for a debater to be interrupted at any stage of his remarks, it is particularly important that he be well organized and that his remarks be visibly structured, so that the audience is able to follow his thread of thought despite interruptions during the course of the debate.

Features of Parliamentary Debate

Educational Parliamentary debate attempts to transform the detailed discussion that occurs in the House of Commons (sitting as the Committee of the Whole House) to a format that teaches principles of reasoning, research and argument. In this style of debate, “[O]pponents are not referred to as opponents. The other team is called the Government or the Opposition, as the case may be. The Prime Minister’s full title is ‘The Honourable *the* Prime Minister’ (the definite article is used twice). Ditto for the Leader of the Opposition.” (Gray-Grant, *Remarks on Parliamentary Debate*) The other members of the teams are the second Government member (or the Minister of Finance, Defence, etc.) and the first speaker for the Opposition. (The Leader of the Opposition is the *last* negative speaker.) Similar titles are used for additional debaters in three-a-side debates.

Parliamentary debate, in addition to taking place in a Parliamentary setting, also differs from other styles of debate in its convention that resolutions be *questions of policy*. The Government does not merely express an opinion (“Health care costs are unacceptably high”, “Capital Punishment is an effective deterrent to murder”, “The level of unemployment is unacceptably high”); it also proposes a change in policy (“The federal government limit the availability of medicare”, “Capital Punishment be reinstated”, “The government devote greater resources to the retraining of the unemployed”). Except in impromptu Parliamentary debates, where a Plan is optional, the Government is required to produce a detailed *Plan* outlining how the proposed changes in policy are to be implemented: Rule 2 of the Canadian Student Debating Federation’s (CSDF’s) General Rules of Debating.

The Government in a policy debate, then, must show that:

1. The value statement [goal] is desirable and is not being satisfactorily achieved; and
2. The Government plan will substantially achieve that goal, and will do so better than the alternatives.

In the examples already discussed, a value statement is that “limiting medicare would be ‘good’ (for whatever reason: perhaps because health care costs are unacceptably high)”; the plan might be that medicare be limited to individuals whose family income is less than \$18,000.00 a year who suffer from a chronic illness, with an annual per-family deductible of \$200.00. Or, in the third example, “It is desirable to retrain the unemployed (for whatever reason: perhaps because the level of unemployment is unacceptably high)”, the Plan might be that the government establish fourteen centres, one in each of the following cities (list them), staffed by the following sorts of vocational counsellors (describe them) to be available to the chronically unemployed (define them) under the following conditions (define them).

It is the Government, not the Opposition, that proposes the change to the existing state of affairs (the “status quo”); this is accomplished by the rule that requires the resolution (the “Bill”) to be worded in a positive manner. The proposed change will be measured against the status quo or any counter-proposal offered by the Opposition (a “Counter-Plan”). To succeed in discharging its burden of proof, the Government must therefore show that there is something wrong with the status quo (a need for a change) and that the Government proposal (the “Plan”) will remedy that wrong. In the event that the Opposition proposes an alternative means of remedying the wrong, the Opposition assumes the burden of proof and the debate focuses on which Plan will better succeed. Because debaters have only a limited amount of time, the Government (or, in the event of a Counter-Plan, the Opposition) does not need to present a perfect case, answering every possible objection: it is enough to establish that, on balance, its case is more likely right than not (proof on a “balance of probabilities”). As well, while a Plan or Counter-Plan must be proved to be feasible, it need not be shown to be legal or constitutional: CSDF General Rule 11. On the other hand, inclusion of “should” in the resolution does not relieve the Government of the duty to present a Plan or prove that the course of action entailed in implementing the Plan is warranted. (See the section on “Analysis” in *Some Elements of Debate* by Brian Casey.)

The rules of Parliamentary debate differ only slightly from those of Academic and Cross-Examination style debating. The main differences are:

1. Parliamentary interruptions (Points of Order and Privilege) and heckling may occur at any time during the debate.
2. Unlike Cross-examination debate, there is no opportunity to cross-examine members of the opposing team (though questions may be raised by heckling and rhetorically during speeches.
3. “[A]ll remarks are addressed to the Speaker. Debaters should begin their speeches with the introduction, ‘Mr. Speaker, ...’, not ‘Mr. Speaker, Honourable Members ...’ It is an effective rhetorical device to refer to the Speaker in one’s debate: ‘... and can you believe, Mr. Speaker, the illogical plan of the Government?’”

(Gray-Grant, *Remarks on Parliamentary Debate*).

Procedures that prevail in a Parliamentary debate are much the same as those in a Cross-examination or Academic debate, with a chairman (the “Speaker”) moderating and introducing each debater at the beginning of his or her remarks.

Speaking times are similar to those used in Academic and Cross-examination debate, with all debaters receiving an equal amount of speaking time (apart from heckling and any Parliamentary points that may be raised).

In Canada, two types of Parliamentary debate are in use. The usual and traditional one follows the **Oxford rebuttal format**, in which each debater except for the Prime Minister must incorporate rebuttal into his or her single block of speaking time. In this format, the speaking order and sample speaking times are:

Prime Minister (constructive speech)	5 minutes
1st Opposition debater (constructive speech/rebuttal)	8 minutes
2nd Government member (constructive speech/rebuttal)	8 minutes
2nd Opposition speaker (constructive speech/rebuttal)	8 minutes
3rd Government member (constructive speech/rebuttal)	8 minutes
Leader of the Opposition (constructive speech/rebuttal)	8 minutes
Prime Minister (official rebuttal)	3 minutes

It is also possible, although unusual, to employ the **Cambridge rebuttal format** in Parliamentary style. In this case, the speaking order and typical maximum speaking times for two-person teams would be:

Prime Minister (constructive speech)	5 minutes
1st Opposition debater (constructive speech)	5 minutes
2nd Government member (constructive speech)	5 minutes
Leader of the Opposition (constructive speech)	5 minutes
1st Opposition speaker (rebuttal)	3 minutes
2nd Government member (rebuttal)	3 minutes
Leader of the Opposition (rebuttal)	3 minutes
Prime Minister (rebuttal)	3 minutes

(The constructive speeches in two-person team debates are often 7 minutes.)

The Government Case

1. Necessity for a Plan

As previously noted, CSDF General Rule 02 requires the Government in a prepared Parliamentary debate to propose a Plan. Such a Plan is optional (but may be highly desirable, as it can provide extra content) in an impromptu debate.

Because Parliamentary debates focus on questions of policy, it is important that the Government team give careful attention to the preparation of a detailed Plan. In particular, the Government should consider addressing the following issues in its Plan:

- (a) **Cost** involved, and how it will be afforded;
- (b) The **mechanism** for implementing the plan; (For example, will there be a new government agency, or a change in existing legislation?)
- (c) **Timing** (Over what period will the Plan be phased in?);
- (d) **Consequences** and what will be done to alleviate disadvantages of the Plan; (For example, what will be done about those displaced as a result?)
- (e) **Structure**. (For example, the manpower required, enforcement measures, penalties for violation.)

Certain issues take particular prominence in different debates. In a debate on the resolution, “Be it resolved that the federal government take steps to reduce Acid Rain”, for example, all of the above issues are relevant: cost, mechanism, timing, consequences (What will be done for those thrown out of work by the closing of offending factories?), and structure (What is to be done to violators?) By contrast, a debate on reinstating Capital Punishment will probably focus on the value statement (whether it is desirable) and not on the Plan. In such a debate, it would still be necessary to detail briefly how the Criminal Code would be amended, for what crimes capital punishment would be imposed, whether conviction of a capital crime would require particular rules of evidence or jury selection, whether the execution would be performed by lethal injection, hanging, gassing or electrocution, when the change would come into force and what provision would be made for those awaiting trial at the time of the new law.

Government teams lose many debates by poorly thought-out Plans, and win many by anticipating potential Opposition arguments and Plan objections and tailoring the Plan to overcome these objections. Government debaters should therefore craft their Plan carefully and Opposition debaters should be vigilant to spot Plan weaknesses.

CSDF General Rule 11 requires that a Plan must be introduced in the first Government speech and be completely described *before* the last Government constructive speech; thus in a two-person team debate, the Prime Minister must both introduce and completely describe the Plan in his opening address while in a three-person team debate, the second Government member may complete the description of the Plan. (The rule makes similar requirements for Counter-Plans.)

2. Elements requiring Proof

Each issue that arises in the debate presents three parts to consider:

- (1) the value statement,
- (2) the need for change, and
- (3) the effect of the Plan.

In a debate that “Canada withdraw from all military alliances”, the value statement for a particular issue might be that “military alliances are too costly”, “military alliances are unnecessary”, “military alliances endanger world peace”, or “military alliances offer Canada inadequate protection”. (These may be linked: for example, the cost may be too great given the level of protection we receive.) These statements can actually be broken down further: when we say “military alliances offer inadequate protection”, we are really making two assertions: that some (particular) level of protection is necessary (or desirable) and that the present level of protection does not reach that standard. Together, these two assertions may establish the need for change.

The Government must also show how the Plan meets this need - in this instance, by increasing the level of protection. Sometimes the value statement may be obvious but the need for change difficult to show; at others, the need for change will be obvious but the success of the Plan difficult to demonstrate. In the above example, one of the value statements is that “world peace is a good thing” - something with which most people would probably agree. It is not at all clear, however, that military alliances endanger (rather than safeguard) world peace. So the need for change is unclear. In order to win a particular issue, the Government must show that its value statement is correct, that there is therefore a need for change, and that the Plan answers the need. For the Opposition to win an issue, the Government need only fail in one of these tasks (unless the Opposition introduces a Counter-Plan, in which case it assumes the full burden of proof from the Government).

3. Traditional Analyses

The Government case in a policy debate is commonly analysed as either a “Need/Plan” case or a “Comparative Advantages” case. While debaters are not required to use either of these approaches, they may find them helpful to arrive at an understanding of the issues.

A. Need/Plan Case

In the Need/Plan case, the Government assumes that there are two matters that require proof (often of equal importance), namely:

- (1) that there is a need for change (that is, that the value statement is desirable and is not being “adequately” attained within the status quo), and
- (2) that its Plan meets the need.

Both stages may be important, but this is not always the case. A debate on the resolution “Be it resolved that the Canadian government take greater steps to promote world peace” presents a value statement that may require little justification. It is still debatable, however, because teams may disagree about the Plan - what steps in particular ought to be taken. Similarly, in some debates, the details of the Plan will be almost beyond argument. In a debate on Capital Punishment, the Plan may propose hanging or lethal injection, and for what crimes the death penalty will be imposed, but the majority of the debate will centre on the desirability of any death sentence (that is, the need for change).

The Government case in a Need/Plan debate might look like this in outline (often with the Prime Minister dealing with Parts I and II in a two-person team debate, and leaving the Minister of the Crown to deal with Parts III and IV):

- I. There is a need for change (a problem requiring solution);
 - A. The need is compelling;
 - B. The need is inherent.
- II. Introduction and Description of the Government Plan
- III. The Plan will meet the need;
 - A. The Plan is workable;
 - B. The Plan is practical.
- IV. The Plan has extra benefits, which outweigh any Disadvantages, making it a feasible undertaking justifying the effort involved.

Although these elements may be present in a Government case, it is clear that this analysis is not universally appropriate.

B. Comparative Advantages Case

A second common Government case analysis is the Comparative Advantages case. When this approach is used, the Government evaluates the objective of some part of the status quo and proposes a change to better meet the policy objective of the status quo. (For example, in a debate on the resolution, “Be it resolved that the government takes steps to de-institutionalize health care”, the Government might note that a major medical cost is hospital bed and ward space and that if emphasis were placed on returning patients to their homes as quickly as possible after a hospital visit, health care costs would be lower. Sound health care is the object to the present and proposed systems. De-institutionalizing health care offers lower costs and (perhaps) happier patients.

The Comparative Advantages case may be outlined as follows:

- I. The Goal of the present system
- II. Plan
- III. Advantages: Goal achieved (better, cheaper, faster) than under present system
 1. Advantage is significant
 - A. Scope and limits of present system
 - B. Increased scope or achievement of Plan
 2. Advantage is unique to the Plan
 - A. Limitations of present system
 - B. Removal of these limitations
- IV. No (or few) Disadvantages

(The general order of argument here is inverted from the previous analysis - which has led this technique to be dubbed the Plan/Need case by some.)

You should be familiar with these two common forms of Government case analysis - they are often useful and have become an established part of debate jargon. Do not be concerned if neither seems to fit your resolution, however. It is more important to be flexible in your approach and to devise a case which fits your resolution than it is to follow some stock case outline.

The Opposition Case

1. Generally

A Parliamentary debate offers distinct targets for the Opposition to attack: the value statement and the Plan. The Opposition, however, cannot forecast exactly what the Government Plan will be. It is therefore essential that the Opposition research thoroughly. Only then can it hope to anticipate all potential Government Plans and know the strengths and weaknesses of each.

Once that is done, the Opposition must evaluate the six arguments available in response to each value statement and decide which it will use in the debate:

1. The Opposition may disagree with the value statement. (This will rarely happen.) In the earlier example, that Canada withdraw from military alliances, one reason suggested was that the alliances offer inadequate protection. This could be analyzed as “X level of protection is desirable” (value statement); “Military alliances now offer only Y level of protection to Canada” (taken together, the need for change); “Therefore Canada should withdraw from alliances and place her military expenditures in Z over a three year period” (Plan). The Opposition in this case might well disagree that X level of protection is desirable.

2. “Prove it.” The Opposition argues that whether or not the value statement is true, there is a need for change, or the Plan is sound (and it might stop short of denying this), the evidence is insufficient to justify the conclusion. The case is unproved. (Without the support of one of the other arguments, this is not a very powerful attack. As with any rebuttal, however, the Opposition will probably discover that parts of the Government case have not been logically proved. A specific attack on these parts may torpedo an otherwise successful Government case.)

3. If the Opposition agrees with the value statement (as they probably will), only four arguments remain:

- A. *Deny the need for change.* The Opposition maintains that the Government has not shown a need for change: the status quo adequately achieves the value statement identified, and therefore no problem exists. (In practise, this tends to blur with Attack 1, above.) Even a weak Government team will normally have identified some need for change in coming to its Plan - so it will be rare that the Government will be so inept that you are able to make this attack. Occasionally, however, the Government will assume agreement on the need for change which does not exist. For example, in a debate on increasing military expenditures, the Government might rely on Canada's obsolete Armed Forces as sufficient justification of the value statement; the Opposition, however, might maintain that the current level of expenditure is adequate because it denies that increased defence spending would increase national security, or because the country simply cannot afford any further expenditure *on anything* at this time.
- B. *Admit the need for change* (the status quo needs to be improved) *but suggest:*
- i. *Repairs* - Minor changes (perhaps more funding, manpower or more effective monitoring for violations) will correct the problem and so no major change is needed (which is otherwise too costly, radical or unwieldy). The significance of the Government advantage is challenged and the inherency of the need for change disputed. (For example, parole violations may not justify the reinstatement of Capital Punishment; instead they may call for tighter parole procedures.)
 - ii. *Counter-Plan* - There is a need for change, but the Opposition has a plan that will meet the need better than the Government's Plan. A Counter-Plan has two essential requirements: the Counter-Plan must be superior to the Plan in some respect (for example, cost, efficiency, or fewer disadvantages) and it must differ significantly from the Plan. (See Part 2. C., below.)
 - iii. *Plan Objections* (short of a Counter-Plan)
 - a. No solution. The Opposition admits there is a need for change but denies that the Government's Plan solves the problem.
 - b. Disadvantages. The Opposition admits there is a need for change (and sometimes, although not necessarily, that the Government Plan achieves its purpose) but argues that the disadvantages make the change undesirable on balance.

One of these six attacks deserves special discussion.

2. The Counter-Plan

A. Formal Requirements

A Plan or Counter-Plan must at least be outlined during the first speech of the team proposing it and be completely described before the team's last constructive speech. A Plan or Counter-Plan may be introduced

informally (that is, it requires no formal motion of amendment or seconder); it must be shown to be feasible but not necessarily legal or constitutional.

A Counter-Plan may be proposed only if the affirmative has already introduced a Plan. A Counter-Plan must be proven to be an alternative solution to the problem addressed by the resolution, significantly different from the affirmative proposal, a significant change from the status quo, and demonstrably more desirable than the affirmative Plan.

Rule 11, CSDF General Rules of Debating

It follows from Rule 11 that in two-person team debating, the Counter-Plan must be completely described by the first Opposition speaker. The essence of the Counter-Plan case is to admit the need for change and instead take issue with the Plan. The debate, in effect, then focuses on the relative ability of the Plan and Counter-Plan to meet the admitted need for change (though the affirmative team is at liberty to dispute the need for a change once a Counter-Plan has been introduced, as it no longer bears the burden of proof).

B. When to Use a Counter-Plan

The Counter-Plan is an attractive alternative strategy for Opposition teams to consider. It offers the following advantages:

1. It heightens the clash in the debate;
2. It allows the Opposition to take the offensive. It may force the second Government debater to throw away his prepared speech and deal instead with the Opposition Counter-Plan. This may catch the Government by surprise and thereby give an advantage to the Opposition;
3. It rewards teams with policy talents; and
4. It is content oriented and therefore may give an individual better point totals than mere denials of the Government case.

Opposition debaters are often uncomfortable with a Counter-Plan, however. In the first place, they are reluctant to assume the burden of proof in the debate, especially since the affirmative team will still have the last word. Opposition debaters may think they have an easier job of it if the Government has the burden of proof and all they need do is snipe at Government faults. It is true that in assuming the burden of proof the Opposition debaters increase the likelihood of losing the debate - they must now establish on balance that the Counter-Plan is better than the Plan. But they may improve their individual point scores in the process (by having more concrete content in their remarks). In most provincial tournaments (and at National Seminars) the competition is decided on individual scores, not win-loss results. So in some events, any apparent disadvantage caused by assuming the burden of proof is illusory and may be more than compensated for by the added content introduced, or the other advantages noted above.

A Counter-Plan is sometimes inappropriate: in debating a resolution which apparently focuses on the need for change (for example, that Capital Punishment be reinstated) it may be unwise to admit the need for change and instead argue about Plan details. Similarly, whether a Counter-Plan should be used

depends on the cleverness of the Plan presented: if a very good Plan is presented, a Counter-Plan may be the only effective answer to the Government case. Ironically, if a very good Government Plan is presented, you may be unable to devise a better Counter-Plan and instead be forced to attack the need for change. So even though you intend to use a Counter-Plan, remain flexible until you have heard the Government Plan. If you decide not to use a Counter-Plan, you can still rely on the research you have done to show that the existing Plan details are weak or unsound (in those respects that they differ from the Counter-Plan you would have presented).

C. How Different must the Counter-Plan be?

Under CSDF General Rule 11, the Opposition must prove that a Counter-Plan is “significantly different from the affirmative proposal”. This ingredient of the burden of proof assumed by the Opposition should not be overlooked.

Some Opposition debaters are concerned that the Counter-Plan they use will end up admitting too much of the Government case. In fact, such a strategy - admitting all but one key part of the Government case or Plan - is very effective. Typically the Government argument will be divided among all parts of the case. When the Opposition admits most of these points, it renders much of the Government arguments useless. The Opposition is able to focus its speeches entirely on one or two points - which the Government, needing to cover everything, could defend only briefly.

If a resolution requires the Government to propose a particular Plan, the Counter-Plan must deny the substance of the resolution. So, for example, in a debate on the resolution, “University tuition fees be abolished”, the Opposition could present a Counter-Plan proposing that “University housing and accommodation costs be subsidized”. This is an alternative solution to the problem (the high cost of attending university) and is arguably superior: housing is a larger expense than tuition, and less directly related to a student’s education. When students must pay their own tuition fees, they acquire a stake in their education. The same is not true of mere living expenses. Accordingly, housing costs should be subsidized for university students, not tuition fees. This Counter-Plan denies the resolution. It would *not* be sufficient for the Counter-Plan to admit that tuition fees should be abolished but argue that housing costs should *also* be subsidized because this would not exclude the operation of the resolution.

When a resolution does not require a specific Government Plan, but merely outlines the need for change, it is submitted that a different result obtains. For example, the resolution “The federal government take steps to balance the federal budget” does not explicitly dictate the Plan (which could be to raise taxes or revenues from other sources, or to lower expenditures). Therefore, it would be proper for an Opposition team in such a debate to counter a Government Plan that expenditures be decreased with a Counter-Plan that expenditures remain constant but taxes be increased or revenues be raised from other sources. Such a Counter-Plan is an alternative solution to the problem with which the resolution is concerned and is distinctly different from the Government *Plan*; even though it does not deny the *resolution*. In my opinion, this should be sufficient to satisfy the spirit as well as the exact wording of CSDF General Rule 11, assuming that the Opposition proves the Counter-Plan to be “significantly different from” and “demonstrably more desirable than” the Government Plan.

D. How to Introduce a Counter-Plan

If you are going to introduce a Counter-Plan, do so firmly and clearly. The audience must not be left to wonder whether you are merely criticizing Plan details or whether this is a genuine Counter-Plan. Introduce the matter with words such as, “The Opposition admits (whatever the need for change is) but denies that the Plan is the best way to (meet that need). The Opposition proposes the following Counter-

Plan, which we submit is superior to the Plan in respect of (cost, efficiency or whatever).” Then state the Counter-Plan details and present the Opposition arguments.

Heckling

1. When to Heckle

A good heckle is a witty or pointed comment which either relieves the seriousness of the debate or underlines a weakness of fact or reasoning in the opposing case. Never heckle unless the comment you make achieves one of these purposes.

A heckle must be short and it should usually be funny. It is not easy to give examples - a witty heckle depends greatly upon the context. What is funny in one debate is frequently not in another.

Heckling must be infrequent, or else the heckler seems vicious or vindictive. As a rule of thumb, there should be fewer than ten heckles in a debate. Unless the previous heckles have brought the house down, don't be the tenth heckler.

2. How to Handle Heckling

The most effective way to deal with heckling is to prevent it. The heckler depends on a pause in your remarks to get his or her comments in; if you don't pause, he or she can't comment. He or she also depends upon an appropriate place to interrupt. If the debate is very serious, any interruption may seem inapt. Therefore, if the House starts to get out of hand, speed up your speech slightly, raise your voice a little, and become more serious and grave. Don't give opponents a chance to heckle you.

Unless you have a response to a heckle which is certain to be immensely more humorous than the heckle itself, ignore it: a heckle is more likely to fall flat if it is ignored. If you can respond in kind, however (“Next week I'll teach my friend to read” - “That gives you seven days to learn!”), do so. If you are going to respond, pause until the laughter has died down so that your response will be heard. Forestall a reply from the heckler by moving on briskly with your speech after the second laughter has started to die down.

If the heckle has made a serious point, and if you have time to deal with it, respond immediately, if doing so does not unduly interrupt the point you were making at the time of the heckle. If heckling is excessive, the Speaker should intervene. A debater should not solicit the Speaker's assistance, however.

Parliamentary Points

There are two types of Points permitted in Parliamentary style debates: Points of Order and Points of Privilege, which both confer the *right to interrupt*). Points of Order and Privilege may be raised at any time unless there is already another such Point on the floor.

1. Points of Order and Privilege

A Point of Order may be raised whenever a rule of debate has been broken, except for repetition or irrelevance: CSDF Parliamentary Rule 08.(a). A Speaker who notices such a breach may call the House to order himself or herself. If the Speaker does not, any of the debaters may raise a Point of Order. Rules of the House which often give rise to Points of Order through their breach include:

- (a) Form of Address required. Debaters must refer all remarks to the Speaker and must refer to one another in the third person by title. Hence the objection, “Mr. Speaker, the Prime Minister failed to refer to you ...”;
- (b) Language permitted in the House. Unparliamentary language such as “liar” is not allowed;
- (c) Who may hold the floor, in what sequence, and for what length of time;
- (d) What conduct is permitted in the House. (Example: heckling must be verbal.)

A Point of Privilege may be raised by a debater whose privileges as a member have been infringed by being misquoted, misrepresented, slandered or referred to incorrectly: CSDF Parliamentary Rule 08.(b). Other privileges of members are the right to be treated with respect, to comment on any matter coming before the House when his or her turn comes, and to comment on speeches which have already been given. Such a point is “personal” to the member, so only the member whose privilege has been impugned (or the Speaker) may raise it.

The **procedure for raising a Point of Order or Privilege** is as follows:

1. The member rises and says (without waiting to be recognized by the Speaker) “Mr. Speaker, I rise on a Point of Order [or Privilege].,” and remains standing.
2. If another debater has the floor at that time, he or she sits down.
3. The Speaker then calls upon the debater who has raised the point to explain the interruption, saying “I recognize the Honourable, the Leader of the Opposition. Please explain your Point of Order [Privilege].”
4. The debater who has raised the point must then explain it briefly, making specific reference to the rule broken or comment complained of. For example, “Mr. Speaker, the Prime Minister is in breach of Rule 19 because he is introducing new constructive evidence in his final rebuttal.” The debater raising the point sits down.
5. The Speaker will then rule whether the point was “well taken” (justified) or “not well taken”. Such points and the rulings on them are not debatable.
6. A debater who was interrupted then resumes the floor. If the point was well taken, he or she should apologize to the House (and withdraw the remark, if applicable), then continue with his or her speech.

2. Time

The time taken to raise (and rule on or answer, if necessary) one of these points is added on to that of the interrupted speaker, *even if* a point is “well taken”. Thus a debater who is frequently interrupted will not lose any speaking time, although the interruption to the flow of his or her speech may be unfortunate. A debater who is asked a question, however, thereby obtains an extra block of speaking time. It is therefore advisable to ask questions sparingly.

The Judging Ballot

At the National Seminar and in most provincial competitions, debaters are judged using a ballot similar to that used for other styles of debate. The National Ballots have a separate category in which to

evaluate “Debate Skills”, which in Parliamentary style debating, would include one’s ability to handle heckling and other interruptions, and Parliamentary role-playing.

Revised by
John D. Filliter
October 2004

Written by
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October 1984

Points of Information were abolished at the 1999 Rules Committee Meeting of the Canadian Student Debating Federation. In case they should be resurrected in the future, the following description of these Points is printed in this box:

The Point of Information is a formal means of asking a question of a debater who has the floor, but it may be raised only with the consent of the interrupted debater. A debater wishing to ask a question raises his arm (but must drop it if not recognized by the debater with the floor within half a minute). If the debater with the floor wishes to accept the question, he says “Mr. Speaker, I will entertain a question from my honourable friend” and sits down. The other debater stands and asks, for example, “Mr. Speaker, is the Prime Minister aware of the Ajax Treaty of 1973?”, and sits down. The interrupted debater then resumes standing and continues with his speech, answering the question if he chooses. The member with the floor may state that he will be pleased to entertain a question at the conclusion of his address, or simply ignore his would-be questioner. The Speaker plays no part in the questioning or the answering.

Only a single question may be asked on each such Point of Information; it is not Question Period (with supplementary questions) or Cross-examination. The Point must be phrased as a question, not a speech, although it may be so worded as to introduce information (as in the above example). Its most effective use is to pin down details of the opposing team’s case. For example, “My question for the Government, Mr. Speaker, is how long would employees have to work before they were entitled to a pension, under the Government’s Plan?”

An Introduction to Cross-examination Debate

Acknowledgements

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Introduction

Cross-examination debate has a flavour all its own. Debating of every type rewards those who can think on their feet, speak well and prepare thoroughly; but Cross-examination debate puts special emphasis on these qualities. Debaters must answer questions immediately - without destroying their own case or aiding their opponent's. They must conceal their own damaging admissions behind a facade of indifference. And they must know their case sufficiently well that they can pull the most telling facts together to answer an unexpected query. In short, this style of debate highlights three vital characteristics possessed by a good debater.

How it differs from other styles

Cross-examination debating was developed in the 1920's, probably in the Pacific northwest, to accentuate the clash in debating. It differs from Parliamentary debate in two senses: no formal interruptions (Points of Order or Privilege) or heckling are permitted; and there is a period at the end of each debater's speech when he or she is questioned by an opponent. In a sense, then, Cross-examination debate is more a copy of the court room than of Parliament, but this comparison is misleading. The content or substance of each debate is introduced through a debater's constructive remarks, and the cross-examination period is chiefly a way of identifying differences in the two cases rather than a means of introducing information. The fact that no interruptions are permitted allows a debater to have better control over the timing of his or her remarks - a telling point will not be interrupted at the climax by a Point of Privilege. But the cross-examination portion of the debate forces a debater to respond to opponent's arguments, pins him or her down to particular views, and exposes his or her own argument to a fairly searching analysis.

The rules of Cross-examination debate differ from other debate styles only slightly:

1. No formal interruptions are permitted during the course of the debate, although at the end of the debate, an opportunity will be afforded to debaters to complain of any rule violations and misrepresentations by their opponents.
2. At the end of each debater's initial remarks (but not after the rebuttals, if separate rebuttals are permitted), he or she will be questioned by an opponent, usually for up to two or three minutes or so.
3. While being questioned, a "witness" may only answer questions; the only questions permitted in reply are to have a confusing query answered. Witnesses must answer the questions themselves - neither the witness nor the "examiner" may seek help from a colleague, although both may rely on source materials and books during the examination. The witness must answer all questions directly and honestly.

4. While asking questions, an examiner may not make statements or argue with the witness; he or she may only ask questions of the witness. Judges are instructed to disregard information introduced by an examiner while questioning, and to penalize examiners for breaking the rules.

5. There are no formal rules of evidence which govern the sort of question which may be asked, though common sense dictates that the examination should be limited to fair questions on relevant subjects; these need not arise out of the preceding speech. Moreover, there must be no brow-beating or attempts to belittle an opponent, and debaters must treat one another with courtesy.

Many of the conventions of Parliamentary debate are also absent - there is no proscription which prohibits calling another debater by name, and it is common practice to address opponents by their first names, especially during the course of cross-examination. They may also be addressed as “witness” and “examiner”, as the case may be, but pejorative references should be avoided. Except when questioning or answering questions, one’s opponents should always be referred to in the third person rather than directly. (For example, “he told you that ...”, “the witness said ...” or “my friend thinks ...”, but not “you told us ...” or “you said.”)

The moderator and any other members of the audience may be addressed either directly or generally and it is common to refer to “Ladies and Gentlemen”. “My point, ladies and gentlemen, is simply that ...” Correspondingly, teams are not the “Government” and the “Opposition” but rather the “affirmative” and the “negative” (or occasionally the “proposers” and the “opposers”). Of course, individual members of a team may be referred to as noted above, but as there is no “House”, they are not “Honourable Members” but at best, “Honourable Friends”.

The procedures that prevail at a cross-examination debate are much the same as those present in a Parliamentary House, with a chairman moderating and introducing each debater at the beginning of his remarks (but not introducing the debater conducting a cross-examination: that follows directly on the conclusion of a constructive speech, without interruption or further introduction).

Speaking times are similar to those used in Parliamentary or Academic debate, with all debaters receiving an equal amount of maximum speaking time.

There are two speaking orders common in Canada in this style of debate, one of which is Oxford format (in which most debaters must incorporate their rebuttal with their constructive remarks), the other of which is Cambridge format (in which each debater receives a separate rebuttal after constructive speeches and cross-examinations have concluded). Although the order may seem complex, the effect is that each debater is examined after his or her constructive speech by an opponent, and the opponent who examines him or her does *not* immediately follow with his or her own constructive speech. (The latter rule does not apply to the present order of cross-examinations at National Seminars, however.)

Modified* Oxford format (two-person teams)	(sample maximum speaking times)
1st Affirmative (constructive speech)	5 minutes
Cross-examination by 2nd Negative	3 minutes
1st Negative (constructive speech)	5 minutes
Cross-examination by 1st Affirmative)	3 minutes
2nd Affirmative (constructive speech)	8 minutes
Cross-examination by 1st Negative)	3 minutes
2nd Negative (constructive speech)	8 minutes
Cross Examination by 2nd Affirmative	3 minutes

1st Negative (rebuttal-defence-summary speech)	3 minutes
1st Affirmative (rebuttal-defence-summary speech)	3 minutes
Complaints of rule violations, misquotations, etc. by either team.	

* In the usual Oxford rebuttal format, only the 1st Affirmative debater would have a separate rebuttal and the 1st Negative would instead receive additional time for his or her constructive speech. Both formats are in use in Canada.

Cambridge format (three-person teams)	(sample maximum speaking times)
1st Affirmative (constructive speech)	5 minutes
Cross-examination by 2nd Negative	3 minutes
1st Negative (constructive speech)	5 minutes
Cross-examination by 1st Affirmative)	3 minutes
2nd Affirmative (constructive speech)	5 minutes
Cross-examination by 3rd Negative)	3 minutes
2nd Negative (constructive speech)	5 minutes
Cross-examination by 2nd Affirmative	3 minutes
3rd Affirmative (constructive speech)	5 minutes
Cross-examination by 1st Negative	3 minutes
3rd Negative (constructive speech)	5 minutes
Cross-examination by 3rd Affirmative	3 minutes
1st Negative (rebuttal-defence-summary speech)	3 minutes
1st Affirmative (rebuttal-defence-summary speech)	3 minutes
2nd Negative (rebuttal-defence-summary speech)	3 minutes
2nd Affirmative (rebuttal-defence-summary speech)	3 minutes
3rd Negative (rebuttal-defence-summary speech)	3 minutes
3rd Affirmative (rebuttal-defence-summary speech)	3 minutes
Complaints of rule violations, misquotations, etc. by either team.	

Special Nature of Cross-examination Debate

Cross-examination debate is in other formal respects no different from Academic or Parliamentary debate. The same need for a clear, well delivered speech exists. There are three matters in respect of which you may wish to adjust your ordinary debating strategy, however: the duties of each debater are slightly different from other styles of debate; there is the peculiar need to make use of the admissions you obtain during the question period; and there is, of course, the need to be a skilful examiner and witness.

The duties of each debater are little different from Parliamentary or Academic debate, although here the obligation to summarize the debate as well as rebut in the final three minutes is probably more pronounced. Cross-examination is both partly by way of rebuttal and partly new material; in the final speeches you are therefore relieved from part of the burden to rebut, but have a greater need to tie together the case as a whole. It remains the duty of the first debater for each team to outline in summary fashion his or her team's interpretation of the resolution and to identify those portions of the resolution on which argument will be made. The first negative debater has an obligation to respond in his or her opening speech by disputing any definitions that are unsatisfactory, and by outlining at least any serious challenge to the different affirmative arguments. As always, it is the duty of the second affirmative debater to respond to the important contentions of the negative. But the burden of the affirmative rebuttal falls primarily on the second speaker in his or her main address, as the final speech for each team must be saved principally for summarizing the debate. To a lesser degree the burden of rebuttal falls on the

second negative debater, as the first negative debater's opening remarks may also be by way of rebuttal. (The foregoing comments apply mainly to a two-person team, of course.)

The purpose of asking questions is to obtain admissions. While the cross-examination period forms an important part of the debate, it is wasted unless good use is made of admissions obtained. There are two occasions to put these admissions to work: in framing subsequent questions during the examination period, and during one's constructive or rebuttal speeches. It is little good obtaining admissions which are then lost or forgotten. For this reason there is a special need to be flexible in presenting your prepared speech in this style of debate: if the opposition concedes one of your vital points in response to questioning, that should be followed up in the next constructive speech and made use of. Failure to do so is bad technique: the judges may not appreciate the significance of your earlier line of questioning unless you tie it into your speech this way (in which case you have simply wasted time); your own "prepared" remarks may seem beside the point or redundant (if by questioning you have already obtained the admission to prove the point you are now trying to establish); and you may allow your opponent in his or her next speech to retreat from or explain away a valuable admission which you have not "nailed down" in this way. Expect to begin your speech with words to the effect of "Mr. Moderator, before I begin my constructive remarks, I'd like to return to the admissions that my friend has just made under cross-examination." Don't take this approach if the effect of the cross-examination was so overwhelming that you are only repeating what is already obvious; in most cases, however, you can at least summarize the success of your partner's examination period, either immediately or later in your speech.

Strategy of Cross-examination

Witnesses rarely confess to murder in court, and even more rarely in cross-examination debate. Your purpose as an examiner is more modest. You hope to convince the judges, not the witness, that you are correct. Your opponent whom you are examining ceases to be relevant - at least in the sense that although you are asking him or her questions, you do not particularly care what answer he or she in fact gives. If by clear questioning you paint your opponent into a corner, it does not matter that he or she at the last moment makes an inconsistent denial. It is enough if the judges realize that you are right as a result of the questions asked. Obviously, it will make your success more apparent if the witness admits that you are right; it is sufficient, however, if this is apparent to the audience.

This fact governs your entire strategy as witness and examiner. It means that the successful witness will never be defensive or surly: that tells the judge that the examiner is asking damaging questions and makes the judge sit up and take notice. Similarly, as an examiner, don't be frustrated when a witness denies questions which must obviously be answered "yes". The judge knows the correct answer to the question and he or she is the only one you are seeking to convince.

A. Preparation

The key to successful Cross-examination debating is preparation. Your opponent has an opportunity to demonstrate to the audience that you have not prepared for the debate. Sloppy preparation may be concealed in other styles of debate; it will not escape detection here. You must prepare the case factually - so that when you are asked factual questions you can respond, and so as examiner you may question (and if necessary contradict) your opponent. You must prepare the issues - so that your team is in agreement before the debate on what the essential issues are, and what the team's position on each is to be. In a debate on Capital Punishment, it is no good one debater conceding that prisons are expensive (but justifying them on other grounds) if his or her colleague is going to argue that they are economical. In a debate on unemployment, you should decide in advance - not while under questioning - what an appropriate level of unemployment is, and how much you are prepared to spend to prevent unemployment from increasing beyond that level.

You must also prepare your lines of questioning and the nature of the answers you will give in advance. This will frequently grow out of your team's advance discussion of the issues in the debate. It may be that this advance preparation is in part wasted - if the debate takes an unexpected turn. But it is difficult to frame good cross-examination questions during the heat of debate. It is similarly difficult to respond to good questions without conceding your case - and again, more difficult if you are unprepared. The exact wording and sequence of questions need not always be settled in advance, but their general nature should be.

Remember to research first, and to develop cross-examination questions second. To do otherwise is analogous to attempting to write a summary to an essay without having written the body. Your research completed - the evidence collected and organized into clear and concise, identifiable arguments, you will be able to proceed with a solid foundation for developing questions. A general approach is [to] ... [r]eview your research and the arguments that have developed from it. As a member of each side, determine the three or five ... issues or arguments that are weakest in the opposing side's case. Plan a series of questions to expose those areas ...

Cooper, *Approach*, page 2

B. Technique in Questioning

The chief purpose of asking questions of an opponent is to rebut an opposition argument or make one of your own, but there are other important purposes, too. Your "rebuttal" purposes of cross-examination are to show that your opponent's:

1. Facts are weak or wrong;
2. Logic is in error, either because:
 - (a) the facts don't support the argument he or she is making, or
 - (b) his or her argument doesn't support the conclusion that he or she wishes to draw;
3. Plan is unfeasible (in a policy debate);
4. Assessment of benefits are mistaken, either because:
 - (a) the benefits he or she claims may be challenged; or
 - (b) there are additional costs.

Questions may also have a "constructive" purpose - for example, to lay the groundwork for an argument you will later make (perhaps by obtaining admissions of particular facts), to obtain the details of the opposition case (so that you will have more to attack in your later speeches), or occasionally to make a new constructive argument directly.

Finally, the question period, particularly the first examination in the debate, is an opportunity for the negative team to show what position it will take on the important issues in the debate. By establishing the relationship between the affirmative and the negative cases at an early stage, the negative team makes it easier for the audience to understand the relevance of everything that follows.

Questions in Cross-examination debate are very different from those in Parliamentary debate. In Parliamentary debate, only a single question may be put, and it carries the burden (either through humour or straight refutation) of making a point. That is very difficult to do. In Cross-examination debate, however, a whole series of questions may be asked, and by seeking information a little bit at a time, a

much more substantial point may be made. There is a more important reason for asking questions in a series: your purpose is to convince the audience; if you jump around, you may lose them. By asking questions in a series you let the audience follow your line of thought and understand the purpose of the questions. You allow the judges to recognize your ability to think logically. And by focusing on three or four important lines of questioning, you signal to the judge that you can distinguish between important and trivial matters. You should break each line of questioning into individual questions in which you seek to make only one point per question. And you should normally have between three and ten questions in a given line of questioning. (If your purpose is constructive, for example, to obtain plan details, or to show the relationship between the affirmative and the negative case, one or two questions may be enough. Only in your “rebuttal” use of questions is three-to-ten-in-a-series a useful rule of thumb.) The first rule of questioning, then, is to “*Ask little questions in a series.*”

The second rule is to “*Be well organized.*” Occasionally, your questions will be intended to elicit admissions of which use can be made later in your speech (the constructive purpose spoken of above). If so, the point of the questions may not be obvious to the judges - not until you make use of the admissions in your constructive remarks. For the most part, however, you are trying to make an immediate point to the judges. Not only do you serve your purpose by asking questions in a series, but you also make it easier for the judges by asking organized questions which play on one topic for a time and then move on to something else. As a rule of thumb, spend only about a minute on each line of questioning you pursue. To be most effective, you should choose your lines of questioning while listening to your opponent’s speech. (You will have brought several possible lines of questioning with you to the debate; which you use, or whether you construct a new series of questions on the spot, is a decision to make while listening to your opponent.) While it is good technique to use your question period to gain admissions that you can later make use of in your own constructive remarks, your questions will be more effective if the majority of them are directly relevant to the speech that just concluded. As with rebuttal, you may plan certain lines of questioning in advance, but if their purpose is merely to rebut an argument - rather than to establish one of your own - you cannot use them if your opponent does not make that argument. In choosing which lines of questioning to use, keep two considerations in mind: if you run out of time, you must have already covered the most important areas of your examination - so put them first. On the other hand, you want to end on a strong note - since much of your strategy is creating the impression of success, rather than obtaining any particular admission from the witness. So you may decide that you should stop early - rather than commence a line of questioning that you may not be able to see through to its conclusion.

The third (and most important) rule is, “*Be direct,*” or put another way, ask focussed, leading questions, not vague, open-ended questions. When a lawyer says to his client, “You were travelling only about 30 miles an hour when you had the accident, weren’t you?”, he “leads” his client to the answer he wants - a different answer, perhaps, than he would get if he asked, “Did you notice how fast you were going?” or “How fast were you going when you had the accident?” In Cross-examination debate, you should *always ask leading questions* - not because they show the witness what answer you want (although that is important) but because they show the judges what answer you want. Do not ask “What do you think ...” or “How do you explain ...” Such questions invite an answer of book length and are not focussed. Instead, invert the question and supply the answer you want the witness to reach: “You think ..., don’t you?” This often forces a “yes” or “no” answer (and even if it does not, it narrows the issue greatly), it makes the issues clear for the judges, it leaves you in control of the examination, and it tells the judges exactly what the purpose of your question is. It follows from this that the best form of question is normally one which is short and contains a statement that you want to put to the witness. So, in a debate on “free university tuition”, don’t ask “What proportion of a student’s income is spent on tuition?”; rather turn the question around and ask, “An average student spends about 25% of his income on tuition, doesn’t he?”

The fourth rule is to “*Control the examination without being rude*”. Nothing looks worse than an examiner who is ripping into a witness - the audience immediately feels sorry for the witness. Your strategy is directed towards winning the sympathy of the audience; to do that you may have to be tough, but you must always seem fair. You must never make your audience sympathize with the witness. Similarly, you must not try to choke off an apparently damaging answer - because the judges will conclude (whether the answer is damaging or not) that some facts are against you and you are trying to cover up your weak position. The only time you can interrupt an answer without alienating the judges is when it is clearly irrelevant, and often then only after a long series of irrelevant answers. If the witness avoids answering a question, ask it again, if possible in exactly the same words. This is an effective way of underlining the witness’s evasion. Be polite, however: asking leading questions as suggested above will give the audience the impression that you are being tough with the witness. If this is accompanied by any intimidation by voice or gesture, you are likely to lose the sympathies of the audience. For the same reason, don’t demand a particular answer of the witness: your goal is to convince the audience, not the witness. Even if he or she does not give you exactly what you want, if the audience realizes that he or she is equivocating, you obtain the same measure of success. And it may be that your argument can still be made with what he or she gives.

During the examination period, you may only ask questions of the witness - not make statements - so you are certain to lose any “argument” with the witness. He or she can reply and you cannot, unless you break the rules, so save any dispute with him or her until your team’s next constructive speech. At that time, quote the source that shows the facts that your opponent disputed or was unaware of; observe that you feel confident your opponent is acting in good faith, and that his or her “mistake” (in getting the fact wrong) was an oversight in his or her research, and invite him or her (along with the audience), now that he or she is aware the evidence, to change his or her mind. Your opponent cannot answer back during your constructive speech, so your reply can be given much more effectively then.

During the examination period, itself, however, you must demonstrate that you are in control. When you have the answer you want, or when the witness begins to stray from the topic, or ask questions, bring him or her back to the subject tactfully and try another tack: “Thank you witness, that answers the question” or “Perhaps we can get to that later; all I asked now was ...” or “It’s my role to ask the questions now, thank you.” To disarm the witness and make a favourable impression with the audience, it is often wise to begin with neutral questions and move from the general to the specific.

C. Constructing Effective Questions

It is quite easy to construct effective questions, once you are armed with the foregoing advice. Let us consider the steps to follow.

1. *Decide what admissions you want from the witness.* What is the purpose of the questioning? The easiest way to write questions is to start backwards: decide what you would like your opponent to admit (be reasonable!) and devise questions that will elicit that admission. As a negative debater in a debate on “Increasing police powers”, you may decide you want the following admissions: (1) The public generally (and police officers in particular) are not in greater danger now than in the past; and (2) The public needs to be protected *from* the police, too (and so, you imply, we should not increase police powers).

2. Recognize that admissions fall into two principal categories: admissions of fact, and conclusions. Normally you will ask a series of factual questions designed to produce a conclusion. So *once you start with what conclusion you want the audience to draw, attempt to break that conclusion into a series of factual statements that lead to it.* In the example above, “Has the crime rate increased or decreased since 1980?” and “Has the number of assaults against police officers increased or decreased since 1980?” are

two factual questions that might lead to the conclusion that you want (that the danger now is no greater than in the past).

3. *Once you have your draft question, make it a leading question.* This ensures that it implies the answer that you want, and is normally accomplished by inverting it. The questions in the example above become, “The rate of violent crime has declined since 1980, hasn’t it?” and “The number of assaults against police officers has declined in the same period, hasn’t it?”

4. *Add the factual basis to the question.* It is not enough to imply the answer; your question should also have the content that makes it indisputable. In the two examples above, the questions, although leading, might still produce an unsatisfactory or disputed answer. They should be proved. “In 1983, the rate of violent crime declined from 14 incidents per thousand population to 9 incidents per thousand, didn’t it?” and “In the same period, assaults against police officers declined from 312 to 249 across Canada, didn’t they?”

You now have your cross-examination questions. They may benefit from editing and polishing (and they may identify to you areas of your own case that require further research) but you should now be a strong cross-examiner.

Of course, what specific questions you ask is very much a result of the particular debate resolution, the side you are on, and the position your team takes on the several issues in the debate. Because the examiner may only ask questions, it is very difficult to cross-examine on abstract issues (which, in any event, should be avoided in a debate). The possibility of error or police abuses in the present system is vague; the case of Donald Marshall is concrete. The crime rate is vague; the case of Paul Bernardo is specific. If abstract issues are to be dealt with, they should be illustrated with concrete examples, analogies or particular instances.

D. Answers

Your objective as witness is the same as your objective as examiner: to create a favourable impression with the audience. To do that, you should appear cooperative and helpful. You should not become defensive (which suggests that you are making damaging admissions). And you should not stall - this signals that you do not know the answer, that it is damaging, or that you are unprepared. Answering a question with a question reveals a poor knowledge of the rules. You want to convince the audience that you are forthright, well prepared and correct in your views; you don’t want to alienate them through bad manners. In particular, if a question has trapped you, be as nonchalant and pleasant as possible - by doing so, the judges may miss (or misunderstand) the effect of the admission you are forced to make. Further, such an attitude may bluff the opposing debater into thinking the admission unimportant or also to your advantage.

The first step to being a good witness is to be well prepared. It is fundamental to our craft as debaters that for every argument (or authority) there is an equal and opposite argument (or authority). Your success as a witness depends in part on your having located that “reply” and being able to produce it quickly. Cue cards with the necessary information readily at hand may prove invaluable in the height of cross-examination when time is precious. (The rules prohibit you from consulting your partner(s) while under examination.) Of course, if you are well prepared, you will understand the issues; when the examiner asks a question, you should be able quickly to grasp the issue being raised and be prepared for the opportunity to present the “reply” - that opposite argument or authority that your research has produced to support your conclusion.

Your job as a witness breaks down into four steps:

- (a) Listen to the question carefully. Be certain that you understand what is being sought before you attempt an answer, but don't stall;
- (b) If you do not understand the question, ask for clarification; if the question is really several questions, ask the examiner which one he or she wants answered;
- (c) Answer the question truthfully, and as briefly as possible. Long answers always look evasive and may create a bad impression on the judges. Worse, a long answer uses up the examination period - and the best impression you can create comes when you answer "all of the questions your opponent could possibly have" and still have time left over. A long answer is also more likely to contain information damaging to your case than a short one.
- (d) Don't make speeches, and don't declare to the audience "I know where you are going with that line of questioning!" Far better that you should (apparently without trying) turn the questions to your own advantage.

E. Strategies in Answering Questions

In answering questions, you must, of course, tell the truth and be (and convey the impression of being) forthright; but you can do so within the limits of the following. You have two possible approaches:

(1) The examiner is wrong or mistaken - and so you give him or her an answer he or she does not want or does not expect. You disagree with him or her. If this is to succeed, you should have at hand sufficient information or reasoning to make it clear why your answer is correct, and not merely an evasion.

(2) Sometimes you can give the examiner the answer he or she wants or expects without hurting your case. This can be very effective. For example, it may be that,

(a) the logic or premise on which the questions are based is wrong: even if you answer all of the questions the way the examiner wishes, that may not prove the conclusion he or she wishes to draw. (For example, even if you admit there have been a number of recent, sensational police killings, that does not show that the rate of violent crime is generally increasing.)

(b) the answers you give do support the conclusion your examiner wishes to draw, but that conclusion itself does not prove his or her case as a whole. (An admission that there are a lot of abuses under the existing parole system does not demand a return to Capital Punishment; rather it may indicate the need for parole reform.)

(c) many of the answers you give are ones your examiner seeks, but to crucial questions you give an answer he or she does not want or does not expect. You may be able to give the examiner most of what he or she wants without hurting your case. (Even if you admit that 40% of car accidents are "alcohol-related", that statistic does not mean that 60% of those who drink-and-drive don't have accidents; it means that of all drivers - both those who have been drinking and those who haven't been - a disproportionate percentage of the total accidents are caused by those who drink and drive.")

(d) the answers you give do support the case of the examiner, but it may be that the evidence as a whole is against it. (An admission that incarceration is more expensive than Capital Punishment doesn't end the debate on the death penalty!)

Whichever approach you take - and of course, it may be different for different lines of questioning - it will be necessary to make clear to the judges why the conclusion the examiner wants does not follow from the answers you have given. I recommend that the next debater on your team begin his or her speech by referring to the two most recent cross-examination periods - in which your team answered questions and in which your team questioned an opponent. His or her purpose in doing so is to explain away any apparently damaging answers you may have given, and to highlight the damaging nature of the answers your opponent has just given. ("Before I begin my constructive remarks, ladies and gentlemen, I'd like to say a brief word about the two cross-examinations just concluded. Under examination, my opponent admitted that the crime rate has declined over the last three years, while at the same time, complaints against the police have increased. This reinforces our belief that there is no present need for an increase in police powers. At the same time, you will recall that when my colleague was cross-examined, he admitted that protection of the public is the reason for a police force, and that a police force is vital to the protection of society. But these questions show that the affirmative team has missed the point of the debate: we are not suggesting that the police force be disbanded - of course we need a police force. The real question is whether we need a more powerful police force at a time when crime is declining and there are many objections to the existing police powers ...")

However you answer the questions put to you, it is best to be forthright and cooperative, and so create a favourable impression with the judges. If the examiner is mistaken, show later why his or her questions don't make sense or don't justify the conclusion he or she seeks. If the question requires an extended answer, ask for permission to give an extended answer; if the examiner refuses, you win the point in the minds of the judges; if he or she consents, he or she can hardly complain that you are taking too long. (For example, you might say, "There are four reasons why we believe that. Do you want me to explain them?")

The Judging Ballot

At the National Seminar and in most provincial competitions, debaters will be judged using a ballot similar to that used for other styles of debate. The National Seminar Ballot has a separate category in which to evaluate "Debate Skills". In Cross-examination style, this includes one's ability (as a questioner) to elicit admissions, avoid speech making, ask a series of fair, relevant, precisely phrased questions and (as a witness) to refrain from asking questions but instead give honest answers that are resourceful rather than evasive and serve to expose the fallacies in the questions asked while respecting the examiner's right to control the examination. Your courtesy, both as examiner and witness, will also be considered.

Summary

Although the cross-examination period forms only a small part of the debate, it offers an opportunity to make your entire argument more effectively, and to display your superior research, questioning and planning skills. This opportunity should not be missed.

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