# ZIMCODD DEBATE MANUAL

A Guide in British Parliamentary, World Schools Style and Public Speaking



Investing in People For Social and Economic Justice



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# ZIMCODD DEBATE MANUAL 2016

A Guide in British Parliamentary, World Schools Style and Public Speaking

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## About ZIMCODD

The Zimbabwe Coalition on Debt and Development (ZIMCODD), is a non-profit Social and Economic Justice coalition established in February 2000 to facilitate citizens' involvement in making public policy and practice pro people and sustainable. ZIMCODD views indebtedness, the unfair local and global trade regime and lack of democratic people–centred social economic and political governance as root causes of the socio–economic crises in Zimbabwe and the world at large. Drawing from community–based livelihood experiences of its membership, ZIMCODD implements programmes targeted at:

- Educating the citizen
- Facilitating policy dialogue among stakeholders
- Engaging and acting on socio-economic governance at local, regional and global levels.

#### **OurVision**

Sustainable socio-economic justice in Zimbabwe through a vibrant people based movement.

#### Mission

To take action in redressing the Debt burden, Social and Economic Injustices through formulation and promotion of alternative policies to the neo-liberal agenda

#### **Objectives**

- To raise the level of economic literacy among ZIMCODD members and citizens to include views and participation of grassroots and marginalised communities.
- To facilitate research, lobbying and advocacy in order to raise the level of economic literacy on issues of debt, trade and sustainable development.
- To formulate credible and sustainable economic & social policy alternatives.
- To develop a national coalition and facilitate the building of a vibrant movement for social and economic justice.

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## Acronyms

BP	British Parliamentary Style of Debate
CG	Closing Government
СО	Closing Opposition
IR	International Relations
LR	Leaders Reply (Speech)
OG	Opening Government
00	Opening Opposition
WSS	World Schools Style of Debate
POI	Point of Information

### Why Debates?

ZIMCODD initiated the student debates and public speaking competition in 2011 to tap young voices in the social and economic justice discourse. The debates have expanded in geographical catchment, content and depth of discussion. The debates have also been up scaled to include tertiary institutions locally and in the SADC region.

ZIMCODD seeks to strengthen youth participation in Natural Resources Governance in the SADC region from the national levels through to the region to facilitate policy dialogue for people centred development in the SADC region. It is acknowledged that SADC has a young population, with 76% of its population under the age of 35 years. Southern Africa and Africa at large has the youngest population in the world, 200 million people aged between 15 and 24. It is expected that the number of young people in Africa will double by 2045. According to the World Bank between 2010 and 2012, Africa's working age population (15-64 years) grew 2.7% per year. If this trend continues, the continent's labour force will be 1 billion strong by 2040, making it the largest in the world, surpassing both China and India (McKinsey Global Institute, 2013).

Through the debates and public speaking galas, students in high schools and tertiary institutions have been encouraged to research and interrogate public policy issues pertaining to social and economic rights, economic justice, governance, taxation, trade justice, sustainable development and livelihoods. The galas links up theoretical concepts that the students are learning with pragmatic situations as lived realities in communities. The debates facilitate the growth of a concerned citizenry among the students, their teachers and the community as a whole.

As a social and economic justice coalition and activist think tank, ZIMCODD utilizes the debates and public speaking gala as part of the broader inclusive movement building efforts. The youths are a critical demography whose active participation in social and economic justice issues is worthy. Economic policies that are being approved impact on the youth hence the need to incorporate their views. ZIMCODD also realizes the strengths and experiences of young people such as information and communication technology for information dissemination.

Students have been afforded platform to debate at key national gathering such as the Alternative Mining Indabas, these debates have also been up scaled to the SADC region through the SADC People's Summit and the SADC Heads of State Summit. Students from Queen Elizabeth High School in Zimbabwe through grooming in debates have gotten an opportunity to make presentations during the 2016 SADC Head of State Summit in Swaziland. ZIMCODD realizes the strengths and experiences of young people in using current technological advancements in the information and communication technology for information sharing.

ZIMCODD acknowledges the value of youth involvement in social and economic justice to involve them in policy proceedings of public agencies, and for the youth and adults to work together to promote inter-generational policy partnerships. Youth participation in public policy is a process of involving young people in the institutions and decisions that affect their lives.

The ultimate purpose of this manual is to contribute to the many small steps that have been taken to engage and involve the youths in policy making circles. The ultimate goal is to build a youth movement on Natural Resources Governance in the region that will participate in natural resources policy processes, influence the institutional and legal framework and will benefit from the extraction of natural resources.

ZIMCODD through this manual hopes to develop the debating skills of young people which has not yet been fully strengthened. We hope it will go a long way in coaching debaters so that they may not only have desirable qualities that include the ability to speak clearly, clarify arguments, provide examples, maintain persuasive speech, and maintain a professional tone but also be knowledgeable about the subject area and construct arguments that will persuade the target audience which is the policy makers on critical policy issues in natural resource governance.

## ≻ About This Manual

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

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

This guide is split into two sections. First, it provides a background to debating outlining the basics of British Parliamentary Debating; tips on how to construct an argument and strategically approach topics; Secondly it outlines the First Principles governing a variety of issues; the legitimacy of government intervention; process vs. outcomes; and international relations principles that are also applicable in World Schools Debate Format.

## 1. What is Debate?

Communication, rhetoric, argumentation and debate are related topics. Starting with communication and proceeding to debate, the concepts become progressively narrowed. Communication may be defined as the process whereby signs are used to convey information. Following this definition, communication is a very broad concept ranging from human, symbolic processes to the means that animals use to relate to one another. Although all of our communication abilities including rhetorical communication are somehow built into our species biologically, not all communication is rhetorical. The clearest example of symbolic communication is language. Language is an abstract method of using signs to refer to refer to objects. The concept of a symbol differentiates rhetoric from other forms of communication. Symbols, hence rhetoric are abstract methods of communication.

Still, not all rhetoric is argumentation. Rhetorical communication can be divided into various categories, two of which are narrative and metaphor. Just to give a couple of examples, the narrative mode of rhetoric focuses on sequential time, and the metaphoric mode of rhetoric focuses on comparing one thing to another, and the argumentative mode of rhetoric focuses on giving reasons. All of these modes of rhetoric are useful in debate, but the mode of rhetoric that is most central to debate is argumentation.

Argumentation is the process whereby humans use reason to communicate claims to one another. According to this definition, the focus on reason becomes the feature that distinguishes argumentation from the modes of rhetoric. When people argue with one another, not only do they assert claims to be plausible or probable. Argumentation is a primary tool of debate, but it serves other activities as well. Argumentation is, for instance, an important tool in negotiation, conflict resolution, and persuasion. Debate is an activity that hardly exist without argumentation (Trapp, 2011).

Argumentation is useful in activities like negotiation and conflict resolution because it can be used to help people find ways to resolve their differences. But in some of these situations, differences cannot be resolved internally and an outside adjudicator must be called. These are situations that we call debate. Thus, according to this view, debate is defined as the process arguing about claims in situations where the outcome must be decided by adjudicator.

#### 1.1 The Basics of British Parliamentary Debating - Background

British Parliamentary (BP) debating is the style of debating used at the World Universities Debating Championships (Worlds). This chapter is not intended to provide a comprehensive

overview of BP debating. However, it will outline the basics of BP. It will also provide some tips on crafting effective Points of Information and Extensions. The members of the Government Bench argue in favour of the motion. The members of the Opposition Bench argue against the motion. For example, if the topic is "This house supports invading Syria", the Government Bench will argue in favour of an invasion and the Opposition Bench will argue against an invasion.

#### 1.2 Structure of a BP Debate

The Prime Minister is the first speaker in the debate, followed by the Opposition Leader. The speakers from each side then alternate until the debate concludes. Therefore, the order of speeches is as follows: Prime Minister; Opposition Leader; Deputy Prime Minister; Deputy Opposition Leader; Government Member; Opposition Member; Government Whip; Opposition Whip.

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

#### 1.3 Winning a BP Debate

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

## 2. What is Debate?

All of the teams in a BP debate have a specific role. Adjudicators will consider the extent to which teams have fulfilled their role when ranking the teams.

#### 2.1 Opening Government (OG)

The OG is expected to define the topic (clarifying what the debate is about). They must outline the details of their policy (if this is a policy debate that requires a solution). They must also provide arguments supporting their view and respond to the arguments of the Opening Opposition.

#### 2.2 Opening Opposition (00)

The OO is expected to define the stance of the Opposition Bench. Both speakers must provide arguments supporting their view and respond to the arguments of the OG.

#### 2.3 Closing Government (CG)

The CG is expected to provide an Extension (a new and interesting contribution to the debate) that is consistent with the arguments outlined by the OG. They must also respond to the arguments outlined by the OO and CO.

#### 2.4 Closing Opposition (CO)

The CO is expected to provide an Extension (a new and interesting contribution to the debate) that is consistent with the arguments outlined by the OO. They must also respond to the arguments outlined by the OG and CG.

#### 2.5 The Table In The Next Page Illustrates Speaker Roles:

<b>GOVERNMENT BENCH</b>
-------------------------

#### Prime Minister (Opening Government)

The PM should outline the context for the debate, define any contentious terms and provide a model/solution (if this is a policy debate that requires a solution). The PM should also provide arguments for the OG position.

#### **OPPOSITION BENCH**

#### **Opposition Leader (Opening Opposition)**

The OL should outline the opposition stance, rebut the PM and provide arguments.

#### Deputy Prime Minister (Opening Government)

The DPM should rebut the OL and provide arguments supporting the OG"s case. Ideally, the DPM should summarise the OG case.

#### **Government Member (Closing Government)**

The GM should outline the CG<sup>\*</sup>s extension. The GM should also rebut the most important issue/s in the Opening half of the debate.

#### **Government Whip (Closing Government)**

The primary role of the GW is rebuttal. They should identify the most important issues in the debate, reinforce the CG extension and rebut the CO extension. The GW can provide new arguments, but it is preferable for this it occur in the GM speech to ensure that these arguments receive sufficient airtime in the debate.

#### Deputy Opposition Leader (Opening Opposition)

The DOL should rebut the OG"s case and provide arguments supporting the OO"s case. Ideally, the DOL should summarise the OO case.

#### **Opposition Member (Closing Government)**

The OM should outline the CO"s extension. The OM should also rebut the CG"s extension and the most important issue/s in the Opening half of the debate.

#### **Opposition Whip (Closing Government)**

The primary role of the OW is rebuttal. They should identify the most important issues in the debate, reinforce the CO extension and rebut the CG extension. The OW is not allowed to introduce new arguments, as the other bench does not have the opportunity to respond to these arguments.

## >> 3. Points of Information

POIs are an essential element of BP debating. There appears to be consensus in the international debating community that each team should accept a minimum of three POIs across their team. Therefore, speakers should accept at least one POI during their speech and two if their teammate only accepted one POI.

#### 3.1 Rules About Asking POIs

There are only two prescriptive rules about asking POIs. First, debaters should ask POIs by standing and saying "Point of Information" or "Sir/Madam". Debaters should avoid asking POIs by saying anything else, such as flagging the issue they wish to ask a question about ("On criminal responsibility" or "On your model"). Saying anything other than "Point of Information" or "Sir/Madam" is unfair to other teams (by raising a point outside your allotted time), unfair to the speaker (by distracting them and distracting the adjudicator from the speech) and a form of cheating. Second, POIs should be no longer than 15 seconds. Any POIs longer than 15 seconds unfairly eats into the opponent's speech. If a POI lasts longer than 15 seconds, the speaker may wave down the person offering the POI and the adjudicator should call the offeror "Out of Order". Beyond those rules about the form of POIs, there are no rules about the substance of POIs. You may ask a speaker anything you like (Walton, 2006).

#### 3.2 Advice For Asking Effective POIs

Even though there are several opportunities to offer POIs through a debate, the opportunities available to ask a POI are quite limited. Therefore, you want to make your POIs count. There are 2 important aspects to asking an effective POI:

#### 3.3 Style

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

#### 3.4 Content

POIs can, broadly, be categorised into 2 groups:

#### 3.4.1 Attack Minded POIs:

- **Rebuttal:** the aim of such a POI is to point out a logical flaw in the argument of the speaker. This is the simplest and most common form of POI.
- Pointing out a contradiction: the aim of asking this POI is to immediately highlight to the adjudicator a contradiction in the speaker's case. By asking this POI, and not waiting for your rebuttal, you can force the speaker to defend his or her case and spend less time on substantive argumentation. It should be noted that you should be careful in labelling something as a contradiction do not label something as a "contradiction" unless you are absolutely sure that this is the case, because if you get it wrong and the speaker points that out, you have wasted a POI and undermined your credibility.
- Hard case question: the aim of such a POI is to force the speaker into a corner and is best illustrated through an example. In the debate where the government wants to ban drugs, an effective hard case POI from the opposition is to ask the government whether they would also ban alcohol. If the answer is yes, then the opposition can argue the government is being too intrusive. If the answer is no, then the opposition can argue that the government is being philosophically inconsistent why not ban alcohol when it is potentially as harmful as drugs?

#### 3.4.2 Defensive POIs:

Bringing back your own material: these are most effectively used by opening teams to keep
their material in the debate during the closing half. The POI is usually asked through the
prism of your own material, and rather than directly addressing the speaker's material, it
aims to force the speaker to turn their attention to arguments put forward earlier in the
debate.

#### 3.4.3. Flagging An Extension

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

#### 3.5 How to respond to POIs

Answering a POI should be seen as an opportunity for you to highlight the strength of your case, and not as something to be scared or worried about. Accordingly, there are 2 things you should keep in mind:

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

## > 4. Points of Information

An extension is a new and interesting contribution to the debate. The Closing teams are expected to provide an extension. Importantly, what constitutes an extension is not limited to what is flagged as "the Extension" in the Member speech. New and interesting contributions made in rebuttal may also be considered part of the extension.

Commonly, there are two types of extension:

#### 4.1 Identifying a New Issue/Affected Group

The simplest extension is to identify an issue that has not been outlined by the Opening team. Let's take the debate: "This house supports the banning of artisanal mining". If the Opening Government does not provide a principled justification for the government restricting individual freedoms to seek livelihoods, the Closing Government might provide this argument, thereby outlining a new issue.

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

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

#### 4.2 DeeperAnalysis

Often, the most effective extensions provide deeper analysis (more compelling reasons) for an argument outlined in the Opening half. Let's look at the topic: "This house supports banning of artisanal mining".

The Opening Government may argue that individuals do not consent to the harms of artisanal mining, without providing reasons justifying this position.

At Closing Government, you may provide a series of reasons why consent does not exist, including: financial pressures to enter artisanal mining; impaired consent once you begin illegal work; and pressure from managers and peers to keep working. Alternatively, you may provide a clearer definition of what constitutes consent, arguing that the decision to be an illegal artisanal miner is uninformed; and not made voluntarily. If you are adopting this approach, it is essential to clearly differentiate yourself from your Opening team. During the debate, if you feel that the Opening team has comprehensively covered an issue, it is not worth rehashing this argument, as you will not have provided a new contribution to the debate (Walton, 2006).

## >> 5. Crafting An Effective Argument

An effective argument generally has three components:

#### 5.1 Idea

The Idea is the assertion that you are seeking to justify. In situations where governments are trying to deal with corruption. The motion could be "This house would introduce the death penalty for corruption crimes" For example, if you are defending the death penalty, you may outline the following Ideas:

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

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

#### 5.2 Analysis

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

- Why is the Idea true?: If you are arguing that the death penalty deters criminals (prevents them from wanting to commit the crime), you need to provide reasons why this is true. For example, you may argue that people are rational and weigh up the risks of offending against the benefits of doing so. People fear the death penalty and will avoid conduct that puts them at risk of death. Therefore, the death penalty deters crime.
- Why is the Idea important?: This is where you explain why the analysis, if true, is significant for your case and for the outcome of the debate. Your aim is to link the Idea back to the topic. In the context of the death penalty debate, you may argue that deterrence is essential because the government has an obligation to do whatever it can to prevent harm occurring to its citizens. This obligation trumps consideration of other aims of sentencing process, such as rehabilitation. Failure to complete this step in the analysis may mean that a clever

opposing team can argue that even if deterrence is established, it is insignificant compared to other issues such as the right to life and fairness to defendants.

#### 5.3 Evidence

Evidence is used to substantiate the Analysis that you have provided. If arguing that the death penalty deters criminals, you may outline the following Evidence:

- Case Studies: You may argue that the death penalty, since its introduction in [X] State, has led to less crimes when compared with [Y] State that has abolished the death penalty; or 2. Statistics: You may argue that the death penalty has led to a 20% reduction in such crime in [X] State.
- Evidence is be important in justifying your claims and adding credibility to your team. However, this is the least important component of an effective argument. An Opposition team can easily dispute your evidence or offer alternative evidence that supports their case. It is therefore more effective to use Evidence sparingly and focus your time on developing your Analysis

## 6. Approaching Debates Strategically

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

Below is a list of tips to help strategically construct a case:

- Identify the Problem and Solution
- Most debates are about problem-solving. The topic outlines a problem and it is your job to
  outline the best solution for this problem.

Identifying the Problem. After receiving the topic, all teams should identify what the problem is. Ultimately, you are asking a simple question: Why was this topic set? What is the issue that the adjudicators are trying to raise? Identifying the problem requires you to identify the failures of the current situation ("status quo").

## > 7. Approaching The Problem Strategically

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

It is often useful when outlining the problem to:

- Outline Trends: If the problem continues to get worse, this may be a trend in need of correction. For example in opposing, an argument may be that corruption may be a response to supply and demand but it is still not beneficial. It eventually ensures that public services are available only to the rich. Where corruption is wide spread, the poor always lose out and society becomes ever more divided.
- Outline Tipping Points: A tipping point is the point of no return. For example, many people
  argue that we are at a tipping point when it comes to resolving climate change: if we do not
  act now, it will be impossible to prevent the most harmful consequences of global warming.
  Therefore, outlining a tipping point adds urgency to the solution and makes it harder for
  the opposition to defend inaction.

It is not always possible to identify an obvious trend or tipping point. In the debate, "This house supports banning imports of cheap clothing products", it is difficult to identify an obvious trend justifying a ban. However, you may point to society's increasing obsession with foreign affordable products as a subtle trend that needs to be redressed.

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

## >> 8. Identifying The Solution

The solution ("model") is your policy response to the problem that has been identified. In the examples "This house believes the World Bank should cancel all Third World debt". The solution identified by the topic is "cancel".It is essential before developing your solution that you have a clear idea of the current policy approach to the issue. The topic may be helpful in developing this understanding (for example "This house believes the World Bank should cancel all Third World debt" makes it clear that the current policy is one of cancellation of all debt).

## **>> 9. Government Teams**

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

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

- Provide sufficient detail about how your solution will work: For example, if defending cancelling Third World debt, you will need to outline: (1) which countries will be qualifying; (2) what type of criteria they will be using (i.e. HIPC status); (3) how will they support the assisted countries; and (4) what happens next (i.e. will they provide future loans and/or a continued monitoring
- Clearly define the scope of the debate: If you are given a broad topic (i.e. that we should offer exemptions to countries governed by dictators), be very clear about whether you want the debate to be about all dictators or about a particular dictator (i.e. Bashar Assad). There are pros and cons of defining the debate broadly or narrowly and you should consider which approach provides your team with the best chance of success.
- Avoid the problem-solution gap: This refers to situations where the solution identified does not match the problem identified. For example, if you are arguing that debt cancellation has terrible implications and should be enforced, a problem-solution gap exists if the solution you outline is "cancelling debt for Third World countries in Asia". As this only targets a small group, it fails to fix the broader problems associated with Third World countries debt cancelation. Therefore, always aim to ensure that your solution is proportionate to the problem identified.

Opposition teams have three options in crafting a solution:

- Reject the existence of the problem: It is rare that this approach will be effective, as adjudicators generally set topics in response to a clear problem. You will not get very far arguing that there are no problems debt problems or denying that have been recklessly increasing debt dramatically often forcing countries to choose between paying their debt and funding social, health and education programs.. Having said that, it may be effective to dispute the size or nature of the problem and thereby undermine the opposition team's imperative for action.
- Accept the problem, but propose a counter-solution: Adopting this approach requires opposition teams to outline a detailed alternative proposal for resolving the problem. Importantly, this still involves a departure from the current policy. For example, with reference to the examples above, counter-solutions may involve mandatory reform first

rather than immediate cancelation of debt, and dictators often spend money on weapons and palaces thus reoccurring possibly even more debt.

Accept the problem, but argue that the harms of the Government model are worse than the status quo: This approach involves defending an imperfect status quo as superior to the Government model. Therefore, in the debt cancelation debate, an Opposition team may argue that cancellation would create serious problems and the current approach of sanctions and isolation will take time but ultimately will be effective. Cancelling debt would therefore make no difference, it would be equivalent of giving a one-time payment to dictators and crooks, who would siphon off the extra money and become rich while the people still suffer.

## >> 10. Identify The Competing Principles

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

#### **Examples:**

#### This house would restrict freedom of speech

**Government Principle:** The Government has the obligation to protect people from their own harmful choices by restricting their freedom.

**Opposition Principle:** Individuals should have the freedom to make choices, voice the opinion. Regardless of the situation, the public has the right to a free exchange of ideas and to know what the government is doing.

#### This house supports banning hate speech

**Government Principle:** Individual freedom of speech does not extend to speech that causes serious harm to others and undermines social cohesion.

**Opposition Principle:** Individuals should have the freedom to express their opinions, regardless of how offensive these opinions are, and the validity of an idea should be assessed through a free process of debate and discussion.

## >> 11. Winning The Clash of Principles

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

- Be Pre-emptive: In outlining your principle, make sure you prepare for the opposition team's principle and pre-emptively explain why your principle is superior. So, for example, if defending banning hate speech, you will need to explain why the government interest in protecting people from harm is more important than unfettered individual freedom and why it is insufficient for public opinion to reject harmful speech.
- Be Specific: Principles often have limited impact on a debate because they are expressed in a generalised way. For example, if discussing banning hate speech, do not simply argue that actions that cause harm should be banned. Explain why hate speech itself causes significant emotional harms to individuals (providing examples) and then explain why emotional harm is something that the government should care about.
- Identify clear limits for your principle: Debates often hinge on the exceptions to a principle. For example, if defending banning drugs, you may argue that bodily autonomy is an important right that should only be limited in instances of serious harm to individuals. However, in taking this approach, you need to consider whether you would also ban other addictive substances such as cigarettes and alcohol which may also create harms. Ensure you have a clear idea of the exceptions to your principle and can differentiate similar situations if necessary. he validity of an idea should be assessed through a free process of debate and discussion.

## > 12. Stakeholder Analysis

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

#### Example:

#### This house supports banning hate speech.

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

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

## > 13. Legitimacy of State Intervention

#### 13.1 Introduction

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

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

However, you should not stop there. While it is sometimes possible to win a debate by focusing on the effectiveness of a policy, often a debate is won or lost on a more fundamental question. That question is whether it is legitimate for the government to act in the proposed way. This requires a principled justification for the government to intervene in the lives of its citizens. And because this is a more fundamental question, this should ordinarily be the first argument you advance in the debate (Walton, 2006).

This chapter will address two issues concerning the legitimacy of government intervention. First, it will examine the debate concerning the legitimacy of government intervention to influence individual choice. Second, it will examine the debate concerning the legitimacy of government intervention to promote social change.

#### 13.2 When is Government Intervention To Influence Individual Choice Legitimate?

#### Small Government vs. Big Government

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

#### **Small Government**

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

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

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

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

Prohibiting a self-endangering activity (like driving without a seat belt); Prohibiting deviant but harmless behaviour (like nonstandard sexual practices); Regulating what citizens eat, drink or smoke (since this would interfere with their right to use their self-owned bodies as they see fit); Controlling what citizens publish or read (since this would interfere with their right to use the property they have acquired with their self-owned labour as they wish); Administering mandatory social insurance schemes or public education (since this would interfere with citizens might decide that they would rather put their money into private education and private retirement plans); and Regulating economic life in general via minimum wage and rent control laws (since they violate citizens" right to charge whatever they want to for the use of their own property).

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

#### Examples of Libertarian/Small Government Arguments

#### 2. Individuals Should Have The Right To Consume Recreational Drugs.

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

#### 3. The State Cannot Principally Justify Redistributive Taxation

Redistributive taxation involves taxing individuals based on their wealth and using the proceeds to pay for advancing the interests of poorer and more vulnerable members of society. Libertarians make three arguments against redistributive taxation: First, taxation deprives us of our free will. Taxation involves redistributing wealth according to some pattern (so that there is more equality in the distribution of income, wealth and other resources). But it is impossible to maintain equality without restricting people's liberty. Taxation limits our ability to choose what we want to do with the money we have. This undermines the capacity of individuals to pursue their version of the good life.

Second, taxation is a form of slavery. Maintaining a pattern (such as equality) requires taking a portion of a richer person's earnings and giving them to a poorer person. But taking the earnings of two hours of labour from the rich person is like taking two hours from the rich person. This is like forcing the rich person to work for two hours for the benefit of the poor person. Redistributive labour, therefore, is like forced labour. This makes every citizen a partial owner of you, which is inconsistent with the principle of self-ownership.

Third, taxation is effectively theft. If something was originally acquired justly and later transferred justly, then it is now owned justly. Nobody, including the government, should be allowed to take away anything that a person justly owns.

#### **Big Government**

On the other side of the spectrum is "Big Government". The Big Government position suggests that government can interfere with individual freedoms if the person affected would be better off, or would be less harmed, as a result of the policy. Governments all over the world are

considering Big Government policies to deal with problems such as gambling, consumption of unhealthy food, alcohol abuse and smoking. For example, banning smoking is a classic Big Government policy, as it restricts choice in order to promote the interests of the individual (in better health) and the interests of society (reducing the burden on the healthcare system).

#### **Big Government Policies Generally Have Three Characteristics:**

They involve interference in a person's choice or opportunity to choose. They aim to further the person's perceived good or welfare; and they are made without the consent of the person. You may justify a Big Government approach by arguing that:

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

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

#### Banning Harmful Drugs;

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

#### **Middle Position**

A middle position might be to argue that governments should "nudge" people's choices in the right direction. Rather than banning certain activities, this approach supports policies that discourage harmful choices, while preserving the freedom to make these choices. Commonly, this is achieved through "sin taxes", which make harmful choices more expensive. Sin taxes are often imposed on products like alcohol, cigarettes and fatty food, with the aim of reducing the number of people that consume these products. In theory, this policy sends a more accurate price signal, as the additional charge ensures that the individual is aware of the additional cost (to society and the individual) of consuming harmful products.

#### 13.3 When Is Government Intervention To Advance Social Change Legitimate?

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

This section addresses two questions. First, are governments obliged to implement specific policies to advance the interests of disenfranchised groups? Second, if so, what form should these policies take?.Are governments obliged to implement specific policies to advance the interests of disenfranchised groups? This issue hinges on the nature of the government's responsibilities. There are two broad views relevant to this question:

**1) Majoritarian View:** In a majoritarian state, the interests of the majority determine government policy (majority rule). Therefore, if this view is adopted, government should only adopt policies to protect or advance the interests of disenfranchised groups if this isa democracy) stems from representing the views of the majority of citizens. Discrimination against minorities is justified if the majority of people support this discrimination.

**2) Pluralist View:** This view suggests that governments have an active obligation to protect disenfranchised groups. Rather than bowing to the will of the majority, governments should actively promote minority interests, on the basis that individuals have certain universal rights (regardless of their race, religion, gender or sexuality). An independent judiciary should strike down laws that infringe on these universal rights. According to this view, one of the key reasons for the existence of government is to protect vulnerable groups from the harms that may occur if majority views were always decisive and to maximise the opportunity of each individual to pursue their version of happiness.

#### 13.4 What Form Should These Policies Take?

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

**1)** Formal Equality: This view suggests that government's only obligation is to ensure that laws do not directly discriminate against disenfranchised groups. Policies that are based on formal equality include: allowing homosexuals to serve in the military; giving women the right to vote; and ending Apartheid. Individuals should be treated the same, regardless of their differences. Government's role is to ensure equality of opportunity, regardless of what the outcome is.

**2) Substantive Equality:** This view suggests that formal equality is insufficient. Even if laws do not directly discriminate against disenfranchised groups, discrimination may still occur in practice. For example, even though women have the right to vote in most countries (formal equality), they remain under represented in Parliament and in leadership positions. Therefore, governments should pursue substantive equality (equality in substance). Governments should treat disenfranchised groups differently, in order to correct cultural biases that limit their opportunities. Policies that are based on substantive equality include: affirmative action policies (such as requiring 20% of each university class to be made up of minorities) and special tax treatment (such as allowing women to pay a lower income tax). Government's role is to ensure equality of outcome.

**3) Autonomy/Self-Determination:** This view suggests that the best way to approach the problems faced by disenfranchised groups is to give them more control over their lives. According to this view, governments should cede control to these groups, to enable their leaders to make choices that more accurately reflect what these people want. Policies that are based on granting autonomy/self-determination include: granting independence to minority groups; granting minority groups exclusive control over natural resources; and allowing the creation of separate legal systems.

## >> 14. Criminal Justice

Criminal justice debates typically hinge on two key issues:Should a particular practice be considered "criminal"? How should criminal behaviour be punished?

#### Should A Particular Practice Be Considered 'criminal'?

A "crime" is socially defined. As society`s morals evolve, a practice which was once considered a crime may no longer be considered a crime. For example, homosexual intercourse has been decriminalised in a number of countries in light of increased acceptance of sexual freedom. By contrast, practices that were once legal, such as rape in marriage, are now considered unacceptable in most countries and have been criminalised. Criminal justice debates often hinge on whether a particular activity should be criminalised. Topics featuring this issue include: "This house supports decriminalising artisanal mining"; and "This house supports holding directors criminally liable for environmental damage caused by their company".

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

- 1. Is it principally justified to criminalise this practice?
- 2. Does criminalisation have positive or negative outcomes?

#### 14.1 Is It Principally Justified To Criminalise This Practice?

#### Justifying Criminalisation on Principled Grounds

Individual freedom is limited by criminalisation. A criminal penalty has potentially significant implications for an offender, including time in prison and the stigma of being labelled a criminal. Therefore, the Government teams (defending criminalisation) need to justify this limitation of individual freedom and the significant consequences for the offender. To defend limitations on individual freedom, the Government teams must outline the situations in which it is legitimate for individual freedom to be restricted. These are the three most common justifications for criminalisation:

#### 1. Harm Principle

This is the view that it is legitimate for individual freedom to be restricted only when harm is caused to others. Therefore, e.g. environmental degradation can be criminalised because it infringes on others rights to a clean environment. However, it is necessary to justify why a
particular harm is sufficient to merit criminalisation.

# 2. Big Government Approach

If you are defending the criminalisation of practices such as drug use, the Harm Principle may not be enough to justify restricting individual freedom. Drug use may lead to harm to others (for example if people steal to fund their addiction) but the most direct and predictable harmful effect is to the drug user. The Government teams need to defend why it is acceptable to limit an individual's freedom to harm himself or herself. To justify this, it may be worth taking the "Big Government" view discussed earlier in the guide. From this perspective, the government's role is to protect people from their own poor choices. Criminalisation reduces the likelihood that people will make harmful choices, advancing their best interests.

### 3. Moral Justifications

Criminalisation may be justified on moral grounds.

# 14.2 Opposing Criminalisation on Principled Grounds

Opposition teams may oppose criminalisation on the following grounds:

### 1. Contesting the Harm

Opposition teams may either deny that harm exists or argue that the harm is insufficient to justify criminalisation. For example, the Opposition teams may argue that environment does not have any moral standing and that therefore changes/harm inflicted on landscape is not the type of harm that justifies criminalisation in resource exploitation processes.

### 2. Small Government Approach

The Opposition teams may argue that individual freedom should trump the government's interest in criminalisation. For example, Opposition teams may argue that it is principally unjustified to criminalise drug use, as individuals have the right to choose what happens to their bodies even if harm occurs. Provided individuals are consenting and no one else is being harmed, it is wrong for the government to criminalise this behaviour.

# 14.3 Individual Criminal Responsibility

Some debates focus on whether a particular individual/class of individuals should be held liable for their conduct. For example, topics featuring this issue include: "This house supports holding directors criminally liable for environmental damage caused by their companies"; and "This

house supports prosecuting CEOs of banks that acted recklessly during the Global Financial Crisis". These topics are distinctive because they focus on individual responsibility rather than the criminalisation of an activity.

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

# 14.4. Does Criminalisation Have Positive Or Negative Outcomes?

Even if it is principally justified to hold someone criminally liable for their behaviour, criminalisation may have harmful effects in practice. In assessing the practical outcomes of a policy, it is worth considering:

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

# Example: Criminalising Drug Use

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

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

### How Should Criminal Behaviour Be Punished?

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

Criminal justice debates often hinge on how the state should respond to a particular crime.

Topics featuring this issue include: "This house supports the death penalty" "This house supports the chemical castration of paedophiles"; and "This house supports mandatory prison terms for arsonists". In approaching these types of debates, it is necessary to understand the four aims of the sentencing process.

**Rehabilitation:** Rehabilitation is targeted at reforming a criminal's behaviour, making it easier for them to re-integrate into the community and less likely to offend in the future. For example, rehabilitation may include counselling targeted at tackling the causes of offending. Incapacitation/Community Protection: Incapacitation is aimed at reducing the risk posed by the offender to society. For example, violent criminals are locked up in prison to protect the community from the risk that they will cause further harm.

**Deterrence:** Deterrence is aimed at preventing people from committing future crimes, based on the consequences of committing the crime. For example, imposing a prison sentence for drug use may deter the offender from committing the crime again (specific deterrence) and may also deter others from ever committing the crime (general deterrence).

**Punishment:** Punishment is aimed at delivering justice for victims and preserving community order. If crimes are not punished and victims do not feel like justice has been served, the state has failed to recognise the harm caused to them and risks increasing the likelihood of vigilante justice (where people take matters into their own hands).

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

### **Example 1: Death Penalty**

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

#### Example 2: Youth Diversionary Programs

Youth diversionary programs are aimed at diverting young offenders from the criminal justice system, by emphasising rehabilitation above punishment. By emphasising rehabilitation, young offenders are less likely to be exposed to harmful influences in juvenile detention and less likely

to self-identify as criminals. However, the emphasis on rehabilitation may conflict with the aim of punishment, as victims are denied justice for the offence committed against them. Moreover, diversion programs may undermine the aim of deterrence, as the consequences of offending are not high enough to prevent someone from committing a crime.

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

**1.** Establish that the policy achieves certain aims (i.e. rehabilitation or deterrence). For example, you cannot take for granted that the death penalty is an effective deterrent and must provide reasons why this is the case.

**2.** Establish why the aims achieved by your plan are more important than the aims advanced by the opposing bench. For example, if you are defending a policy that is an effective form of rehabilitation but is a light punishment, it is important to explain why the state has a greater interest in reforming offenders through rehabilitation than in acting punitively. Furthermore, it is important to be aware of the assumptions underpinning these aims when defending them in a debate:

**Rehabilitation:** Rehabilitation is based on the assumption that people are not inherently criminal and have the capacity to reform. However, certain groups such as paedophiles may not be able to reform their natural impulses, making it harder to justify rehabilitation.

Therefore, teams defending a rehabilitative approach must make it clear why reforming a particular class of offenders is possible. Note, however, that teams should avoid making generalised statements about entire classes of offenders and should rather focus on what is the most likely outcome.

**Punishment:** Punishment is based on the notion of delivering justice to victims. However, any punishment may be inadequate in delivering emotional closure to victims, particularly in the context of serious offences. Victims often seek a punishment that is more or less severe than the sentence that is given, based on their emotional state and capacity to forgive. Therefore, arguably the criminal justice system should not place victims" interests at the centre of the sentencing process. Teams defending harsh punishments must explain why the state has an obligation to the victims of crime that is more important than other interests.

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

# >> 15. Morality and Ethics

In many debates, there will be a dispute about whether a policy is ethically 'right' or 'just' or whether the subject matter of a policy is ethically 'wrong' or 'unjust''. This may be in addition to similar questions about the Role of Government and other more specific First Principles. As an illustration, consider the topic 'This house would criminalise consensual cannibalism'. This topic may call for debate about the proper Role of Government, as criminalising consensual acts between two individuals would seem to infringe upon people's individual liberty. The topic also raises issues specific to the First Principles of Criminal Justice, since it asks whether certain acts should rightly be considered criminal and subject to enforcement and punishment by the state. But the topic also raises the question of whether the practice of consensual cannibalism itself is ethically wrong. Debaters often find arguing about whether a practice is ethically right or wrong very difficult. For example, even though many people might find the thought of cannibalism disgusting, they may find it difficult to articulate principled reasons why it is actually wrong.

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

Types of moral reasoning, broadly speaking, there are two types of ethical reasoning that are invoked in debates.

**1. Consequentialist Reasoning:** This locates morality in the consequences of an act. An act is justified if the benefits outweigh the harms.

**2. Categorical Reasoning:** This locates morality in certain duties and rights. Rather than focusing on the consequences of an action, this type of reasoning says that it is the intrinsic quality of the act that matters.

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

### 15.1 Categorical vs Consequential Reasoning

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

An approach using Consequentialist reasoning might be that in some circumstances harming one individual may save the lives of many. For example, if on September 10, 2011, American law enforcement authorities apprehended a person who knew there was going to be a terrorist attack the next day that would kill over 3000 people but who refused to tell them how they could stop the attack, the police would be justified in torturing the person to extract that information. Harming one person by torturing him would save 3000 lives. Allowing torture in some circumstances would lead to significantly less pain for more people than enforcing a blanket ban. The act of torture would be justified because of the consequences of the action. An approach using Categorical reasoning might be that it is always wrong to torture someone, even if it does result in saving many lives. Three reasons of principle might be advanced to justify why torture is always wrong, without focusing on the (potential) consequences of using torture.

Firstly, it treats humans as a means to an end and not as an end in themselves. It treats persons as a 'thing', not as a person with all the values we associate with persons. It dehumanises the victim. And it often uses the physical body of a person not as a component part of a person of value, but as a tool of the torturer. Secondly, torture may destroy a person's autonomy. Sometimes a victim is tortured to the extent that they change their own views and beliefs and adopt those of the torturer. This is sometimes done deliberately (such as in repressive regimes suppressing dissent) or accidentally (such as where a person loses their reason or forms an attachment to their torturer).

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

# 15.2 Purely Consequential Debates

Often sides do not clash about what type of moral reasoning to employ. Instead, both sides use Consequentialist reasoning. This is probably because it is easier to point to potential consequences of an action rather than pinpoint principled reasons why something is wrong. Again, a classic example is the artisanal mining debate. In addition to, or instead of, arguing that artisanal mining is categorically wrong, Opposition teams may argue that such mining practices are wrong because of their environmental consequences. *For instance:* Resource exploitation is a slippery slope: when society justifies illegal unsustainable resource exploitation practices After all, if there is no principled reason why artisanal mining is wrong, even if it accounted for thousands of jobs, is it also unjustified when it accounts in environmental losses that costs millions dollars a year. Artisanal mining damages the environment and is not sustainable on the long term. It may cause them environmental harm.

### 15.3 Process vs Outcomes

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

### 15.4 Four Systems of Government

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

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

How much freedom they grant their citizens (the liberal-illiberal spectrum), and How much they allow citizens to participate in decision-making (the democratic-authoritarian spectrum). Where a government (or a specific government policy) falls on the liberal-illiberal spectrum is covered by the 'Legitimacy of Government Intervention' chapter in this guide. This chapter considers the second democratic-authoritarian spectrum.

#### **Democratic vs Authoritarian Systems**

In their most extreme form, democratic governments allow all citizens to play an equal role in creating and enforcing the laws of the community elections are "free and fair" and are seen to be free of corruption. There are many political parties. Media are independent and diverse. There is

an effective system of checks and balances. The judiciary is independent and judicial decisions are respected and enforced. Civil society is strong. In these systems, process is more important than outcomes.

On the other hand, the most extreme form of authoritarian governments do not permit citizens to have any say in creating and enforcing the laws of the community. The government is not chosen by the people (or at least there is no real choice about who is chosen). Media are often state-owned, controlled by groups connected to the government or subject to significant restrictions. There is no independent judiciary. There is repression of criticism of the government and pervasive censorship opposition parties often have little to no say in the way the country is run. In these systems, outcomes are more important than process.

### 15.4.1 The Relevance To Debating

Most countries, of course, fall somewhere between these two extremes. Some countries, for example, might have free and fair elections but a weak media and weak civil society (such as Argentina). In a debate, you will never be asked to evaluate whether a democratic system is better (or worse) than an authoritarian system. Debates normally concern one individual policy. The reason it is important to understand the differences between democratic and authoritarian systems is to recognise the clash between process and outcomes. In many debates the two sides will disagree about whether process (accountability) or outcomes (efficiency) are more important. It is also important because liberal democratic systems do not always adopt liberal democratic policies. For example, many countries "anti-terrorism laws prioritise outcomes over process (i.e. indefinite torture, detention without a right to trial etc).

# >> 16. International Relations

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

#### IR debates include topics as diverse as:

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

#### The types of topics that are relevant to this chapter include:

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

# 16.1 Approaching These Debates

The following chapter provides a detailed overview of strategically approaching debates, which introduces the importance of identifying the problem contemplated by the topic and outlining a clear solution. This is essential in the context of IR debates, which often involve a significant amount of detail.

### **Identify the Problem**

In IR debates, it is essential to provide a comprehensive outline of the problem contemplated by the topic (the reason for the debate). For example, if the topic you are debating is "That this house supports military intervention in Syria", the problem contemplated by the topic is obviously the situation in Syria. However, to succeed in this debate, it is essential to provide some detail about why the current situation in Syria is harmful. The relevant problems may include: the Syrian regime is committing serious war crimes against its people; a civil war is breaking out;

Syria continues to assist insurgent groups in other countries, such as Hezbollah in Lebanon; and the West's credibility is undermined by allowing the bloodshed in Syria to continue. While it may not always be easy to identify all of the problems with the current situation, it is worth developing as detailed a picture as possible.

#### Identify the Solution

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

**1. Prove that the current situation cannot work:** It is not enough to argue that because the current situation is harmful, your solution is necessary. It is important to demonstrate that the current situation is inherently unlikely to work. For example, if arguing that sanctions against Iran are not working, you need to show that sanctions cannot work to make the case for military intervention being the only option. This ensures that your opposition has a more difficult task in defending their plan rather than merely criticising your approach.

**2. Be Specific:** It is essential to provide as many details as possible about how your solution would work. If proposing strikes on Iranian nuclear facilities, you must consider issues such as: (1) who will be leading the operation; (2) what types of strikes will be used; and (3) what will happen after the strike?

# 16.2 Three Key Questions

#### These types of debates generally hinge upon three key questions.

### Will A Particular Action Be Taken?

This is the least important question in an IR debate (or any debate). Debating requires you to suspend disbelief and argue about hypothetical policies that may be implausible in the real world. However, establishing that a particular action will be taken adds credibility to your arguments and makes the policy sound sensible. For example, consider the topic: "This house supports intervention in Syria". If you cannot establish that the West would ever intervene in Syria in practice, this makes your arguments sound unrealistic and the solution seem improbable.

The way to establish that a particular action will be taken is establish why it is in the interests of a particular actor to adopt this policy. So even if it is theoretically unlikely that the United States would send troops to Syria (considering their budget issues and the failed legacy of past

interventions), your case is strengthened if you can show that the United States will take this action as it is in their interests (maintaining credibility as a protector of human rights; undermining Syria's propagation of terrorism etc). Furthermore, establishing that it is in the interests of a state to adopt a policy makes it more likely that this policy will be effective. For example, unless you can show it is in the United States" interest to invade Syria, it is hard to argue that they will commit sufficient resources and time to ensuring the intervention works.

#### Will It Be Effective?

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

**1. Military Intervention:** If you are defending regime change through military intervention, effectiveness hinges upon whether: (1) the intervention will defeat the existing regime's army (through overpowering air defence, ground troops, allies and proxies); (2) supporters of the regime will either be defeated or abandon their support, avoiding a protracted civil war; (3) there is a credible and superior alternative government that can take power; and (4) there are sufficient national/international resources to ensure the country can be rebuilt.

**2. Economic Sanctions:** If you are proposing economic sanctions against a rogue state/nonstate actor, effectiveness hinges upon outlining: (1) a clear aim for the policy (the behaviour you are seeking to change); (2) what form the sanctions will take (banning all trade; targeted sanctions against the leader and his/her allies; and/or travel bans); and (3) the intended consequence of the sanctions (dictator abandoning this behaviour; allies defecting from the regime; and/or the general public rising up in revolt).

**3. Amnesties:** If you are proposing amnesties in exchange for giving up power, effectiveness hinges upon outlining: (1) who these amnesties will be granted to (dictator or other key members of the regime); and (2) significance of these figures leaving power to achieving peace. In order to answer the latter question, it is essential to show that the regime is fragile and that the removal of certain figureheads will lead to power being given up.

**4. Negotiations:** If you are proposing negotiations with a rogue state/non-state actor, effectiveness hinges upon outlining that the other party is willing to cooperate provided that the right incentives are offered. For example, in considering negotiations with a state like North Korea, the effectiveness of negotiations hinges on whether the North Korean leadership is willing to bargain in good faith. To win this issue, you must win the characterisation of the other party: (1) do they have incentives that are compatible with ours; and (2) are they ideologically incapable of compromising? It is essential to remember in this context that there is a significant amount of uncertainty concerning the intentions of rogue states/non-state actors and it is essential to provide "even if" arguments that engage with other possibilities.

#### Is it Justified?

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

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

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

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

**1. Military Intervention:** Military intervention overrides the national sovereignty of another state. National sovereignty refers to the right of nations to make decisions about matters within their own borders, without external interference. National sovereignty is important because: (1) people have the right to choose how they are governed; and (2) international stability is promoted when countries respect each other's borders. However, states defending military intervention argue that national sovereignty should be overridden, potentially because: (1) the state being invaded is harming international peace and security through its behaviour; or (2) the state being invaded is committed serious crimes against its own people, undermining the regime's claim to non-interference and triggering an international responsibility to act to protect people from reprehensive crimes.

**2. Unilateralism vs. Multilateralism:** A military intervention may be justified if it is approved by a group of states (multilateral) rather than by a single state (unilateral). The international community has set up a framework which seeks to promote multilateralism, with the United Nations ensuring that certain interventions are only justified under international law with the consent of the permanent Security Council members (United

States, United Kingdom, China, Russia, and France). Arguably, this reduces the likelihood of countries acting recklessly and advancing their interests at the expense of the international community. However, multilateralism may also lead to stagnation, through making it harder for necessary interventions to occur.

**3. Just War Theory:** Just War Theory establishes two principles: (1) the principle that there must be just cause to go to war (jus ad bellum); (2) the principle that the conduct of war must be appropriate (jus in bello). The first principle applies to a broader range of debates. In determining whether there is just cause to go to war, consider: (1) whether the intervention is justified on the basis of pre-emptive self-defence (to prevent an imminent risk); (2) whether the intervention is justified because of the harm caused to other states by the regime; and (3) whether the intervention is justified because of the harm caused to people within the state by the regime.

**4. Surgical Strikes on Nuclear Facilities:** The legitimacy of these strikes hinges on whether there is a right to nuclear weapons. The Nuclear Non-Proliferation Treaty (NPT) bans the pursuit of nuclear weapons, although arguably this is unfair considering that a number of countries (i.e. the United States, Russia, China and Israel) possess nuclear weapons.

# >> 17. Public Speaking

#### **Interpreting A Theme**

- Speakers may interpret the theme in any way they wish, but may not use the theme as the title of their speech. Themes for the public speaking competitions are deliberately broad and do not suggest any specific subject area.
- The audience and the adjudicators do not necessarily have to be interested in the speaker's topic to be persuaded by the speech. Speakers should try to make their speech more engaging by demonstrating the relevance of their arguments to the audience and the adjudicators.

#### **Choosing A Topic**

Speakers should consider the following when choosing a topic: Am I interested in the topic? – Speakers should never write a speech on a topic or subject area that they are not interested in. - Enthusiasm is difficult to fabricate and without it speakers can't hope to maximize their marks under Expression and Delivery. - Conversely, many speakers also try to avoid writing a speech on a topic or subject area that they have very detailed knowledge of, as the inability to get all their knowledge into a five-minute speech can be quite frustrating.

#### Brainstorming

- **Initial Brainstorm** One way for speakers to decide on a topic is to write down as many words and ideas as they can think of that are connected with the theme in 60 seconds.
- Secondary Brainstorm Once the speaker has decided on a topic for the speech, it is useful to go back and brainstorm again; writing down all the words and ideas relating to that topic that come to mind in 5 minutes.
- This process will help the speaker to identify all the possible arguments which they may want to use in their speech. It will also help the speaker to decide how best to group those arguments.
- Finally, it will help the speaker identify arguments which they may not be able to use in the speech, but which may be useful when answering questions.

# >> 18. Research

Multiple Sources – speakers should aim, where possible, to have more than one source of evidence. Different types of sources – Speakers should aim to utilise fact-based resources (e.g. encyclopaedias), academic resources (e.g. journals or reports) and opinion-based resources (e.g. newspapers or news websites). Up-to-date information – Speakers should ensure that the information they are relying on to support their arguments is up-todate (e.g. a journal or newspaper article) is the most up-to-date information available.

### **18.1 Key Elements**

#### **Expression and Delivery**

- What is the purpose of the speech? In a competitive context, speakers should always approach their task of speech writing with a clear purpose in mind. Good speeches should attempt to do all four – persuade, inform, inspire and entertain the audience and the adjudicators.
- Make an impact from the start! First impressions are important. The audience and the adjudicators are at their most attentive at the very beginning of the speech. It is crucial to grab their attention from the very start with a confident and flawless opening.
- Verbal skills Speakers should remember that delivering a speech is not like reading an
  essay and should also attempt to vary their pitch and tone of voice, as well as the pace of
  their speech (where appropriate). These variations help to keep the audience and the
  adjudicators alert, and help the speaker to maintain their attention for the full five minutes
  of the speech.

#### Non-Verbal Skills

Much of a speaker's communication is non-verbal. For that reason, public speakers must be conscious of their body language if they are to engage the audience and the adjudicators.

- 'Open' gestures (which help to engage the audience) include facing the audience, and using hands and arms freely to demonstrate, emphasise or otherwise support the words being spoken.
- By contrast, 'closed' gestures (which often disengage the audience) include the speaker

folding their arms, facing away from the audience or hanging their head.

- Facial expression may also be used to mirror the message or emotion being conveyed by the speech (e.g. a humorous quote, a shocking statistic, a sorrowful narrative etc.), adding a sense of sincerity or truth to the words being spoken.
- Eye contact is another important way for speakers to engage with the audience and the adjudicators, and convince them of their confidence and their credibility.

### Linguistic Skills

- Speakers should ensure that their use of vocabulary is consistent that the intended meaning is conveyed by the words chosen.
- Speakers should also avoid the use of colloquialisms or slang.
- Finally, the competition will be conducted through the medium of the English language. However, it is not an English language exam.

### **Confidence and Style**

- Confidence and style are at the core of effective expression and delivery. Speakers feel more confident, and exude that confidence when delivering their speeches, by following the tips discussed above (having a clear purpose or goal, making an impact from the start with a dramatic or otherwise memorable opening, and using verbal, non-verbal and linguistic skills or techniques effectively).
- A compelling speaking style is what makes a speaker unique (and what maximises their marks under Expression and Delivery!).

### **Reasoning and Evidence**

- Statement of intent providing the audience and the adjudicators with a statement of intent at the start of the speech lets them know what the speaker is trying to achieve with their speech, what the targets are etc. The statement of intent also gives the audience and the adjudicators a glimpse of the content or subject matter of each section of the speech.
- Using empirical evidence Empirical evidence used in support of an argument should (1) have a reliable source, (2) be up-to-date and (3) be relevant to the speech. Irrelevant evidence, evidence that comes from an unreliable source, or evidence that is out-of-date will inevitably undermine the credibility of the argument and the speaker.

# **Organisation and Prioritisation**

The outline of a typical speech:

- Introduction
- Body
- Conclusion
- Listening
- Response

# >> 19. World Schools Style Format

#### 19.1 The Rules and Teams

There are two teams in a debate. One team is called the PROPOSITION, and it is their job to agree with the topic, and argue for it. The other team is called the OPPOSITION, and it is their job to disagree with the proposition (and the topic). Each team has three speakers on it, and each of them will have a very clearly defined roles.

#### 19.2 The Motion

The topic for the debate is called the "motion". Every motion starts with the words "this house". That's just a fancy way of saying "the proposition team". It's important to remember that you can't have a debate about an issue, like "terrorism" or "global warming" – there must be something for each side to believe in or do, so they can actually prove something. So a motion might be "This house believes that we are losing the war on terror", or "This house would force developing countries to do more to address global warming".

#### 19.3 The Speeches

After every team member from proposition and opposition has spoken once, one speaker from each team will give a short "reply speech", which will let them summarise the major issues in the debate and close their team's arguments. The third speaker cannot do the reply speech, because they won't have time to sit down and write a reply speech after delivering their main speech. This means that either the first speaker or the second speaker must do the reply speech you can choose. The speeches are all done in a specific order, alternating from proposition to opposition. There is one little difference at the end of the debate though. The reply speeches happen the other way around from the rest of the debate. The opposition reply speech will happen immediately after the opposition third speaker speech, and the proposition reply speech will finish the debate.



The order of the speeches will look like this:

Points of information (also known as POIs) are one of the most fun parts of debating. If you have ever debated before, you will know that there are times when you wish that you could tell the speaker just how wrong he/she is. Or throttle him. While you will never be allowed to strangle an irritating speaker, points of information allow you to interrupt his/her speech and challenge him/her on what he/ she is saying. To stop the debate becoming a shouting match between you and the speaker, there are a few rules about points of information that you will need to remember.

First, and very important, you cannot just get up and start saying whatever is on your mind. It isn't your speech after all – so you need to ask the permission of the person who is currently speaking. The way to do this is to stand up and say "Point of information" or "On that point" while holding out your hand, so that the speaker will notice that you have something to say. The speaker can then decide to listen to you, or he/she can choose to ignore your point. If he/she doesn't want to hear what you have to say, he/she will say "No thank you" or tell you to sit down, or just ignore you. If this happens, you must sit down and offer your point some other time (Mhlanga, 2014).

If the speaker does want to listen to you, then he/she will say something like "Yes, what is it?" or "What is your point?" or often, just "Yes?" That means that you are allowed to start speaking. It is important to remember that you are using up the speaker's time, so you must make your point quickly. If you take more than 15 seconds to make your point, the timekeeper will tell you to sit down, because you are wasting the speaker's time. Try to think about what you want to say, so that if your point is accepted you will be able to say it quickly.

You can use a point of information to ask a question about what the speaker is saying (especially useful if you don't really understand what he/she is saying), to tell the speaker why his argument is wrong, or to correct an important factual inaccuracy in his/her speech. Try not to offer POIs more often than every 15 seconds. If you offer too many points of information, the speaker will not be able to complete a sentence without telling you to sit down. This is unfair. If you offer too many points of information too close together, the adjudicator will tell you sit down for "badgering" or "barracking".

If you are speaking, and you accept a point of information, you have to reply to what the person says to you. If they question something you are saying, you should answer their question, and if they are challenging something you said, you should explain to them why they are wrong. Points of information are designed to test whether you actually understand what you are saying, and whether you can think on your feet and respond to challenges. You cannot ignore what someone says to you in a point of information. A good tip is to accept POIs only when you think the person is going to ask you about something you understand and think you can answer.

In a normal speech, you should accept two (2) points of information. Any less, and it looks like you are afraid to answer the other team's questions. Anymore, and you'll be so busy answering their questions that you won't have time to talk about what you wanted to talk about. Although two (2) is the ideal number, you might find yourself speaking in a debate where the other team only offers one (1) or two (2) points during your whole speech. If this happens, you won't be penalised for accepting one (1) or none. But if you were offered lots of points, then there is no excuse for not accepting two (2) (Mhlanga, 2014).

Finally, it is important to remember that you are not allowed to offer POIs in the first and last minute of a normal speech, and you are not allowed to offer POIs at all during the reply speeches. If you try it, you will be told that you are out of order and asked to sit down.

All of the speeches in the debate, except the reply speeches, are 8 minutes long. The reply speeches are four (4) minutes long. (This might be different in your local league – some provinces use seven or five (7/5) minutes with three (3) minutes for leaders reply, and all provinces have shorter times for junior speakers.) The main speeches are "protected" for the first and last minutes – which means that you cannot offer points of information in the first or last minute of a speech. This gives the speaker a chance to start and end their speech well, without interference. To let you know that the first minute of protected time is over (and that you are allowed to offer points of information), the timekeeper will bang on the table once. You can offer as many points of information as you like until one (1) minute before the end of the speech, when the timekeeper will bang again on the table.

Once the full eight (8) minutes are up, the timekeeper will bang twice on the table to tell the

speaker that they must finish speaking. If you are speaking and you hear the two bangs, you must finish off your speech quickly. If you do not finish within the next thirty (30) seconds (twenty (20) seconds in some leagues) the timekeeper will bang on the table non-stop until you sit down. Now, the adjudicators will stop listening, so there is no point in speaking any longer. In reply speeches, there isn't a bang after the first minute, because no points of information are allowed. The timekeeper will bang when there is one (1) minute left though, to let you know that you should start wrapping things up. When your time is up the timekeeper will bang twice, and you will have thirty (30) seconds to finish before she starts banging non-stop on the table

#### In a neat diagram, the times for a main speech look like this:

0 - 1 minute	Nobody can offer points of information
1 - 7 minutes	Points of information are allowed
7 - 8 minutes	No mire points of information are allowed. Start finishing your speech
After 8 minutes	You have 30seconds before the timekeeper will start banging non-stop

#### And for reply speech, it looks like this:

0 - 3 minutes	The main part of your speech (Nobody can offer points of information)
3 - 4 minutes	Start finishing your speech
After 4 minutes	You have 30 seconds before the timekeeper will start banging non-stop

To start off the debate, each team must have a clear understanding of the issues that they will be arguing about. This means that each team needs to bring up some important elements at the beginning of their first speech. Henceforth apart from the structure of debating the key elements covered in the British Parliamentary Style are also applicable in World Schools style namely argumentation, POI's, winning clash of principles, approaching debate and extensions.

# >> 20. Conclusion

The main thing is that you enjoy the experience of debating and adjudicating at the ZIMCODD debates and profit from this in the context of your own development as a speaker and adjudicator, and perhaps even as a convener. It comes down to one thing: common sense. ZIMCODD Regional High Schools and Tertiaries Debate will offer you a platform to put theory to test in debating social and economic justice issues. If you continually apply that particular quality to the process of running, observing, discussing and assessing the debates that you will see, it will not only be you that gains. Remember debate is a sport that is best learnt by practice!

# 21. References

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- **3.** Mhlanga, M (2014). How to Debate- World Schools Style. A Handbook for High School Debaters and Coaches in Zimbabwe.
- **4.** Debatable: www.debateable.org. This is a website set up by a debater who represented Singapore, one of the world's top debating nations, at multiple World Championships. It features some introductory guides to debating, videos of international debates, and some very useful background articles on all sorts of topics that come up in debates.
- **5.** Debate Training in Audio: http://debate.uvm.edu/low.html. This website features low bandwidth, audio-only workshops in debating, given by some of the best coaches in the world.
- **6.** The Australian Capital Territory Debating Union: www.actdu.org. au. This website has some good training material for debaters and adjudicators at beginner and intermediate level.
- **7.** The World Schools Debating Championships: www.schoolsdebate.com. The official website of the World Schools Debating Championships.



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