

Research Package #1

Canadian National Style

(Canadian National Style is a type of debate inspired by the style of debate used at the World Schools Debating Championships. National Style is Worlds Style with two person teams instead of the usual three. Each of the speakers is given one constructive speech, and each team is given a reply speech delivered as the last two speeches of the debate.

The team that is in favor of the motion is called the Proposition, and the team against the resolution is the Opposition. All of the constructive speeches are given equal amounts of time. The reply speech is given by the first speaker on each of the respective teams. All debates in Canadian National Style are values debates. All motions are prefaced with the words "This House" referring to a generic government institution (not necessarily Canada). All debaters can address the speaker (Mr./Mrs. Speaker), the chair (Mr/Madam Chair) or the audience Ladies and Gentlemen.)



Jr High: "BIRT we allow free distribution of music on the internet"

Sr High: "THW allow free distribution of music on the internet"

Fall Workshop Topic (Sept./Oct.) 2012-2013



Code of Conduct

Preamble: Coaches need to familiarize themselves with this code as well as the rules in the POLICY AND RULES MANUAL and formally inform their debaters, parents, and supporters about these ethics and rules prior to competition each school year.

1. PARTICIPANTS:

GENERAL

- a. Participants shall be courteous and friendly to other competitors, judges, organizers and guests.
- b. Participants shall use language conducive to proper public speaking decorum. **Profanity is unacceptable.**
- c. In the event of a complaint, all participants must bring the issue to their coaches only, who will then approach the tournament organizer on their behalf. Complaints must be lodged immediately following a round of debate or speech.
- d. Participants shall not argue with the judge or their opponents about the conduct or the result of the speech or debate. Participants shall not dispute the result of a debate or speech round in the presence of the judge(s).
- e. The Association does not approve of the use of any illicit drugs or the consumption of alcohol at Association sponsored events

DEBATE

- a. Debaters shall not seek to influence the judge by means other than evidence and argumentation during the debate.
- b. Debaters shall not listen to teams debating that they might meet on the same topic at a later time and thereby gain a competitive advantage. Coaches may, however, observe their own teams.
- c. Use of audio or visual equipment for the purpose of recording a debate may be done with the prior consent of both teams, their parents, and the organizer of the event.
- d. A team shall not seek or provide second-hand information regarding the cases of potential opponents.
- e. Debaters shall not breach normal courtesy by interruption, heckling, grimacing or whispering loudly while an opponent is speaking. Heckling, in an appropriate manner, in the case of Parliamentary style debating is acceptable.
- f. Debaters shall not, either by word or action, seek to belittle their opponents. Debates must be a clash of issues and not personalities.
- g. Competing teams must not collude to affect the debate in any way.
- h. Debaters must respect the personal physical space of an opponent. (Do not invade an opponent's space.)
- i. In an Impromptu style debate, debaters must define definitions in the spirit of debate. In other words, they must be defined fairly and allow for debate on both sides of the resolution.
- j. Students may not use computers, palm pads, cell phones, or any communication technology during a round of debate. Debaters must be able to compete on their own merit and the strength of their research done prior to the event.
- k. A debater shall not pass notes/cards to his/her partner when one of them has the floor, either from the constructive speech or the cross-examination. Debaters are judged on individual skills.

Any conduct not in accordance with these codes will be grounds for disqualification in a tournament, and may include banning participants from future ADSA activities. Matters may be referred back to school based administrators.

2. COACHES:

- a. According to the School Act, as well as School Liability, a Teacher Representative/Coach must be present at all ADSA events that their students participate in.
- b. In the spirit of cooperation, coaches shall actively encourage the sharing of resource materials available from public libraries and other public resource centers between teams within their own school.
- c. Coaches must demonstrate qualities of courtesy and good sportsmanship. These are evidenced by proper acceptance of officials' judgment, positive encouragement of student performance and polite interaction with tournament organizers in the event of a complaint.
- d. Coaches will support the volunteer efforts of fellow coaches and judges, and will encourage their debaters to do so as well.
- e. The Coach/Teacher, as a representative of the school, is responsible for the conduct of all personnel composing the school's team (participants, spectators from their school, and parents of your students). Coaches/Teachers shall make an attempt to control any negative situations, before it becomes an issue for the tournament organizer.
- f. When organizing tournaments, organizers should make an effort to ensure that students from the same school can avoid debating each other when possible and that all debate teams from a school will have a fairly even split of Proposition and Opposition debates. Coaches should try to assign a bye to the school with the most teams at a tournament.
- g. Coaches will not scout out teams.

Any conduct not in accordance with these codes shall be grounds for the ADSA to notify the School's Administration. If behavior does not change, the ADSA will hold the right to ban coaches/teachers from attending future ADSA activities.

3. PARENTS AND SPECTATORS:

- a. Parents and spectators, both student and adult, will demonstrate courtesy and good sportsmanship by positive encouragement (before and after a debate) for their team/children.
- b. Parents and spectators will demonstrate respect towards opponents, coaches, judges and tournament organizers.
- c. In the event of a complaint, parents and spectators are only permitted to approach their team/child's coach, who will then approach the tournament organizer (in that order). Parents, spectators and coaches will not approach opposing teams, coaches or judges after a debate has been completed.
- d. Parents will encourage their child to follow the rules of debate.
- e. Parents will not scout out teams.
- f. Parents and spectators will act in a supportive manner towards all volunteer personnel, who help in the development of all participants' skills, and encourage the promotion and growth of the ADSA.

Any conduct that is not in accordance with this code, shall be as grounds for ejection from a tournament, and may include suspension of future participation in ADSA tournaments or interaction with the ADSA volunteers and participants.

What is a debate?

Debate is an organized way to discuss and come to a conclusion about an issue. The issue is stated at the beginning and is sometimes called a proposition or resolution. For example - **THBT terrorism can be justified**. All of the discussion must relate to it. In a debate, one person speaks at a time and the other participants listen.

The idea behind debate is that there are two sides to every issue. In a debate, the two sides are known as the Affirmative or Proposition and the Negative or Opposition. The two sides of the debate have different jobs arising from their position with respect to the resolution, issue, or topic.

The Proposition (Affirmative) supports the Resolution.

The Opposition (Negative) opposes or clashes with the Proposition (Affirmative).



To win a debate, you must do two things:

1. Give good reasons why your side of the topic is *true*, and
2. Show why your opponent's reasons are *wrong* (rebuttal).

The Alberta Debate and Speech Association is an organization that encourages debate. We have established a set of rules to ensure that these debates are fair for all competitors. ADSA has been in existence since 1974.

THE PROPOSITION

The Proposition speaks first in any debate because the Proposition is suggesting a change. Without this change there would be nothing to talk about. The job of the Proposition in any debate is to persuade the judges that the present system, or status quo, should be significantly changed. In order to accomplish this, there are a number of steps that the Proposition team must go through.

- 1) Define the resolution (Make sure everyone is clear upon what the Proposition is debating).
- 2) Present a Model (if needed)
- 3) Present arguments in favor of the resolution.
- 4) Refute Opposition attacks on the Proposition case. (Show why the Opposition is wrong and the Opposition is correct).

Owing to time restrictions, the Proposition duties are normally divided up between the first and second Proposition speakers. In National Style it is custom for the first proposition speaker to present two arguments followed by the second speaker who presents the final argument.

AN EXAMPLE OF A PROPOSITION STATEMENT

There must be a free distribution of music

"Canadians value education, something that music provides and cannot be offered to young people unless it is freely distributed on the internet. In this manner, artists are still able to profit from CD sales, concerts and merchandise. At the same time, the general public, and especially young people can enjoy the music that they would not otherwise be able to afford, or be able to be as broadly exposed to."

THE OPPOSITION

The job of the Opposition is to be disagreeable! Whatever the Proposition believes, generally, the Opposition counters. The more you disagree, the better! The Opposition has to convince the judges not to accept the Proposition resolution.

The Proposition wants to convince the judges that their proposal should be adopted.
The Opposition wants to convince you that the Proposition proposal should not be accepted for one or more reasons.

The steps that the Opposition should use are:

- 1) Either agree with the Proposition definition or propose a definition of your own.
- 2) Rebut the Proposition arguments in favor of the resolution.
- 3) Attack the Proposition Model and sometimes propose a counter model
- 4) Present reasons (arguments) to oppose the resolution.
- 5) Refute Proposition attacks on the Opposition case (show why the Proposition is wrong and Opposition is right).

Owing to time restrictions, the Opposition duties are divided between the first and second opposition speakers.

In National Style it is the custom for the First Opposition Speaker to present two arguments and the second opposition speaker to present the final argument.

AN EXAMPLE OF AN OPPOSITION STATEMENT

Free Distribution of Music Hurts Musical Artists

"By allowing the free distribution of music on the internet, people no longer have an incentive to purchase the music in the form of CDs or other ways that provide musical artists with revenue for their artistic work. Effectively, allowing free distribution of music on the internet, this is stealing the work of artists as they do not get paid for the resale of their product."

Before the debate begins, members of both teams should clearly write the Resolution on the board at the front of the room and indicate their full names and team codes/numbers, to allow the judges to enter this information on their ballots.

THW allow free distribution of music on the internet

Team # 422 (Bears)

1st Proposition – John Smith

2nd Proposition – James Wright

Team 410 (Moose)

1st Opposition – Henry Dixon

2nd Opposition – Shirley Mace

Junior High Canadian National Style (2 person teams)	Jr. High Beginner	Jr. High Open
1 st Proposition Constructive	5 min	6 min
1 st Opposition Constructive	5 min	6 min
2 nd Proposition Constructive	5 min	6 min
2 nd Opposition Constructive	5 min	6 min
**Break	3 min	3 min
Reply Speech by 1 st Opposition	3 min	3 min
Reply Speech by 1 st Proposition	3 min	3 min

Senior High Canadian National Style (2 person teams)	Sr. High Beginner	Sr. High Open
1 st Proposition Constructive	6 min	8 min
1 st Opposition Constructive	6 min	8 min
2 nd Proposition Constructive	6 min	8 min
2 nd Opposition Constructive	6 min	8 min
Reply Speech by 1 st Opposition	4 min	4 min
Reply Speech by 1 st Proposition	4 min	4 min

What are the formats and times of Canadian National Style Debate?

Bilingual Senior High Canadian National Style (2 Person Teams)		
	Sr. High Beginner	Sr. High Open
1 st Proposition Constructive in French (Definitions in both languages)	6 min	8 min
1 st Opposition Constructive in French	6 min	8 min
2 nd Proposition Constructive in French	6 min	8 min
2 nd Opposition Constructive in French	6 min	8 min
Reply Speech by 1 st Opposition in English	4 min	4 min
Reply Speech by 1 st Proposition in English	4 min	4 min

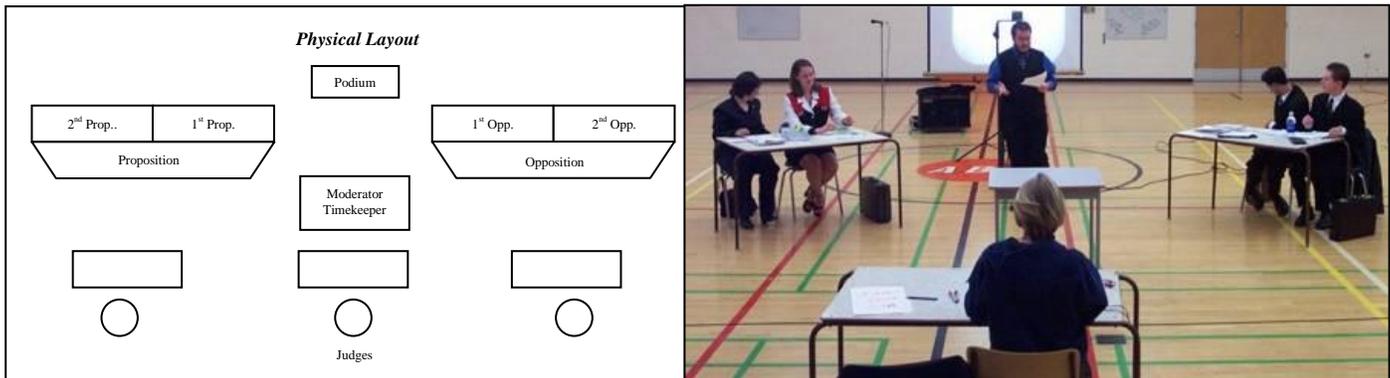
** During this 3-minute break in Junior High National Style no one is allowed to leave the room, this is preparatory time for the reply speeches.

Special notes:

- The first speaker is the Reply speaker, and this never changes.
- Speakers must never interact with their partner while speaking (including passing of notes)

- During the debate, heckling, pulling faces and the like are never tolerated.

What is the Physical Layout of a debate?



The Proposition and Opposition teams always face the audience from the front of the room. Proposition on the left and Opposition on the right from the point of view of judges. Both teams should be seated in clear view of the "chair/timer".

The chair/timer introduces the debaters before they speak and is in charge of ensuring that the debaters know how much time they have left in their speeches. This is indicated either on numbered cards or through standard hand signals.

The debate is 'controlled' by the 'chair' (also referred to as a 'chairperson'). Debaters should always start their speeches by acknowledging both the chair and the audience. A male chair is usually referred to as "Mr. Chairman"; a female chair as "Madame Chair". A common way of starting a debating speech is therefore, "Mr. Chairman, ladies and gentlemen", or "Madame Chair, ladies and gentlemen".



The timekeeper indicates the number of minutes left in a speech by holding up the appropriate number of fingers. The last 10 seconds are counted down on the timekeeper's fingers, in the same way the minutes were counted. After the full time of the speech is completed, the debater still has a 15 second grace period to finish his remarks. This is period is counted down with the timekeeper's arms (imagine the second hands ticking down on a clock). The debater must have finished his speech by the end of the grace period. If he has not, the chair can ask him to sit down.



4 minutes



30 seconds



15 seconds grace

It is important not to be too prescriptive about timing. Ultimately, the best timing depends on the context. Sometimes, for example, a debater will find it important to spend more time than usual on rebuttal; on other occasions, will need to spend more time explaining the arguments clearly. The most important requirement of internal timing is simply that the debater spends about 30 seconds on their conclusion, and a few minutes on the rebuttal. As a general rule, each speaker in the debate will spend more time on rebuttal - so the second Opposition, for example, will generally rebut for longer than the second Proposition, who will rebut for longer than the first Opposition.

Just as important as 'internal timing' is what is sometimes called 'external timing' - the amount of time that you speak for. The principal here is simple: *a debater should use all of the allotted time, but not much more!*

A speaker who speaks for less than his time is making a significant strategic mistake - he or she is missing important persuasion time. That being said, it is important not to go over time, either. Judges will generally allow a speaker about 15 seconds overtime before they start deducting marks. Speaking overtime is completely unwarranted - not only will Judges deduct marks; they will/should stop listening to what the debater is saying!

There is no single way to ensure effective timing. Some speakers wear stopwatches and check the time of their speech; most simply develop a good sense of how long an argument should take. Either way, they need to be aware of time as their speech progresses. When the one-minute (remaining) card is shown, the debater needs to finish the point that they are on and start summarizing. When the stop card is shown, the speaker needs to finish whatever they are on and sit down!

To determine the winning team and evaluate the individual speakers, an odd number of judges must be present. Having an odd number of judges is necessary to eliminate the possibility of a tie being awarded. The judges work individually in scoring the debate; they may not confer with each other or with anyone else in the room until they have completed their ballots.



Canadian National Style Debate Flow Sheet

High School – Canadian National Style

The Task of the Proposition Team

- The Proposition will argue **for the resolution**
- Members of the Proposition team will provide contentions and arguments and evidence in support of the resolution
- If the Proposition Team's Position is, on balance, more credible than the Opposition, then the Proposition wins the debate

The Task of the Opposition Team

- The task of the Opposition is to argue **against the resolution**
- Members of the Opposition team will provide contentions and arguments and evidence in opposition to the Proposition and in support of the Opposition position
- If, on balance, the Opposition Team's Position is more credible than the Proposition, then the Opposition team wins the debate.

1st Proposition (Jr Beg – 5 min Jr Open – 6 min Sr. Beg – 6 min, Sr. Open – 8 min)	1st Opposition (Jr Beg – 5 min Jr Open – 6 min Sr. Beg – 6 min, Sr. Open – 8 min)	2nd Proposition (Jr Beg – 5 min Jr Open – 6 min Sr. Beg – 6 min, Sr. Open – 8 min)	2nd Opposition (Jr Beg – 5 min Jr Open – 6 min Sr. Beg – 6 min, Sr. Open – 8 min)	Opposition Reply Speech (Jr Beg – 3 min Jr Open – 3 min Sr. Beg – 4 min, Sr. Open – 4 min)	Proposition Reply Speech (Jr Beg – 3 min Jr Open – 3 min Sr. Beg – 4 min, Sr. Open – 4 min)
Introduction	Introduction	Introduction	Introduction	<p>Both reply speeches summarize their position and point out the basic flaws of the opposition.</p> <p>No new arguments can be introduced although new evidence (examples, logic etc.) is allowed.</p> <p>Explain why your team should win and the other team should lose.</p> <p>Remind the judges of your arguments.</p> <p>Tell the judges why they should believe your arguments even after the other team's attack.</p> <p>Explain why the judges should not listen to the other team.</p> <p>Review critical evidence.</p>	
Definitions	If necessary, challenge definitions	Show unity with Caseline	Show unity with Caseline		
Theme/Case line	Theme/Case line	Clash with Opposition arguments	Clash with Proposition arguments		
Model (If Needed)	Clash with Proposition arguments	Additional arguments to support resolution	Further arguments against resolution		
Arguments in support of resolution	If necessary- counter model, otherwise arguments against Proposition	Conclusion	Conclusion		
Conclusion	Conclusion				

Style Information

The first and last minutes of all constructive speeches (all but reply) are protected, meaning Points of Information are not permitted.

Points of Information are not permitted in the reply speeches

Junior High students are provided a 3 minute break between the 2nd Opposition Speaker and the Reply Speech to prepare. No one may exit or enter the room during this time.

1st Proposition Constructive Speech

1st Proposition Constructive Speech
(Sr. Beg - 6 min.)
(Sr. Open - 8 min.)

1. Introduction
2. Definitions
3. Model (If used)
4. Theme/Case line
5. Proposition Arguments
6. Conclusion



The First Proposition Speaker commands a most important role in the debate. He/she presents and clarifies the resolution for debate and is the first person to speak in favor of accepting the terms of the resolution and as such sets the initial tone and direction of the debate. The First Proposition constructive speech is the only speech that is prepared in its entirety prior to the debate.

In the first proposition speech over eighty-five percent of the speech should be reserved for the constructive matter. The first proposition usually develops two constructive points in their speech giving each point equal time. For example, in an eight minute speech:

- The first minute would contain the introduction and definitions
- The next three minutes would present the first constructive argument
- The following three minutes would present the second constructive argument
- Last thirty seconds would summarize and conclude the arguments.

This speech has six main components:

1. Introduction

A formal introduction is required for the First Proposition speaker. This means more than merely saying, “Good evening”, or “Madame Chair, ladies and gentlemen...” – it means that they need to actually introduce the debate *as a whole*. In essence, a formal introduction involves ‘taking the audience by the hand’, and introducing to them the overall *issue* of the debate. This does not mean giving an intricate factual or historical background to the issue; the goal is simply to provide a conversational and ‘big picture’ introduction to the debate. This however does not mean you need to welcome each person in the room individually to the debate. An introduction such as “Good evening, Mr. Chairperson, Ms. Timekeeper, Judges, Audience, Ladies and gentlemen and of course my most worthy opponents” is not necessary and wastes valuable time.

Formal introductions will rarely win you a debate – no judge is likely to say, “Despite everything that followed, this debate was really won by the First Proposition’s formal introduction!” However, the formal introduction *is* a vital opportunity for you, as first Proposition, to introduce the topic and issue as you see it.

The important point is that a formal introduction is more than a mere greeting – it is an introduction to the issue and, if you choose, a characterization of that issue from your team’s point of view. In essence, it is a roadmap telling the judges what the team will do. This is sometimes called “the split.”

The following is an example:

“Good Morning, ladies and gentlemen. I rise today to talk about a hugely contentious issue. The topic for debate is TH supports the free distribution of music on the internet. This is an issue that is gaining publicity in Canada as we continue to move forward in an ever-digital age. Digital music should be freely distributed on the internet for a number of reasons as it benefits the consumers, and presents few harms. As the first speaker, I will define terms, present out model, present a theme, and then offer two arguments in favor of the resolution. My partner will present a further argument in favor on the resolution to complete our case.”

2. Definitions

It is impossible to debate without first understanding what the topic means. Therefore, both teams need to decide what they think the topic means *for the purposes of the debate*. This is known as ‘the definition.’

Debaters cannot define the topic however they like. Rather the definition must be reasonable – the test for a reasonable definition is HOW WOULD THE ORDINARY PERSON ON THE STREET DEFINE THIS TOPIC.

Not many debating topics involve complicated words. Therefore, the purpose of the definition is *not* to tell your audience, Judge and opposition what a word means *in general*. Instead, the purpose of the definitions is to explain what a word means *for this debate*.

In *all* cases, the Proposition Team must present a definition of the topic; a clear statement of what the team understands the topic to mean. The First Proposition speaker presents this definition early in his or her speech. Essentially, by defining the topic, the First Proposition speaker is saying, "We think that this is what the topic means for the purposes of our debate. We think that *both* teams should debate on the basis of this meaning."

In some circumstances, the Opposition Team may disagree with the Proposition Team's definition. In that case, the Opposition Team is essentially saying, "No - we disagree with your suggested interpretation of the topic. We think that *both* teams should be debating on the basis of another meaning - the meaning given by our definition." Therefore, before every debate, *both teams* need to prepare a definition of the topic. Above all, both teams should try to be as clear and as simple as possible when defining the topic. Definitions should embody the standard meanings of the terms of the resolution in contemporary public discourse. Creative, novel or whimsical definitions are not appropriate. (This is sometimes referred to as "squirreling" definitions). Choose straightforward terminology. Be specific and give details so all parties understand the topic being debated.

There are a number of ways in which the terms can be defined. Debaters can define the topic as a whole or define individual terms. By defining terms in the topic it does not mean not every single word. There is nothing wrong with defining individual words. However, you should *choose* the terms and words to define; don't just define every word for the sake of it. Defining many words (such as 'a' or 'the') is both confusing and a waste of time.

From a judge's point of view, the worst debates are when the two sides are talking about completely different things. So make it clear for judges and on both teams by defining the terms of the resolution fairly!

For this first example debate the resolution might be defined as a whole as:

Allowing for the free distribution of music on the Internet means that anyone can access digital music files over the vast worldwide computer network without mandatory payment. Rather, they may access these materials without cost, and without a maximum.

Or term by term:

Free distribution - without any monetary cost
Music - any digital music file, such as MP3s
Internet - the computer network

Hint for the Opposition: If the definition is defined in a way that is not fair this must be contested in the first speech. The ADSA constitution states:

- a) The Proposition must reasonably define the essential terms of the resolution.
- b) The Opposition should take issue with the definitions only if it feels those provided by the Proposition are patently unreasonable. If this happens, the judge shall accept the definition that is best supported through evidence and argument throughout the debate. Definitional debates are a drag for everyone.
- c) The Opposition should not first accept and then later object to the definitions. Failure to challenge a definition is understood to be acceptance of it.

The Opposition may challenge the definitions offered by the Proposition only at the beginning of the First Opposition speech and on the grounds that the definition does not meet the requirements set out in the previous rule. The judges must decide at the start of the debate whether such a challenge is warranted. If the Opposition does not challenge the definition offered by the Proposition at the beginning of the First Opposition speech, it will be assumed to have accepted them.

PLEASE AVOID CHALLENGING THE DEFINITIONS AS MUCH AS POSSIBLE. DEFINITIONAL CHALLENGES RUIN DEBATES.

3. The Model

After presenting the definitions in some debates it is necessary for further clarification about the nature of the topic. If a model is going to be presented in the debate it must also be done in the first speech. A model is much like a plan in a policy debate however it is much less specific. The model helps to answer the five W's of the debate. Who is implementing this resolution, what is going to happen, when is it going to take place, how is it going to take place, and why this specific course of action.

An example of a Model for the resolution This House Would Subsidize Hybrid Cars:

The Government of Canada will provide a direct tax credits to individual and corporations that have purchased hybrid cars for 15% of their value. Thus decreasing the cost of a hybrid car when compared to their non-hybrid counterparts.

The Proposition's model must be completely presented during the First Proposition speech. When proposing a counter model, the Opposition must describe the entire counter model in the First Opposition speech.

4. The Theme/Case line

The practice of using a theme/caseline is becoming popular in many provinces. Experience shows us that the most successful arguments are those that can be expressed with a simple and unifying idea. It is important to give your audience many *individual* reasons (arguments) that support your side of the topic. However, if possible, it is also very helpful to show your audience, the judges and the opposition the 'big picture' to the case. This is the purpose of a 'theme' (also known as a 'caseline').

A theme is a single, concise sentence that explains the main idea behind the case. Ideally, a theme will explain two things:

- *WHY* the debater say the topic is (or is not) true, and
- *HOW* this comes about

For example, consider the topic "BIRT Globalization is doing more harm than good". A theme for the Proposition Team might be, "Globalization's emphasis on economic competition advantages a few developed nations at the expense of the majority of the world's population." Assuming that it reflects the Proposition Team's arguments, this is an effective theme (whether or not, of course, it is actually true). Specifically,

- It explains *WHY* the topic is said to be true: the Proposition Team opposes globalization because it "advantages a few developed nations at the expense of the majority of the world's population", and
- It explains *HOW* this comes about: through "globalization's emphasis on economic competition."

The simple approach to formulating a theme, therefore, is to ask, "Why is it true to say that our side of the topic is correct?" In this case, it should be asked, "Why is it true to say that globalization is doing more harm than good?" An effective theme would answer this question.

A CASELINE ALMOST ALWAYS IS WORDED AS A "BECAUSE" STATEMENT. As an example in this first debate, the theme/case line could be:

The free distribution of music must be prevented BECAUSE it does not treat musical artists fairly, as they provide a service (the music) an expect payment for their hard work.

How often should the theme be used?

Debaters are often told that a theme should be used so often that the audience can remember it when they leave the debate. Some believe that the theme should be stated at the beginning of the first speaker's arguments, and at the conclusion of every point. Some particularly unimaginative debaters also use it as a standard introduction and conclusion, often in the same speech!

However, this approach is a particularly unsophisticated way of debating. As will be explained later, it is important at the end of each argument to explain very clearly how that argument supports the main *idea* of the team case. It is true that the theme should embody this main idea. However, repeating the theme after every argument becomes monotonous, and usually distracts debaters from actually explaining how their argument supports the main idea of their case.

Therefore, the simple rule for using themes is this: *The theme should be stated at least once in every speaker's speech. Every speaker should return repeatedly to the idea that underpins his or her team's case, but there is no need for a speaker to repeat the theme after it is initially stated.*

How should the theme be presented?

The theme is first presented by the first speaker of the team, early in his/her speech. There are a number of ways that the theme can be introduced. Some of these are:

- "Our theme for this debate is ..."
- "Our central thematic argument will be ..."
- "The crux of our case is this: ..."
- "Tonight, our team will show you that ..."
- "The fundamental reason that we support [or oppose] tonight's topic is ..."

5. The arguments in support of the resolution

Like many words used in debating, the word 'argument' has many meanings. For debate purposes, an argument is *a distinct point supporting your side of the topic*. For example, if the topic is "BIRT Schools give too much homework", then the essence of an argument for the Proposition might be, 'Students have so much homework to do that they do not have enough time for sport or other activities.' This is not necessarily the *main* point for the Proposition team, and it is hardly the *central* point (that is, the theme). However, it is *a* point nonetheless so, for debate purposes, it is an 'argument'.

Therefore, in the simplest sense, we can consider a debating case to comprise different arguments, brought together by the case approach.

When presenting arguments, or any other important point in a debate, the debater should go through 4 steps:

1. State their point.
2. Explain their point.
3. Provide evidence in support of their point (give an example).
4. Explain how that evidence proves their point (tie it back to their theme).

How many arguments does a debate need?

There is no set rule about how many arguments a debater needs in their case. Naturally, the ideal number of arguments will depend upon the context of the debate - for example, the grade, the length of speeches and the complexity of the topic itself. However, we can spot some important guidelines.

The first and second speakers almost always need at least two arguments. Four or more arguments for either the first or the second speaker will almost certainly become unwieldy - the speaker will probably spend so much time setting up and tying-back those arguments that there will be little time for the essence of each argument itself!

In National Style it is important that arguments are given equal weight within the speech. Meaning that the time given to developing and presenting each of the contentions should be relatively equal. Thus in an 8 minutes speech, leaving two minutes for the definitions and introductions and conclusions, each argument should be about three minutes in duration.

The arguments need to be divided between the first and second speakers, so that each speaker knows what he or she has to present. This process is known as the 'split'. Therefore, *as a general principle*, the first and second speaker should each have two arguments. This means that, as a team, they should prepare three or four arguments. Here are some suggestions for the first topic. Do not use all these arguments. Pick the ones you can support well, or present some of the views of the side of the debate that is presenting.

Arguments in Favour of the Proposition Caseline

- Free downloading of music and other auditory materials provides free access to the educational component of these mediums.
- Artists are not significantly harmed, as people can sample their music, and then go on to purchase albums after they have determined they like the artist's music.
- Artists make most of their money from concerts, merchandise, licensing to movies and radio programs. They do not lose a significant portion of revenue by having their music freely available on the Internet.
- iTunes offers weekly free downloads of music to promote various artists, and these songs and artists usually reach their top 100 list soon after.
- People can watch music videos for free online on sites such as youtube, and artists market themselves this way. By allowing free distribution of music on the Internet, you are once again marketing the artist to increase their popularity.
- Free distribution of music on the Internet does not mean free music everywhere. People can still purchase physical CDs in stores or online.
- Music sales have actually increased as a result of downloading as more people are exposed to the artist, and chose to purchase the album.
- It is difficult to regulate the free distribution of music online as the Internet is rapidly growing. Even as companies such as LimeWire are shut down, more become available for use.
- Companies such as Apple make significant profits from selling music, and have unfairly profited from certain artists. For example, after the passing away of Whitney Houston, the price of her music on iTunes increased, and iTunes significantly increased their profit.
- Most artists do not actually benefit from the cost of music; they are independent and are not signed to a record label, so do not receive royalties from their music. Instead, they make their money from

other means.

- Paying for music, especially to experience a variety, is very expensive. By having to pay for music, young people are excluded from enjoying an array of music.
- Consumers should not have to purchase an entire CD when they only want one song.
- It is very difficult to enforce the banning of distribution of music on the internet.

6. A conclusion

No matter how hard they have concentrated, and how carefully they have listened, audiences and judges can still be swayed by an effective appeal to emotion or a punchy summary of a main idea. This is the role of an effective conclusion of a good debater- to succinctly and powerfully remind the audience of the central point of the debate and that their team has successfully defended that argument.

It is useful to try to find something - a quote, an idea, a triplet, or any other kind of punchy line that sum up the sides approach.

1st Opposition Constructive Speech

<p>1st Opposition Constructive Speech (Sr. Beg - 6 min.) (Sr. Open - 8 min.)</p>
<ol style="list-style-type: none">1. Introduction2. Counter Model (if necessary)3. Outline "the split"4. If necessary, attack definitions5. Opposition team's theme/caseline6. Clash with Proposition arguments7. Explain arguments for opposing resolution8. Conclusion



It is usually the role of the first Opposition speaker to oppose the Proposition philosophy and, in turn, the resolution. In particular, the First Opposition attacks the points made by the First Proposition. In National Style the internal timing for the 1st Opposition Constructive Speech, is seventy five percent of the speech should be reserved for the constructive matter. The first proposition usually develops two constructive points in their speech, giving each equal time. For example in an eight minute speech:

- The first two minutes would be used for refutation and rebuilding
- The next three minutes would be used for the first constructive argument
- The next two minutes and thirty seconds would be used for the second constructive argument
- Last thirty seconds would be used for a short summary and conclusion

1. Introduction

How does the First Opposition actually start his/her speech? The answer is simply by acknowledging the chair of the debate and the audience, and not wasting time doing it! For example, start with something such as, "Good evening Mr. Chairman, ladies and gentlemen ...", or "Madame Chair, ladies and gentlemen ...", then proceed straight into the speech.

2. Outline of "the split"

Before the rebuttal the debater needs to set up the team's approach. The first speaker of each team must carefully move through every part of the 'foundation' of his or her team's case. Just like First Proposition did, First Opposition must also present the "big" picture. Here's what First Opposition might say in this debate:

"The Opposition Team is going to oppose this resolution. We believe that the free distribution of music on the internet is criminal and must be stopped as it is effectively stealing the intellectual property of the

musical artists that they expect payment for. As the first speaker, I will outline our theme/caseline and present two arguments to oppose this resolution. My partner will present a further argument for opposing as well as indicate other avenues that are available.”

3. Definitions

If the Proposition has failed to define any key terms of the resolution, First Opposition may offer definitions. If the Proposition definitions are absolutely illogical or unreasonable, First Opposition must contest them immediately by providing compelling reasons for their rejection. (Check the rules on this point). Otherwise, it is assumed that the team’s team is in complete agreement with the terms as defined

4. Opposition team’s theme/caseline

Just as First Proposition did, First Opposition would present the Opposition theme/caseline. In this debate, the Opposition theme might be:

Allowing the free distribution of music on the internet is simply encouraging stealing of music relatively anonymously on the internet. Not only criminally wrong as it is stealing, but it is also morally wrong, as the intellectual work of the musical artists is not reciprocated fairly.

5. Rebuttal (clash with Proposition arguments)

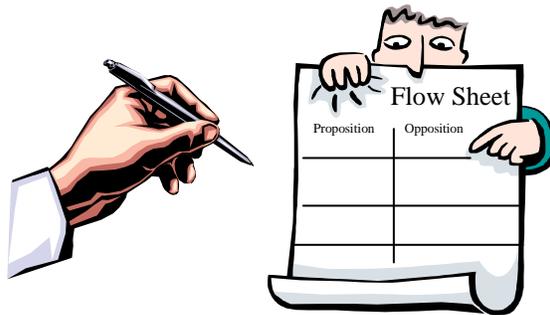
In the rebuttal the debaters must now attack the opponents’ arguments. The goal of a debate is to convince the audience that the side of the topic a debater is defending is true. Therefore, a good debater should refute the opposition’s case – by rebutting any notion, assertion, argument, example, statistic or anything else whose demise will contribute to the successful collapse of the opposition’s case.

How can a debater keep track of all the points made by the opponent?

During a debate, it is important to take notes: as a debater one will need to clash with each point the other side makes as it is impossible to remember everything that is said in a debate unless notes are taken. Debater can use whatever note-taking method works best for them, but many debaters find it helpful to keep a flow sheet with the Proposition on one side and the Opposition on the other. One should write down each point the other side makes, as well as their responses to it. Also a debater should make notes of evidence that supports their own arguments. Debaters can use this sheet for during the refutation part of the speech. Clash, done well, does not just involve taking issue with the logic of the opposition argument. It incorporates evidence that a side has held in waiting for just such an occasion.

Creating a flow sheet:

- 1) Make notes on the key points of the opposition’s speech on a piece of paper.
- 2) Leave room on the paper to jot down arguments used in response.
- 3) Make a note of evidence that supports argument that are used.
- 4) This page can be used for the refutation part of the speech.



The Flow Sheet

A Flow Sheet is kind of like a cheap video tape recorder... it allows one to record what the other debater said and to let you think about what an appropriate response should be.

THEM	US
------	----

--	--

- A Flow Sheet allows debaters to respond to all the points the opponent makes. This is important because judges also keep Flow Sheets. Forgetting, or omitting a point can be the downfall in a close debate and thus the reason for concise note taking.
- Flow Sheets also provide you with a sort of tape recording of the debate.
- You cannot possibly remember everything in the right order and in enough detail without a Flow sheet (order your opponents' ideas into a structure that better highlights the strengths of your case points).
- Wouldn't you rather give a speech from a Flow sheet than off the top of your head?

What things should the rebuttal concentrate on?

The first issue is the rebuttal of the opposition's theme. A debater should attack the important ideas and assumptions underlying the opposition's case, *and refer to the opposition's theme while doing this*. The second issue is rebuttal of substantiation (examples and statistics). If the opposition's case is well supported by certain examples or statistics, one needs to rebut them effectively. *If one does rebut examples and statistics, the debater needs to constantly consider and discuss their relevance and context in the debate*. In simple terms, it can be very effective to rebut an example or statistic *if* the debater shows how the opposition's case was reliant upon that material.

6. Counter Model (if one is used)

The COUNTER MODEL involves the Opposition agreeing with the resolution, and then presenting a plan that is *significantly different* from the Proposition's plan. Debaters must remember that it must be substantially different, or it will sound like the model is agreeing with the Proposition, which one must not do on any account if the debater wishes to keep their dignity as an Opposition team member! If one runs this strategy, make sure to explain clearly to the judges what you are doing. Be sure that the counter model is within the resolution and therefore this strategy is only used when it is conducive to do so.

There are problems with the counter model strategy. In agreeing with the resolution the Opposition Team gives away half of the debate, leaving an uphill fight. This strategy is not recommended unless the debaters consider their counter overpowering.

If a counter model is presented, it must be done entirely by the 1st Opposition speaker.

7. Arguments against the resolution

First Opposition must now present arguments to oppose the resolution. Because the debater was rebutting First Proposition's arguments, First Opposition will only have time to present two (2) arguments to oppose the resolution. Just like First Proposition, when presenting the arguments, the debater should follow the four steps as outlined:

- 1) State the point.
- 2) Explain the point.
- 3) Provide evidence in support of the point (Give an example).
- 4) Explain how that evidence proves the point (Tie it back to the theme).

Below are some suggested arguments against the resolution. Do not use all these arguments. Only pick the ones that the side can support well, or present their own

Arguments in Favour of the Opposition Caseline

- Millions of people download music illegally, costing the music industry millions, if not billions, of dollars in lost revenue.
- There are a plethora of legal, legitimate means to obtain music legally where the consumers adequately pay the producers for the work to create the music and distribution of the music.

- Free downloading means that they do not have to pay GST or other taxes on the music.
- Many CD stores have shut their doors in recent years as a result of downloading music from the internet, which hurts the employees from the stores and the local business owners as they have to close their doors.
- To compensate for the lost revenue from free downloading, the price of music may have to increase, resulting in higher prices for those individuals that do purchase their music.
- The quality of the music when downloaded from sites is often not as good as if purchased from a store.
- Consumers of downloaded music can easily receive viruses and corrupt their computer system.
- Not only is stealing music illegal, but is also morally wrong as you steal the hard work of a person and give them nothing in return.
- The USA Supreme Court has ruled on file-sharing, making it illegal and those participants from it paying huge fines in upwards of hundreds of thousands of dollars.
- Un-regulated file sharing violates copyright laws, as the “fair use” of the material is not upheld.
- Just because it is difficult to regulate the distribution of music on the Internet does not mean there should not be an attempt to do so.
- The music created by artists is their intellectual property, and that of those who also collaborated on the album. They should be adequately and fairly compensated for their work.

8. Conclusion

Just as we suggested for First Proposition, here too, an effective conclusion needs to remind the judges/audience of your central point.

2nd Proposition Constructive Speech

<p>2nd Proposition Constructive Speech (Sr. Beg – 6 min.) (Sr. Open – 8 min.)</p>
<p>1. Introduction 2. Clash with points made by Opposition 3. Outline team’s case approach 4. Further Proposition Arguments 5. Conclusion</p>



The Second Proposition speech is the first opportunity the Proposition Team has to directly clash with the arguments of the Opposition’s case. It is also the Proposition’s last chance to present new contentions that support the resolution and their proposal. In National Style the internal timing for the eight (8) minute Second Proposition Constructive Speech is four (4) minutes for construction and four (4) minutes for refutation. For example in an eight minute speech:

- The first thirty seconds would be used for the introduction
- The next three minutes for refutation of the opposition and rebuilding
- The next four minutes for construction of a single new argument
- The final thirty seconds for the conclusion

1. Introduction

Acknowledge the chair and the audience and then immediately begin the rebuttal.

2. Rebuttal (Clash with Opponent's arguments)

- Use a flow chart to keep track of everything that the First Opposition speaker said
- Now directly address each of the specific challenges that he/she issued. Challenge the arguments that he/she gave. Show why Second Proposition considers his/her reasoning or evidence to be wrong. One way or another, Second Proposition should deal with every argument, example and significant idea that the opposition raised.
- Is it possible to rebut the rebuttal? What happens if the opposition rebuts one of the proposition's arguments? Should they rebut their rebuttal? The answer is – yes, every time. One should not spend too much time doing this, but it must be done.

3. Outline team's case approach

As a second speaker, they will not have to set up a case. However, it is nice to give a sense of 'case unity' – to show the audience and judges how the team's arguments fit together. Therefore, as a second speaker, it helps to provide a brief link to their case as a whole before commencing into the individual arguments. Usually, this means stating your team's theme and briefly recounting your first speaker's arguments, before moving on to outline your own. For example, you could say:

"Our first speaker presented to you much compelling evidence about how allowing the free distribution of music on the internet would significantly benefit the educational benefit for people en masse. It is my duty to present one further argument in favor of our theme, why allowing the free distribution of music will actually help new artists emerge on the musical scene successfully."

4. Further Proposition Arguments

Second Proposition must now continue to present arguments to support the resolution. Because he/she was rebutting Second Opposition's arguments, Second Proposition will only have time to present 1 more argument. Just like First Proposition, when presenting the arguments, he/she should go through four (4) steps:

- 1) State the point.
- 2) Explain the point.
- 3) Provide evidence in support of the point (Give an example).
- 4) Explain how that evidence proves the point (Tie it back to the sides theme).

5. Conclusion

As with the other two (2) speakers, here too an effective conclusion needs to remind the judges/audience of the central point of the argument.

2nd Opposition Constructive Speech

2nd Opposition Constructive Speech (Sr. Beg – 6 min.) (Sr. Open – 8 min.)

1. Introduction
2. Continue attack on Proposition
3. Outline team's case approach
4. Further arguments against resolution
5. Conclusion



This final constructive speech of the debate gives the Second Opposition speaker an opportunity not only to criticize the Proposition plan, but also to present the final contentions that complete the Opposition case. The usual split between for the Second Opposition speech is six (6) minutes for refutation and two (2) minutes for construction. It is good practice in a debate to only introduce a single argument in the second speech. For example in an eight minute speech:

- The first thirty seconds is used for an introduction
- The next four minutes would be used for refutation
- The next three minutes would be used for the last constructive point
- The final thirty seconds to conclude the opposition side of the debate

1. Introduction

Acknowledge the chair and audience and then straight into rebuttal.

2. Rebuttal (Clash with opponent's arguments)

The key to the Opposition strategy is refutation. This involves using flow sheets as was described previously. Keep track of everything that the Second Proposition has said and then specifically challenging everything he/she has stated.

The role of the Opposition is to defeat the Proposition by persuading the judges that the Proposition's proposal should not be accepted. One way this can be accomplished is by attacking the Proposition arguments and/or the model.

- Attack the Proposition plan as unworkable, undesirable, and/or unnecessary.
- Refute the Proposition case as a whole. Defend and strengthen Opposition arguments, including those presented earlier by First Opposition. Try to refine and solidify your best points without sounding repetitive.

3. Outline team's case approach

Just as with the Second Proposition, the debater will not have to set up a case. However, it is nice to give a sense of 'case unity' – to show the audience and judges how the team's arguments fit together. Therefore, as a second speaker, it helps to provide a brief link to the case as a whole before you commence the individual arguments.

Usually, this means stating the team's theme and briefly recounting the first speaker's arguments, before moving on to outline the team's own.

4. Further arguments

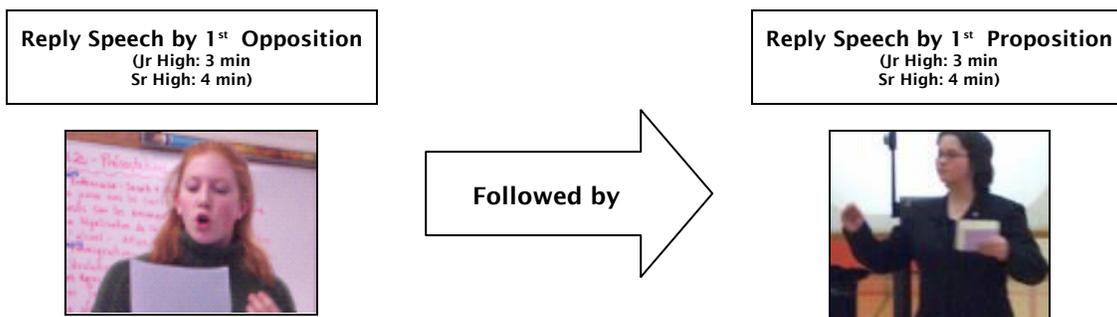
Second Opposition must now present one more reason to oppose the resolution. Because he/she was rebutting Second Proposition's arguments, Second Opposition will only have time to present one more argument. Just like the other speakers, when presenting the argument, he/she should go through 4 steps:

- 1) State the point.
- 2) Explain the point.
- 3) Provide evidence in support of the point (Give an example).
- 4) Explain how that evidence proves the point (Tie it back to the theme).

5. Conclusion

Here too, as with the other three speakers, an effective conclusion reminds the judges/audience of the team's central point.

Reply Speeches



Reply speeches are given by the first speaker on each team. Reply speeches occur in reverse order – the Opposition reply before the Proposition. The Opposition Team therefore has two consecutive speeches: the Second Opposition speech, followed by the Opposition reply speech.

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

The reply speeches should be different from the other four speeches in the debate. By the time the reply speeches arrive, the debate is essentially concluded. The goal of the reply speech, therefore, is not so much to win the *argument*

as it is to step back and explain how your team won the *debate*. The debaters can emphasize the reasons that their team won, and can constructively criticize their opponents' approach, explaining why they lost.

The simplest approach is to spend approximately half of the reply speech discussing the opposition's case, and approximately half discussing their own. Of course, this does not mean giving an even-handed appraisal of the cases – naturally, the speaker will analytically criticize their opposition's case as they summarize it, and emphasize the strengths of their own case. Ideally, when summarizing the case, one will show how it answered the questions or problems posed by their opponents.

Look for *specific* reasons that the opposition may have lost the debate. For example, they opposition may have established criteria that it has failed to meet, or promised to support a model that has not been mentioned since the first speaker. Similarly, the opposition may have forgotten to rebut one of Proposition's arguments – debaters should keep track of this, because it can be a significant point in their favour.

Point of Information

Points of Information are an intrinsic and important part of National Style Debate. A Point of Information (POI) is defined by a competing debater standing up during unprotected time and requesting either verbally or silently to speak. They can do this by standing up and saying "On that Point" or "Point of Information". The speaker can accept or deny the point, verbally or with a hand motion. If accepted the debater has the opportunity to make a short verbal interjection into the speech. It can be in the form of a question, or simply information. The purpose of a Point of Information is to a) attach your opposition's points directly or b) advance your constructive matter. If the speaker declines the POI a debater must sit down immediately.

The speaker may do one of several things when a POI is given in their constructive speech:

- a) Reject the point briefly, perhaps by saying something like "no thank you" or "not at this time". The debater who stood on the point will sit down. It is also acceptable for a debater to politely wave down the speaker without verbally rejecting it and disrupting his/her speech.
- b) accept the point and allow the point of information to be asked, and then proceed to address the point. A speaker may address the point briefly and move on, choose to merge an answer into what they were going to say, or state that they will deal with this later on (in which case they need to be sure they do so)
- c) or say something like "just a second", or "when I finish this point", and then yield the floor when they have finished their sentence or thought.

It is expected that each debater will accept at least two POI's during his/her remarks. Each debater on the opposing team should offer, at least, two POI's to each of the debaters delivering a speech. Adjudicators are instructed to penalize teams if the lower limits are not attained.

How well a debater handles themselves in the rough and tumble of offering and accepting POI's is key in this style of debate. The general rule is that each debater should offer at minimum two (2) Points of Information in each speech and take two (2) points during the speech. (Give 2 , take 2) However depending on the flow of the round faster paced rounds will have more points of information given.

An Excellent discussion of Points of Information can be found at:

http://www.albertadebate.com/adebate/resources/debate/points_of_information.pdf

Judges Break

Following the last reply speech, the chair/timer announces that the judges will be given time to complete their evaluation sheets. At this time, the two teams, with permission of the chair, may approach each other to shake hands and offer congratulations. The teams should then return to their seats and remain there quietly until the chairperson collects the judge's forms.

Debate Judge's Ballot



Canadian National Debate Ballot

Round : _____ Room: _____ Judge's Name : _____

Resolution: _____

Proposition Team : _____	Opposition Team: _____
1st Speaker: _____	1st Speaker: _____
2nd Speaker: _____	2nd Speaker: _____

(Individual Marks Must be between 67 & 73. Half points are allowed)

(Please add up your scores, statisticians will only check your total scores)

Proposition

Category	Points	1st Proposition	2nd Proposition
Matter	27-29		
Manner	27-29		
Strategy	13-15		
Individual Total	67-73		
Team Total			

Opposition

Category	Pts	1st Opposition	2nd Opposition
Matter	27-29		
Manner	27-29		
Strategy	13-15		
Individual Total	67-73		
Team Total			

The Winning Team is (please circle):

Proposition / Opposition

Prepared by Jason Hong

Minimum Score : 67

Average Score : 70

Maximum Score : 73

67 – Poor

68 – Work Needed

69 – Satisfactory

70 – Average

71 – Good

72 – Excellent

73 – Exceptional

Matter 27-29

The content of the debate including: argumentation, examples, logic, clash and reasoning.

28 Average

Manner 27-29

How the debater presented the speech – the verbal and non verbal communication that made the speech effective or not effective.

28 Average

Strategy 13-15

Use of the style, points of information, structure of speeches including time, strategic placements of clash and arguments.

14 Average

Prepared by Jason Hong

Decision

In most tournaments, once the judges have completed their ballots, the chair/timer will announce the winning team. Every debate has a result – one team wins and one team loses. There cannot be a draw. Judges are not allowed to make random or arbitrary decisions – they must follow clear guidelines about what is, and is not, good debating. Of course, debaters and audience members will often disagree with a judge’s decision, and sometimes judges disagree with each other. However, this is part of the challenge of debating which is to debate well enough that you can persuade *any* judge that you deserve to win the debate.

In some tournaments, the Chair/timer may be asked not to announce the decision so that debaters cannot predict who the finalists will be. Individual ratings are not revealed.

Judges’ Responses

After the judges have submitted their ballots, they are sometimes invited to share their thoughts on the debate. The constructive comments received there, based on “Principles of Debate” outlined in the “ADSA Guide to Judging Debate,” are a real asset to debaters, contributing greatly to the refinement of their skills. Debaters or anyone in their party (except coaches on rare occasions only), cannot respond to, or question the judges either during or after the debate. Judges’ decisions are final.

Format of Debate and Constitution

Format: The following for [Junior and Senior High](#) can be found on our website under Online Resources and scroll down to Debate Styles

- *Canadian National Debate Flow Sheet*
- *Canadian National Judges Briefing Guide*
- *Canadian National Debate Guide*
- *Canadian National Debate Judges’ Ballot & Flow Sheet*
- *Canadian National Debate Judging Guide*
- *Canadian National Moderator’s Guide*
- *Canadian National Timer Numbers*

Constitution:

- [Canadian National Debate Guide PDF](#)
- [Canadian National Style Video](#) (open these in a new frame): [Part 1](#); [Part 2](#); [Part 3](#); [Part 4](#); [Part 5](#)

RESEARCH

This Research booklet is not complete. It is only an overview of information and good debaters will use this booklet as a basis for their thinking and move on to other ideas and research. As well, the best foundation for any research into a topic begins with some basic reading on the ideas. Follow this with an interview with someone who is knowledgeable, can suggest ideas and can direct you to other ideas and research. Although you cannot quote this person unless he/she is published in print or on video, a human being can always explain issues better than an article.

Illegal downloads 'face UK bann

<http://news.bbc.co.uk/2/hi/business/7240234.stm>

People in the UK who go online and illegally download music and films may have their internet access cut under plans the government is considering.

A draft consultation suggests internet service providers would be required to take action over users who access pirated material via their accounts.

But the government is stressing that plans are at an early stage and it is still working on final proposals. Six million people a year are estimated to download files illegally in the UK. Music and film companies say that the illegal downloads cost them millions of pounds in lost revenues. The government proposals were first reported by the Times newspaper.

The Department for Culture, Media and Sport said that early drafts of the document had been circulated among stakeholders. "The content and proposals for the strategy have been significantly developed since then and a comprehensive plan to bolster the UK's creative industries will be published shortly," it added. "We will not comment on the content of the leaked document."

Voluntary scheme

The Times suggested that broadband firms which failed to enforce the rules could be prosecuted, and the details of customers suspected of making illegal downloads made available to the courts.

According to the Times, the draft paper states: "We will move to legislate to require internet service providers to take action on illegal file sharing."

Some of the UK's biggest internet providers, such as BT, Virgin and Tiscali have been in talks with the entertainment industry over introducing a voluntary scheme for policing pirate activity, but no agreement has been reached.

So far, they have failed to resolve how disputed allegations would be arbitrated - for example, when customers claim other people have been "piggybacking" on their internet service.

'No liability'

Technology that allows internet providers to monitor what content is being downloaded is becoming more effective, said James Bates, media director at consultants Deloitte. "This is also likely to help accelerate the process of identifying pirates, and may lead to swifter disconnection, or prosecution," Mr Bates said.

However, the Internet Service Providers Association said data protection laws would prevent providers from looking at the content of information sent over their networks. "ISPs are no more able to inspect and filter every single packet passing across their network than the Post Office is able to open every envelope," the association said. "ISPs bear no liability for illegal file sharing as the content is not hosted on their servers," it added.

The BPI, the trade body that represents the UK record industry, said internet providers had "done little or nothing to address illegal downloading via their networks". "This is the number one issue for the creative industries in the digital age, and the government's willingness to tackle it should be applauded," said BPI chief executive Geoff Taylor. "Now is not the time for ISPs to hide behind bogus privacy arguments, or claim the problem is too complicated or difficult to tackle."

Fed Support \$1.92 Million File Sharing Verdict

<http://www.wired.com/threatlevel/2009/08/feds-support-192-million-file-sharing-verdict/>

The Obama administration told a federal judge Friday the \$1.92 million jury verdict against a Minnesota woman for sharing 24 music tracks on Kazaa was constitutionally sound, despite defense claims it was unconstitutionally excessive.

After the June verdict against Jammie Thomas-Rasset, defense attorneys urged U.S. District Judge Michael Davis to set it aside or reduce dramatically the \$80,000-per-song award, arguing it was "[excessive, shocking and monstrous](#)"

In response to that challenge to the Copyright Act, which allows damages up to \$150,000 per song, the Justice Department told Davis in a 26-page brief that the verdict should not be overturned on grounds it was unconstitutionally excessive.

"The current damages range provides compensation for copyright owners because, *inter alia*, there exists situations in which actual damages are hard to quantify," the government wrote. "Furthermore, in establishing that range, Congress took into account the need to deter the millions of users of new media from [infringing copyrights](#) (.pdf) in an environment where many violators believe that they will go unnoticed."

At the time of the Minnesota verdict, Thomas-Rasset, 32, was the nation's only file-sharing defendant to go before a jury out of the [30,000-plus cases](#) brought by the Recording Industry Association of America the past five years. Most all defendants settled out of court for a few thousand dollars. Trial

for the [second defendant](#) to go before a jury ended last month with a \$675,000 verdict in favor of the RIAA for sharing 30 songs online.

It is not unusual for the government to weigh into a case in which the constitutionality of the law is at issue. The Obama administration, and the Bush administration have weighed in on lawsuits in which the Copyright Act was under the microscope — always in support of the law.

But Friday's filing was the first time the government announced that an eye-popping \$80,000 per track in damages was not excessive.

Thomas-Rasset must navigate bumpy legal terrain to convince Judge Davis to declare the Copyright Act unconstitutional. After Thomas-Rasset's first trial in 2007, in which Davis declared a mistrial because of an error in a jury instruction, the judge noted that the original verdict of \$222,000 for the same 24 songs was ridiculous but nevertheless suggested Congress should change the law.

Most important, Thomas-Rasset's claim of a so-called due process violation is likely to fail. That's because Thomas-Rasset most likely [was not the victim](#) of a "due process" violation" under U.S. legal precedent.

The law clearly stated that her conduct could result in fines of as little as \$750 up to \$150,000 an infringement. (Due process generally means having advance notice of the trouble one can get into for unlawful conduct.)

Sensing a losing position, the defendant's lawyers told Judge Davis last month that, "even if the statutory damages provision of the Copyright Act is constitutional, the jury's application of it in this case is excessive, shocking, and monstrous." They suggested the judge reduce the fine to the minimum \$750 per song if he doesn't order a new jury to retry a new damages award.

US woman loses music downloading appeal

<http://www.canadianbusiness.com/article/98174--us-woman-loses-music-downloading-appeal>

MINNEAPOLIS (AP) — A U.S. woman accused of sharing songs online owes record companies \$222,000 for willful copyright violations, a federal appeals court said Tuesday, reversing a lower court's ruling in a long-running lawsuit over music downloading.

A three-judge appeals panel ruled that Chief U.S. District Judge Michael Davis erred when he cut the award against Jammie Thomas-Rasset to \$54,000.

The Brainerd woman's case was one of only two lawsuits to go to trial out of more than 30,000 filed by the recording industry in a drive to stop the unauthorized free downloading of copyrighted music, which the industry says has cut deeply into its revenues. The vast majority settled for about \$3,500 apiece.

The U.S. Supreme Court in May refused to hear an appeal by former Boston University student Joel Tenenbaum of a \$675,000 award in the other case, but he has vowed to keep fighting.

Juries ruled against Thomas-Rasset in three separate trials since the industry sued her in 2006. Davis said the last award, of \$1.5 million, was "severe and oppressive."

But the appeals court found the high award was not unreasonable. It sent the case back to Davis for an order that she pay \$222,000 — the award from her original trial — and for an injunction barring her

from making the plaintiffs' recordings available to the public via online media distribution systems in the future.

"We are pleased with the appellate court's decision and look forward to putting this case behind us," the Recording Industry Association of America said in a statement.

But Thomas-Rasset said she plans to appeal again as long as her attorneys remain with her for the long haul, and they've assured her they are. She has said she can't afford to pay anyway.

Her attorney, Kiwi Camara, confirmed they'll ask the Supreme Court to hear the case, saying the \$222,000 award is punitive.

The industry has previously offered to settle for \$25,000 and donate the money to a musician's charity. Camara said they wouldn't accept such an offer even if were made again.

The industry presented evidence that Thomas-Rasset made available over 1,700 songs to other computer users via the file sharing service Kazaa, though the lawsuit targeted only 24 songs.

For tactical reasons, the appeals court noted, the industry didn't seek reinstatement of the third jury's award and was content with the original \$222,000 — \$2,250 per song — from her 2007 trial.

Thomas-Rasset got a second trial in 2009 after Davis concluded he made a legal error in her first. After Davis cut the second jury's \$1.92 million award to \$54,000, the industry won a third trial that resulted in a \$1.5 million award, which Davis again cut to \$54,000.

Illegal downloader's are one of music industry's biggest customers

http://www.demos.co.uk/press_releases/illegal-downloaders-are-one-of-music-industrys-biggest-customers

People who use peer-to-peer file sharing websites like Pirate Bay to illegally download music spend over £30 more on music per year than those who do not download illegally.

Internet users who claim to never illegally download music spend an average of £44 per person on music per year, while those who do admit to illegal downloading spend £77, amounting to an estimated £200m in revenue per year.

A new poll commissioned by Demos found that almost one in ten adults (9%) aged 16-50 who have internet access admit downloading music illegally. But this group are also active music buyers, with 8 in 10 buying CDs, vinyl or MP3s in the past year. The poll also found that 42 per cent of illegal downloaders agree that they 'like to try things out before I decide whether to buy them.'

The findings suggest that government plans to disconnect repeat illegal downloaders from the internet, announced yesterday by Lord Mandelson, could do the music industry more harm than good by punishing core consumers. The poll showed that the availability of new, appealing legal music provision services is the step most likely to encourage illegal downloaders to stop, above fines or the threat of disconnection.

The research reveals a gap between what consumers are willing to pay for music tracks and current market prices. If official music distribution sites like iTunes lowered the cost of a single track to 45p they could expect prospective buyers to double in number.

Peter Bradwell, a researcher at Demos specializing in digital rights and consumer trends said: "The latest approach from the government will not help to prop up an ailing music industry. Politicians and music companies need to recognize that the nature of music consumption has changed and consumers are demanding lower prices and easier access to music."

Resources

Useful Sites:

- <http://www.readwritethink.org/classroom-resources/lesson-plans/copyright-infringement-debate-over-855.html>
- <http://debatepedia.idebate.org/en/index.php/Debate: Prohibition of downloading music and films>
- http://www.helium.com/debates/68480-music-piracy-is-downloading-music-ethical/side_by_side
- <http://www.youtube.com/watch?v=cLH3cxA5L-Y>