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HOW DURABLE IS IT?
A CONTEXTUALIZED INTERPRETATION OF FIAT IN POLICY DEBATE

BY MICHAEL W. KEARNEY, M.A.*

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Debaters love to reminisce about their introductions to competitive policy debate. Inevitably, these stories include descriptions of how their debate coaches explained the meaning of the word “should” in the resolution. For some, fiat was a “magic wand.” For others, fiat signified the commanding words, “Let it be done.” Unfortunately, this foundational concept rarely gets discussed in any more depth. As negative strategies have become more nuanced and focused on the political process, debaters increasingly face situations that demand equally nuanced understandings of fiat. Since these debates seldom progress beyond quick definitions and occasional references to magic wands, this essay aims to unearth the potential of fiat in policy debate.

Thus, the purpose of this essay is to rekindle theoretical discussions by analyzing the meaning of fiat in terms of power and durability. I ultimately argue that fiat is not so magical after all and that it is instead shaped by context. To support my argument, this essay proceeds in three parts. First, I will define fiat and discuss relevant practices in contemporary policy debate. Second, I will introduce a commonly held interpretation of fiat. Third, I will conclude by arguing for a contextualized understanding of fiat.

FIAT & POLICY DEBATE

Fiat emerged in policy debate to represent arguments that center around what “should” happen instead of what “would” happen. In other words, fiat is the imaginative power that allows debates to focus on the desirability rather than the feasibility of enacted policies.1 The goal of fiat is therefore to promote educational discussions about the consequences of hypothetical actions by eliminating feasibility arguments.

Policy debate today largely accepts this definition of fiat, though its precise contours still raise some questions. Most theoretical debates about fiat occur when arguments directly implicate the policy process. For example, debaters regularly use political disadvantages to challenge the durability of fiat. Many negative teams argue that policies influence election outcomes, thereby increasing the powers of political parties that may rollback affirmative plans. Given the prominence of political disadvantages in contemporary debate, affirmative and negative teams have designed their plans and counterplans to avoid these arguments altogether. These policies tend to utilize low-profile agents and processes. Though these agents and processes stay under the political radar, they consequently lack the strength of traditional policymaking agents and processes. Yet, contrary to what one might expect, it appears debaters have not successfully challenged the solvency of these policies.

**FIAT AD INFINITUM**

I believe these trends have emerged because the sophistication of fiat theory has stagnated. More often than not, when today's debaters encounter arguments that question the durability of their policies, the most common response is simply, “fiat is durable,” presumably representing an alternative understanding of fiat. This implicit interpretation of fiat, which I will refer to as *fiat ad infinitum*, suggests that fiat is infinite and unbounded by real world forces. In a sense, the utopian nature of this interpretation mirrors a conceptualization of debate as a form of social criticism wherein debaters emphasize the ideal world rather than the real world.\(^2\) In theory, this approach is not without merit. However, given contemporary debate’s emphasis on the real world, fiat ad infinitum seems both unnecessary and counterproductive as it departs too far from topic literature and the real world more generally.

**CONTEXTUALIZED FIAT**

As an alternative to fiat ad infinitum, I propose a contextualized understanding of fiat. This proposed interpretation would serve primarily as the justification for debating what “should” be done, but relevant forces would still influence the power and durability of any particular action. In other words, debates would still focus on hypothetically implemented policies, but they would no longer ignore many real world consequences. To better understand this interpretation, I will

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explain how a contextualized understanding of fiat might fluctuate depending on institutional, attitudinal, and temporal changes.

Institutional changes refer to the relative abilities of acting agencies. In many debates, participants introduce evidence that advocates for particular actors, only to later retreat when opposing teams “fiat” a similar action by a different actor. This retreat often occurs because participants struggle to differentiate between the institutional limitations of policy actors. Since fiat ad infinitum treats every action as infinitely durable, debaters presume that decisions made by executive agencies possess the same staying power as decisions made by the President, the Congress, and the Supreme Court. A contextualized interpretation of fiat, on the other hand, would reward debaters who compare the inherent strengths and weakness of institutions.

Attitudinal changes refer to the general mood surrounding policies. Though fiat sidesteps feasibility questions, attitudes can still influence policies after passage. Of course, any interpretation of fiat must assume that a policy has enough support to come into existence. However, debate would be ignoring a wealth of history and literature by pretending that every policy carries the same level of support. Here, the lines become less clear, but recent pieces of major legislation help provide some context for these attitudinal forces on policies. Shortly after the passage of Obama’s controversial health care legislation, the judiciary, potential presidential candidates, and an entire political party attempted to reverse the law. Conversely, the almost unanimously supported Patriot Act legislation has slowly given way to growing opposition. Under the fiat ad infinitum interpretation, these policies would be equally durable, and debaters would be denied the opportunity to make arguments regarding the attitudes that shaped real world policies.

Temporal changes refer to the potential political, cultural, and economic influences on policies in the future. Political sea changes typically occur when a party gains or regains control over a governmental body. Changes in the executive branch, for example, often produce policy reversals. Since its inception, The Mexico City Gag Rule has been adopted or rescinded according to the political

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party of the President. Cultural changes have also influenced policies, though these changes generally occur slowly. Recently, cultural changes resulted in the reversals of the Don’t Ask Don’t Tell and Defense Of Marriage Act policies. Finally, economic changes regularly influence policies. In the case of financial regulations, The Glass-Steagall Act was adopted and repealed as the economy expanded and contracted. In sum, these changes over time provide the contexts that shape political institutions and policy decisions. Without a contextualized understanding of fiat, however, policy debate would continue to diverge from the political, cultural, and economic forces that create the real world.

Debate challenges individuals to research, think critically, and communicate effectively about hypothetical actions. So long as debate continues to emphasize the real world, these skills will require debaters to understand the institutional, attitudinal, and temporal changes that influence real policies. Adopting a contextualized understanding of fiat will not simplify debate, but categorically dismissing real world consequences will certainly dumb it down.

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TAILORING THE DEBATE FORMAT TO SPECIFIC EDUCATIONAL GOALS

BY MANUELE DE CONTI, PHD*

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INTRODUCTION

In this paper, we investigate issues that impact on the selection and development of debate formats tailored to specific educational goals. We use the term “debate format” to refer to the rules that regulate, structure, and characterize the debate and facilitate its linear development. From a pedagogical perspective, the debate format is an essential tool to guide and develop students in conscious thinking skills and critical analysis. As varying the format of the debate impacts on the skills that students acquire, care must be taken to select and develop an appropriate structure. We address this issue by evaluating the essential characteristics of various debate formats and correlating these with the resulting acquisition of skills. We present a summary table of some debate formats that may serve as a useful tool to determine the pedagogical possibilities of specific structures. Our findings may also assist in evaluating new debate formats or developing existing ones.

DEBATE FORMAT

The term format, related to debate, is sometimes used simply to indicate the sequence and length of individual exchanges. However, it is more appropriate to consider it as indicating the set of goals, standards, and activities that structure and characterize the debate and facilitate its linear development. Indeed, although pedagogical goals, for example, are not parameters usually acknowledged as set by the debate format, there is a very close relationship between the specific goals and the debate format itself: goals are attainable by the

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*J. Hanson, NTC’S DICTIONARY OF DEBATE* 49 (Nat’l Textbook Co. 1990).
adoption of the respective formats. This premise is apparent in the Karl Popper (KP) debate format, which is intended to develop critical thinking skills in view of an open society.\(^{11}\)

By comparing the various debate formats, considered as a set of goals, standards, and activities that structure and characterize the debate and facilitate its linear development, we can identify a set of standards that they regulate: the number of members on a team, the number of teams, the time allowed for each speech, the duties of each speaker, and the judging criteria.\(^{12}\) These standards can be referred to as structural parameters, as they are designed to give the debate a precise configuration. In addition to these, we also find another set of parameters that can be referred to as collateral. Collateral parameters are not closely related to the debate format as varying these does not change the specific format adopted; instead, they concern the types of motions and the time allowed for the students to prepare their speeches.

The distinction between structural and collateral parameters, reflects more generally, the one adopted by George Musgrave between rules of debate and customs of debate, and more precisely the enumerative one sketched by Cirlin which includes Lincoln-Douglas v. Team Formats, 2 Teams v. 4 Teams Formats, Time Limits, Judges, among others.\(^{14}\)

Therefore, structural parameters, collateral parameters as well as educational goals, allow us to understand debate formats in terms of their relationship with the development of student skills.


\(^{13}\) According to Musgrave, rules of debate are principles following from an understanding of the nature of debate itself that they are well agreed upon by coaches; customs are some of the so-called 'rules' that have grown up in certain localities and are not universally recognized. G. McC. MUSGRAVE COMPETITIVE DEBATE: RULES AND STRATEGY 1 (The H. W. Wilson Company 1945).

\(^{14}\) Cirlin, supra note 8, at 13–16.
CHARACTERISTICS OF FORMATS

As noted earlier, this article aims to explain the relationship between training/education and the debate format so as to understand how the adoption of a specific format can impact on the skills that students acquire. In this section, we focus on eight characteristics of debate formats.

A. Number of team members and the number of teams

In general, debating is an extracurricular activity. As a result, it may often be difficult to ensure that debates are attended by adequate numbers of students. Debates are sometimes, however, held by teachers in the classroom, thereby overcoming the problem of poor student attendance. Not all debate formats require the same number of students. The Lincoln Douglas (L-D), British Parliamentary (BP), World School (WS), and KP debate formats involve teams of 1, 2, 3, and 3 students, respectively. The Co. Ba. format15 involves 8 students16.

The number of team members and the number of teams in each debate should be inversely proportional to the time allowed for each exchange: in a 50-minute-long debate, as the number of participants decreases, the time that each debater will have for his/her speech will increase. Thus, when selecting a debate format or changing an existing format, it is important to evaluate the time available for the debate, the number of students that will be involved, and the length of time each student will speak.

Factors to consider when selecting the number of team members include: how many students should be involved; the number of students on which the activity want to provide effects; the time available for the debate.

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15 Acronym for Corporación Cultural de la Barnachea, non-profit organization that deals with the Chilean broadcasting of debate in Chile. This protocol was developed in 2002 by Alvaro Del Valle Ferrer, debate teacher at the Universidad Católica de Chile. This is the format used in Italy.

A format that allows for a large number of students is not just useful in terms of wide effects: it can teach teamwork and conflict management skills\textsuperscript{17}, and it can also aid the specific educational targets of teachers.

Besides the Co.Ba. format, other formats involve large numbers of students. Public debate format can involve as many as 29 people\textsuperscript{18}. This kind of debate involves a group of students, rather than two teams, some of whom are in favor and others who are against the motion; other students make speeches and advance new arguments or ideas or call attention to pertinent issues. Although this debate format is interesting and may involve the whole class, it is not suitable for use in tournaments as it does not include two teams. The large number of participants could also lead it to be dispersive.

The so-called floor speeches used, for example, in parliamentary debates (PDs) provide a good way of involving more students and transforming passive listeners into active participants. This type of debate involves an individual making a one-minute speech for or against a particular position prior to rebuttals taking place. Such speeches, in addition to facilitating the involvement of a larger number of students, allow for the introduction of new arguments or considerations, thereby enriching the debate\textsuperscript{19}.

Debate formats may also involve more than two teams simultaneously. In BP formats, for example, although the teams are made up of two students, each match involves four teams, two in favor of the proposition and two against. To win, each team must not only defeat the opposition, it must also prove itself better than the team on the same side\textsuperscript{20}. To achieve this goal, it must not only challenge and contradict the arguments advanced by the team on the same side, it must also demonstrate loyalty to it. In contrast to previous formats, Multisided Debates assume that more than one position is possible in relation to a controversial issue. Born in opposition to the prejudice that debates seem to assume, that the world is or black or white, these debates consider that around the controversial issues more

\textsuperscript{17}D.W. JOHNSON & R.T. JOHNSON, CREATIVE CONTROVERSY. INTELLECTUAL CHALLENGE IN THE CLASSROOM(Interaction Book Co. 1992).

\textsuperscript{18}A.C. SNIDER & M. SCHNURER, MANY SIDES: DEBATE ACROSS THE CURRICULUM 56 (I.D.E.A.2006).

\textsuperscript{19}BRANHAM \& MEANY, supra, 12, at 16.

than two sides are possible and the dichotomization implied by them, is cognitively less severe\textsuperscript{21}.

Another interesting format has been developed by the Centro de estudios de la argumentación y el razonamiento of the University “Diego Portales” Chile (CEAR). This 3-teams format has been designed to avoid debates between “deafs” or biased by the tasks of the third team: to improve the flow of information between the other two opposing teams and to avoid that relevant information is omitted\textsuperscript{22}.

Depending on the level of desired student involvement, teachers can, thus, vary the number of teams involved in the debate. Indeed, historically, "the two-men teams were abandoned in favor of three on a team. The reason this change was doubtless that more students were given an opportunity to participate"\textsuperscript{23}. However, greater numbers of teams may increase the number of matches that have to be played in a tournament.

\begin{center}
\textbf{The number of teams in each debate may vary depending on the desired level of student involvement and the purpose of the debate (competitive or non-competitive).}
\end{center}

2. \textit{Timing}

The time allowed for students to present their arguments is an important element of the debate format. In the WS and BP formats, each of the first three speeches by each team lasts 8 minutes\textsuperscript{24}. The L-D and KP formats allow 6 minutes for each of the main speeches. Only 2 minutes is allotted for the main speeches under Co. Ba. rules and one minute in public debates.


\textsuperscript{23}R.N. Egbert, \textit{A Historical Sketch of Intercollegiate Debating}, 22 Q. J. of Speech 217, 217 (1936).

The differences can be attributed to the number of team members: the lower the number, the longer the speech. In debate formats that allow more time for speeches, the speaker has a greater number of duties. In BP debates, the debater not only presents arguments in favor of his/her position, he/she also refutes arguments put forward by the opposition in their opening speech. Thus, arguments and responses are included in a single speech.25

The length of the debate may also increase in accordance with the debater’s experience. For example, in English-speaking countries, or countries where debates are conducted through English, shorter debates take place in middle school than the debates in higher school grades. In practice, the greater the level of student confidence, the greater the length of the speech and the number of duties. In some countries, for example, KP is usually adopted in middle schools, WS in high schools, and BP in universities; elsewhere, debate education is developed starting with the Standard Debate Format, to move on through more complicated formats.26 This choice is motivated not only by speech length but also by the fact that the format used in middle school provides more time for the students to prepare motions and speeches during the debate itself.

**Debate length may vary depending on the number of team members and the complexity of the speech.**

Brief speeches may make it difficult to present complex arguments but stimulate synthesis. Longer speeches encourage improvisation and the presentation of well-constructed arguments; they are also, however, likely to contain long digressions or repetitive elements.

**3. Speaker duties**

Debate formats define also the functions of each speech. Understanding a format means to understand which type of skills are required in the respective speeches. So debate training should provide the students with concepts and exercises targeted to specific skills.

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There seems to be a certain homogeneity in debate formats, with the opening and closing speeches of many debates almost invariably highlighting the definition of the terms of the motion and the major disagreements that arose during the debate.

There are also important differences. A duty of the first speaker in a KP-based debate is to present all of the arguments in favor of the position advocated by his/her team. Following the presentation, no other arguments are allowed to be put forward, and the debate focuses only on rebuttals and defense. This practice is attributable to Popper’s philosophical perspective on testing points of view\textsuperscript{27}.

The speaker’s duties in BP and WS debate formats require both arguments and rebuttals to be put forward in the same speech. According to WS guidelines, the obligations of the first opposition speaker are to refute the arguments advanced by the opponents and then present arguments in favor of its position. The following speech, i.e. the second proposition speaker, refutes the arguments made against its position, challenges the arguments that support the opposite position, and introduces new arguments in support of its position\textsuperscript{28}.

The debates in BP and WS formats are, therefore, more dynamic, and the development of such debates is more linear than other formats (every speech must be strictly related to the previous speech). It is important, however, that students acquire comprehensive debating skills. In formats where such articulation is not required, such as Co. Ba., if one student always performs the first speech, then he/she is likely to develop only skills related to refutation. Students should, therefore, be encouraged to take on different roles.

There are pedagogical implications of the variety and changing nature of speaker duties and debate formats: debates must provide training not only in critical thinking and argumentation concepts but also in elements of rhetoric, particularly disposition\textsuperscript{29}. It is important to understand the discursive structure of the individual speeches, attributed by the format, to appreciate which rhetorical elements are required and in what order they need to be presented to build the speech.

\textsuperscript{27}See supra note 11.


The duties of the speaker directly impact on the skills acquired by the students and the preparation of training lessons by teachers.

4. Debate judging criteria

Students have to adhere to particular criteria to win a debate. It is inevitable that these criteria impact on skills and delivery. So educators can use the judging guidelines to encourage the development of precise delivery and argumentation styles.

Not all formats are subject to the same type of evaluation. For example, judges of PDs, place more importance on oratory than on logical arguments. Such debates are also permitted to contain less jargon and fewer theoretical arguments and pay less attention to sources. The WS format also attaches no importance to the citation of sources: sources can be cited in the debate, but such sources should not be the focus of the speech unless explicitly requested by the opposition. The judges of KP debates focus on the behavior of the participants and discourage unethical behavior. In contrast to Policy Debates debates where the speaker is permitted to address the audience at a rate of 300 words per minute, the KP format does not favor a very high rate of delivery. This is in accordance with Popper’s philosophy of an “open society” in which debates are accessible to the average citizen.

The criteria adopted by the judges can impact on the development of skills such as speed of delivery and style of argumentation

The criteria used by the judges to assess a debate do not stem only from the characteristics of the speech, inevitably informed by the debate format, but also

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from the debate paradigms and, above all, from the goals of the debate itself. Hence, the importance of considering the relationship between educational goals and formats.

5. Types of propositions

The debate format dictates motions in many instances. L-D formats are associated with debates on philosophical issues and ethical values, whereas WS debates primarily address political, economic, and social issues. However, educators do not have to adhere strictly to this; so we included the types of propositions between the collateral parameters. For example, the L-D format can also be adopted when debating less relevant issues such as “The dog is better than the cat.”

The type of proposition may vary according to the educational level of the students in the debate. Topics such as “The train is better than the car” may be used as exercises for beginners, whereas philosophical motions are debated by higher grades. However, the different types of propositions are not only related to the greater knowledge of higher-level students. They can even determine the amounts of research required. As reported by Watt and Pelham, Jack Howe explained that CEDA debate format shifted the focus of debate from policy motions to value motions to draw students back into debate that had been discouraged by the large amounts of research required by policy motions.

Moreover, the types of propositions can also reflect the additional skills that students have acquired. As noted earlier, the L-D format, when used in debating philosophical motions or ethical issues, aids the development of sophisticated logic skills. This is in contrast to the PD format, which develops more rhetorical and less theoretical skills.

Although not accepted verbatim by all debate theoreticians, there are three types of proposition: propositions of fact, propositions of value, and propositions of policy. The first proposition focuses on determining whether a particular statement is true or false, the second proposition addresses the value of something, and the third proposition deliberates on the course of action that


should be followed in the future. It is important from a pedagogical perspective to stress that the type of motion debated depends on different analytical, argumentative, and refuting strategies: a policy proposition will require greater use of arguments related to consequences than a proposition of fact, which will require more frequent recourse to authority. In relation to propositions of value, arguments may need to draw on abstract concepts such as essence.

The type of proposition impacts on the acquisition of logical and rhetorical skills and the strategies used to analyze, argue, or refute.

6. Preparation time

From a pedagogical perspective, the time allocated for students to prepare motions is important. The time allowed for preparation varies depending on the debate format selected. The time may also vary depending on the setting, such as a classroom, competitive tournament, or public arena. In competitive tournaments that adopt PD or BP formats, participants are given only 15 minutes to prepare (impromptu or extemporaneous motions). Extemporaneous debates allow just 10 minutes. It is clear that such debate formats encourage the acquisition of skills such as improvisation and mental agility, rather than those of organization, synthesis, and conciseness. These types of skills are more likely to be developed with longer preparation times such as occurs in the L-D format, where a motion is debated for 2 months and each team has to debate the same issue more than once and support different positions, or in the Policy Debate, where the topic of debate does not change from round to round or from tournament to tournament:


34 Branhm & Meany, supra n.12, at 6.


37 See supra note 9, at 6.
debaters debate the same topic from August through April\textsuperscript{38}. This approach enables students to gain a thorough understanding of the relevant issues and the various positions. Motions in this type of debate are very general so as to avoid repetition, but this, quite frequently, leads one of the two teams in holding unexpected thesis for winning the match.

In contrast, in Co. Ba. debates, the motion and the side to be debated are communicated 2 weeks before the debate. The 2-week period for preparation aids comprehensive investigation of pertinent issues. The debate, thus, serves both as a source of information and deep discussion, and both the match and its preparation can be considered as an integral part of the curriculum.

The WS format reconciles the two approaches: it allows several months’ preparation for certain motions but also permits some motions to be introduced (usually one hour) prior to the match.

The time allowed for preparation impacts on the comprehensiveness of the discussion and the way in which the speeches will be delivered.

Preparation time may of course depend on the individual student’s experience. College students, for example, have a more in-depth knowledge than high school students and so may prepare a motion in a shorter time.

Some formats, such as the KP allow for preparation even during the debate. Inexperienced debaters can find this approach beneficial as they have time to prepare relevant speeches and can draw on information presented by their opponents in their speeches.

EDUCATIONAL GOALS

It is important to recognize that the all the rules relating to the various formats are structured in accordance with the underlying educational goals. Indeed, specific formats are developed precisely with the achievement of particular goals in mind. The KP format, for example, places greater emphasis on educational development.

than on the acquisition of competitive skills. KP debates emphasize critical skills and attention to content rather than style with the aim of promoting the development of an open society. These elements, which are some of the values and purposes enshrined in the KP approach, also influence the judging criteria and student preparation for the debate. In contrast to KP, British Parliamentary debates are rooted in the deliberative discussions of the British House of Commons. Such debate lends itself to the development of skills required in political coalitions: having a number of teams of four, and ask for consistency, it is instrumental in preparing students to participate in political coalitions with many parties. Indeed, if a party refutes the arguments of its supposed political partners would undermine the stability of the coalition.  

**Conclusion**

As outlined in the paper, the debate format impacts on the type of skills that students acquire. Modifying each of the different parameters influences the skills that they must focus on and the effects. To illustrate these relationships, we referred to important studies in the field and highlighted some of the most common debate formats. These should not, however, be considered exhaustive. Alfred Snider, for example, presents a totally different classification of types of debate on the basis of their geographical spread. In this way, the adoption of the protocol will depend on the competitions in which schools or societies want to participate. Moreover, the classification presented in this paper should not be even considered as unambiguous. Indeed, it is not clear which parameters account for Switch-side debates or Direct-clashing debates format as depicted by Ehninger and Brockriede.

Nonetheless, the identification of the essential parameters in debate formats, and partially their synthesis in the summary table, firstly provides a useful guide to memorize as well as to organize information on the formats themselves; secondly, directs the choice on more suitable formats to the educational or pedagogical goals we purpose to achieve, and thirdly, aids those looking for new ways to make the debate easier to implement.

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39See supra note 20, at 312.


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<td>NO ARGUMENTATION AND REBUT IN EACH SPEECH</td>
<td>ABOUT 2 WEEKS BEFORE THE MATCH</td>
<td>PRIMARIAMENTE FILOSOFICO, SOCIALI ED ETICHE</td>
<td>MAINLY LOGICAL BUT ALSO RHETORICAL</td>
<td>ACQUERING SKILLS</td>
<td>DEEPENING ISSUES</td>
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<td>2 MINUTES REBUTTALS</td>
<td>P.O.Is.</td>
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<td>DEEPENING ISSUES</td>
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