

Clash, Points and Motions: Bringing Parliamentary Procedure to Parliamentary Debate

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The directors and coordinators of community and corporate organizations use parliamentary procedures to ensure that the business of these organizations runs in an well-ordered manner. The debate that surrounds these decisions and the "public conversations" and "public dialogue" of our society is closely resembled by that of competitive parliamentary debate (Knapp and Galizio 1).

Yet how does competitive parliamentary debate compare with the practices accepted as proper parliamentary procedure? How should debate be governed? Particularly a question exists regarding competitive parliamentary debate and the use of points of order (Knapp and Galizio 185). How can miscellaneous procedures as rendered in parliamentary procedure inform competitive debate? Do these restrict discussion and debate to the point that they interfere with productive and useful insights in societal business? This paper addresses the treatment of debate by two chief parliamentarians: Robert¹ and Sturgis², presents a case separate from Robert or Sturgis to emphasize the use of discussion and debate in the organizations, and relates these ideas to competitive parliamentary debate.

Definitions of Terms

To provide broader, more useful comparisons of Robert with Sturgis, we must define and compare several terms on a fundamental level. Sturgis defines debate as the "formal discussion of a motion or proposal by members under the rules of parliamentary law" (258). To Sturgis, "the purpose of deliberative bodies is to secure the mature judgment of the group on proposals submitted to it for decision. This purpose is best served by free interchange of thought through

discussion and debate" (114). Similarly, Robert in the 1990 version sees debate as:

an essential element in the making of rational decisions of consequence by intelligent people. In a deliberative assembly, this term applies to discussion on the merits of a pending question—that is, whether the proposal under consideration should, or should not, be agreed to. That the right of debate is inherent in such an assembly is implied by the word *deliberative* (380).

Sturgis and Robert acknowledge the presence of parliamentary order working as a paradigm over discussion and debate. That is, debate simply comprises one of the multitudes of parliamentary chapters in the handbook of facts and procedures. Both seem to agree that it is an essential right, and Robert argues it is an inherent right in a deliberative assembly.

However, both definitions are unrealistic. Neither scholar lives up to the expectations of free speech and rights so vividly reflected in their definitions of "debate." The inherent right to debate is analogous to the right of free speech and expression: a lofty term usually associated with absolute freedom that in no way holds true for all cases. Parliamentarians have tampered with the right to debate, much as the courts have ruled inconsistently on the right to free speech ' by applying contradictory standards and court precedents. The next section discusses the limitations set upon debate according to Sturgis and Robert.

Limitations on Debate

Formality to Hinder or "Limit" Debate

Sturgis and Robert extensively detail the rules and regulations of debate for students of parliamentary practice. Doth agree that these rules fall under three general categories: fully debatable, debatable with restrictions, and undebatable. Problems arise not because certain motions are debatable and others are not, but from certain formalities that must be followed. Sturgis and Robert disagree over these procedural behaviors, including the order of the speeches, the role of the presiding officer, and the wording of arguments during debate.

First, Sturgis and Robert claim different perspectives for the role of speeches in debate. Sturgis argues that the motion's sponsor should begin and end debate, explain the initial position and clear up any misunderstanding in the last speech (115). Similarly, *Robert's Rules of Order, Newly Revised* (RONR), 1990 suggests that a motion's maker has the "option" to speak first during debate, even if other members have risen to be "recognized" first by the chair (41-2). A similar order of speeches is followed in value and policy debate. In parliamentary debate, the government first presents its case and finishes the debate round with the last rebuttal speech. The government is given the "burden of proof and is given the advantage of presenting the first and last speech in the debate contest (Knapp and Galizio 3). This order gives the Government the burden of debatability and the opportunity to close the round.

Second, Sturgis and Robert have clashing views about the role of the presiding officer during debate. Robert's RONR assigns the chair a more passive role; he or she should be removed from most discussion or debate, as well as mainstream speech that precedes formal debate. Only in rare circumstances should a chair comment on the pending question at hand. The chair also should never interrupt the speaker to exhibit superior intelligence on the subject matter (42). In fact, under Robert's RONR, should a chair decide to intervene, he or she should first relinquish their chair position. This procedure follows, according to Robert, since the chair is to be unbiased (389-90). One must, however, ask how relinquishing a "position" title grants the chair a status of "bias-free." Robert certainly conflicts with the role of Speaker in parliamentary debate.

On the other hand, Sturgis places more responsibility upon the shoulders of the presiding officer. The chair simply takes a devil's advocate position and plays an active role in the discussion and debate proceedings of the organization. This seems to make more practical sense. After all, the chair is just like any other member, has the same rights, votes like other members, and participates in other organizational activities. Sturgis suggests that the chair should moderate discussion between advocates and debaters during debate. In addition, the chair should intervene and explain difficult ideas that members find confusing. Finally, the chair should alternate the speaking time for each side of the motion in order to distribute this time equally (115-118). Sturgis' model most closely complements the role of adjudicator in competitive parliamentary debate. The Speaker of the

House must take an active role as "facilitator and decision-maker for the debate" including ruling on points of order, limiting excessive time spent of points of interaction, and ruling on points of personal privilege (Knapp and Galizio 167).

Third, Sturgis (116) and Robert (RONR, 42, 386-7) disagree to the wording of motions and language barriers in effective parliamentary practice. Both scholars agree that arguments presented during debate should be relevant, and those that do not apply to the pending question should be ruled out of order by the presiding officer. In most cases when a member is out of order, the sergeant-at-arms could handle the matter. Sturgis suggests that speakers who present irrelevant or misapplied material to the assembly should be interrupted by the chair and told to limit his or her discussion to the pending question. If the chair fails to do so, a member may rise to a point of order to see such action take place (Sturgis 117). The tie here to competitive parliamentary debate is clear. Inside the framework of parliamentary debate is the ability of the opponent to challenge through points of order for the same cause. However, the question arises regarding the adjudicator's ability to direct the competitor to the pending question without the point of order raised by the opponent.

Another component of argument is the necessary "impersonal" character of its tone, message, and delivery. Like irrelevant or inapplicable speech, impersonal speech should be ruled out of order. Robert's RONR is extremely clear on this subject:

Speakers must address their remarks to the chair, maintain a courteous tone, and - especially in reference to any divergence of opinion - should avoid injecting a personal note into debate . . . they must never attack or make any allusion to the motives of the members. As already noted, speakers should refer to officers by title, and should avoid the mention of other members' names as much as possible. (42)

Current practice in competitive parliamentary debate stands in strong contrast. Heckling and humor is at times encouraged (Knapp and Galizio 133-4). Even stronger in contrast is the role of the audience in parliamentary debate. The first author recognized at the 1999 Sunset Cliffs Classic that audience members in the peanut gallery often used the word "shame" to describe their discontent with the opponent. The use of "shame" or "here, here" was more vocal and boisterous in elimination rounds.

Current Limits and Extension of Limits on Debate

Sturgis and Robert also disagree on several limits and extensions of limits on debate in parliamentary practice. These limits include question-answer periods deducted from the speaker's debate time and the chair's power to "cut off" debate. Extensions include the assembly's right to extend the limits of debate, having a bylaws containing no provisions for debate format or time limitations, and most notably, labeling debate as "discussion," by that overstepping regulatory difficulties with total debate time.

Limits have the potential to hinder debate. As noted earlier, many limitations create formalities and trivial concerns. Considering the difficult nature of delineating "discussion" time from "debate" time, Robert's RONR provides for time assessed against the questioner. During cross-examination, the speaker who asks the question is assessed time for question and answers against his or her total speech time (383). This rule undoubtedly encourages question-free debate. Similarly a second restriction on debate is the power of the presiding officer to "cut off" debate. Apparently, both scholars agree this is a significant problem since they address it in a clear manner. Both Robert (RONR, 382) and Sturgis (119) state that a member should have ample opportunities to be heard on an issue before debate is closed.

How are we to discover the most we can when penalized for wanting to know more? The question-answer period should not be deducted from the debate time; a separate period should be allotted for question and answer. In academic debate, the cross-examination time is calculated separately and each debater is given a three-minute period that does not affect his or her debate time. Time deducted for too long question-answer periods in academic debate is usually taken off the preparation time, not the speech time. In competitive parliamentary debate this restriction is found in tournaments limiting points of information. How can the opponents gain clarity without adequate opportunity to seek answers?

Last, **the** issue of "discussion" complicates the "limits" adopted by the organization. Many devout parliamentarians will pretend to abide by debate rules and procedures, yet allow speakers to circumvent limits on debate time by raising points of question or discussion. Sturgis refers to this as "inquiry" (116). This provides

ample time for members to clear up questions, resolve loose ends, and polish positions for final presentation in the debate format. In a similar "polishing" or preparatory strategy to bypass deduction of debate time, many debaters may turn to "informal consideration." Sturgis explains these alternate routes, in a sense ignoring the rules on debate. She writes that "informal consideration permits freedom in the length and number of speeches, allows possible amendments and motions to be discussed together, and gives broader latitude in debate" (120). Robert's RONR provides a checkpoint that Sturgis does not foresee. The chair is given the option of ruling the discussion "inappropriate" and saying that a "semblance" of debate exists. With this ruling, the "informal" discussion either is censored immediately or becomes debate and is subject to the limits set therein.³ It is in this checkpoint from Robert that we find justification for the adjudicator to rule on points of order for competitive rounds. As Knapp and Galizio write, "Judges trained in alternative formats of debate need to make a significant paradigm shift when entering the House of Parliament" (171). Any discomfort in their active role in the competition should be allayed by allusion to Robert.

Problems with Limitations on Debate

While Sturgis and Robert differ on rules and restrictions on parliamentary procedure, these differences are not our primary concern.⁴ Instead, they agree on one fundamental issue: the Motion to Limit or Extend Debate. To the extent that both parliamentarians retain this motion, others have argued that this hinders debate and the rights of the organization's members. They believe that such motions as Object to Consideration, Postpone Indefinitely, Call to Order, Lay on the Table, Reconsider and Enter on the Minutes, and Question of Privilege be removed from parliamentary procedure. In his article on Limits and Extend Limits of Debate, Ericson argues that while this motion is intended to save time, it actually wastes time by disrupting the flow of debate and creating more uncertainty (84). These motions can save valuable time that could be otherwise be devoted to content as opposed to procedural concerns. This becomes a central problem with Sturgis and Robert to the extent that both parliamentarians permit such motions.

Emphasis on order and procedure could be a criticism of any parliamentary practice. The focus on procedure over issue generates an illusion of "truth," where the assurance of voices to be heard is outweighed by the direct clash and refutation of the issues central to the

matter at hand. In an attempt to have better clash in the rounds, some tournaments, such as those hosted by Fresno State and Georgia College, have used multiple-topic resolutions. Participants have the ability to "strike" unfamiliar or poorly worded topics. Presumably then, greater input into choice of resolution would improve clash and argumentation in the round.

In their argumentation textbook, Ziegelmueller, Kay and Dause comment on the lack of "debate" in parliamentary practice when they wrote that:

parliamentary debate may occur only after a specific motion or resolution has been made and seconded. Attempts are made to keep debate relevant to the specific motion or resolution at hand by empowering the chairperson to declare irrelevant debate out of order. Parliamentary debate guarantees the opportunity for the presentation of opposing views, but the rules of procedure do not guarantee direct clash of ideas. The concept of presumption is institutionalized through voting procedures, but evidence rules are notably absent. (155)

Set time limits are designed to improve, rather than hinder, efficiency. The continual use and abuse of motions to alter such limits and extensions of limits threatens to destroy the very nature of what it seeks to protect A debate and freedom of speech. Why interrupt the flow of argument, debate, or speech with minuscule detail? It is such a caution that should temper a judge in allowing irrelevant point of order or points or information to be raised in round.

Just as the speaker must bear the appropriate burden of their speech, the opponent must bear the democratic burden of good inquiries (Knapp and Galizio 133).

Summary

What then is the conclusion of this inquiry into the ties between parliamentary procedure and competitive parliamentary debate? The principle concerns addressed in the discussion focus on the controversy surrounding the use of points of order, points of information and the role of the judge intervention in the activity. Each of these practices is grounded in parliamentary procedure and used properly can enhance the quality of debate.

Notes

¹In looking at Robert, several editions are examined. The 1981 and 1990 editions were assisted by Henry M. Robert III and William J. Evans. James W. Cleary assisted with the 1981 edition. The editions include Henry M. Robert, *Robert's Rules of Order, Revised*, (Chicago: Scott, Foresman, and Company, 1915); *Robert's Rules of Order, Newly Revised*, ed. Sarah Corbin Robert, (Glenview, Illinois: Scott, Foresman, and Company, 1981); *Robert's Rules of Order, Newly Revised*, ed. Sarah Corbin Robert, (Glenview, Illinois: Scott, Foresman, and Company, 1990).

²Most of the treatment of Sturgis will come from the latest edition of her work. The latest edition, the 1988 version, is the latest revision of the original publication and subsequent edition under Alice Sturgis. This final version in 1988 is published by McGraw-Hill. The editions include, Alice Sturgis, *Sturgis Standard Code of Parliamentary Procedure*, 1950, 1966.; Alice Sturgis, *Sturgis Standard Code of Parliamentary Procedure*, 3rd ed., revised under the auspices of the American Institute of Parliamentarians, (New York: McGraw Hill, 1988). For a brief historical sketch, see: Paul Mason, "Alice Sturgis," *Parliamentary Journal*, 25 (October, 1974) 4-5.

³Robert (1990) 390-391. The chair, in making this ruling, is to use his or her discretion as to determine the similarity with discussion and debate. The chair should act in a few moments from its first occurrence, however. Some have written more about the "similarity" issue with debate. For an excellent account and detailed essay on comparisons drawn between Robert's RONR and Sturgis and "discussion," see: William P. Crowell and Olin M. Ivey, "A New Low: A Motion to Discuss," *Parliamentary Journal*, 31 (January, 1990) 1-7.

⁴For a recent account of differences between rules on motions that exist between the latest editions of Sturgis and Robert, see: Joseph G. DiStasio, "Robert's and Sturgis¹ Charts of Motions," *Parliamentary Journal*, 31 (July 1990) 97-100.

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