

THE 15TH  
UNIVERSITY FESTIVAL

ENGLISH  
DEBATING

DATE: MAY 16, '64  
PLACE: ROOM 306

E.S.S.  
OF  
KORE UNIVERSITY

## RESOLUTION

Resolved that "Discrimination in favour of the lineal ascendant in the Criminal Code should be abolished."

## DEBATES

### Affirmative side

Miss Kazuyo Kimura (L-3)  
Mr. Fujio Kitagami (E-3)  
Mr. Nobuo Kagawa (E-3)

### Negative side

Miss Motoko Takimoto (L-3)  
Mr. Hikaru Uchida (E-3)  
Mr. Yukio Sasakura (E-3)

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On October 11 and 25, 1950, the Supreme Court gave judgements concerning the article 205 II and 200 of Criminal Code. These two articles and the other two -- 218 II and 220 II -- are the ones which inflict a heavier punishment on those who committed a criminal offence against his or his spouse's lineal ascendant than the punishment on the offence against strangers.

The main problem in these judgements is whether these articles and the article 14 of the Japan's Constitution is compatible or not. As you know well, the Constitution of Japan stands on a very high ideal of democracy. Article 14 of the Constitution prescribes that "All the people are equal under the law and there shall be no discriminations in political, economic and social relations because of race, sex, social status or family origin."

Therefore the core of this debate will be whether or not these different treatments in the law for those who committed a criminal offence against his lineal ascendant correspond to a so called discrimination in social status.

If you analyze this problem deeply, you'll find that this problem is not only a technical one of the law but the problem containing many ethical and moral elements.

## NOTE

Article 199: those who killed a person shall be sentenced to death or more than three years penal servitude.

Article 200: those who killed his or his spouse's lineal ascendant shall be sentenced to death or life imprisonment.

Article 205

I: (bodily injury resulting in death): those who brought a person to death through bodily injury shall be sentenced to the penal servitude for a term more than two years.

II: when committed against his or his spouse's lineal ascendant he shall be sentenced to life imprisonment or more than three years' penal servitude.

## WHAT IS "DEBATE" ?

Debate is an outgrowth of discussion --a next step in the attempt to solve problems. Yet debate and discussion differ. Discussion is a procedure for analyzing all aspects of a problem, including its many possible solutions. Debate is a method of presenting the two sides of one possible solution.

There are at least three good reasons why you should learn something about debating. First, debate is stimulating. You can derive great satisfaction from analyzing a problem and defending point of view in opposition to an equally good debater. Arguments should not be more heated exchanges of emotional point of view. Nor should they be futile exchanges of ignorance. Between two logical, well-informed minds the presentation of the pros and cons of some topic is a stimulating, exciting experience.

Second, debating develops clear thinking. It requires more than just being well informed. You must see the main problems involved, and you must recognize the outstanding differences on points of view. To find proof for what you contend you must gather, analyze, and organize the material you collect. In handling this material, you will develop your ability to think clearly.

Third, debating develops good speaking. Since debate involves two points of view about the same question, there must be at least two speakers. Each must know how to present his ideas clearly and forcefully. Practise in doing so leads to the development of good speaking ability.

What makes a good question for debate? How can you plan your arguments? How can you meet the arguments of others? The answers to these questions together with a knowledge of procedures for conducting and judging debates, will give you a good background for effective debating.

Debating demands a special technique and leads to the following set of rules which, while far from all-inclusive, embrace the principal aspects of debating as distinguished from "Speeches", or "Discussion."

### (a) Read and define the resolution.

The Judges and the audience and your opponents and you must all start from the same place, with a uniform understanding of the exact meaning of the resolution. It is difficult enough to achieve the dual object mentioned above without adding a third audience composed of those who have arrived at a conclusion based on misinterpretation of the basis of the discussion. Even if the preceding speaker has dealt fully with the resolution you should read it when, or soon after, you begin speaking, and you should explain your understanding of the meaning of the phrasing or state your agreement with the preceding speaker's definition.

(b) Take advantage of every opportunity to place your argument beside your opponent's argument so that all concerned may readily compare the two aspects of the subject. Particularly, do not place too much reliance on either the memory of the audience or the points scoring of the judges. If your opponent has made a statement and if you have an effective answer, that answer will be strengthened and vitalized if, at the same time, the contrary statement is repeated.

(c) Be positive

A debate cannot be won on a negative basis, so do not fall into the error of conceiving a debate to be merely a series of statement and contradictions. To win, you must make positive points. And notwithstanding the preceding remarks, the points must not be so combined with rebuttal that they are not sharp, forceful points which stick out in the presentation and impress the judges and the audience. The procedure outlined in the preceding section really consists of two parts; negating an opponents' points and making a positive point.

(d) See the whole picture and recognize the essence of the debate. Before listing the points which can apparently be made successfully by either side, consider the resolution in relation to familiar happenings in your daily life. Ask yourself how it fits into your thinking about the present social, political or economic circumstances of which you have at least some nebulous ideas. You have learned through observation and reading and discussion approximately how the average person of your type thinks and acts under a given set of circumstance. You have a general knowledge of the beliefs which motivate your kind of person and of the things that appeal to the better side of human nature. How can the resolution be discussed in terms of those average ideas and ideals?

(e) Realize that in most people emotion is stronger than reason.

However dry the subject of the debate, find in your thinking some means of applying part of your side of the argument to people's feelings and loves and hates. It is far easier to move men's hearts than to change their reasoning.

Also, your voice is an instrument which can convey both thought and feeling and, if you neglect the latter, you are using only half of your powers of persuasion. The more hopeless your chances in the debate appear to be, the harder you should strive to find some way of appealing to sentiment/.

If you cannot win on a basis of reasoned argument you may, and you often will, win by stirring the hidden feeling of the audience and the judges,

There never was, and never will be, a debate in which either side could not somehow apply part of the argument to the hopes and fears of the average man.

Do that more effectively than your opponent and, other things being equal you will win.

(f) Punch your opponent but pull the punches.

Never be discourteous or urdd. If your opponent blushes, the sympathy of the audience and the judges will swing to him. If you are too aggressive, you will antagonize your listeners. Almost everyone likes to be informed; few like to be "told."

Therefore watch your phrasing. It is easy to create bad feeling between speakers and between a speaker and an audience; it is just as easy to gain the very important advantage of having your listeners "with" you.

For example, you could say instead of:

I tell you-----I confidently suggest to you  
There is no doubt-----Surely we are all agreed  
That is untrue-----We are all too intelligent to believe

But do not be a "sissy." It is better to say:

"I tell you" than "Possibly you will agree"  
"There is no doubt" than "It is doubtful whether"  
"that is untrue" than "I feel it is incorrect"

Polite sarcasm and ridicule pays dividends. It is possible to be sarcastic without being rude, and when such sarcasm evokes a chuckle in the audience (as it usually does) you score some marks on the judges's sheet as well as cause your opponent some discomfiture. If you can thus goad the other side of the debate into losing their temper, so much the better.

(g) Do not overcrowd the rebuttal period.

A good deal of the rebattal in a debate occurs during the rebuttal periods. This is unavoidable and it is desirable because, as pointed out, antithesis is often more effective than a mere positive or negative statement.

Hoever, there are usually a few point which have not been answered, particularly in the argument of the second speaker in the negative. These, if not too numerous, should be covered in the rebuttal period.

Rebuttal means, literally, a "boating back," and the time devoted to it is intended for that one specific purpose and not for the introduction of new materials.

Hence, there is an invariable rule that a speaker may not advance any new argument in the rebuttal period.

It is much better to leave some contentions unanswered than to skim over a number of points lightly. Certainly, nothing is gained by redundancy and, if everything necessary appears to have been said, the wisest pro dure is merely to take a general comparison of the themes of the debaters, a comparison of the whose tred of the opposing arguments.

(h) Remember these points.

Summarize your argument in such a way that the principal points you have made are pounded home.

Save some good febuttal for the period set apart for it if possible.

Do not let your positive points be smothered un too extensive rebuttal during the argument period.

Use separate pieces of paper for notes under various headings in preparation for rebuttal. Then, instead of trying to wade through much useless material to find the notes you seek, you can sort the papers into proper orders just before speaking.

Only in this way can you ensure a proper sequence; and the sequence of your rebuttal remarks is as important as the order of your argument. If you are quoting word-for-word something unfamiliar to be audience, read it from the original source. Of course, this does not apply to small quotations familiar lines from wellknown poetry or prose, and that kind of thing, which need no identification.

Never admit ignorance, never apologize. Never express more doubt as to the accuracy of your opponent's statements; instead, if you challenge them, offer the audience a substitute statement.

Speak up; and speak up. If the audience and the judges cannot hear you without effort, you cannot win.

Imagine the devastating effect of a remark by your opponent along the lines; "Unfortunately.....possibly it was my own fault.....I could not hear my worthy opponent's comments regarding..."

There is some twist you can give the subject, some angle on which you can hang an argument; if you will search for it.

And, when you seem to be on the most difficult side, remember that "Material" is not the only factor of the judges' marking sheet.

Never, never say "We have the most difficult side of this debate." Never think of it .