

Burden of proof

A. Goal of the lesson

This lesson should assist debaters in understanding the concept of burden of proof, in particular the similarity and differences when the term is used in a formal debate setting in comparison to various other contexts [in law, in science, in public discourse etc. Debaters should be able to understand the interrelatedness between motion interpretation, case development and burden of proof.

B. Activities

Discussion (5-10 min)

Speak to your students about what a motion represents i.e. what is the basic question behind a certain motion. You can go with preexisting motions like:

- THBT the UN should recognize a Palestinian state.
 - THBT suicide should be a criminal offence.
 - This House believes that religious beliefs should override government laws
 - This House believes we are too late in the fight against climate change.
 - This house believes there are too much money in sports.
- (these motions are already debated and well known so it's easier to identify the main questions)

The point of this discussion is to make a ground for understanding the difference between a case and a burden of proof, as these two are often confusing for beginners. After the student are aware that every motion represents some key opposing principles (ex. freedom vs security) you can continue with explaining what burden of proof is.

Lecture (25 min)

Try to explain important points following:

What is a burden in a debate setting and how to spot it?

In short, it's something you need to prove will happen, in order to prove the debate

Burdens will almost always be inherent in your side of the motion, you however need to figure out which ones are most important for winning the debate. Some burdens may even go out during the debate, for example, if the proposition provides enough substantial evidence that something will happen, you have a burden to disprove it or marginalize its effect.

How do we identify and frame the burden?

Depending on your side of the motion, you need to put special attention of what is required from you in order to win a debate. Identifying the burden is

different from the proposition and opposition side and you need to familiarize with the details using University of Birmingham guide (link below)

Focusing on the burden

During the debate, you should be noticing when key points of clash arise. For every clash there will be one burden which need to be proven in order to win that clash. For the whole debate however, there will be one general clash (usually the most important point) that will win you the debate.

In order to defend your burden, you need to:

- Focus your rebuttals and refutations
- Single out the most important points that go against your side of the motion
- Focus your closing speech on explaining how the burden was proven on your side of the debate

Exercise (20-30 min)

You can use one of these exercises:

Exercise 1

Select a list of motions and choose several on random. Make a short analysis of each with the class and let them think of a appropriate burden for the debate. NOTE: There should be at least two burdens, one on the proposition and one on the opposition side.

Exercise 2

Make a mixed list of burdens and arguments, and then let debaters discuss which is which.

Exercise 3

Pick two students and provide them with a motion. Give each student 5 minutes to think for arguments keeping in mind that they need to defend the same burden. Now pick a third students to make e third speech, focused on explaining how the burden was reached. Note: If you have more advanced group, you can pick 4 students and give two sides (prop and opp) of the same motion. The third speakers will focus not just on explaining the burden on their site, but also weight it against the burden of the opposite side.

C. Preparation

Read all [The practical guide to debating](#), Neill Harvey – Smith, pg. 143-147, [Debating](#) by Simon Quinn Chapter 1: Preparation, pg. 21-34. For a detailed discussion on Burden of Proof, check University of Birmingham [Competitive Debate Guide](#), pg. 23-26

Prepare a presentation. You can check some of the power points available on this [link](#).

Prepare a list of motions and analyze their burdens. You can use the following:

Motion: THW reintroduce conscription - the burdens of prop

- States have a right to force certain types of labour upon individuals
- This labor will be a constructive social influence in terms of chosen social goals
- Chosen social goals are a desirable outcome

Motion: THW militarily intervene in Syria – burdens of opp

- Any military intervention would make the situation worse
- Assad has a right to fight the rebels
- Military intervention ought only be done in a state's own interest & this is not in our interest

Motion: THW make voting compulsory – Burdens of prop

- There is no right to non-participation in politics that is not fulfilled by a spoilt or a “none of the above” choice
- Political outcomes would be improved by forced participation
- Certain political outcomes are desirable as a result of your definition of what voting is for.

Additional Reading Materials

[Luong Minh, *Burden of Proof and Presumption in Lincoln Douglas Debate: A Call for Reform.*](#)

Although focusses on a different debate format, the paper discusses the concept of burden of proof in detail. In addition, the reading list is a great source for further research into the topic.

[Zarefsky David, *Criteria for Evaluating Non-Policy Argument.*](#)

[Winebrenner T.C., *Relocating Presumptions: Shifting Burdens of Proof in CEDA debate*, in CEDA Yearbook 13, 1992, p.1-9.](#)

D. Hints

Make sure debaters understand that a burden does not equal an argument.

Be aware that the opposing team can battle against a burden that isn't your meaning that the added you an extra burden. Work some tactics on how to identify and defend against such situations

Sometimes a burden can be too 'heavy' meaning that the team that proposes it will give itself additional task which may impact their losing of the debate. During the exercises, put special attention on adequate burdens.

E. Verification

You can ask your students the following questions:

1. When an issue is given, how do we know which side are we on?
2. How do we measure the importance of a certain burden?

3. If both sides develop equally compelling argument, which side wins the debate?

Additionally, you can conclude the lesson with a short mock debate, checking whether the students understand the importance of the burden and how to identify it. As always, debates are the best way to check whether the students learned a topic.

Rebuttal (1)

