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Home

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Index

## ■ GETTING STARTED:

Table of Contents

Precedence

Table of Rules

Preface

Introduction

## ■ RULES OF ORDER:

Assemblies-I

Classification-II

Privileged-III

Incidental-IV

Subsidiary-V

Main-VI

Debate-VII

Vote-VIII

Committees/Boards-IX

Officers/Minutes-X

Miscellaneous-XI

## ■ MEETING/ASSEMBLY:

Orgs/Meetings-XII

Rights/Trials-XIII

Site Map

## ■ OF INTEREST:

Questions?

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Quiz

Parli Websites

Pro Websites

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## Art. VII. Debate.

### 42. Debate

#### 43. Decorum in Debate

#### 44. Closing and Preventing Debate

#### 45. Principles of Debate and Undebatable Motions

**42. Debate.** In 1-6 are explained the necessary steps preliminary to debate namely, that when no business is pending a member shall rise and address the chair by his title, and be recognized by the chair as having obtained the floor; and that the member shall then make a motion which, after being seconded, shall be stated by the chair, who shall then ask, "Are you ready for the question?" The question is then open to debate, as is partially explained in 7, which should be read in connection with this section. No member shall speak more than twice during the same day to the same question (only once on an appeal), nor longer than ten minutes at one time, without leave of the assembly; and the question upon granting the leave shall be decided by a two-thirds vote without debate.<sup>1</sup> No member can speak a second time to a question as long as any member desires to speak who has not spoken to the question. If greater freedom is desired, the proper course is to go into committee of the whole, or to consider it informally, either of which requires only a majority vote; or to extend the limits of debate [30], which requires a two-thirds vote. So the debate, by a two-thirds vote, may be limited to any extent desired, as shown in 30. The member upon whose motion the subject was brought before the assembly, is entitled to close the debate with a speech, if he has not previously exhausted his twenty minutes, but not until every one else wishing to speak has spoken. He cannot, however, avail himself of this privilege after debate has been closed.<sup>2</sup> An amendment, or any other motion, being offered, makes the real question before the assembly a different one, and, in regard to the right to debate, is treated as a new question. When an amendment is pending the debate must be confined to the merits of the amendment, unless it is of such a nature that its decision practically decides the main question. Merely asking a question, or making a suggestion, is not considered as speaking. The maker of a motion, though he can vote against it, cannot speak against his own motion. [To close the debate see 44.]

The right of members to debate and, make motions cannot be cut off by the chair's putting a question to vote with such rapidity as to prevent the members getting the floor after the chair has inquired if the assembly is ready for the question. Even after the chair has announced the vote, if it is found that a member arose and addressed the chair with reasonable promptness after the chair asked, "Are you ready for the question?" he is then entitled to the floor, and the question is in exactly the same condition it was before it was put to vote. But if the chair gives ample opportunity for members to claim the floor before putting the question and they do not avail themselves of it, they cannot claim the right of debate after the voting has commenced.

1. The limit of time should vary to suit circumstances, but the limit of two speeches of ten minutes each will usually answer in ordinary assemblies and, when desirable, by a two-thirds vote it can be increased or diminished as shown in 30. In the U. S. House of Representatives no member can speak more than once to the same question, nor longer than one hour. In the Senate there is no limit to the length of a speech and no senator can speak more than twice on the same day to the same question without leave of the Senate, which question is undebatable.

2. Formerly the member who reported a proposition from a committee was permitted to close the debate in the House after the previous question was ordered, provided he had not used all of his hour previously.

**43. Decorum in Debate.** In debate a member must confine himself to the question before the assembly, and avoid personalities. He cannot reflect upon any act of the assembly, unless he intends to conclude his remarks with a motion to rescind such action, or else while debating such a motion. In referring to another member, he should, as much as possible, avoid using his name, rather referring to him as "the member who spoke last," or in some other way describing him. The officers of the assembly should always be referred to by their official titles. It is not allowable to arraign the motives of a member, but the nature or consequences of a measure may be condemned in strong terms. It is not the man, but the measure, that is the subject of debate.

If one desires to ask a question of the member speaking, he should rise, and without waiting to be recognized, say, "Mr. Chairman, I should like to ask the gentleman a question." The chair then asks the speaker if he is willing to be interrupted, or the speaker may at once consent or decline, addressing, however, the chair, through whom the conversation must be carried on, as members cannot directly address one another in a deliberative assembly. If the speaker consents to the question, the time consumed by the interruption comes out of the time of the speaker.

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If at any time the chairman rises to state a point of order, or give information, or otherwise speak, within his privilege, the member speaking must take his seat till the chairman has been heard first. When called to order by the chair the member must sit down until the question of order is decided. If his remarks are decided to be improper, he cannot proceed, if any one objects, without the leave of the assembly expressed by a vote, upon which question no debate is allowed.

Disorderly words should be taken down by the member who objects to them, or by the secretary, and then read to the member. If he denies them, the assembly shall decide by a vote whether they are his words or not. If a member cannot justify the words he used, and will not suitably apologize for using them, it is the duty of the assembly to act in the case. If the disorderly words are of a personal nature, after each party has been heard, and before the assembly proceeds to deliberate upon the case, both parties to the personality should retire, it being a general rule that no member should be present in the assembly when any matter relating to himself is under debate. It is not, however, necessary for the member objecting to the words to retire unless he is personally involved in the case. Disorderly words to the presiding officer, or in respect to the official acts of an officer, do not involve the officer so as to require him to retire. If any business has taken place since the member spoke, it is too late to take notice of any disorderly words he used.

During debate, and while the chairman is speaking, or the assembly is engaged in voting, no member is permitted to disturb the assembly by whispering, or walking across the floor, or in any other way.

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**44. Closing Debate and Preventing Debate.** When the debate appears to the chairman to be finished, he should inquire, "Are you ready for the question?" If, after a reasonable pause, no one rises to claim the floor, the chair assumes that no member wishes to speak and, standing, proceeds to put the question. Debate is not closed by the chairman's rising and putting the question, as until both the affirmative and the negative are put, a member can rise and claim the floor, and reopen the debate or make a motion, provided he rises with reasonable promptness after the chair asks, "Are you ready for the question?" If the debate is resumed the question must be put again, both the affirmative and the negative. Should this privilege be abused by members not responding to the inquiry, "Are you ready for the question?" and intentionally waiting until the affirmative vote has been taken and then rising and reopening the debate, the chair should act as in case of dilatory motions [40], or any other attempt to obstruct business, and protect the assembly from annoyance. When a vote is taken a second time, as when a division is called for, debate cannot be resumed except by general consent.

If two-thirds of the assembly wish to close the debate without allowing all the time desired by others, they can do so by ordering either the previous question or the closing of the debate at a certain time; or they can limit the length of the speeches and allow each member to speak only once on each question, as fully explained in 29 and

**30.** These motions require a two-thirds<sup>1</sup> vote, as they suspend the fundamental right of every member of a deliberative assembly to have every question fully discussed before it is finally disposed of. A majority vote may lay the question on the table and thus temporarily suspend the debate, but it can be resumed by taking the question from the table by a majority vote when no question is before the assembly [35], at a time when business of this class, or unfinished business, or new business, is in order. If it is desired to prevent any discussion of a subject, even by its introducer, the only way to do it is to object to the consideration of the question [23] before it is debated, or any subsidiary motion is stated. If the objection is sustained by a two-thirds vote, the question is thrown out for that session.

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1. In the Senate not even two-thirds of the members can force a measure to its passage without allowing debate, the Senate rules not recognizing the above motions. In the House, where each speaker can occupy the floor one hour, any of these motions to cut off debate can be adopted by a mere majority, but practically they are not used until after some debate. Rule 27, §3, H.R., expressly provides that forty minutes twenty on each side, shall be allowed for debate whenever the previous question is ordered on a proposition on which there has been no debate, or when the rules are suspended. [See note to 22.] In ordinary societies harmony is so essential that a two-thirds vote should be required to force the assembly to a final vote without allowing free debate.

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**45. Principles of Debate and Undebatable Motions.** All main motions are debatable, and debate is allowed or prohibited on other motions in accordance with the following principles:

(a) *High privilege is, as a rule, incompatible with the right of debate of the privileged motion:* and, therefore, all highly privileged motions are undebatable, except those relating to the privileges of the assembly or a member. Questions of privilege [19] rarely arise, but when they do, they are likely to be so important that they must be allowed to interrupt business, and yet they cannot generally be acted upon intelligently without debate. and, therefore, they are debatable. The same is true of appeals from the decision of the chair which are debatable, unless they relate to indecorum, or to transgression of the rules of speaking, or to priority of business, or are made while an undebatable question is pending; in which cases there is not sufficient need of debate to justify making them an exception to the rule, and therefore an appeal under any of these circumstances is undebatable.

(b) *Motions that have the effect of suspending a rule are not debatable.* Consequently motions to suppress, or to limit, or to extend the limits of, debate are undebatable, as they suspend the ordinary rules of debate.

(c) Appeals made after the previous question has been ordered are undebatable, as it would be manifestly improper to permit debate on them when the assembly by a two-thirds vote has closed debate on the pending question. So any order limiting debate on the pending question applies to questions arising while the order is in force.

(d) To Amend, or to Reconsider, an undebatable question is undebatable, whereas to amend, or to reconsider, a debatable question is debatable.

(e) *A Subsidiary Motion* [12] is debatable to just the extent that it interferes with the right of the assembly to take up the original question at its pleasure. *Illustrations:* To "Postpone Indefinitely" a question places it out of the power of the assembly to again take it up during that session, except by reconsideration, and consequently this motion allows of free debate, even involving the whole merits of the original question. To "Commit" a question only delays the discussion until the committee reports, when it is open to free debate, so it is only debatable as to the propriety of the commitment and as to the instructions, etc. To "Postpone to a Certain Time" prevents the consideration of the question till the specified time, except by a reconsideration or suspension of the rules, and therefore allows of limited debate upon the propriety of the postponement. To "Lay on the Table" leaves the question so that the assembly can consider it at any time that that question or that class of business is in order, and therefore to lay on the table should not be, and is not, debatable.

Because a motion is undebatable it does not follow that while it is pending the chair may not permit a question or an explanation. The distinction between debate and asking questions or making brief suggestions, should be kept clearly in mind, and when the latter will aid the assembly in transacting business, the chair should permit it before taking the vote on an undebatable question. He should, however, remain standing during the colloquy to show that he has the floor, and he should not allow any more delay in putting the question than he feels is helpful to the business.

The following lists of motions that open the main question to debate, and of those that are undebatable, are made in accordance with the above principles:

#### Motions That Open the Main Question to Debate.

<i>Postpone Indefinitely</i>	34
<i>Reconsider a Debatable Question</i>	36
<i>Rescind</i>	37
<i>Ratify</i>	39

#### Undebatable Motions.

<i>Fix the Time to which to Adjourn</i> (when a privileged question)	16
<i>Adjourn</i> (when unqualified in an assembly that has provided for future meetings)	17
<i>Take a Recess</i> (when privileged)	18
<i>Call for the Orders of the Day</i> , and questions relating to priority of business	20
<i>Appeal</i> when made while an undebatable question is pending, or when simply relating to indecorum, or transgression of the rules of speaking, or to priority of business	22
<i>Suspension of the Rules</i>	22
<i>Objection to the Consideration of a Question</i>	23
<i>Incidental Motions</i> , except an Appeal as shown above in this list under Appeal	13
<i>Lay on the Table</i>	28
<i>Previous Question</i> [29] and <i>Motions to Close, Limit, or Extend the Limits of Debate</i>	30
<i>Amend an Undebatable Motion</i>	33
<i>Reconsider an Undebatable Motion</i>	36

[Table of Contents](#) | [Previous Article](#) | [Next Article](#)





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