Detailing the Wording of the NCFCA Resolution



*Fremantle Prison, Australia 1971.*

By Thomas Keith

A short, four-word addition to a definition wrecked my negative case in a final round last season: “As measured by GDP.” My applications demonstrated how affirming the resolution was bad, but since I wasn’t able to demonstrate the requisite GDP increase, the arguments didn’t apply. At the end of the hard-fought debate, two of the three judges on the panel voted against me on that little phrase.

Semantics matter. What a word means in a debate matters, and there is no one way to define a word. In this article, **we’ll be exploring what the words in NCFCA’s 2017 Lincoln Douglas resolution mean and how you can use that to your advantage**.

“Criminal Justice Systems”

*Common Definition of Criminal Justice Systems: “The system of law enforcement that is directly involved in apprehending, prosecuting, defending, sentencing, and punishing those who are suspected of criminal offenses.”[[1]](#footnote-2)*

This resolution examines a timeless debate over how a society should respond to criminal activity. Because of how old the debate is, rehabilitation and retribution refer to solid and well-thought-out principles and concepts that make it easy to identify their proper definitions.

However, despite the phrase being at the end of the resolution, it’s best to provide context by exploring the definition of “criminal justice systems” first.[[2]](#footnote-3) Criminal justice systems usually refer to any system of law enforcement: the entire process from apprehending a criminal to releasing him/her back into society. This also includes prosecution, defending, sentencing, and punishing, giving debaters plenty of areas to consider when putting together their cases.

For example, when a man steals a teapot, the definition of criminal justice systems that you usually find will refer to the entire process of grabbing the teapot thief, putting him before the tribal elders, deciding whether to whip or merely imprison him, then deciding how much to whip the teapot thief, and figuring out how to treat the teapot thief both while he is being whipped and when releasing him back into society.

The above definition is ubiquitous, but it’s also so broad that it’ll make negatives grin with devious glee. Imagine making Aff defend valuing rehabilitation when *sentencing* criminals. This means shorter prison sentences for criminals less likely to recommit crimes. I’m sure it’s easy to defend in theory, only when you’re giving the kleptomaniac 10 years in prison and the apologetic murderer a month’s probation, it gives the negative a lot of ground.

*Vague Definition of Criminal Justice Systems: ”The combination of courts and legal processes that deal with crime.”[[3]](#footnote-4)*

To avoid this, Aff has two options. The first is to opt for a more vague definition and then be prepared to say ‘No’ in CX when the Negative presses you on whether or not sentencing is a part of the criminal justice system. Or second, you could use the proper definition but find a way to show the judge how sentencing the teapot thieves doesn’t apply to the resolution or the debate.

“Rehabilitation”

*Common Definition of Rehabilitation: “Restoring of Someone to a Useful Place in Society.”[[4]](#footnote-5)*

A way you can do this is through a narrow definition of rehabilitation. For some background: the principles that define rehabilitation are the heart of the ‘correctional’ process. This process assumes that criminals can be treated and returned to society as healthy, normal citizens. From this, rehabilitation is likely to refer to actions and programs that attempt to prevent criminals from repeating criminal behavior after they leave the criminal justice system. Thus, most definitions of rehabilitation will refer to “reforming a convict to lead a productive life free from crime”[[5]](#footnote-6) or “the process of helping a person readapt to society.”[[6]](#footnote-7)

This essentially means that rather than whipping the teapot thief, the tribal elders decide that the fact that their tribe is producing teapot thieves is a problem that needs to be addressed culturally. They put the teapot thief through a program that teaches him how to hunt gorillas so next time the European traders come along, he’ll have plenty of gorilla skins to trade for teapots. This solves the problem because now all the potential teapot thieves will buy teapots instead of stealing them.

*Narrow Definition of Rehabilitation: “To teach a criminal in prison to live a normal and productive life.”[[7]](#footnote-8)*

The problem for Aff with such broad definitions is that when you apply it to an equally broad definition of criminal justice, it will create problems for the affirmative advocacy. Unless you actually want to argue for valuing rehabilitation in sentencing, a narrower definition that refers to one aspect of the process would probably be better.

*Abstract Definition of Rehabilitation: “The assumption that individuals can be treated and returned to a crime-free lifestyle.”[[8]](#footnote-9)*

Another way to avoid the issue would be to use an abstract definition focused on the assumptions. This allows for the goals and the premises of rehabilitation while avoiding some of the issues with the application of those goals. But for those who don’t like the narrow or philosophical alternatives, one can find plenty of resolution-benders such as “vindicating character,”[[9]](#footnote-10) “restoring reputation,”[[10]](#footnote-11) and “restoring health.”[[11]](#footnote-12) I’d love to see someone argue that vindicating the character of a criminal is more important than punishing them.

“Retribution”

*Common Definition of Retribution 1: “Punishment inflicted on someone as vengeance for a wrong or criminal act.”[[12]](#footnote-13)*

*Common Definition of Retribution 2: “Requital according to merits or deserts, especially for evil.”[[13]](#footnote-14)*

*Common Definition of Retribution 3: “The act of offering an improvement to replace a mistake; setting right.”[[14]](#footnote-15)*

If you want to avoid the issue altogether, you could just argue the negative side of this resolution. Retribution has a long history in criminal justice systems and is best summarized with the phrase, “an eye for an eye.” The assumption made by the retributive system is that the punishment should fit the crime, not who the criminal is. Further than that, many definitions of retribution extend to the idea of “restitution,” which means that a criminal should give up something to the victim in order to set things right.

This means that most negatives are going to be asking the tribal elders to either whip the teapot thief according to the measure of the crime, pay back the victims for having stolen the teapot, or both. This outlook on retribution extends to the definition of the word. Abusive affirmatives will try to label it as the “act of taking revenge,[[15]](#footnote-16)” while those seeking a proper definition will find any of the three common definitions listed above as acceptable and accurate depictions of what it means to value retribution.

From this we can begin to see the conflict between the two sides and why it’s so timeless. While rehabilitation in the abstract aims to prevent crime and in the concrete attempts to save the criminal, retribution in the abstract looks to provide equal standards and in the concrete tries to heal the victim. One is proactive, the other is retroactive. A case can be made that either side best achieves the goals of the other.

Despite how classic this conflict is, the words “rehabilitation” and “retribution” are still broad and interdisciplinary. People are going to be using definitions of both that are completely unrelated to criminal justice, and you need to be prepared. All you need is a card from a law dictionary[[16]](#footnote-17) that you can use while you make sure the judge knows that when we’re talking about law and justice, a generic definition is inferior to a legal definition.

The teapot thief has been caught, and now you have an understanding of how the resolution is asking you to punish him and what the alternative is. You have the tools to go up before the council of tribal elders and speak with confidence that affirming the resolution is either the best or worst thing possible for your tribal society. I hope I’ve been able to provide you with what you’ll need to interpret the resolution and predict how others will interpret it too; so debate well, play fair, think deeper, and for the love of Pete, please don’t measure the resolution with GDP.

1. Oxford Dictionaries. <http://www.oxforddictionaries.com/us/definition/american_english/criminal-justice-system> [↑](#footnote-ref-2)
2. Chris Jeub’s initial article explores this further in the Red Membership’s first release. See <https://monumentpublishing.com/ncfca-release-1-criminal-justice-system/>. [↑](#footnote-ref-3)
3. Collins Dictionary. <http://www.collinsdictionary.com/dictionary/english/criminal-justice-system> [↑](#footnote-ref-4)
4. Vocabulary.com. <https://www.vocabulary.com/dictionary/rehabilitation> [↑](#footnote-ref-5)
5. Encyclopedia of Criminal Justice. <http://pubpages.unh.edu/~nicks/pdf/Rehabilitation.pdf> [↑](#footnote-ref-6)
6. Encyclopedia of Prisons and Correctional Facilities. <https://books.google.com/books?id=2ftyAwAAQBAJ&pg=PT891&lpg=PT891&dq=%22The+process+of+helping+a+person+to+readapt+to+society%22&source=bl&ots=vmOOWAP8Ba&sig=txBHV_LYR34nDj3oHFFNESDqViI&hl=en&sa=X&ved=0ahUKEwj8goTa3ObNAhUCGD4KHWubBO8Q6AEIJTAB#v=onepage&q=%22The%20process%20of%20helping%20a%20person%20to%20readapt%20to%20society%22&f=false> [↑](#footnote-ref-7)
7. Merriam-Webster Dictionary. <http://www.merriam-webster.com/dictionary/rehabilitate> [↑](#footnote-ref-8)
8. Oxford Bibliographies. <http://www.oxfordbibliographies.com/view/document/obo-9780195396607/obo-9780195396607-0046.xml> [↑](#footnote-ref-9)
9. The Free Dictionary. <http://www.thefreedictionary.com/rehabilitation> [↑](#footnote-ref-10)
10. Webster’s New World Law Dictionary. <http://www.yourdictionary.com/rehabilitation> [↑](#footnote-ref-11)
11. Dictionary.com. <http://www.dictionary.com/browse/rehabilitation> [↑](#footnote-ref-12)
12. Oxford Dictionaries. <http://www.oxforddictionaries.com/us/definition/american_english/retribution> [↑](#footnote-ref-13)
13. Dictionary.com. <http://www.dictionary.com/browse/retribution?s=t> [↑](#footnote-ref-14)
14. Vocabulary.com. <https://www.vocabulary.com/dictionary/retribution?family=Retribution> [↑](#footnote-ref-15)
15. Ibid. [↑](#footnote-ref-16)
16. The Law Dictionary. <http://thelawdictionary.org/article/definition-of-retribution-in-criminal-justice/> [↑](#footnote-ref-17)