Anti-value of Crime   
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Negative Case by Chris Ostertag

**Summary**

This is an application-centric case. Don’t let the unusual framework lead you astray; the focus is supposed to be on the evidence. This case just happens to include an anti-value because the goal you want can’t be expressed as a value — crime doesn’t have a direct opposite. Run it like it’s totally normal, rely on the explanation I wrote into the case, and move into the evidence.

There’s an extended lampshade in the introduction, complete with an amusing pop culture reference. These are included to establish persuasive momentum — a difficult task when you’re asked to defend retribution in a league that likes to quote Biblical injunctions against vengeance. Feel free to modify these as needed, but don’t excise them thinking they’re useless fluff. They’re not.

Anti-value of Crime

Let’s talk about Batman. Other than making millions in the box office, his best talent is deterring crime. He’s fantastic at it: black cape, lightning reflexes, and a private tank terrify criminals into taking their wrongdoing elsewhere.

The Batman effect is simple: any criminal in Gotham can be assured he’ll face swift justice. The presence of an active deterrent lowers crime rates, making the city better for everyone. That’s why I’m asking you to negate the resolution that *rehabilitation should be valued above retribution in criminal justice systems.*

The aff put a lot of effort into making retribution look bad. Unfortunately, most of those assertions misrepresented it because I hadn’t read my case yet. So I’m here to dispel the misconceptions. I know the word “retribution” carries an unsavory connotation, so stay with me and we’ll set aside cultural biases against the word so we can talk about what it really means.

Behind all the linguistics, retribution as an idea just means punishing people for the wrong they’ve done.

(Insert the Merriam Webster definition if your opponent used a different one. They define retribution as “Punishment for doing something wrong.”[[1]](#footnote-1))

Retribution isn’t torture, witch-burning, or throwing heads from the top of a latter-day Mayan temple. Rather, as my evidence will demonstrate, it’s a powerful crime deterrent that makes us all safer. While this is a values debate, our values should always comport with reality, and on this resolution, the science is in.

Before we dive into my studies, let’s take a look at a way to measure the success or failure of rehabilitation and retribution.

That means using an **Anti-Value of Crime**. I know this is a little unusual, so stay with me and I’ll explain. Our values are the things we want most. We put effort into achieving them, because they have worth. An anti-value is exactly the opposite: in this case, it’s the thing that we should most seek to avoid or curtail.

Let’s examine one **link**, or reason to use this value: **end goal.**

The resolution asks us to debate about the values held by criminal justice systems, and the whole point of a criminal justice system is fighting crime. The best criminal justice system is the one that can work itself out of a job. No other objective is as relevant to this resolution as fighting crime.

Let’s use two contentions to look at why this basic goal demands that we reject the resolution.

# Contention One: Rehabilitation is ineffective

The current US justice system has two goals: keep the bad guys off the streets, and try to prepare them for life after jail. It’s the ultimate rehabilitation machine. So let’s see how well it works with an

## Application: Recidivism

The US Bureau of Justice Statistics has run two studies that come closest to providing national rates for repeat crime. According to the Bureau of Justice Statistics, “In a 15 State study, over two-thirds of released prisoners were rearrested within three years.”[[2]](#footnote-2)

That’s staggering. 67% percent of criminals are willing to risk another prison term so they can keep living outside the law. And there’s a reason for that: there’s an enormously complex set of sociological realities that encourage crime. The exact causes of crime are way beyond the scope of a 40-minute debate round. But the affirmative is trying to tell you that despite all those complex motivating factors, a prison budget that costs billions annually in the name of rehabilitating criminals, and the stratospheric recidivism rate, that all we need to do to further justice is place an abstract amount of value in rehabilitation.

According to the New York Times, the city of New York spends nearly $170,000 tax dollars every year for every single inmate.[[3]](#footnote-3) We hire therapists, pay for expensive mental health drugs, and devote millions to prison research, all in the name of trying to rehabilitate prisoners. And they turn around and laugh in our collective faces before returning to the same patterns as before we tried to help them.

The bottom line: rehabilitation, at least as we currently do it, doesn’t work. And trying to solve the problem by continuing the same philosophy that got us in this mess is like trying to pay off the national debt by voting Bernie.

So much for rehabilitation.

# Contention Two: Retribution deters crime

I know the word retribution sounds harsh. Bear in mind, however, that the targets of criminal justice policy are, as the name implies, criminals. And punishing those who’ve chosen to violate the rights of innocent people encourages other potential criminals to make better choices. The affirmative will tell you it’s about a misguided sense of vengeance. The evidence will tell you that it’s about making everyone else safer. Let’s illustrate this with an

## Application: Death Penalty

Heritage Foundation Research Fellow in Empirical Policy Analysis David Muhlhausen, Ph. D., testified on *June 27, 2007*, before the Subcommittee on the Constitution, Civil Rights, and Property Rights of the Committee on the Judiciary of the United States Senate. He claimed that numerous studies published over the past few years used sophisticated social science techniques, and they demonstrate that the death penalty saves lives. He had this to say:

“Using a panel data set of over 3,000 counties from 1977 to 1996, Professors Hashem Dezhbakhsh, Paul R. Rubin, and Joanna M. Shepherd of Emory University found that each execution, on average, results in 18 fewer murders. Using state-level panel data from 1960 to 2000, Professors Dezhbakhsh and Shepherd were able to compare the relationship between executions and murder incidents before, during, and after the U.S. Supreme Court's death penalty moratorium. They found that executions had a highly significant negative relationship with murder incidents. Additionally, the implementation of state moratoria is associated with the increased incidence of murders.”[[4]](#footnote-4)

The bottom line: whether we like it or not, crime and criminals will always exist. But what the aff fails to recognize is that true rehabilitation starts with individual choices, not a fancy rehabilitation program. Leave moral improvement to families, churches, and support groups. The best value for a criminal justice system is evidentially-informed deterrence. And since we unfortunately can’t summon Batman, the best way to do that is voting neg.

Affirmative Rebuttal

Don’t be intimidated by the anti-value. It’s strong reason to prefer (reskinned topic context) is actually so strong that you can probably just accept it. If not, run reasons to prefer just like you would against a normal value.

You need to deal with the applications. There are two options here: beat the value and respond to the contentions with No Impact, or accept the value and bring evidence of your own. Don’t try to combine these approaches — 1ARs are short.

Be aggressive. Remind the judge why he hated retribution after the end of the AC. Don’t let corny Batman references take his mind off the issues that matter.

1. Merriam Webster Online, accessed 7/18/16 <http://www.merriam-webster.com/dictionary/retribution?utm_campaign=sd&utm_medium=serp&utm_source=jsonld> [↑](#footnote-ref-1)
2. “Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010, NCJ 244205, BJS web, April 2014. <http://www.bjs.gov/content/reentry/recidivism.cfm> [↑](#footnote-ref-2)
3. Marc Santora. “City’s Annual Cost Per Inmate Is $168,000, Study Finds.” The New York Times, August 23, 2013. <http://www.nytimes.com/2013/08/24/nyregion/citys-annual-cost-per-inmate-is-nearly-168000-study-says.html?_r=0> [↑](#footnote-ref-3)
4. David B. Muhlhausen, Ph.D. (Research Fellow in Empirical Policy Analysis  
   Center for Data Analysis.) “The Death Penalty Deters Crime and Saves Lives.” Heritage Foundation. Testimony delivered June 27, 2007. <http://www.heritage.org/research/testimony/the-death-penalty-deters-crime-and-saves-lives> [↑](#footnote-ref-4)