Repetition Is Deadly   
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Negative Case by Kylie McIntosh

**Summary**

This case is broken down into two straightforward parts. It is made to be simplistic but also thematically strong. When using this case, everything should come back to saving lives by stopping the repetition of crimes. Your job as the debater is to prove retribution saves those lives.

The Negative for this resolution is naturally going to seem harsh. What this case does is say, yes, we are being “tough on crime” and then re-directing the judge’s attention to the “soft” (mercy) aspect of saving innocent lives. This flips any emotionally-based rhetoric back on the Affirmative.

Capital punishment may be an issue that this case causes the debate to detour. After all, the death penalty erases any possibility of a future death toll at the hands of the individual in question. Personally, I’m against the death penalty for economic reasons and without reform isn’t a debatable issue for either side right now. However, if you feel compelled to adding in a sub-point concerning capital punishment this case is formatted in a manner to allow you to easily insert such a contention. If you are against capital punishment as a form of retribution simply state that, although retribution ought to be valued over rehabilitation in this context, that does not mean we would utilize *all forms* of retribution. There are other forms of illogical or immoral retribution (tickling or The Hunger Games) that we can also agree not to utilize. As for other methods of alternative retribution, it is up to you to decide what should be permissible in the rebuttals. If the Affirmative doesn’t like a very specific form of punishment or deterrence, it may be to your advantage to simply agree to not use that but that the overall idea of retribution in whatever form is agreed to be acceptable is more valuable.

Another sobering, but necessary, point I need to make is that of self-crimes. A potential argument from the Affirmative is most crimes are those against the self, such as suicide or marijuana smoking. Although the statistic from the FBI negates this, you may want to have additional research ready. A good strategy would be to say that self-crimes should be legalized; that way rehabilitation is not done through the justice system and the entire issue is outside the resolution. This is a controversial, libertarian stance but will serve you well if executed properly. It will decrease the number of people going to prison, and therefore the number of deaths in prison, and decrease the gap between the intensity of crime and punishment especially concerning marijuana.

Lastly, this case is a bit grim. If anything makes you uncomfortable (such as the prostitution sub point) I encourage you to remove it and replace it with an individual criminal case or local incident that will illustrate the loss of life due to re-offending.

Repetition Is Deadly

In the United Kingdom, almost sixty percent of criminals sentenced with less than ten months in prison reoffended within the next year.[[1]](#footnote-1)

In the United States, an almost eighty percent of criminals serving any amount of time for any crime of any severity are re-arrested within five years according to the Bureau of Justice Statistics (BJS).[[2]](#footnote-2), [[3]](#footnote-3)

Murder, prostitution, drug trafficking, human trafficking, sex crimes, theft and vandalism—the list goes on and on. These terrible acts against humanity and its dignity were penalized and then still re-done and re-done, affecting new people and new lives each time and continuing the cycle of crime. This is in some of the most developed countries in the world.

In the words of United Nations Secretary-General Ban Ki-moon;

“There is no peace without development, no development without peace, and there is no lasting peace or sustainable development without respect for human rights and the rule of law.”[[4]](#footnote-4)

Because I yearn for the specific human right that is human life and because I wish to increase the respect for the rule of law I stand against today’s resolution.

Today my value is:

# Value: Human Life

Because it is

* Measurable
* Inherently valuable
* Necessary for societal development
* And is concrete and almost universally understood definitionally

# Point One: Repetition Destroys Human Life

When someone commits a crime it has the potential to put three different lives at risk.

First, and the most obvious, is the victim. Murder and manslaughter are what immediately come to mind when we think of crimes that cost human life. In addition to this human traffickers, drug dealers, and drivers under the influence frequently risk other’s lives. Arson, illegal tampering with dangerous places or substances, and any sort of armed crime such as robbery or assault also have the potential to cause significant loss to human life.

The second life at risk is the criminal’s themselves. According to the FBI, 11.2% percent of crimes in the US are crimes against society; “victimless crimes” such as prostitution or illegal drug use.[[5]](#footnote-5) But the victim in this situation are the criminals themselves.

Prostitution is more dangerous than logging, being a fisherman in Alaska, or being an oil rig worker. Out of every hundred thousand prostitutes about two hundred and four die every year. The average prostitute gets physically attacked approximately once a month. Prostitutes are an easy target, and even joked about on TV shows and movies.[[6]](#footnote-6) This is even without taking into consideration sexually transmitted diseases of which the death tolls are also inexcusable.

In the same way, drug users put their own lives at risk. Studies state that sixteen percent of long-term heroin users will die from their addiction.[[7]](#footnote-7) Not only this, but the cost of drugs often drive these individuals to neglect basic food and medical needs for themselves and their innocent family members, or drive them to prostituting or to prostitute others.

The last life that we have to look at is those of law enforcement. When criminals are released from prison and choose to repeat the same crimes we again endanger the men and women set to stop them. The National Law Enforcement Officers Memorial Fund (NLEOMF) estimates a police officer is killed every fifty-eight hours — or one hundred and fifty every year. If eighty percent of criminals in the US repeat crimes again after five years of being arrested, it is logical to assert many of those lives lost are to repeat offenders.

It’s not just one person who receives mercy or justice in these situations. It is the victims, the family members, and our officers of the law. When criminals repeat crimes innocent people are paying the price and receiving the retribution that should have been received by the original offender. So the question remains: how do we keep those who commit crimes from committing them again?

# Point Two: Retribution Stops Repetition

In the words of Charles H. Logan, writer for the *American Enterprise,*

“Punishment through imprisonment is above all else an expression of our sense of justice and the value our society places on freedom and on individual responsibility.”[[8]](#footnote-8)

Rehabilitation-focused institutions often depict crime as not a willful act but as something people simply cannot help due to their circumstances. But those who are sent to a prison rather than a mental hospital already have the mental equipment needed to refrain from crime. We ask as a society that you do not assault or kill others or our yourself, or take or destroy the property of others. Everyone must answer for their own decisions and simply saying “The Devil made me do it” or society did *gives the criminal the excuse to repeat the same crime should their previous circumstances return or should they find a different excuse.*

Rehabilitation simply does not work. According to the 2004 Correctional Program Assessment Inventory, out of 260 programs nationwide, only 8% of programs were found to be effective.[[9]](#footnote-9) In 1974, Robert Martinson published his highly influential review of evaluations of treatment studies.[[10]](#footnote-10) Martinson was chairman of the Sociology Department at the City College of New York, and then founded the Center for Knowledge in Criminal Justice Planning.[[11]](#footnote-11), [[12]](#footnote-12) His coauthored research was based on the analysis of 231 studies, all of which had to have not only a treatment but also a comparison group. His conclusion? No form of rehabilitation works.[[13]](#footnote-13)

To Ralph Adam Fine, a circuit court judge on the Wisconsin Court of Appeals in Milwaukee,

“We keep our hands out of a flame because it hurt the very first time (not the second, fifth, or tenth time) we touched fire.”[[14]](#footnote-14)

Punishment and deterrence keep convicted felons from repeating their crimes and harming human life whereas rehabilitation gives them no motivation to stop after the first, second, fifth, or tenth time. It may even be considered an encouragement to re-offend if their circumstances within prison or lack of retribution is comfortable enough. Our goal as a society should not be to build responsible citizens from inside prison walls, but instead create a positive community outside of prison and make prison uncomfortable so that people would choose to rehabilitate outside of prison or better yet never end up there in the first place.

It is for this simple reason that retribution needs to be valued above rehabilitation in the criminal justice system: the innocent cannot pay the price a reoffending criminal should have paid the first time around.

Affirmative Brief: Repetition Is Deadly

The first route of attack against this case is the value itself. In many ways, it’s plausible to say this case violates its own value, especially if the Negative chooses to advocate for the death penalty. Another thing is the number of people who die in prison every year. It’s about 127 per 100,000. Making prisons harsher is not going to help that problem.

The next problem is the amount of people who are incarcerated for unjust amounts of time proportional to the severity of their crimes. The average prison sentence for a drug-related crime (such as smoking marijuana) is about 60 months.

I would also question the FBI statistic. Looking closely and doing individual tallying of the FBI Table 30 of the report leads us to believe the number of “victimless” crimes is closer to 55%.

*(Data analysis and critiques aided by Benjamin Hoffman.)*

1. "Reoffending is up while fewer people enter the criminal justice system ..." 2013. 21 Jul. 2016 <https://www.gov.uk/government/news/reoffending-is-up-while-fewer-people-enter-the-criminal-justice-system> [↑](#footnote-ref-1)
2. Bellotti, Jeanne, Michelle Derr, and Jillian Berk. "Examining a New Model for Prisoner Re-Entry Services: The Evaluation Of Beneficiary Choice." *Mathematica Policy Research Reports* 16 Mar. 2011. [↑](#footnote-ref-2)
3. "Press Release - Bureau of Justice Statistics." 2014. 21 Jul. 2016 <http://www.bjs.gov/content/pub/press/rprts05p0510pr.cfm> [↑](#footnote-ref-3)
4. "13th United Nations Congress on Crime Prevention and Criminal Justice." 2014. 21 Jul. 2016 <http://www.un.org/en/events/crimecongress2015/> [↑](#footnote-ref-4)
5. "FBI — FBI Releases Inaugural Compilation of Annual Crime Statistics ..." 2015. 28 Jul. 2016 <https://www.fbi.gov/news/pressrel/press-releases/fbi-releases-inaugural-compilation-of-annual-crime-statistics-from-the-national-incident-based-reporting-system> [↑](#footnote-ref-5)
6. "Prostitution in the United States - HG.org." 2013. 28 Jul. 2016 [↑](#footnote-ref-6)
7. "How heroin kills you - CNN.com." 2014. 28 Jul. 2016 <http://www.cnn.com/2014/02/04/health/how-heroin-kills/> [↑](#footnote-ref-7)
8. "The American Enterprise - UNZ.org." 2016. 29 Jul. 2016 <http://visualprime.com/Author/LoganCharlesH?PublicationID=AmEnterprise> [↑](#footnote-ref-8)
9. Lowenkamp, CT. "Investigating the Relationship between Program Integrity and ..." 2015. <https://www.uc.edu/content/dam/uc/ccjr/docs/articles/Program_Integrity_and_Program_Effectiveness.pdf> [↑](#footnote-ref-9)
10. Sarre, Rick (2005). "Beyond what works: A retrospective of Robert Martinson's famous article". In O'Toole, Sean; Eyland, Simon. *Corrections Criminology*. Hawkins Press. pp. 162–68. ISBN 187606-717-9. [↑](#footnote-ref-10)
11. "Records of the Center for Knowledge in Criminal Justice Planning". Lloyd Sealy Library, John Jay College of Criminal Justice. [↑](#footnote-ref-11)
12. Wohlfert, Lee (Feb 23, 1976). "Criminologist Bob Martinson Offers a Crime-Stopper: Put a Cop on Each Ex-Con". *People* **5** (7): 20 [↑](#footnote-ref-12)
13. ullen, Francis T, and Paul Gendreau. "Assessing correctional rehabilitation: Policy, practice, and prospects." *Criminal justice* 3.1 (2000): 299-370. [↑](#footnote-ref-13)
14. Morgan O. Reynolds. “Does Punishment Deter?” National Center of Policy Analysis, August 17, 1998. <http://www.ncpa.org/pub/bg148?pg=3> [↑](#footnote-ref-14)