Part to Whole   
—  
Affirmative Case by Chris Ostertag

**Summary**

This is a simple, direct case that’s written for maximum accessibility at the beginning of the season. It features a buffer value, which is a broad, generic value that your opponent can accept, allowing the debate to focus on post-value arguments.

Your response to the neg value should be “subsumes.” That will nearly always kill it, even if it has several links. The real damage in your framework is dealt by the criterion, so you have two links built in to defend it. That’s the hill you should be fighting on. If you win the criterion, you win.

Your contentions are preloaded with spikes and useful rhetoric, but if your criterion wins, the negative has no ground to stand on. Feel free to add applications or tweak the value if you feel the need; just remember that the time spent on an argument correlates to its importance in the mind of the judge. The criterion should be getting the lion’s share.

Part to Whole

I’m here to support the resolution that: Rehabilitation ought to be valued above retribution in criminal justice systems.

Let’s kick things off with some definitions to ensure we’re all on the same page.

# Definitions

Retribution is defined by Merriam Webster English Dictionary as “punishment for doing something wrong.”[[1]](#footnote-1)

Rehabilitation is defined by the same source. To rehabilitate is “to teach (a criminal in prison) to live a normal and productive life”[[2]](#footnote-2)

With that understanding in mind, I want to provide a value, a broad ideal that lets us assign worth to the concepts proposed by the resolution.

# Value: General Welfare

My **value** is the **General Welfare**, defined operationally as the health, safety, prosperity, and happiness of society at large.

I know this sounds a little broad, but stay with me; that’s actually a good thing. In fact, it’s my…

**Value link**, or the reason we should use this value: **Broad Measure.**

While that’s a great value, relating it to the resolution gets easier when we add an intermediary goal.

You can tag this as a **Criterion: Individual Improvement.**

I have two criterion links.

## Criterion Link One: Effective

Society is composed of individuals. Despite the best efforts of well-meaning institutions, it can only be as strong as its weakest link. That means the most efficient way to improve society is improving the people it’s made of.

Individual Improvement works by definition — a society where everyone improves will improve with them.

## Criterion Link 2: No Good Alternatives

The only real alternative to improving individuals is trying to improve everyone with a single set of institutions. That’s called top-down improvement, and it doesn’t work.

Let’s show why with an example. Recycling is good. It makes us all better people. Unfortunately, a law mandating that everyone recycles five pounds of trash every day won’t work, because it’s difficult to comply with and unenforceable. Top-down improvement doesn’t work because, by definition, it can’t be tailored to the needs of the very real people that it applies to.

With that framework established, here’s a quick summary of my position: *Improving individuals benefits the well-being of society.*

I’ll relate this understanding to the resolution with two contentions.

# Contention 1: Rehabilitation Improves

Again by definition, every time rehabilitation occurs, an individual has been improved. That’s the entire point of rehabilitation: a person can overcome negative life choices and thought patterns with counseling and support.

I know life isn’t perfect. And my opponent is likely to point that out in her next speech by telling you that rehab doesn’t always work. That’s true. Rehabilitation can admittedly be difficult, and it doesn’t always work. Unfortunately, the analysis you’ll probably hear from the negative isn’t germane to the topic at hand. So before she derails us from the resolution with a pile of evidence about recidivism, I want to point out a couple of things: 1) recidivism is non-unique. It occurs in every justice system, regardless of what it values. And it’s attributable to a number of complex causes that go way beyond the scope of this debate round. 2) Not every rehabilitation program works. But some do, and rehabilitation is still intrinsically valuable because it improves individuals – fulfilling a universal moral imperative.

I’m not here to tell you that every rehabilitation-oriented policy will work. That would be unrealistic. Rather, we should value rehabilitation because it’s the only position in this round that even has a chance at improving society. Every successful rehabilitation is an individual improvement. Every individual improvement incrementally improves society, which promotes the general well-being. Rehabilitation has a simple syllogistic relationship to the resolution.

Unfortunately, even the most successful retribution has no chance at improving individuals.

# Contention 2: Retribution destroys

Retribution cannot improve because it cannot create. Retribution is a purely negative concept. No matter how much moral rightness the punishing government may have on its side, at the end of the day, retribution just means hurting more people. Retribution says, “you caused problems for our society, so we’ll not only isolate you from the people you harmed, but also make your life miserable.”

I’ll emphasize that imprisonment isn’t the same as retribution. Imprisonment is a defensive action. It has nothing to do with retribution. Let’s look at a simple choice test to prove this.

We measure the effectiveness of prisons by the difficulty of escape. Sometimes, we also discuss their efficiency, or likelihood of releasing successfully rehabilitated prisoners, but most of the time, a prison is considered effective if it’s hard for criminals to get out. And a prison can be totally effective if it costs very few tax dollars and keeps criminals inside.

But let’s say we had to choose between keeping inmates isolated and making them miserable. Imagine an alternate world where the cheapest, least escapable prison offered inmates HD television and escargot every Thursday, and the most unpleasant prison was really easy to escape. We’d choose to use the opulent prisons, because we care less about punishing criminals than being kept safe from criminals. Prison is unpleasant because in the real world, low-cost housing with no freedom isn’t pleasant. But that’s a side-effect, not an objective. We can defend society from criminals with deciding to torture murderers. The fact is, we try to treat prisoners humanely, because we realize the objective of prison isn’t to punish but to isolate. Here’s the ultimate proof that prison isn’t retributive: it would be easy to make prisons far less pleasant by subtracting mattresses and adding torture, but we don’t do that. We choose not to punish for punishment’s sake because doing so is morally repugnant, damaging the individuals that operate prisons by forcing them to do unethical things.

Again, my opponent is likely to raise an erroneous objection here: she’ll probably tell you that retribution like torture has a deterrent effect. Here’s why that isn’t a good reason to vote neg: at best, retribution means we deter bad people from hurting others in one way at one time. But that’s like the US government proposing interim budgets. It doesn’t improve anything; it just delays the problem. No one is experiencing a moral epiphany when they refrain from robbing a convenience store because it has a camera out front. No matter how effectively deter visible crime, we can’t improve individuals by terrifying them into moving their evil into the back alleys. Society doesn’t get better when we drive evil even further underground. Even worse, seeking retributive justice lowers us to the level of those we seek to punish.

By all means, let’s lock up those who see to do us harm. Then we lay down our handcuffs and truncheons in favor of healing and truth.

Negative Rebuttal

Read the introduction for the aff. If the criterion stands, you will probably lose unless you run a creative interpretation of the resolution. Your best bet is to accept the buffer value, run multiple responses to the criterion (one for each link) and use one group response to both contentions (no impact).

The value is broad enough that most neg cases should be able to work with it, and the contentions presume the criterion. Expect the affirmative to fight you on the criterion, so come prepared with responses a few speeches deep.

Finally, while killing the criterion is imperative, don’t let the affirmative make the round all about his criterion. Beat it as efficiently as possible, saving at least five and a half minutes of the NC for your arguments.

1. Merriam Webster Online, accessed 7/18/16 http://www.merriam-webster.com/dictionary/retribution [↑](#footnote-ref-1)
2. Merriam Webster Online, accessed 7/18/16 http://www.merriam-webster.com/dictionary/rehabilitation [↑](#footnote-ref-2)