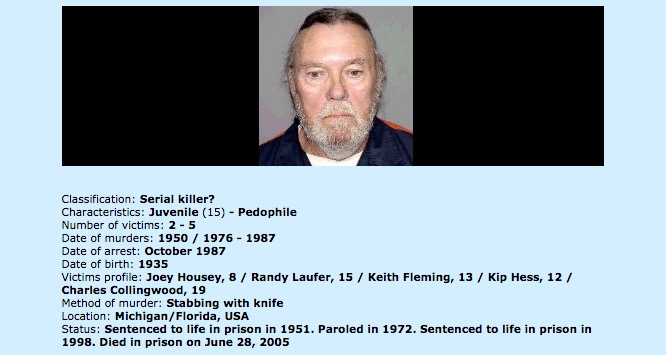
Function   
—  
Negative Case by Travis Herche



This case argues that rehabilitation doesn’t work because the people who commit violent crimes are “bad apples” that cannot or will not be changed.

The case studies are your main tool to win. The more they’re discussed, the better your chances of victory. If your opponent runs a broad framework, accept it and adjust your contentions to match. Either way, push through your contentions quickly. They are not designed to operate independently or to pull a lot of weight.

The case studies should be delivered slowly, with grim sadness, pausing to let each tragedy sink in. The judge should feel increasingly indignant at the naiveté of the resolution, and maybe even a little scared about all the falsely rehabilitated criminals walking the streets.

Bad Apples

The last time anyone saw him alive, eight-year old Joey was exploring with his new headlamp. The boy was attacked by John Rodney McRae, who murdered him and hid his body under the sidewalk. It wasn’t until a strong rain a few days later that little Joey’s body was found. McRae was sentenced to life in prison.

Later, a doctor examined him and said that he had no guilt and no remorse, but that he could be reclaimed. A few years later, the governor let McRae free. This mistake turned one tragedy into four.

I disagree with the resolution because of the innocent people that wouldn’t have had to die if we didn’t embrace the fantasy of rehabilitation.

# Value: Function

Function is operationally defined: “The reasonable and rational expectation that something will do what it is supposed to do.”

For example, you could compare two cars based on Function. One of them reliably turns on and gets you from A to B, while the other is hard to start and constantly breaks down. Function tells us that the second car is better.

Here’s why Function is the best way to measure the resolution.

## Reason to Prefer: Evaluates Actions

The resolution has a specific context: in criminal justice systems. That means we’re not just discussing the hypothetical merits of two philosophical concepts. We’re discussing which course of action is best to pursue in the real world. If one approach works and the other doesn’t, that is very relevant information – outweighing other considerations.

# Contention 1: Rehabilitation is not Functional

Committing a violent act against an innocent person is something most people are not capable of. It requires a conscience so seared and a disposition so depraved that the perpetrator can carry out that horrific act.

Some people look at a murderer or a rapist and say, “This person can overcome the crippling trauma of what he did, and his own vile temperament, and be restored to society.” That’s a lovely story, but it doesn’t work.

Borderzine is a bilingual magazine that focuses on issues like immigration, crime, and drug violence. In a 2010 article, it reported:

“The futility of rehabilitation in the justice system is a burden on taxpayers and the communities that departments of corrections and safety aim to keep safe. “Some criminals are just not interested in changing,” says Dr. Curry[, associate professor of sociology at the University of Texas at El Paso and widely respected researcher in criminalogy]. “This does not make them good candidates, which makes rehabilitation programs a waste of time, money and effort.” “There is no rehabilitation,” says the SSI. “For some of these prisoners, their backgrounds are so engrained in them.””[[1]](#footnote-1)

# Contention 2: Retribution is Functional

We can’t change who a violent criminal is, but we can punish them. That alone puts retribution head-and-shoulders above rehabilitation. It’s really as simple as that.

The final part of my case is a series of three case studies. I apologize in advance for these disturbing stories. I think it’s important that we not put a pretty face on the gruesome consequences of the resolution. When we try to rehabilitate, people die.

# Case Study 1: Arthur Bomar

When normal people get into arguments over parking space, they might raise their voice or say mean things. When Arthur Bomar got into an argument, he pulled a gun and shot the other motorist dead. Eleven years later, the state declared that he was rehabilitated. But he wasn’t.

22-year-old Aimee Willard was George Mason University’s star lacrosse player. Driving home from a night with friends, she was rammed from behind by Arthur Bomar. She pulled over to exchange insurance information. Bomar got out of his car, pulled out a tire iron, and beat her to death. He’s now on death row.[[2]](#footnote-2) If we’d identified the evil within him the first time, Aimee would still be alive.

Hardened criminals like Bomar are released from prison all the time because they fooled us into believing in rehabilitation.

# Case Study 2: John Rodney McRae

John Rodney MacRae had already murdered an eight-year-old boy, but the governor eventually released him. Everyone believed he had been rehabilitated. McRae married and had a son. He got involved in cub scouts and 4-H. I’m sure you can imagine what happened next.

Boys went missing. Search parties eventually found them tortured and murdered. By the time the police caught up to John Rodney McRae again, he’d claimed a total of five young victims.[[3]](#footnote-3)

# Case Study 3: Fabrice Anthamatten

This is the final story I’ll share. This one is about someone who worked professional in rehabilitation, with deadly consequences.

I read now from a 2013 TIME article:

“Adeline Morel, a 34-year-old Geneva sociotherapist who helped prisoners reintegrate into society, was, according to her friends and coworkers, a “kind, gentle, and deeply humane” person who loved her job. That dedication to her work turned out to be fatal – on September 13, her body was found in the woods near Geneva, after she had accompanied convicted rapist Fabrice Anthamatten to a local horse-riding center as part of his therapy. He was serving the remainder of his 15-year sentence at the Paquerette, a social therapy center that is part of Geneva’s prison system, but focuses on helping reintegrate inmates into society. On the way to the session, they stopped at a knife store because Anthamatten had received permission from prison officials to buy a special knife to clean out horses’ hooves — even though he was convicted of raping a woman at knifepoint in 1999. What followed could have been a scene from a macabre movie: Anthamatten tied Morel to a tree and slashed her throat with the knife he had just purchased. He fled the scene in his victim’s car, but was found in Poland after a four-day international manhunt. Swiss authorities are now seeking his extradition, a process that could take several months. The brutal slaying has sparked outrage in Switzerland and is fuelling questions about the country’s famously liberal incarceration policies. Why, for example, was a dangerous convict allowed to go horseback riding? Why he was permitted to carry a knife, and why was he escorted by a female? “The naivete of the Swiss criminal justice system is incomprehensible and defies common sense,” says Philip Jaffe, an expert in legal psychology, based in Geneva. “To allow a recidivist rapist to enjoy any type of furlough is akin to encouraging him to act criminally once again.”[[4]](#footnote-4)

As long as we keep buying into the fantasy of rehabilitation, innocent people will continue to die. Retribution is a far more functional path. Thank you.

Affirmative Brief: Function

To the degree that you let the debate be about the case studies, your chances of victory go down. Your case should have tools built in that allow you to minimize them and shift the focus somewhere else, unless your case is also focused on contention applications or case studies.

Even in a best-case scenario, you’ll have to tangle with them eventually. Here are some viable arguments. Pick the one or combination that best serves your case needs:

1. **Limited advocacy.** The negative case focuses only on violent offenders, while the affirmative case covers everyone. The negative doesn’t have anything to say about shoplifters or drug dealers. That’s most of the resolution.
2. **Instances don’t prove.** Even the best-possible rehabilitation system will have some failures. But it can also have many successes. Three tragedies are emotionally loaded but don’t give us much information about the resolution.
3. **System failure, not rehabilitation.** TheAmerican justice system is poorly designed, underfunded, and half-heartedly executed. That it fails to rehabilitate isn’t a reason to throw out the concept of rehabilitation.

There is another subtle weakness in this case. If your case is idealistic, you should be able to sever the value and then argue that any real-world arguments are very low impact because they don’t reflect on the philosophical concepts. This is an advanced tactic; only attempt it if you know what you’re doing and have a case that will get you where you need to go.

1. John Del Rosario, “Diagnosing crime: The failures of rehabilitation on in the justice system,” Borderzine, August 11, 2010. <http://borderzine.com/2010/08/diagnosing-crime-the-failures-of-rehabilitation-in-the-justice-system/> Text in brackets added. [↑](#footnote-ref-1)
2. Rose Quinn, “Bomar is one step closer to death: Aimee Willard’s killer loses latest bid to escape execution,” Delaware County Daily Times, November 24, 2014. <http://www.delcotimes.com/article/DC/20141124/NEWS/141129798> [↑](#footnote-ref-2)
3. Murderpedia, “John Rodney McRae,” July 17, 2005. <http://www.murderpedia.org/male.M/m/mcrae-john-r.htm> [↑](#footnote-ref-3)
4. Helena Bachmann, “After Convicted Rapist Rapes and Kills Again, Switzerland Rethinks Prison System,” TIME, October 15, 2013. <http://world.time.com/2013/10/15/after-convicted-rapist-rapes-and-kills-again-switzerland-rethinks-prison-system/> [↑](#footnote-ref-4)