The Bieber Effect   
—  
Negative Case by Travis Herche



This case was specifically written to counter the “Social Stability and Holistic Accountability” case in the 2016 edition of NCFCA’s *The Source*. That case is promising, but it contains pieces of three or four cases rolled haphazardly into one, resulting in yawning gaps in logic and plenty of vulnerabilities to exploit. This is just one way to exploit those weaknesses.

If you hit that specific case or one like it, accept the value and reject the criterion as unnecessary and ambiguous. If you’re running this case against something else, to accept your opponent’s value anyway – and retag your contentions to match. Only if neither of those is an option should you actually run the value in this case. It is Plan C.

This case is also effective against the popular affirmative case pattern of contrasting rehabilitation-focused countries with retribution-focused ones. Washing that with the alternate causality sub-point in contention 1 should put affirmatives on the defensive.

Here’s a bonus card that may be useful to you in a rebuttal. As with all rebuttal evidence, you should never plan on using it. But if you have time and it aligns well with the rest of your speech, go for it.

John Ashcroft wrote in his book Lessons from a Father to His Son in 1998:

“After a highly publicized execution, Reagan received a letter that began, "Governor thanks for saving my life." The rest of the letter, Reagan recalled went something like this: "I run a liquor store. Last week, a thug broke in. He intended to rob us, but I resisted him. He wrestled me to the floor and poised his knife above my throat. I shouted out, 'Go ahead and kill me! You'll get the death penalty and be executed, just like the guy last week.' " The letter continued, "He dropped the knife and ran from the store. Thank you, Governor. Your fortitude and resolve saved my life." Reagan added, "In case anybody asks you about my position on capital punishment, you can tell them I favor it; and if they want to know why, you can tell them this story." In the end, capital punishment saves lives.”[[1]](#footnote-1)

The Bieber Effect

When Justin Bieber was born, Americans’ cholesterol levels started going down. Then Facebook was invented, and they started going back up. [[2]](#footnote-2), [[3]](#footnote-3) These numbers are jokingly referred to as the “Bieber Effect,”[[4]](#footnote-4) and all they tell us is that statistics alone prove nothing. It’s unlikely that ice cream consumption leads to murder, but those numbers are also closely correlated.[[5]](#footnote-5) We have to look deeper than a few matching statistics, and when we do, we learn that the resolution is false.

# Value: Social Stability

Social Stability is operationally defined as: “A state of affairs within a society in which laws are generally followed and people do not directly harm each other.”

## Reason to Prefer: Goal of Justice System

We have police and courts and prisons because society needs them to function. We need to protect innocent people and put the guilty behind bars where they can’t hurt anyone. That’s the bare minimum for us to really call ourselves a society, and it’s the idea this value captures.

# Contention 1: Rehabilitation Doesn’t Promote Stability

If rehabilitation happens, great. I have nothing against it. But these two sub-points explain why it’s not a good goal.

## Sub-point A) Correlation, not Causation

There’s a close correlation in the US between consumption of cheese and the number of people who die each year from becoming tangled in their bedsheets.[[6]](#footnote-6) That’s probably a coincidence.

If you just look at two data points, like prison policy and recidivism rate, it’s easy to assume that one is caused by the other. But countries are pretty complex, and rehabilitation rarely has any positive impact on crime rates. In fact, the reverse is usually true: when countries enjoy low violent crime, they then have the luxury of a forgiving, rehabilitation-focused justice system.

## Sub-point B) Complete Perspective

My opponent wants you to believe that being nice to criminals makes people less likely to commit crimes. Here’s an explanation that better aligns with common sense and the facts. This explanation isn’t as fun; instead of zippy statistics it has nuance and historical perspective and details. But the reward for that hard work is a much more accurate picture.

America was founded by minutemen who kept guns over their fireplaces. We expanded across the west in dozens of bloody wars with Native Americans.[[7]](#footnote-7) Our most prized characteristics were marksmanship and rugged individualism. The industrial revolution caused an explosion in economic activity, but it also led to historic wealth inequality.[[8]](#footnote-8) At the bottom, you have 1 in 6 Americans without food security;[[9]](#footnote-9) at the top, you have people flying in private jets that cost four thousand dollars to refuel.[[10]](#footnote-10) Mix in racial tensions, a one-in-three high school dropout rate,[[11]](#footnote-11) and a population that is spread out into extreme cultural and geographical diversity. The final spark: the drug war, which has criminalized about one in ten Americans[[12]](#footnote-12) and created a black market controlled by vicious gangs. The result is a cultural and economic tinderbox which funnels tens of millions of desperate Americans into crime. There are actual root causes here. It has nothing to do with how people are being treated *after* they commit the crimes.

Meanwhile, Norway is a democratic socialist country.[[13]](#footnote-13) The police don’t carry guns,[[14]](#footnote-14) higher education is free,[[15]](#footnote-15) genders are treated equally,[[16]](#footnote-16) there’s a strong sense of group responsibility, and the Bible is the top-selling book.[[17]](#footnote-17) Norway is ranked first on the UN Human Development Index[[18]](#footnote-18) and first in the Legatum Prosperity Index.[[19]](#footnote-19) The country is ethnically and religiously monolothic. [[20]](#footnote-20), [[21]](#footnote-21) It has a vibrant and growing economy and an extensive social safety net,[[22]](#footnote-22) which keeps people from being so desperate that they turn to crime. They make a killing on petroleum exports;[[23]](#footnote-23) drug laws are forgiving;[[24]](#footnote-24) they have a manageable national debt.[[25]](#footnote-25) So of course their crime rate is low, and they get to enjoy a lenient prison policy that assumes people won’t reoffend. They don’t even have a life sentence over there.[[26]](#footnote-26)

Here in the US, we average at least one mass shooting every day.[[27]](#footnote-27) In Norway, it happens every few years.[[28]](#footnote-28), [[29]](#footnote-29) The countries are radically different. We have no reason to believe that rehabilitation has a positive impact on stability. In contrast:

# Contention 2: Retribution Promotes Stability

Sadly, some crimes can’t realistically be prevented – they’re committed in the heat of the moment, or by people with undiagnosed mental illnesses. But others commit crimes because they have calculated the risk versus reward and think they’ll be better off. This is where retribution is critically important.

## Application: Reagan Reforms

Ronald Reagan may be best remembered as a Cold Warrior and economic revolutionary, but he left his mark on the American justice system as well. He understood that weakness and leniency are a best-case scenario for criminals.

According to Gerald Shargel, a practioner in practice and professor at Brooklyn Law School in 2004:

“In the words of his attorney general, William French Smith, Reagan aspired to nothing less than readjusting the "balance between the forces of law and the forces of lawlessness."”[[30]](#footnote-30)

Reagan pioneered two dozen anti-crime measures including the Sentencing Reform Act[[31]](#footnote-31) and Bail Reform Act[[32]](#footnote-32) and built three new federal prisons. With these changes in place, the homicide rate plunged to nearly half.[[33]](#footnote-33)

But as we’ve learned, we can’t just throw two statistics together and assume they’re correlated. Instead, here’s some expert evidence that explicitly says so.

In 2004, Professor Steven D. Levitt published a 140-page report in the Journal of Economic Perspectives during his time as fellow at the Center for Advanced Study in the Behavioral Sciences at Stanford University. He wrote:

“First, by locking up offenders, they are removed from the streets and unable to commit further crimes while incarcerated. This reduction in crime is known as the incapacitation effect. The other reason prisons reduce crime is deterrence—the increased threat of punishment induces forward-looking criminals not to commit crimes they otherwise would find attractive. Empirical estimates of the impact of incarceration on crime capture both of these effects. The evidence linking increased punishment to lower crime rates is very strong.”

And the words of President Reagan himself in a 1982 Radio Address to the Nation:

“But in the meantime, I hope we can count on your support in our war on crime and our efforts to protect the innocent and put the professional criminals in jail where they belong. Working together we can make America safe again for all our people.”[[34]](#footnote-34)

Retribution isn’t the only solution, but it helps. Rehabilitation doesn’t, any more than the birth of Justin Bieber helped us lower our cholesterol.

Affirmative Brief: Justin Bieber Effect

Assuming you’re running the Social Stability case from the Source, here are a few quick ways to make your case leaner and stronger (and in turn, more resilient to this case):

* Cut all three definitions.
* Add a value definition.
* Add at least one “value link,” explaining why the judge should use social stability. Feel free to copy the reason to prefer from this case.
* Cut the criterion.
* Cut contention 1.
* Retag contentions 2 and 3 to link directly to the value.
* Use the time you’ve saved to simplify your contention 1 (formerly 2) rhetoric and flesh out additional reasons that retribution is ineffective in stabilizing society. Take a cue from the William Kelly card and don’t depend too heavily on accountability. Consider running sub-points.
* Add an application to contention 1 (formerly 2) that mirrors Norway. Point to a country with a retributive prison system, like the US, and read evidence explicitly saying that the harsh sentences aren’t helping society.
* Add evidence into contention 2 (formerly 3) explicitly linking rehabilitation to lower crime/recidivism rates.
* Tag Norway as an application so the judge will write it down and remember it.
* Add evidence explicitly linking Norway’s forgiving policies to lower recidivism. The Business Insider article is a great place to start.

Having made the above changes, you stand a good chance of winning. Most of the negative offense in this case will have been blunted, and you won’t have to do too much heavy lifting in the 1AR. Good luck!

1. “Lessons From a Father to His Son,” by John Ashcroft. Pages 138-139 May 5, 1998 [↑](#footnote-ref-1)
2. Ky Harlin, “The 10 Most Bizarre Correlations,” BuzzFeed, April 11, 2013. <https://www.buzzfeed.com/kjh2110/the-10-most-bizarre-correlations?utm_term=.xmRG3dJd8&sub=2137503_1059094> [↑](#footnote-ref-2)
3. “Facebook also cancelled out the cholesterol-lowering effects of Justin Bieber.” Statistics originally from Mark’s Daily Apple, tracking cholesterol levels from 1986-2010. See 2. [↑](#footnote-ref-3)
4. Yogesh Verma, “Correlation is not Causation – Justin Bieber Effect,” Axiom Nutrifit, June 22, 2012. <http://inutrifit.com/2012/06/correlation-causation/> [↑](#footnote-ref-4)
5. “Ice cream consumption leads to murder.” Tracking murder rates over a 3-month period. See 2. [↑](#footnote-ref-5)
6. Trendhunter, using information from USDA and CDC, gave these two figures a 95% correlation over a 9-year period. Accessed October 1, 2016. <http://www.trendhunter.com/trends/spurious-correlations> [↑](#footnote-ref-6)
7. Michael Gibson, “List of American Wars,” Ranker, Accessed October 1, 2016. <http://www.ranker.com/list/list-of-american-wars/michael-gibson?&var=12> [↑](#footnote-ref-7)
8. Chris Matthews, “Wealth Inequality in America: It’s worse than you think,” Fortune, October 31, 2014. <http://fortune.com/2014/10/31/inequality-wealth-income-us/> [↑](#footnote-ref-8)
9. Food insecurity rate is 15.8%, or about 1 in 6. Feeding America, “Food Insecurity in The United States,” 2016.

   <http://map.feedingamerica.org/county/2013/overall> [↑](#footnote-ref-9)
10. “With four passengers on board, the Citation Excel has a maximum range around 1,850 miles, and filling the tank for a long haul would require purchasing about 800 gallons worth of Jet-A. (A newer model, the Citation XLS+, is a bit more fuel-efficient.) That would add up to $4,168 at today's average fuel prices; a tax hike would add about $114 to the bill.” Jacob Leibenluft, “Six Thousand Gallons of Regular, Please,” Slate, April 28. 2008. <http://www.slate.com/articles/news_and_politics/explainer/2008/04/six_thousand_gallons_of_regular_please.html> [↑](#footnote-ref-10)
11. “Every year, one in three young adults—more than 1.2 million people—drop out of high school.” Corey Fitzgerald, “Adult and Family literacy in the US; limitations to our Nation’s success,” Scientific Learning, February 3, 2011. <http://www.scilearn.com/blog/low-literacy-united-states> [↑](#footnote-ref-11)
12. “Stated another way, 1 in 10 individuals aged 12 or older in the United States used illicit drugs in the past month.” Center for Behavioral Health Statistics and Quality. (2016). Key substance use and mental health indicators in the United States: Results from the 2015 National Survey on Drug Use and Health (HHS Publication No. SMA 16-4984, NSDUH Series H-51). <http://www.samhsa.gov/data/sites/default/files/NSDUH-FFR1-2015/NSDUH-FFR1-2015/NSDUH-FFR1-2015.pdf> [↑](#footnote-ref-12)
13. Dr David Redvaldsen, review of The Age of Social Democracy. Norway and Sweden in the Twentieth Century, (review no. 1184) September 27, 2016. <http://www.history.ac.uk/reviews/review/1184> [↑](#footnote-ref-13)
14. S.H. Blannelberry, “Norway Cops Don’t Want to Carry?” Guns.com, October 17, 2016. <http://www.guns.com/2011/10/17/norway-cops-dont-want-to-carry/> [↑](#footnote-ref-14)
15. Professor Jussi Välimaa of the Finnish Institute for Educational Research, University of Jyväskylä, “Why Finland and Norway still shun university tuition fees – even for international students,” The Conversation, February 17, 2015. <http://theconversation.com/why-finland-and-norway-still-shun-university-tuition-fees-even-for-international-students-36922> [↑](#footnote-ref-15)
16. Norway is ranked 2nd in the world by the Global Gender Gap Index of 2015. The US is 28th. World Economic Forum, “Global Gender Gap Index 2015,” <http://reports.weforum.org/global-gender-gap-report-2015/rankings/> [↑](#footnote-ref-16)
17. “The Scriptures, in a new Norwegian language version, even outpaced "Fifty Shades of Grey" to become Norway's best-selling book.” Saleha Mohsin, “Bible's strong comeback surprises secular Norway,” Associated Press, June 6, 2013. <https://www.yahoo.com/news/bibles-strong-comeback-surprises-secular-norway-072531623.html?ref=gs> [↑](#footnote-ref-17)
18. United Nations Human Development Programme, “Human Devlepment Reports,” 2015. <http://hdr.undp.org/en/data> [↑](#footnote-ref-18)
19. “Legatum Prosperity Index 2015,” Legatum Institute 2015. <http://www.prosperity.com/> [↑](#footnote-ref-19)
20. Central Intelligence Agency, “Norway,” The World Factbook 2016. <https://www.cia.gov/library/publications/resources/the-world-factbook/geos/no.html> [↑](#footnote-ref-20)
21. CIA World Factbook 2016 says the country is 94.4% Norwegian ethnically and 88% Christian. See 20. [↑](#footnote-ref-21)
22. CIA World Factbook 2016: “Norway's has a stable economy with a vibrant private sector, a large state sector, and an extensive social safety net.” See 20. [↑](#footnote-ref-22)
23. “During the last five years the exports of Norway have increased at an annualized rate of 5.3%, from $115B in 2009 to $149B in 2014. The most recent exports are led by Crude Petroleum which represent 30.1% of the total exports of Norway, followed by Petroleum Gas, which account for 29.1%.” Observatory of Economic Complexity, “Norway,” 2014. <http://atlas.media.mit.edu/en/profile/country/nor/> [↑](#footnote-ref-23)
24. News-Medical, “Norwegian government introduces legal limits for 20 illegal drugs and medicines,” February 14, 2012. <http://www.news-medical.net/news/20120214/Norwegian-government-introduces-legal-limits-for-20-illegal-drugs-and-medicines.aspx> [↑](#footnote-ref-24)
25. CIA World Factbook 2016 says public debt is 39.3% of GDP as of 2015. See 20. [↑](#footnote-ref-25)
26. Dr. Bob Cameron, “Why Does Norway Have a 21-Year Maximum Prison Sentence?” Slate, May 7, 2013. <http://www.slate.com/blogs/quora/2013/05/07/why_does_norway_have_a_21_year_maximum_prison_sentence.html> [↑](#footnote-ref-26)
27. Sharon Lafraniere, Sarah Cohen and Richard A. Oppel Jr, How Often Do Mass Shootings Occur? On Average, Every Day, Records Show,” New York Times, December 2, 2015.

    <http://www.nytimes.com/2015/12/03/us/how-often-do-mass-shootings-occur-on-average-every-day-records-show.html> [↑](#footnote-ref-27)
28. Expatica, “Mass Shootings in Europe,” December 13, 2011. <http://www.expatica.com/be/news/Mass-shootings-in-Europe_306243.html> [↑](#footnote-ref-28)
29. Crime Prevention Research Center, “Comparing Death Rates from Mass Public Shootings and Mass Public Violence in the US and Europe,” June 23, 2015. <http://crimeresearch.org/2015/06/comparing-death-rates-from-mass-public-shootings-in-the-us-and-europe/> [↑](#footnote-ref-29)
30. Gerald Shargel, “No Mercy: Ronald Reagan’s Tough Legal Legacy,” Slate, June 14, 2004.

    <http://www.slate.com/articles/news_and_politics/jurisprudence/2004/06/no_mercy.html> [↑](#footnote-ref-30)
31. Stith, Kate and Koh, Steve Y., "The Politics of Sentencing Reform: The Legislative History of the Federal Sentencing Guidelines" (1993). Faculty Scholarship Series. Paper 1273. <http://digitalcommons.law.yale.edu/fss_papers/1273> [↑](#footnote-ref-31)
32. Jeralyn Merritt, “Reagan Drug War Legacy – Some of the most prohibitive drug control laws ever were passed on Reagan’s watch – and Just Say No wasn’t the half of it,” AlterNet, June 18, 2004. <http://www.alternet.org/story/18990/reagan%27s_drug_war_legacy/> [↑](#footnote-ref-32)
33. “The homicide rate declined sharply from 9.3 homicides per 100,000 in 1992 to 4.8 homicides per 100,000 in 2010.” Alexia D. Cooper, Erica L. Smith,”Homicide Trends in the United States, 1980-2008,” Bureau of Justice Statistics, November 16, 2011. <http://www.bjs.gov/content/pub/pdf/htus8008.pdf> [↑](#footnote-ref-33)
34. Ronald Reagan, “Radio Address to the Nation on Crime and Criminal Justice Reform,” The American Presidency Project, September 11, 1982. <http://www.presidency.ucsb.edu/ws/?pid=42952> [↑](#footnote-ref-34)