Time-Out  
—  
Affirmative Case by Benjamin Vincent



More than 90 percent of prisoners will be released back into their communities within a few years.[[1]](#footnote-1)

The reality of criminal justice is that criminals don’t get locked behind bars *forever*. That would be unfair, immoral, and impractical. Most criminals will be punished and released back into society in a relatively short amount of time. This reality ought to shape our criminal justice system in fundamental ways. It is vitally important that our criminal justice system be as effective as possible in minimizing recidivism and discouraging crime, because that is the very purpose of criminal justice.

**This affirmative case uses the value of domestic tranquility to argue for two primary goals of criminal justice: the prevention of crime, and just enforcement of laws.** Under this assumption, a strong case is built that criminal justice ought to focus on how it shapes people’s behavior, and that rehabilitation should be the ultimate goal of any criminal justice system. By focusing on how our justice system influences people’s behavior, this case establishes the broader concept of rehabilitation as the primary end goal of criminal justice.

By utilizing reliable statistics and basic logic as a foundation, this case avoids getting trapped in factual debates. The primary contentions are clear, logical, and easy to follow. The strength of this case is in its apparent simplicity: it makes an ideologically intriguing argument without getting lost in the realm of the theoretical. As long as you ensure your argumentation remains firmly tied to the real world, this case has the potential to be very effective for both novice and veteran LD debaters.

Time-Out

As a child, were you ever forced into that most dreadful of punishments, that veritable dungeon, which goes by the innocent-sounding name of “time-out”? I’m sure nearly every one of us has, at one point in time, been told to go sit and “think about what we’ve done.”

The idea behind time-out is threefold. First, time-out is a punishment. It is a negative experience that takes away a child’s fun, and the threat of time-out disincentives disobedience. Second, time-out restricts the offending child, preventing him or her from continuing to do wrong. Finally, time-out forces a child to sit alone with his or her thoughts and consider the nature of the offense, in order to learn a valuable lesson and make positive change in future behavior. By fulfilling these three goals, time-out is often an effective method for teaching a child good behavior once this child is released from the “sentence.”

Though it probably won’t work to simply tell criminals to go sit in time-out, I believe that a similar principle ought to guide us in the way we operate our criminal justice system. The overwhelming majority of criminals will be punished temporarily, and then allowed to reintegrate into society. The reality that nearly all prisoners will eventually be released ought to have great impact on the way we treat them. It is for this reason that I stand firmly resolved that rehabilitation ought to be valued above retribution in criminal justice systems.

# Definitions

Let’s start by looking at a few key definitions.

* Rehabilitation: “To restore or bring to a condition of health or useful and constructive activity.”[[2]](#footnote-2)
* Retribution: “Punishment inflicted on someone as vengeance for a wrong or criminal act.”[[3]](#footnote-3)
* Criminal Justice: “A broad term covering topics such as the procedure by which criminal conduct is investigated, evidence gathered, arrests made, charges brought, defenses raised, trials conducted, sentences rendered and punishment carried out.”[[4]](#footnote-4)

# Value: Domestic Tranquility

Now that we understand what we’re discussing today, it’s very important that we establish what kind of goal we should be pursuing as we consider this issue. In order to assess a clash of principles correctly, we need to establish a value, or end goal, that we should pursue. And I would contend that our value today ought to be **domestic tranquility.**

The preamble to our nation’s constitution declares that one of the primary goals of the Constitution was to “ensure domestic tranquility.”[[5]](#footnote-5) Reference.com defines the concept as simply “keeping the peace within the nation.”[[6]](#footnote-6) Ultimately, domestic tranquility means protecting the nation from the inside by preventing crime and upholding a rights-preserving legal framework. It should be the ultimate goal of any criminal justice system to uphold domestic tranquility, and for the purposes of today’s debate round, the winner should be whichever side best preserves domestic tranquility.

**Criteria:**

In order to achieve this goal, a good criminal justice system ought to uphold two primary criteria: the **prevention of crime**, and **just enforcement of law**. Neither of these criteria is sufficient without the other. Preventing crime in an unjust or irresponsible manner does not preserve domestic tranquility; nor does failing to enforce laws for the purpose of being unnecessarily lenient. Only by preventing crime through just enforcement of law can a criminal justice system fulfill its purpose in ensuring domestic tranquility.

Now that we understand all the groundwork, let’s go ahead and move into my primary arguments for today’s round, which I’ll be laying out in a series of contentions.

# Contention 1: Retribution Is a Means

What is retribution supposed to do? What is the ultimate purpose of punishing crimes? I would contend that the purpose of retribution is to encourage, through negative reinforcement, the modification of an individual’s behavior. The idea behind punishing crime is that people will choose to abide by the law in order to avoid punishment, and criminals will choose not to commit repeat offenses so as to escape further punishment. Retribution, then, is a means to the end of modifying behavior.

What is another term for the modification of criminal behavior? The most accurate term for this practice would, in fact, be “rehabilitation.” Rehabilitation is, by definition, the act of reforming an individual’s life of criminal behavior in order to discourage criminal activity. Thus, by the very definition, it seems clear that retribution is, in fact, a means to rehabilitation. Retribution is merely one method that is used in the process of rehabilitating, and it is only valuable insofar as it achieves the goal of rehabilitation. Retribution is a means to rehabilitation.

# Contention 2: Rehabilitation is the Goal of Criminal Justice

What is criminal justice? What is its ultimate purpose? The criminal justice department of the U.K. government provides a good, concise summary of the purpose of criminal justice:

“The purpose of the Criminal Justice System... is to deliver justice for all, by convicting and punishing the guilty and helping them to stop offending, while protecting the innocent.”[[7]](#footnote-7)

It is interesting to note that this summary includes both retribution and rehabilitation as important goals of criminal justice. These two concepts are by no means mutually exclusive. In fact, they work together. As I demonstrated in my first contention, retribution is a means to the end of rehabilitation. In this way, we find that rehabilitation is in fact the primary goal of criminal justice. By establishing and enforcing laws, our intent is to influence the way people behave. Retribution disincentives crime by associating it with negative consequences; in so doing, retribution causes people to behave differently. It *rehabilitates* them.

The whole point of establishing a criminal justice system is to influence people’s habits and behavior, and to encourage people to live productive lives. Thus, we find that the goal of criminal justice is rehabilitation, in its many and various forms. We want to alter people’s habits to uphold domestic tranquility. That’s what criminal justice is all about.

# Contention 3: Rehabilitation Upholds Domestic Tranquility

The final question we must answer, then, is why criminal justice puts so much focus on rehabilitation. Why is influencing the people’s behavior such a foundational element of criminal justice? The answer to this question becomes evident when we examine the two criteria I provided at the beginning of this speech. In order to uphold the value of domestic tranquility, a criminal justice system must fulfill two important requirements: it must prevent crime, and enforce laws justly. These two principles find their ideal balance in rehabilitation.

Rehabilitation combines retribution (punishing crime), restriction (separating criminals from society), and restitution (providing justice for the injured party), in order to both prevent crime and enforce laws in a just and moral way. By upholding all of these requirements, rehabilitation upholds the final goal of criminal justice: the promotion of domestic tranquility.

A study reported in the Journal of Public Health in April of 2005 found that an intensive re-education program with violent male offenders in a San Francisco jail reduced the levels of violence in the jail to zero for a year; and participation in this program for as little as four months reduced the frequency of violent reoffending by 83%.[[8]](#footnote-8)

This is clearly a win for domestic tranquility, and it doesn’t need to stop there. Rehabilitation isn’t the opposite of retribution, and it certainly doesn’t mean giving prisoners an easy or lenient prison experience. It simply means using retribution, and restriction and restitution, the way they’re meant to be used: to impact the lives and actions of the people, so that all Americans can live safer, freer lives marked by a real pursuit of domestic tranquility through our criminal justice system.

For as former President Dwight D. Eisenhower once said, “Peace and justice are two sides of the same coin.”[[9]](#footnote-9)

Negative Brief: Time-Out

As the Negative, it’s important that you challenge a few of the underlying assumptions of this case right off the bat. The issue of definitions will be extremely important in combatting this case. What is domestic tranquility? Where is the affirmative speaker getting the idea that it is composed of preventing crime and justly enforcing laws? What is rehabilitation? Start off with a few probing C/X questions:

“Is your definition of rehabilitation specific to the context of criminal justice?”

“Where do you get your criteria?”

“Did you quote any evidence to prove your first contention?”

“How would you define the concept of justice?”

In order to take down this case, you have to address a few key issues. First, you have to attack the idea that retribution is merely a means to rehabilitation. This case stands or falls on that foundational principle. Using the affirmative’s logic and definitions, the argument is sound, but it is not supported by any actual evidence. Taking down this argument will require challenging the affirmative’s interpretation of the definitions, and pushing the absence of evidence to support it.

Second, you’ll need to address the affirmative value and two criteria. Though they sound nice, the two criteria seem to have been pulled from nowhere. Ask where the affirmative speaker gets these ideas. Do they have any reliable experts in criminal justice to support this claim? How do they solidly link these criteria to their broader value? Seek to cast doubt on the soundness and reliability of these claims.

Finally, you’ll need to narrow the definition of rehabilitation. The affirmative is relying on a broad understanding of rehabilitation. If you allow the affirmative to define rehabilitation in such general terms, it will be easy for them to maintain the argument that it is the ultimate goal of criminal justice. Force them to narrow down their definition. Point out that rehabilitation is being understood only in the context of criminal justice, not as a general concept. If you can limit the scope of rehabilitation, you prevent the affirmative from using it as an umbrella concept that covers the whole resolution.

This case is strong in logic and common-sense appeal, but is nevertheless relatively abstract and conceptual. The key to defeating it is to make it appear flimsy and disconnected from reality.

1. Gilligan, James. “Punishment Fails. Rehabilitation Works.” December 19, 2012. The New York Times. <http://www.nytimes.com/roomfordebate/2012/12/18/prison-could-be-productive/punishment-fails-rehabilitation-works> [↑](#footnote-ref-1)
2. “Rehabilitate.” Merriam-Webster Online. 2016. Merriam-Webster, Inc. <http://www.merriam-webster.com/dictionary/rehabilitate> [↑](#footnote-ref-2)
3. “Retribution.” Oxford Dictionary. 2016. Oxford University Press. <https://en.oxforddictionaries.com/definition/retribution> [↑](#footnote-ref-3)
4. “Criminal Justice Law and Legal Definition.” US Legal Dictionary. 2016. US Legal, Inc. <http://definitions.uslegal.com/c/criminal-justice/> [↑](#footnote-ref-4)
5. “Constitution of the United States.” <http://www.archives.gov/exhibits/charters/constitution_transcript.html> [↑](#footnote-ref-5)
6. “What is Ensuring Domestic Tranquility?” Reference.com. 2016. IAC Publishing. <https://www.reference.com/?qo=contentPageReferenceLogo> [↑](#footnote-ref-6)
7. Garside, Richard. “The Purpose of the Criminal Justice System.” March 17, 2008. Centre for Crime and Justice Studies. <https://www.crimeandjustice.org.uk/resources/purpose-criminal-justice-system> [↑](#footnote-ref-7)
8. Gilligan, James. “Punishment Fails. Rehabilitation Works.” December 19, 2012. The New York Times. <http://www.nytimes.com/roomfordebate/2012/12/18/prison-could-be-productive/punishment-fails-rehabilitation-works> [↑](#footnote-ref-8)
9. “Dwight D. Eisenhower Quotes.” Brainy Quotes. 2016. BrainyQuote. <http://www.brainyquote.com/quotes/quotes/d/dwightdei121901.html> [↑](#footnote-ref-9)