Good, Bad and Normals   
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Negative Case by Travis Herche

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*Photo from Getty Images.*

This case is designed to counter the popular affirmative tactic of comparing recidivism rates in countries like Norway versus retribution-focused countries like the US. It argues that a certain subset of people is always disposed to crime, while the rest may choose to commit crime because of factors they can’t be rehabilitated out of. It’s a value-centric way to argue that rehabilitation doesn’t work.

If you’re up against that type of affirmative case, argue that the countries are very different. Say that there are many factors that impact recidivism, none of which are the effectiveness of rehabilitation. What really lowers crime is changing the circumstances of Normals so they’re not desperate and so the cost of committing a crime outweighs the perceived benefits.

Handy cross-ex question: “Why hasn’t recidivism dropped in [the country you’re bragging about]?” The answer will probably set up some nice admissions for you or make the affirmative speaker look naïve; either outcome is good for you.

Though this case is a bit flexible, you’ll usually try to win by overpowering the affirmative value. The contentions are as long as they are only because they serve double duty to finish explaining how 10-10-80 works. If need be, you should be able to squeeze in an additional reason to prefer that’s specific to the affirmative value.

Don’t get tangled up in the specific 10-10-80 ratio. It could be any number. What matters is that some people are rotten, and the rest make bad choices sometimes, and neither group can be rehabilitated.

Good, Bad and Normals

America’s cities have always had a crime problem, and police are experimenting with creative ways to lower crime rates. A few years ago, they tried installing cameras in high-crime areas and monitoring them so police could be dispatched as soon as a crime started. In some areas, crime dropped by a fifth and stayed down.[[1]](#footnote-1)

But why didn’t it disappear? Who would commit a crime in full view of a camera, knowing police were already on the way to make an arrest? The answer to that question gives us a powerful insight into human nature – and a reason to reject this resolution.

# Value: 10-10-80

10-10-80 is operationally defined as: “The principle that about 10% of people will strive to do the right thing no matter what, 10% will often do the wrong thing even if they know they’ll get caught, and 80% will generally do the right thing if there is a reasonable threat of getting caught.”

We can call these three kinds of people the Good, the Bad, and the Normal.

Here’s why 10-10-80 is a better way to measure the resolution:

## Reason to Prefer: Human Nature

10-10-80 is a powerful insight into how humans work. The exact ratios aren’t important; it could be 20-20-60 or 5-5-90 or any other combination. The important thing is to think about people’s moral dispositions in these three categories and to understand that someone’s disposition doesn’t change over time.

This explains why some children – the Goods – work hard to get straight A’s with minimal guidance or motivation. It explains why some people – the Bads – commit murder when they know the police will catch up to them in less than a day. And it explains why security cameras are effective at deterring a lot of crime (but not all of it). The Normals won’t steal if they think they might get caught, but Bads don’t think about it.

## Application 1: Psychopathy

Psychopathy is a neurological disorder marked by a lack of empathy. Psychopaths are impulsive, immune to feelings of guilt or shame, and know how to use superficial charm to manipulate others. This typically leads them to the path of a callous criminal. About one in a hundred people in the general population are psychopaths; nearly a quarter of American prisoners are, according to Live Science in 2013.[[2]](#footnote-2)

That doesn’t mean psychopaths are inherently evil, or that there aren’t some psychopaths who can manage the disorder and lead Normal lives. But most psychopaths are neurologically disposed to be Bads, and nothing about their upbringing or situation will change that.

## Application 2: USC Study

The intuitive idea that some people are born with a disposition toward crime is supported by science.

In the late 90s, a team of clinical neuroscientists at the University of Southern California conducted a comprehensive brain imaging study on murderers. Some had been abused as kids, but not all. Some had head injuries, but not all. Some came from poor backgrounds, but not all. But they did find that nearly all of the murderers had less activity in their medial prefrontal cortex – the part of the brain responsible for a functioning conscience.

The leader of the study, Andriane Raine, told the Washington post:

“"There are a lot of parents out there who, despite all of their best efforts, their children go off the rails and they commit violent offenses. And the parents feel desperately guilty and there's a lot of soul searching – 'What did I do wrong?' " he said. "The fact that there is an identifiable biological disposition suggests it's not how the child was raised. It's that they had a biological dysfunction, combined with a situation, that led to the violence."”[[3]](#footnote-3)

So the question is: how do we adapt the criminal justice system to reflect human nature?

# Contention 1: Rehabilitation ignores 10-10-80

Let’s step through the three groups.

## Sub-point A) Innocent Goods

The Goods almost never commit crimes. If they do, it’s because of a momentary lapse of judgment or miscommunication – not because they need to be rehabilitated. Trying to treat them for a disease they don’t have is irrational.

## Sub-point B) Rotten Bads

The Bads will keep committing crimes no matter what. They can’t be rehabilitated because they are essentially incapable of functioning in society. Trying to treat them for an incurable disease is irrational.

## Sub-point C) Mistaken Normals

The Normals committed a crime because they made a poor evaluation of the cost versus reward. To the degree that prison might change them, it’s because they suffer in prison and learn to avoid letting it happen again. In other words, they rehabilitate through retribution. Focusing on rehabilitation as a separate thing – offering therapy and courses and so on – can’t help them.

We can’t time travel back to their mistake and change it, and we can’t improve their decision-making in the future because it will always come down to a simple risk/reward equation. Trying to treat Normals for a decision they already made is irrational – like trying to treat an adult for when he had chicken pox as a kid.

In short, rehabilitation is a bad idea because it wages war on human nature.

# Contention 2: Retribution aligns with 10-10-80

Our moral disposition is something we’re born with – whether that be about the chemicals in our brain or some spiritual connection or something else. Bads don’t turn into Normals; Normals don’t turn into Goods. If you see someone breaking bad, it’s because they were Bad all along.

The good news is: the criminal justice system doesn’t need to figure out who’s who. We just have to acknowledge that it’s how humans work and dole out punishments fairly. Goods don’t get punished because they don’t commit crimes. Bads are punished a lot and generally stay in prison where they belong. Normals are punished as much as need be – which for most people, is none at all because the threat of a retributive prison system is enough to turn them away from crime.

The Disney narrative that anyone can live their dreams is fun, but it’s not realistic. In the real world, some people are just rotten. We can deny that and let violent people go free, or we can acknowledge it and make society safer for everyone. I hope you’ll choose to work with human nature. Thank you.

Affirmative Notes

Depending on what case you ran, you may be able to accept or wash some of this case. However, the core idea in *Good, Bad and Normals* suggests that rehabilitation is worthless, and you can’t accept that.

If you have a value-centric case, pull your value links through and attack 10-10-80 anywhere you can find an opening. If you have a contention-centric case, point to “Bads” who turned good as proof that people can move from one group to another.

Either way, there are two key things you want to do persuasively.

First, you want to paint yourself as the inspiring defender of humanity, speaking up for people who would get written off or discriminated against. Be offended that the negative speaker is shrugging off a huge portion of the human population as being effectively worthless.

Second, you want to paint the negative speaker as simplistic and naïve. The world doesn’t exist in three shades. People are all unique and complex and changing. Urge the judge to see humanity accurately as the diverse tapestry it is, rather than as three boxes, one of which contains hundreds of millions of people who shouldn’t have been born. The stories or philosophies in your case prove that lives can change; that we shouldn’t give up hope; that things turn around; that no one is so Bad that they can’t ever be Good.

1. Homeland Security Newswire, “Study shows surveillance cameras reduce crime, in some cases,” September 26, 2011. <http://www.homelandsecuritynewswire.com/study-shows-surveillance-cameras-reduce-crime-some-cases> [↑](#footnote-ref-1)
2. Tanya Lewis, “Blame the Brain: Why Psychopaths Lack Empathy,” Live Science, September 24, 2013.

   <http://www.livescience.com/39904-why-psychopaths-lack-empathy.html> [↑](#footnote-ref-2)
3. Andriane Raine quoted in, “Brain Scans Suggest Some Predisposed to Violence,” Washington Post, April 14, 1998. <http://customers.hbci.com/~wenonah/new/brainagg.htm> [↑](#footnote-ref-3)