Deontology  
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Affirmative Case by Joel Erickson



*Immanuel Kant*

This case minimizes pragmatic concerns of results and effectiveness by framing the resolution in the context of ethical imperatives. As such, you can supplant any negative who attempts to argue from a “results”-centric, consequentialist perspective by demonstrating that your mindset of deontology, as expressed in the first value link, supersedes other concerns. If you run the value properly, “anti-ethics” negatives (those who argue the round should exclude morality because different societies have disparate conceptions of justice) will have difficulty refuting this case. Usually those arguments are more successful against generic values of “morality” or “justice,” but “deontology” carries a niche philosophical meaning with connotations of moral absolutes. Battles against pragmatic negatives will be won on the value/value link framework.

Negative cases that use “justice” as the value will likely agree to the value framework and attempt to show that societies are morally obligated to punish criminals, either by displacing human dignity as the criterion or arguing that punishment and dignity are compatible. In the former instance, hammer the criterion links for why human dignity should be deemed the appropriate criterion for deontology. In the latter, emphasize the arguments in the first contention that retribution has no moral limits and that vengeance as the primary motivation perpetuates violence and suffering, suppressing dignity.

Deontology

“Human treatment may even render human a man in whom the image of God has long ago been tarnished. It is these ‘unfortunates’ that must be treated in the most human fashion. This is their salvation and their joy.”[[1]](#footnote-1) –Fyodor Dostoevsky

Although criminals are the quintessential “unfortunates,” as human beings they deserve humane treatment that shield their intrinsic value. It’s because retribution desecrates dignity but rehabilitation recognizes human worth that I stand resolved: *Rehabilitation ought to be valued above retribution in criminal justice systems.*

# Definitions

To dispel any misunderstanding, I’ll define the key terms in the resolution.

**Rehabilitation** is teaching for restoration. Merriam-Webster defines “rehabilitate” as “to teach (a criminal in prison) to live a normal and productive life.”[[2]](#footnote-2)

**Retribution** is punishment for vengeance. According to the New Oxford American Dictionary, “retribution” is “punishment inflicted on someone as vengeance for a wrong or criminal act.”[[3]](#footnote-3)

To assess the merits of both sides of the resolution, I propose a standard, or weighing mechanism:

# Value: Deontology

Essentially, deontology refers to “the study of the nature of duty or obligation,”[[4]](#footnote-4) derived from the Greek “deon,” meaning “duty.”[[5]](#footnote-5) Deontology describes the realm of paramount moral concerns: What are our foremost duties? What are our binding responsibilities? What ought we to do in a given situation?

## Value Link: Morality is Primary

Deontology ought to be the metric used for evaluating rehabilitation and retribution because moral responsibility is an *a priori* issue, preceding all other concerns. Before we investigate efficacy or workability, we must inquire about morality: “What is the right thing to do?” If a moral obligation exists, it is our duty as humans to strive to fulfill it. Deontology prescribes one major duty pertinent to this resolution, as codified in the criterion:

# Criterion: Respecting Human Dignity

“Autonomy is part of the broader issue of human dignity, that is, the obligation to treat people not merely as means, to be bought and sold and used, but as valuable and worthy of respect in themselves.”[[6]](#footnote-6)

There are two principal reasons why respecting human dignity is a suitable manifestation of deontology in the world of the resolution.

## Criterion Link 1: Moral Imperative

According to Immanuel Kant, the primary moral imperative of deontology (what he refers to as the “humanity formulation” of the “categorical imperative”) is to “act so as to treat people always as ends in themselves, never as mere means.”[[7]](#footnote-7) Treating our fellow humans as ends is our first obligation as humans ourselves.

## Criterion Link 2: Heart of Morality

Our lives consist of multifarious interactions with other people. In fact, it would be fair to posit that we are defined by our relationships with others—from birth to death we constantly navigate relationships with parents, siblings, spouses, friends, teammates, coworkers, and society at large. Human dignity is the guiding principle of these interactions, establishing our moral obligation to treat fellow people with respect, giving meaning to why “sins of interaction,” such as manipulation or murder, are morally degenerate.

Using deontology as a standard, I’ll contrast rehabilitation and retribution in two contentions.

# Contention 1: Retribution Is Inhumane

## Sub-Point A: Retribution Has No Moral Limits

Retribution is punishment inflicted as vengeance. Therefore, by definition, the sole motivation for retribution is vengeance, which renders prioritizing retribution to be detrimental to dignity. After all, vengeance is not a moral concern—people frequently exact revenge in blind rage, sadistically, seeking only to quell their inner fury. When society adopts a position of punishing for vengeance, the consequences are detrimental for human dignity.

## Application: Medieval Executions

When we examine the medieval era, we find the exemplar of punishment inflicted as vengeance. Branding criminals, burning criminals at the stake, flaying criminals, flogging criminals, drawing and quartering criminals, and mutilating criminals are only a few of the punishments applied by societies in the Middle Ages.[[8]](#footnote-8) They meted out such punishments solely for the sake of vengeance—because revenge has no moral limitations.

## Sub-Point B: Retribution Perpetuates Violence

Former Supreme Court Justice Oliver Wendell Holmes put it best in *The Common Law*,

“A pain can be inflicted upon the wrong-doer, of a sort which does not restore the injured party to his former situation, or to another equally good, but which is inflicted for the very purpose of causing pain. And so far as this punishment takes the place of compensation, whether on account of the death of the person to whom the wrong was done, the indefinite number of persons affected, the impossibility of estimating the worth of the suffering in money, or the poverty of the criminal, it may be said that one of its objects is to gratify the desire for vengeance. The prisoner pays with his body.”[[9]](#footnote-9)

Retribution doesn’t heal harms; it aggravates them.

# Contention 2: Rehabilitation Respects Human Dignity

On the contrary, rehabilitation teaches prisoners to lead a more productive life, while at the same time affirming their dignity.

## Application: Norway

Norwegian prisons are renowned for their successful implementation of rehabilitation methods, treating prisoners humanely while preparing them for reintegration into society. According to an article in *The Atlantic*, a Norwegian prison fact sheet reads,

“The punishment is the restriction of liberty; no other rights have been removed,” reads a fact sheet on criminal services in Norway. “During the serving of a sentence, life inside will resemble life outside as much as possible. You need a reason to deny a sentenced offender his rights, not to grant them. Progression through a sentence should be aimed as much as possible at returning to the community. The more closed a system is, the harder it will be to return to freedom.”[[10]](#footnote-10)

Norway respects human dignity by rehabilitating criminals instead of punishing them out of vengeance.

# Conclusion

Even if “unfortunates” violate the law, deontology dictates that we still ought to treat them with dignity and respect. Whereas retribution lacks any inherent moral parameters, rehabilitating criminals respects them as humans. Don’t vote for vengeance, but for teaching, and affirm the resolution.

Negative Brief: Deontology

Many cultures, philosophers, and moral traditions concur that a crime creates a moral debt that necessitates recompense or requital.[[11]](#footnote-11) As “teaching for restoration,” does rehabilitation really satisfy this ethical demand? Maybe retribution sometimes goes too far in extreme circumstances, but does rehabilitation ever achieve deontology? If you take this approach, demolish the second contention and cast the first contention as “fringe” or “extreme,” then show how you beat the affirmative on his or her own ground.

Another weak link in this case is the definition of “retribution.” Show that retribution is not correlated to vengeance and you undermine a key element of this case. Definitions of retribution that do not include the word “vengeance” abound.[[12]](#footnote-12),[[13]](#footnote-13)

One last possible avenue against the case—does rehabilitation really respect human dignity? Many scholars, including C.S. Lewis in “The Humanitarian Theory of Punishment,” disagree and claim that rehabilitative measures degrade dignity.[[14]](#footnote-14) A combination of these three would make for the best strategy against this case.

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2. “Rehabilitation,” Merriam-Webster, 2016. <http://www.merriam-webster.com/dictionary/rehabilitation> [↑](#footnote-ref-2)
3. “Retribution,” Oxford Dictionaries, 2016. <https://en.oxforddictionaries.com/definition/retribution> [↑](#footnote-ref-3)
4. “Deontology,” Oxford Dictionaries, 2016. <https://en.oxforddictionaries.com/definition/deontology> [↑](#footnote-ref-4)
5. Alexander, Larry and Moore, Michael, "Deontological Ethics", The Stanford Encyclopedia of Philosophy, Edward N. Zalta (ed.), <http://plato.stanford.edu/entries/ethics-deontological/#Bib> [↑](#footnote-ref-5)
6. McFarland, Michael, S.J., “Why We Care about Privacy”, Santa Clara University, June 1, 2012. <http://www.scu.edu/ethics/practicing/focusareas/technology/internet/privacy/why-care-about-privacy.html> [↑](#footnote-ref-6)
7. “Kant’s Ethics: Some Key Ideas.” <http://www.trinity.edu/cbrown/intro/kant_ethics.html> [↑](#footnote-ref-7)
8. For a rather morbid exploration of Medieval torture techniques, see <http://www.medievalwarfare.info/torture.htm>. [↑](#footnote-ref-8)
9. Oliver Wendell Homes. *The Common Law.* Boston: Little Brown & Co. 1881, page 41. <https://books.google.com/books?id=xXouAAAAIAAJ> [↑](#footnote-ref-9)
10. Doran Larson. “Why Scandinavian Prisons Are Superior.” The Atlantic, September 24, 2013.

    <http://www.theatlantic.com/international/archive/2013/09/why-scandinavian-prisons-are-superior/279949/> [↑](#footnote-ref-10)
11. Stanford Encyclopedia of Philosophy, “Retributive Justice.” <http://plato.stanford.edu/entries/justice-retributive/> [↑](#footnote-ref-11)
12. Merriam-Webster Dictionary, “Retribution,” 2016. <http://www.merriam-webster.com/dictionary/retribution> [↑](#footnote-ref-12)
13. Dictionary.com, “Retribution,” 2016. <http://www.dictionary.com/browse/retribution> [↑](#footnote-ref-13)
14. Lewis, C.S. “The Humanitarian Theory of Punishment.” <https://ojs.lib.byu.edu/spc/index.php/IssuesInReligionAndPsychotherapy/article/viewFile/273/272> [↑](#footnote-ref-14)