Amorality  
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Affirmative Case by Joel Erickson



“Criminal justice systems,” the context of the resolution, is *plural*, not singular. The competing concepts of rehabilitation and retribution do not conflict in one particular nation’s criminal justice system (e.g. America), or even in a specific cultural tradition of criminal justice (e.g. Western Civilization). Rather, they vie for supremacy on a *global* battlefield. The resolution necessitates considering medley of societies to determine whether or not we should value rehabilitation or retribution.

This renders justice-based cases problematic.

After all, each nation has a different collective worldview and philosophical lineage. Each one of these ideologies contains a disparate conception of justice. Each nation attempts to codify their notion of justice into laws. And each nation enforces those laws via the criminal justice system.

Which means that sometimes both rehabilitation and retribution might be morally right, sometimes one or the other, sometimes neither. Even though an objective morality does exist, the global scope undermines any certitude for its proper implementation in any given nation.

This case is designed to preempt any morality-based negative by precluding their fundamental premise—that justice mandates prioritizing retribution. Philosophically demonstrate that justice is detrimental to the debate, and bolster your position with sheer statistics.

Amorality

*Resolved: Rehabilitation ought to be valued above retribution in criminal justice systems.*

# Definitions

**Criminal Justice System**: “The system of law enforcement that is directly involved in apprehending, prosecuting, defending, sentencing, and punishing those who are suspected or convicted of criminal offenses.”[[1]](#footnote-1) –Oxford Dictionary

**Rehabilitation**: “The action of restoring someone to health or normal life through training and therapy after imprisonment, addiction, or illness.”[[2]](#footnote-2) –Oxford Dictionary

**Retribution**: “Punishment inflicted on someone as vengeance for a wrong or criminal act.”[[3]](#footnote-3) –Oxford Dictionary

Deciding between rehabilitation and retribution necessitates a framework for interpreting which arguments are salient and which are less pertinent. In light of this, I offer one point of analysis for the resolution.

# Resolutional Analysis: Amoral Perspective

According to the New Oxford American Dictionary, the word “amoral” refers to the concept of being “unconcerned with the rightness or wrongness of something.”[[4]](#footnote-4) In other words, I’m asking you to exclude any arguments that venture moral claims from the debate round, and instead assess the arguments detached from the rightness or wrongness of either rehabilitation and retribution.

Admittedly, this posture might first sound counterintuitive and ludicrous. After all, why would we ever voluntarily discard our innate moral sentiments? Yet, in the context of criminal justice system, there are several robust reasons for viewing the resolution strictly through the lens of amorality and pragmatism. I’ll enumerate them in a series of premises, concluding with the drastic implication.

## Premise 1: Criminal Justice Is Based on Laws

This point is fairly self-evident. As my definition states, criminal justice is a “system of law enforcement” designed to apprehend criminals. If you abide by the laws, you are not a criminal. If you violate the laws, you are a criminal. Criminal justice is inextricably linked to a country’s legal system.

## Premise 2: Laws Manifest a Nation’s Idea of Morality

This premise is also axiomatic. Countries codify certain principles in their legal system to establish what they believe to be right and wrong. In America, homicide is illegal. Why? Our society and legislators collectively believe that the intentional murder of an innocent person is immoral. If the zeitgeist radically shifted to accept homicide, we would reflect that change by legalizing murder. The laws reflect a nation’s notion of morality. Typically, what we believe is wrong, we ban, and what we believe is right, we permit.

## Premise 3: Different Nations Have Different Ideas of Morality

America’s laws derive from the wellspring of Thomas Aquinas’s and John Locke’s theories of Natural Law, intermingled with 18th century “Common Sense Theism” and Judeo-Christian infused deism.[[5]](#footnote-5) On the other hand, Islamic nations such as Libya, Iran, and Afghanistan espouse a drastically different worldview, and consequently have distinct notions of morality. [[6]](#footnote-6) Clearly, what we believe about morality in America is not universal.

## Premise 4: Different Nations Have Different Laws

Our philosophy dictates what many Americans consider to be right and wrong, and as a result influences our laws. Because of their disparate worldview, Islamic nations have many fundamentally disparate laws. While the Bill of Rights enshrines our freedom of speech, Iran’s government executes those who speak against the Prophet Muhammad.[[7]](#footnote-7) Different ideas of morality produce different laws.

Why is this significant?

## Impact: Using Morality Is Inhumane

For many countries, both rehabilitation and retribution will be inhumane. Death row for blasphemers in Iran—retribution—is inhumane. Indoctrinating blasphemers into Islam by forcing them to study theology and reconvert[[8]](#footnote-8)—rehabilitation—is also inhumane. Regardless of whether or not we value rehabilitation or retribution, the result will inevitably be inhumane because some countries enforce alternate moralities.

## Alternative: View the Resolution Amorally

Instead of complicating the resolution with ethical theories, let’s evaluate rehabilitation and retribution from a pragmatic perspective, grounding our assessment in which one works the best, not which one is right.

What standard should we use to determine effectiveness?

# Value: Reduction of Crime

When crime rates decrease or flat line, the criminal justice system is operating properly. When crime rates and increase, the criminal justice system is failing.

# Contention: Rehabilitation Reduces Crime Better Than Retribution

I’ll tell you a tale of two countries. In America, we lock up 25% of the world’s prisoners. Retribution is the North Star of our criminal justice system, and we reap the dismal fruits—an astronomically high 76% recidivism rate. [[9]](#footnote-9) Seventy-six out of every one hundred prisoners will relapse to their life of crime… the hallmark of dysfunction.

On the other hand, Norway bases their criminal justice system on rehabilitation, offering restoration, not revenge. As a result, Norway’s recidivism rate hovers at around 20%.[[10]](#footnote-10) Only twenty out of every one hundred prisoners reoffend. The statistics say it all—rehabilitation more effectively eliminates crime.

# Conclusion

Allowing morality to influence your decision is invariably inhumane. Without this debate degenerating into “morality mandates retribution” or “rehabilitation is the right thing,” vote for rehabilitation, a tactic empirically guaranteed to reduce crime. Thank you.

Negative Brief

There are two major strategies against this case.

1. Demonstrate that retribution reduces crime more than rehabilitation. Accept the amoral framework, and dismantle the affirmative’s statistics with your contradictory ones. Ask in CX for sources and methodology for arriving at recidivism rates. Critique the statistics as fallacious (be it insubstantial data or sample size, incredible sources, or alternate causality). In other words, wage an evidence war.
2. Refute the framework and run a morality-centric case. For starters, “Amorality” swims upstream against judge predispositions. Even if, by the end of the AC, this case has coaxed a judge to jettison his or her moral intuitions, he or she will be instinctively desiring you to reinstate their visceral feelings and concerns. Note that although this case disavows morality, it still operates on a moral basis. To claim that something is “inhumane” is an ethical statement that assumes an objective standard that transcends legal systems. Ask affirmative in CX about this objective standard, then demonstrate that this moral metric in fact prioritizes retribution, regardless of how some criminal justice systems obfuscate the truth.

1. “Criminal Justice System,” Oxford Dictionaries, 2016. <https://en.oxforddictionaries.com/definition/us/criminal_justice_system> [↑](#footnote-ref-1)
2. “Rehabilitation,” Oxford Dictionaries, 2016. <https://en.oxforddictionaries.com/definition/us/rehabilitation> [↑](#footnote-ref-2)
3. “Retribution,” Oxford Dictionaries, 2016. <https://en.oxforddictionaries.com/definition/us/retribution> [↑](#footnote-ref-3)
4. “Amoral,” Oxford Dictionaries, 2016. <https://en.oxforddictionaries.com/definition/us/amoral> [↑](#footnote-ref-4)
5. Nancy Pearcy, *Saving Leonardo: A Call to Resist the Secular Assault on Mind, Morals, and Meaning.* B&H Books, 2010, Print. [↑](#footnote-ref-5)
6. Jeff Myers and David Noebel, *Understanding the Times*. David C Cook, 2015. [↑](#footnote-ref-6)
7. Marketa Hulpachova, “Could Iran’s High Profile Executions Change Capital Punishment Laws?” *The Guardian*, 2014. <https://www.theguardian.com/world/iran-blog/2014/may/16/iran-capital-punishment-debate-execution-islamic-republic> [↑](#footnote-ref-7)
8. Saeed Kamali Deghan, “Iranian Death Sentence Commuted to Two Years Theology Study.” *The Guardian*, 2015. <https://www.theguardian.com/world/2015/sep/30/iran-death-sentence-commuted-theology-study> [↑](#footnote-ref-8)
9. Michelle Ye Hee Lee, “Yes, U.S. Locks People up at a Higher Rate than Any Other Country.” *The Washington Post*, 2016. <https://www.washingtonpost.com/news/fact-checker/wp/2015/07/07/yes-u-s-locks-people-up-at-a-higher-rate-than-any-other-country/> [↑](#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)