Merry Christmas from Monument Memberships!



The following is a FREE download specifically designed for NCFCA Lincoln-Douglas debaters. It is officially the 25th release of Season 17, preparing competitors nationwide. Don’t miss a release…

**Join us today!**



[**MonumentPublishing.com/memberships**](https://monumentpublishing.com/memberships)

Resolutional Kritik  
—  
Negative Case by Joel Erickson



*Kritik, n.* “An argument that does not impact to the veracity of the resolution.”

We’re at the center-point of the year. Monument Members have enjoyed 18 cases and additional articles analyzing the resolution. Debaters are probably quite settled with their favorite cases. However, a challenging case option that has yet to be explored this year is the unique case structure called a “kritik.”

Kritiks (the Greek spelling of *critique,* but pronounced the same) are meta-arguments. Instead of engaging with the validity or importance of opposing arguments, a kritik posits an argument is morally objectionable. Their reputation tarnished by collegiate debaters who overuse “kritikal” arguments to the detriment of substantive debate, kritiks are the universally most misunderstood arguments in homeschool debate leagues.

This kritik does not confront a mere affirmative argument, but the resolution itself. The ethical generalization made by the resolution engenders punishments that degrade human dignity around the world. The only option to uphold dignity? Reject the resolution by voting negative.

Speak slowly. Confidently. Dynamically. Judges unaccustomed to kritikal argumentation will need to digest the logic, and motoring through your points will simply not afford them enough time to do so. Although a kritik ought to consume the majority of your negative speech time, ensure that you allot time to impact it to your opponent’s arguments. Preempt the invariable “the negative dropped my arguments, so I win them” response (which incidentally is a kritik) by grouping the affirmative’s arguments and explaining that because the arguments uphold an inhumane ethical generalization, they ought to be rejected along with the resolution.

Resolutional Kritik

Today, I’m going to deviate slightly from the NCFCA negative norm. Most negatives will ask you to prioritize retribution over rehabilitation, some will tell you that the two are equally important, and a few will attempt to expose a logical flaw in the resolution itself. In this round, I will be adopting none of these strategies. Because this resolution produces inhumane repercussions, I urge you to reject it and stand instead with the negative—to stand for human dignity, for human worth, for human flourishing.

I’ll show you why the resolution is morally objectionable in five points. First, I’ll explain to you why my position—and voting negative—is legitimate in Lincoln-Douglas through the roles of the affirmative and negative. Second, I’ll provide one point of analysis. Third, I’ll describe the standard—the inviolable principle of human dignity. Fourth, I’ll detail the violation—why the resolution damages human dignity. Fifth and finally, I’ll discuss the role of the ballot—what checking either the affirmative or negative box entails for the round and the real world.

# Roles of the Affirmative and Negative

Most people generally assume that the affirmative debater stands for rehabilitation and the negative debater promotes retribution. ***But this is an erroneous perspective of debate***. The affirmative speaker is not the standard-bearer of rehabilitation, but rather of the resolution. The negative debater does not defend retribution, but rather refutes the resolution.

Another way of looking at this is through the words “affirmative” and “negative.” Quite simply, the affirmative’s task is to “affirm” the resolution, saying that rehabilitation ought to be valued above retribution in criminal justice systems. The affirmative must uphold the resolution in its entirety, including all of its fundamental assumptions (including ontological assumptions such as “criminal justice exists” or epistemological assumptions such as “we can know truth”).

The negative’s role is naturally to “negate” or “refute” the resolution. Most people generally assume that this necessarily involves defending retribution, but that is, in fact, not the case. The negative has several more options to negate the resolution rather than simply advocating for retribution.

1. The negative could negate the resolution through showing that rehabilitation and retribution are equal in value. This would invalidate the resolution, because the resolution requires rehabilitation to be valued *above* retribution.
2. The negative could negate the resolution through showing some logical fallacy exists in the resolution. This would invalidate the resolution, because it attacks a fundamental assumption.
3. The negative could negate the resolution through showing that neither rehabilitation nor retribution should be valued, because both accrue disastrous consequences. This invalidates the resolution because the resolution contends that rehabilitation is valuable.

In today’s round, I will be taking the third position. I stand against the resolution because we cannot value rehabilitation above retribution because both are inhumane.

# Resolutional Analysis

I’ll provide one point of analysis about this resolution—***it makes an ethical generalization***. To say that rehabilitation ought to be valued above retribution in criminal justice systems means that on the whole, throughout the world, it is generally the right thing to do to uphold rehabilitation. Today, I will show you that making such an ethical generalization cannot comport with the drastically different legal systems throughout the world, and ultimately violates human dignity. This brings me to my standard:

# Standard: 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.”[[1]](#footnote-1)

According to Immanuel Kant, the primary moral imperative is to “act so as to treat people always as ends in themselves, never as mere means.”[[2]](#footnote-2) Human dignity is an inviolable principle that must be upheld in all times, in all places, in all situations.

# Violation: Resolution is Inhumane

The resolution clearly violates our standard of human dignity. Although this claim sounds a bit drastic, I’ll substantiate it in a series of premises, ultimately demonstrating this conclusion.

## 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.[[3]](#footnote-3) On the other hand, Islamic nations such as Libya, Iran, and Afghanistan espouse a drastically different worldview, and consequently have distinct notions of morality. [[4]](#footnote-4) 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.[[5]](#footnote-5) Different ideas of morality produce different laws.

Why is this significant?

## Impact: Resolution 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[[6]](#footnote-6)—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. ***We cannot make an ethical generalization about valuing rehabilitation or retribution because of the dignity-quashing results it will have throughout the world.***

# Role of the Ballot

As a judge, your role is simple. As we already established, an affirmative ballot is not a vote for rehabilitation, but a vote for the resolution as a whole. Therefore, voting affirmative makes an ethical generalization that, when implemented, crushed human dignity around the world.

Voting negative, however, does not mean that you are upholding retribution! Rather, it stands against the resolution as a whole. If you check the negative box, you reject the ethical generalization, avert the inhumane consequences of the resolution, and safeguard the fundamental value of human beings.

Affirmative Brief: Resolutional Kritik

First, recognize that you are buoyed by overwhelming judge bias. Prejudice against kritikal argumentation has continued to mount as judges perceive kritiks as impractical, peripheral, and counterintuitive. Leverage the zeitgeist toward your stance and speak to the judge’s deep-seated beliefs.

Second, for its lofty, idealistic assumption of moral high ground and its indignant opposition to “inhumanity,” the kritik fails on all accounts to confront the real problems in the criminal justice system. Instead, it chooses to avoid them. Because criminal justice systems are paramount for a society’s existence, we are forced to grapple with different philosophies of punishment. Solutions will inevitably be imperfect in some nations, but we live in an imperfect world and must opt for the least inhumane of terrible options. What does the negative ask the judge to do? To shut his or her eyes to the problem, because all options are inhumane. As the affirmative, you can bite the bullet and say, “Of course all philosophies will be inhumane to some extent in some countries. But we ought to pick the defining ideology that is least inhumane. In fact, the best possible solution is rehabilitation, for the following reasons…”

**Monument Publishing supports NCFCA Lincoln-Douglas debaters!**

Take a long look at the stack of cases and briefs available to you when you join. We’re in the middle of the release season, so this will be just half of it when we’re all through with Season 17. Don’t miss a release!

* [NCFCA LD Release #24: “Norway Prisons” (Opposition Brief)](https://www.monumentpublishing.com/ncfca-ld-release-24-definitions-worksheet/) (12/12/2016)
* [NCFCA LD Release #23: “The Criminal Justice System” (Worksheet)](https://www.monumentpublishing.com/ncfca-ld-release-23-criminal-justice-system-worksheet/) (12/5/2016)
* [NCFCA LD Release #22: “Amorality” (AFF)](https://www.monumentpublishing.com/ncfca-ld-release-22-amorality-aff/) (11/28/2016)
* [NCFCA LD Release #21: “Pay the Debt” (NEG)](https://www.monumentpublishing.com/ncfca-ld-release-21-pay-the-debt-neg/) (11/21/2016)
* [NCFCA LD Release #20: “Positive Transformation” (AFF)](https://www.monumentpublishing.com/ncfca-ld-release-20-positive-transformation-aff/) (11/14/2016)
* [NCFCA LD Release #19: “Intuitions” (NEG)](https://www.monumentpublishing.com/ncfca-ld-release-19-intuitions-neg/) (11/7/2016)
* [NCFCA LD Release #18: “Deontology” (AFF)](https://www.monumentpublishing.com/ncfca-ld-release-18-deontology-aff/) (10/31/2016)
* [NCFCA LD Release #17: “Good, Bad and Normals” (NEG)](https://www.monumentpublishing.com/ncfca-ld-release-17-good-bad-normals-neg/) (10/24/2016)
* [NCFCA LD Release #16: “Time-Out” (AFF)](https://www.monumentpublishing.com/ncfca-ld-release-16-time-aff/) (10/17/2016)
* [NCFCA LD Release #15: “Ethics” (NEG)](https://www.monumentpublishing.com/ncfca-ld-release-15-ethics-neg/) (10/10/2016)
* [NCFCA LD Release #14: “The Bieber Effect” (NEG)](https://www.monumentpublishing.com/ncfca-ld-release-14-bieber-effect-neg/) (10/3/2016)
* [NCFCA LD Release #13: “Bad Apples” (NEG)](https://www.monumentpublishing.com/red-ncfca-neg/) (9/26/2016)
* [NCFCA LD Release #12: “Decreasing Recidivism” (AFF)](https://www.monumentpublishing.com/ncfca-ld-release-12-decreasing-recidivism/) (9/19/2016)
* [NCFCA LD Release #11: “Part to Whole” (AFF)](https://www.monumentpublishing.com/ncfca-ld-release-11-part-whole/) (9/12/2016)
* [NCFCA LD Release #10: “Repetition Is Deadly” (NEG)](https://www.monumentpublishing.com/ncfca-ld-release-10-repetition-deadly/) (9/5/2016)
* [NCFCA LD Release #09: “A Better Society” (AFF)](https://www.monumentpublishing.com/ncfca-ld-release-9-better-society/) (8/29/2016)
* [NCFCA LD Release #08: “Four Motivations on Why We Punish Criminals” (Article)](https://www.monumentpublishing.com/ncfca-ld-release-8-four-motivations-punish-criminals/) (8/22/2016)
* [NCFCA LD Release #07: “Return on Investment” (AFF)](https://www.monumentpublishing.com/ncfca-ld-release-7-aff-case-return-investment/) (8/15/2016)
* [NCFCA LD Release #06: “Societal Well-being” (NEG)](https://www.monumentpublishing.com/ncfca-ld-release-6-neg-case-societal-well/) (8/8/2016)
* [NCFCA LD Release #05: “Reduced Recidivism” (AFF)](https://www.monumentpublishing.com/ncfca-ld-release-5-aff-case-reduced-recidivism/) (8/1/2016)
* [NCFCA LD Release #04: “Anti-value of Crime” (NEG)](https://www.monumentpublishing.com/ncfca-ld-release-4-neg-case-anti-value-crime/) (7/25/2016)
* [NCFCA LD Release #03: “Evolution of Justice” (Article)](https://www.monumentpublishing.com/ncfca-ld-release-3-evolution-justice/) (7/18/2016)
* [NCFCA LD Release #02: “Detailing the Wording of the Resolution” (Article)](https://www.monumentpublishing.com/ncfca-ld-release-2-detailing-wording-resolution/) (7/11/2016)
* [NCFCA LD Release #01: “The Criminal Justice System” (Article)](https://www.monumentpublishing.com/ncfca-release-1-criminal-justice-system/) (7/4/2016)

**Join us today!**

[**MonumentPublishing.com/memberships**](https://monumentpublishing.com/memberships)

1. 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-1)
2. “Kant’s Ethics: Some Key Ideas.” <http://www.trinity.edu/cbrown/intro/kant_ethics.html> [↑](#footnote-ref-2)
3. Nancy Pearcy, *Saving Leonardo: A Call to Resist the Secular Assault on Mind, Morals, and Meaning.* B&H Books, 2010, Print. [↑](#footnote-ref-3)
4. Jeff Myers and David Noebel, *Understanding the Times*. David C Cook, 2015. [↑](#footnote-ref-4)
5. 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-5)
6. 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-6)