Punishment With a Purpose  
Affirmative Case by Julia Powell



There are two prevailing theories used by the both sides of the resolution.

1. Deontological Ethics (Morality Oriented)
2. Consequentialism (Results Oriented)

The majority of negative cases take the deontological approach, essentially saying that a criminal should be punished because that is the only way justice is upheld in the justice system.

This case is meant specifically to attack and preempt such arguments by taking a staunch consequentialist approach to the resolution. Let’s see how.

This case is built on two assumptions: first, this case assumes that what is considered “justice” or “just deserts” varies from country to country. Secondly, this case assumes that we are looking at all countries and not one specific society. Because countries can’t decide on what justice is and because we are looking at all countries, we can’t effectively use justice as a value since there is no way to know if we have achieved it. Instead, we should look at which value has the best results for society using clearly defined measures such as recidivism, crime rates, etc.

Connect this idea to rehabilitation. Since the entire goal of rehabilitation is to better society by reforming criminals, it, by virtue of it’s definition, has the greatest benefit for society and hence should be valued highest.

There are two ways the negative can attack you. First, they can try to reorient the round back to a standard of justice. If they do so, then simply point out that both within and across cultures justice is not uniform (e.g. the death penalty). Second, the negative can try to argue that retribution has better results for society. If they go this route, then point out that retribution in and of itself does not lead to a better society because it’s only object is to punish. Only rehabilitation can lead to a better society because that is its primary purpose.

Punishment With a Purpose

Curtis was barely ten years old when he was sentenced to prison for six years, being one the youngest children ever sentenced. Because of his behavior, Curtis was placed in solitary confinement for months at a time without seeing anyone but the nurse who brought him food. Now 17, Curtis lacks a substantial education, social skills, and the ability to lead a productive life outside of prison.[[1]](#footnote-1)

Hearing about stories like Curtis makes us wonder: do such outrageous sentences that completely destroy the futures of ten-year-old boys really uphold justice? It is because I believe that implementing such harsh and detrimental punishments in no way benefits society, that today I stand resolved: *Rehabilitation ought to be valued above retribution in criminal justice systems.*

# Definitions

**Rehabilitation:** The restoration of former rights, authorities, and abilities. Rehabilitating a prisoner refers to preparing him for a productive life outside of prison.[[2]](#footnote-2)

**Retribution:** Punishment imposed (as on a convicted criminal) for purposes of repayment or revenge for the wrong committed.[[3]](#footnote-3)

A good way to distinguish between these two concepts is by remembering that retribution is punishment for the sake of punishment while rehabilitation is punishment with a purpose.

# Value: Common Good

The reason rehabilitation should be valued above retribution is explained by my value of the common good. And by the common good I mean the social systems, institutions, and environments that work in a manner that benefit all people.

There are two reasons why you should prefer my value:

## Reason to Prefer 1: Measureable

We can easily assess whether the criminal justice system achieves the common good through measurable standards such as recidivism rates, crime rates, and deterrence.

## Reason to Prefer 2: Government Purpose

The entire purpose of governments around the globe is to promote the common good by limiting rights violations and ensuring that individuals are capable of being productive citizens once they exit prison.

Throughout my three contentions I will show that only rehabilitation can effectively achieve the common good. Let’s look at my first contention.

# Contention 1: Justice Is Unachievable

When talking about criminal justice systems, we are tempted to appeal to standards of justice (i.e. giving each man his due). But remember, this resolution says rehabilitation ought to be valued above retribution in criminal justice *systems*. Why does this matter? Well, while a single society may agree on a conception of justice, justice across societies is not uniform.

For example, if you abuse an animal in the state of Louisiana then you can be sentenced to prison for up to ten years;[[4]](#footnote-4) however, in Bulgaria committing that same crime would result in a minimal fine at most,[[5]](#footnote-5) while animal abuse in China is not even a crime![[6]](#footnote-6)

So, in which country is justice actually served? Is imprisonment for ten years too short? Should animal abuse not be punished at all? The fact is, because justice varies from country to country we can never know which punishment is actually just.

Why does this matter? Since justice varies from country to country and because this resolution requires us to look at all countries we see that justice is unattainable in this debate round. This is why my value of the common good is so important. Instead of appealing to subjective notions of “just deserts,” my value of the common good is something measurable and agreed upon by all societies.

# Contention 2: Rehabilitation Does Achieve the Common Good

As I stated in my definition, rehabilitation’s entire purpose is to reform criminals in order that they might become productive members in society; it’s punishment with a purpose. Hence rehabilitation achieves the common good by reforming criminals in order that they might enter into the real world without harming others’ rights.

The success of rehabilitation is evident across societies. Norway’s rehabilitative system, which is one of the most effective in the world, takes an individualized approach to crime by helping each criminal learn how to live productive lives in the real world and insuring that when they exit prison they have the education and resources needed to succeed.[[7]](#footnote-7) By focusing on reforming criminals rather than simply punishing them and then releasing them into the real world without any guidance or resources, Norway has been able to benefit all of society.

They are not the only ones. Sweden, Germany, and the Netherlands’ rehabilitative systems have also had tremendous success with some of the lowest crime, incarceration, and recidivism rates in the world.[[8]](#footnote-8) When we disregard vague notions of justice and instead focus on how we can help criminals become productive citizens, then everyone benefits.

# Contention 3: Retribution Does Not Achieve the Common Good

While rehabilitation achieves the common good, the same cannot be said of retribution. Earlier I defined retribution as punishment for the sake of punishment; thus retribution does not lead to the common good because the entire purpose of retribution is to simply punish, not reform. So while retribution may serve as personal revenge, it does nothing to actually help the one imprisoned.

This is illustrated by the example I introduced in the beginning of ten-year-old Curtis who was sentenced to solitary confinement for six years. What if Curtis had been your son or your brother? Do you think restricting a child from all human interaction is actually going to help Curtis not commit the same crime? And what about after Curtis exits prison? Without a proper education, the resources, and by being surrounded by people who only encourage the same bad behavior, Curtis will most likely end up in prison again.

The fact is, retribution does nothing to benefit society and leaves criminals completely unprepared to become productive citizens.

To conclude, we see that today is really a question of which one is more effective: punishment for the sake of punishment or punishment with a purpose. Let’s help all of society and make sure that when we punish, it’s for a purpose.

Negative Brief: Punishment With a Purpose

There are several lines of attack. Let’s go over them.

**Take Justice to its Logical Conclusion:** If justice is something that purely depends on a certain society, then there is no set standard of justice. And if there is not a set standard of justice, this justice (and hence morality) is completely relative. Point out the problems with relativism. If everything is relative, then we cannot even have a value debate because a value debate depends on a moral standard. After pointing out the flaws, introduce a standard of justice and show that this is the best standard regardless of whether it is agreed upon by all societies.

**Attack the Value:** This goes along with the preceding agreement. The case argues that justice is not a good standard because it is not agreed upon by all societies, but is the common good actually agreed upon by *all* societies? Point out that the common good of one society could easily conflict with another, and that what’s considered the common good within a society is not even agreed upon. If our standard for choosing a good value is whether it’s agreed upon by all societies, then the common good fails to meet that standard.

**Reorient the Debate Round:** This is the underlying theory inherent in the other two responses. The strength of this case is that, by disregarding justice, it turns the debate into a question of whether rehabilitation or retribution better reforms criminals. So bring the debate round back to a standard of justice. Show that regardless of whether retribution reforms criminals morally it is the better choice because it satisfies the burden due to justice.

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3. “Retribution.” Find Law, accessed Dec. 31, 2016. <http://dictionary.findlaw.com/definition/retribution.html> [↑](#footnote-ref-3)
4. Stray Pet Advocacy. “Animal Cruelty Laws State By State.” Access Dec. 31, 2016. <http://www.straypetadvocacy.org/PDF/AnimalCrueltyLaws.pdf> [↑](#footnote-ref-4)
5. Kim Campbell Thornton. “5 Worst States to Be an Animal.” NBC News, Feb. 2, 2010. <http://www.nbcnews.com/id/35202253/ns/health-pet_health/t/worst-states-be-animal-abuse-laws-lax/#.WFqbR_krLIU> [↑](#footnote-ref-5)
6. Michael Charles Tobias. “Animal Rights in China.” Forbes, Nov. 2, 2012. <http://www.forbes.com/sites/michaeltobias/2012/11/02/animal-rights-in-china/#288b80a11ccf> [↑](#footnote-ref-6)
7. Carolyn W. Deady. “Incarceration and Recidivism: Lessons from Abroad.” Pell Center for International Relations and Public Policy. March 2014. <http://www.salve.edu/sites/default/files/filesfield/documents/Incarceration_and_Recidivism.pdf> [↑](#footnote-ref-7)
8. Erwin James. “Prison is not for punishment in Sweden. We get people into better shape.” The Guardian. 26 Nov. 2014. <https://www.theguardian.com/society/2014/nov/26/prison-sweden-not-punishment-nils-oberg> [↑](#footnote-ref-8)