# AT Brentwood

### AT Speed K

1. 95% of all LD debates are slow and traditional, and 2 of the 3 national tournaments are slow also. Two impacts. (a) he has no uniqueness, you can compete at slow tournaments now. (b) he excludes fast debaters because he prohibits speed at the only fast tournament.

2. Turn: spreading boosts short term memory, key to education and everyday life

**Psychology Today** October 19**92** (report of the results of the Raine et al study)

"If friends criticize you for talking too fast, at least they can't also accuse you of having a bad memory. **Speech rate is a strong index of short term memory** span... 'Therefore, **the faster you can talk, the greater your** short-term **memory,**' says Adrian Raine, PhD, a University of Southern California psychologist. The link has been established for adults for some time, Raine reports in Child Development. Now, he and his colleagues find the correlation holds for kids as well, a finding that promises short-term payoff in the classroom and long-term payoff in life. **Short-term memory is the power behind recall of phone numbers, directions, and other everyday tasks.** It is also the foundation of arithmetic and reading skills... That raises the possibility that speech- training may be a short-cut to achievement." (p.14)

3. How fast is ‘too fast’? There’s no bright line.

4. Personal ethics solves. I don’t spread against novices. He’s qualled to the TOC. He can obviously follow speed. None of his studies are in the context of varsity of debaters who have been trained to follow speed.

5. His studies are empirically denied in the context of debate. Dyslexic debaters have won octos bid tournaments.

6. Public forum and speech solve.

7. TURN – aff speed is key to solve neg timeskew. Round 1 of this tournament had a 10% neg bias. If I had just spoken slowly, he would have spread me out.

8. Spreading’s key to education. (A) We can go more in depth in round, (B) it encourages more research out of round because we need more cards to fill in the longer speeches, (C) it’s key to critical thinking because we have to make more in round strategic decisions.

9. No terminal impact to his arguments. It doesn’t matter if he makes debate inclusive if it’s utterly devoid of education as a result. The people who are included don’t benefit.

10. Prewritten arguments solve. He can follow along.

11. Default to community consensus; we wouldn’t spread unless there were good reason to.

12. Voting aff puts me into elims which will inspire other small school debaters. That’s a larger form of exclusion because it’s empirically verified year after year by the domination of large schools in TOC elims.

13. Fast debate is more fun. That’s why we do it. Boredom excludes people who like having fun.

14.: Talking faster solves memory loss in old age.

**Hulme**, Charles **& Mackenzie**, Susie. (19**92**). Working Memory and Severe

Learning Difficulties. Hillsdale, USA: Lawrence Erlbaum Associates. Pg 45

"These results are striking in that the same linear function relating recall to speech rate fits the results for all age groups. Subjects of different ages in this study all recalled, on average, as much as they could say in roughly 1.5 seconds. **Increases in memory span with age are** seen to be **very closely related to changes in speech rate** with age. Thus the results of these different **studies are remarkably clear and consistent.** The dramatic improvements in serial recall performance with increasing age are closely and quantitatively related to changes in speech rate. In terms of the articulatory loop theory, which gave impetus to these studies, the length of the loop appears to remain constant across different ages; more material is stored in this system because it can be spoken and so rehearsed more rapidly. These results, relating developmental increases in speech rate to increases in short-term memory efficiency, lead quite directly to a simple causal theory: That **increases in memory span with age depend upon increases in speech rate.** Needless to say, however, such a theory is not necessitated by the findings. The findings are essentially correlational; as children get older their speech rate increases and in line with this so does their memory performance. It could be that both these changes depend upon some other factor. The obvious way to test this causal theory is to conduct a training study. If short-term memory depends upon speech rate, if we can successfully train children to speak faster, then this should, according to the theory, lead to a corresponding increase in short-term memory. (p.45)

# AT Bronx

## AT Texas DA

1. No internal link to heg decline. Lieber 5 is talking about US withdrawal from unstable regions, not economic competitiveness.

2. There’s no way Texas is seceding. This evidence is untouchable. **Borovitz 13** writes[[1]](#footnote-1)

I hate to break it to any Texan who was hoping to only see 49 states on the United States flag, **Texas will remain part of the Union. The White House responded to a petition asking that Texas be allowed to break away** from the country Monday, **saying that “Our States Remain United.”** ”Democracy can be noisy and controversial. And that’s a good thing,” said Jon Carson, director of White House public engagement, in a statement. ”Free and open debate is what makes this country work, and many people around the world risk their lives every day for the liberties we take for granted. But as much as we value a healthy debate, we don’t let that debate tear us apart. No one disputes that our country faces big challenges, and the recent election followed a vigorous debate about how they should be addressed… Whether it’s figuring out how to strengthen our economy, reduce our deficit in a responsible way, or protect our country, we will need to work together, and hear from one another, in order to find the best way to move forward.” The petition had argued that the original ideas stated by our Founding Fathers are no longer reflected in the federal government, thus giving Texas the right to secede. This petition for Texas to break away from the country was created a few days after President Obama won re-election. It was submitted to the White House’s “We the People” web site, which is a forum for people to contact the White House on issues that they feel are important and need to be addressed by the administration. Any petition that receives 25,000 signatures within 30 days gets brought to the president’s attention—the Texas secession petition received more than 125,000 signatures. The White House response not only addresses Texas, but to all the other states that issued petitions of secession, a request that has become popular among conservatives in recent months—residents in more than 30 states, including Georgia, Florida, and Alabama, filed similar petitions. But not all conservatives jumped on the secession bandwagon. Texas **Governor** Rick **Perry**, who campaigned for president in the 2012 Republican primary, **opposed his state’s petition.** “Governor **Perry believes in** the greatness of **our Union and nothing should be done to change it,” Perry’s office said** in a statement after the petition gained steam.

3. Texas won’t secede – political shift, and state law prohibits it. **Driver 12**[[2]](#footnote-2)

On November 10, 2012 an article about [Texas](http://www.examiner.com/topic/texas)and 14 other states filing petitions to secede from the United States began circulating heavily around social networks. The petitions were started by republican citizens of the following states: Louisiana, Texas, Montana, North Dakota, Indiana, Mississippi, Kentucky, North Carolina, Alabama, Florida, Georgia, New Jersey, Colorado, Oregon and New York. One reason, Texas will likely turn Democrat before seceding and it boils down to Republicans not appropriately addressing the needs and concerns of Hispanics. Further confirmation of this came when San Antonio's Mayor Julian Castro's keynote speech at the Democratic National Convention. **The population of Hispanics in Texas is greater than any other race outside of White** and are even included as a percentage of the Census' statistics of the White population since Hispanics may be of any race according to the [Census Bureau](http://quickfacts.census.gov/qfd/states/48000.html). Texas ain't going nowhere Although the Texas was red in the 2012 election, a large shift towards the Democrat party occurred. The same voters who voted for George W. Bush in 2004 (40% of Hispanic voters for Bush), voted for Obama this past election. Although, the GOP would not need the majority of Hispanic voters to support Republicans, they need enough of them to keep Democratic support low. In order to achieve this, GOP focus should be on mending errors in addressing the important issues of Hispanics instead of focusing onseceding from the United states, which would likely eradicate any Hispanic support. Hispanics tend to be socially conservative and economically progressive. Therefore, **trying to secede from the U.S. would be in direct conflict with their goals** and potential for improving their most important social issues **namely immigration reform. The second reason Texas will likely be going anywhere is the same reason they are a state today,** "**An Ordinance, Declaring** the Ordinance of Secession Null and Void:" Be it ordained by the people of Texas in Convention assembled, That we acknowledge **the supremacy of the Constitution of the U**nited **S**tates**, and** the laws passed in pursuance thereof; and that an ordinance adopted by a former Convention of the people of Texas on the 1st day of February, A. D. 1861, entitled **"An Ordinance to dissolve the Union between** the State of **Texas and the other States**, united under the compact styled "Constitution of the United States of America," be and the same **is** hereby declared null and **void**; and the right heretofore claimed by the State of Texas to secede from the Union, is hereby distinctly renounced. **Passed 15th March 1866.**

# AT College Prep

## AT Logical Ought NC

1. Extend from the AC that you ignore skepticism since there’s always a risk of offense in favor of one moral action. This means there’s no reason to prefer logical ought.

2. Counter-Interp – “Ought” is moral obligation. The most common definition of ought is obligation. **Harper 12** writes[[3]](#footnote-3)

**Ought** O.E. ahte, past tense of agan "to own, possess, owe" (see owe). **As a past tense of owe, it** shared in that word's evolution and **meant** at times **in Middle English** "possessed" and "**under obligation to pay."** It has been detached from owe since 17c., though he aught me ten pounds is recorded as active in East Anglian dialect from c.1825. **As an auxiliary verb expressing duty or obligation** (late 12c., **the main modern use**), it represents the past subjunctive.

Look to common usage. Definitions of words are literally reducible to common usage because words have no meaning outside of how they are used in society. Common usage also controls the link to predictability.

3. My interp is key to philosophy education. Her interp forces the debate into a purely descriptive evaluation of what is likely to happen. Philosophy is the best form of education because (**a**) it's the only education applicable to everyone all the time, whereas most of us won’t be policy-makers, (**b**) it's the only education unique to LD; you can get policy-making and current events education in policy or PF, and (**c**) philosophical education is a prereq to policy education; learning the util benefits of rehabilitation wouldn’t matter unless util is the correct moral theory. (**d**) The last two topics were both questions of policy which non-uniques policy making education. Debating pure ethics is key to diversity of education because the jan/feb topic is the only chance we have to do so.

(**e**) Philosophy debate is key to solve extinction. The brink is now. **Muehlhauser 11**[[4]](#footnote-4)

Barring a major collapse of human civilization (due to nuclear war, asteroid impact, etc.), many **experts expect the intelligence explosion Singularity to occur within 50-200 years.**

That fact means that **many philosophical problems**, about which philosophers have argued for millennia, **are suddenly very urgent.**

Those concerned with the fate of the galaxy must say to the philosophers: "Too slow! Stop screwing around with transcendental ethics and qualitative epistemologies! Start thinking with the precision of an AI researcher and solve these problems!"

**If** a near-future **AI will determine the fate of the galaxy, we need to figure out what values** we ought **to give it.** Should it ensure animal welfare? Is growing the human population a good thing?

But those are questions of applied ethics. More fundamental are the questions about which normative ethics to give the AI: How would the AI decide if animal welfare or large human populations were good? What rulebook should it use to answer novel moral questions that arise in the future?

**But even more fundamental are** the **questions of meta-ethics.** What do moral terms mean? **Do moral facts exist? What justifies one normative rulebook over the other?**

The **answers to these meta-ethical questions will determine the** answers to the questions of **normative ethics, which**, if we are successful in planning the intelligence explosion, **will determine the fate of the galaxy.**

Eliezer Yudkowsky has put forward one meta-ethical theory, which informs his plan for Friendly AI: Coherent Extrapolated Volition. But what if that meta-ethical theory is wrong? The galaxy is at stake.

Princeton philosopher Richard Chappell worries about how Eliezer's meta-ethical theory depends on rigid designation, which in this context may amount to something like a semantic "trick." Previously and independently, an Oxford philosopher expressed the same worry to me in private.

Eliezer's theory also employs something like the method of reflective equilibrium, about which there are many grave concerns from Eliezer's fellow naturalists, including Richard Brandt, Richard Hare, Robert Cummins, Stephen Stich, and others.

My point is not to beat up on Eliezer's meta-ethical views. I don't even know if they're wrong. Eliezer is wickedly smart. He is highly trained in the skills of overcoming biases and properly proportioning beliefs to the evidence. He thinks with the precision of an AI researcher. In my opinion, that gives him large advantages over most philosophers. When Eliezer states and defends a particular view, I take that as significant Bayesian evidence for reforming my beliefs.

Rather, my point is that **we need lots of smart people working on** these **meta-ethical questions**. We need to solve these problems, **and quickly. The universe will not wait for** the pace of traditional **philosophy to catch up.**

4. No link to logical ought. The US is not definitively retributive now.

**Dubber and Kelman 12**[[5]](#footnote-5)

**The Sentencing Guidelines, written by the U**nited **S**tates **Sentencing Commission** pursuant to the Sentencing Reform Act, see Pub. L. 98-473, $ 217, 98 Stat. 1987, 2019 (1984), purport to comport with the competing theoretical ways of thinking about punishment. The Guidelines **state that they** “further the basic purposes of criminal punishment: deterrence, incapacitation, just punishment, and rehabilitation.” See U.S.S.G. Chap. 1, Pt. A(2). A systematic, theoretical approach to these four purposes was not, however, employed by the Commission: A philosophical problem arose when the Commission attempted to reconcile the differing perceptions of the purposes of criminal punishment. Most observers of the criminal law agree that the ultimate aim of the law itself, and of punishment in particular, is the control of crime. Beyond this point, however, the consensus seems to break down. Some argue that appropriate punishment should be defined primarily on the basis of the principle of “just deserts.” Under this principle, punishment should be scaled to the offender’s culpability and the resulting harms. Others argue that punishment should be imposed primarily on the basis of practical “crime control” considerations. This theory calls for sentences that most effectively lessen the likelihood of future crime, either by deterring others or incapacitating the defendant. Id. at A(3). The Commission **decided not to create a solely retributivist or utilitarian paradigm, or “accord one primacy over the other.”** Id. It is claimed that, “as a practical matter this choice [between the competing purposes of criminal punishment] was unnecessary because in most sentencing decisions the application of either philosophy will produce the same or similar results.” Id. This premise is flawed. In practice, results may vary widely depending upon theory. A penalty imposed based upon pure utilitarian considerations would hardly ever be identical to one that was imposed in a pristine retributive system. While it cannot be said that one is always harsher than the other, seldom would their unrestrained application produce the same sentence.

## AT Vengeance NC

1. Human emotion mandates agent-neutral moral judgments. **Decety 06** writes[[6]](#footnote-6)

Finally, being aware of one’s own emotions and feelings enables one to reﬂect on them. It has been demonstrated that **individuals who can regulate their emotions are more likely to experience empathy and to act in morally desirable ways with others** (Eisenberg, Smith, Sadovsky, & Spinrad, 2004). **Among various emotion-regulation strategies,** reappraisal by denial of relevance (i.e., **taking a detached-observer position**) **by generating an image of the observing self unaffected by the target is known to reduce the subjective experience of anxiety,** sympathetic arousal, **and pain reactivity.**

2. Neuro-imaging shows that util is most consistent with higher order human psychology. **Greene 07 of Harvard** writes[[7]](#footnote-7)

To summarize, people’s moral judgments appear to be products of at least two different kinds of psychological processes. First, both **brain imaging and reaction-time data suggest** that there are prepotent negative **emotion[s]**al responses that **drive people to** disapprove of the personally harmful actions proposed in cases like the footbridge and crying baby dilemmas. These responses are characteristic of **deontology**, but not of consequentialism. Second, further brain imaging results suggest that “cognitive” psychological processes can compete with the aforementioned emotional processes, driving people to approve of personally harmful moral violations, primarily when there is a strong consequentialist rationale for doing so, as in the crying baby case.

**The parts of the brain that exhibit** increased **activity when people make** characteristically **consequentialist judgments are those** that are **most closely associated with higher cognitive functions such as executive control** (Koechlin et al., 2003; Miller and Cohen, 2001), **complex planning** ( Koechlin, Basso, Pietrini, Panzer, & Grafman, 1999), deductive **and** inductive **reasoning** (Goel & Dolan, 2004), taking the long view in economic decision making (McClure, Laibson, Loewenstein, & Cohen., 2004), and so on. Moreover, these brain regions are among those most dramatically expanded in humans compared with other primates (Allman, Hakeem, & Watson, 2002).

3. No link to Pell Grants. The vengeance happens when they’re put in jail. 99% of victims wouldn’t even know whether the criminal later got a Pell Grant of not.

4. Turn – Pell Grants are key to satisfy the criminal’s feeling of vengeance against the state.

## AT Gates CP

### General

1. Perm, do both. Solves 100% of the net benefit.

2. Gates concedes he can’t solve and the government is key. **Gates 7** writes[[8]](#footnote-8)

But no foundation alone can solve the health problems of the developing world. We need businesses and governments as partners. That means **we need** to get these issues on **the political agenda**, and we need to tap into market forces to get the private sector involved. It means we all need to embrace a broader definition of responsibility. We must be willing to look at the failure of collective action and see how we can change it. **Because these problems are so complex, government has to be involved in solving them. The Gates Foundation accounts for 1 percent of** the **giving in America. If we spent all of our endowment on education, it would amount to just half of what** the state of **California spends** on education **each year.** If we used it to fill the gap between the amount of money that's available for health in developing countries and the amount that's needed, it would barely last one year. Do the right thing, the right way But as soon as we say not just that we won't accept these diseases in our neighborhood or in our country, but that we won't accept them in our world, then we start the wheels of collective action turning. We start by **giving** our **governments permission** to spend more on these challenges. And that **will unleash** the potential for **sweeping change.**

3. CP can't solve. Pell grants are a uniquely federal program, so the Gates Foundation has no jurisdiction.

4. TURN – Gates Foundation involvement in education leads to expansion of corporate power without accountability. **Ravitch 12**[[9]](#footnote-9)

When one foundation has amassed over $30 billion, it has the financial power to shape the policies of government to its liking. The [Bill & Melinda Gates Foundation](http://voices.washingtonpost.com/answer-sheet/gates-spends-millions-to-sway.html)has more than $30 billion, and when Warren Buffet’s gift of another $30 billion is added to the Gates fund, the Gates Foundation will have the power to direct global policy on almost any issue of its choosing. Educator Anthony Cody[published a guest column on his Education Week Teacher blog](http://blogs.edweek.org/teachers/living-in-dialogue/2012/07/the_gates_foundations_leverage.html) that describes how the Gates Foundation intervenes in agricultural and environmental issues around the world, often in ways that support corporate profits rather than the public interest. (Education Week is in part funded by the **Gates Foundation**.) I have never believed that the [Gates Foundation](http://www.washingtonpost.com/blogs/answer-sheet/post/11-million-plus-gates-grants-galvanic-bracelets-that-measure-student-engagement/2012/06/10/gJQAgAUbTV_blog.html)or the Gates family puts profits above the public interest. I work on the assumption that anyone who has more riches than they can ever spend in their lifetime or in 100 lifetimes is not motivated by greed. It makes no sense. I believe that Bill and Melinda Gates want to establish a legacy as people who left the world a better place. But I think their their**efforts to “reform” education are** woefully **mistaken.** I have tried but had no luck in my efforts to meet [Bill Gates](http://voices.washingtonpost.com/answer-sheet/school-turnaroundsreform/fact-challenged-education-poli.html). On the two occasions when I was in Seattle in the past year, I tried to arrange a meeting with him well in advance. He was never available. I am puzzled by what I read in the column cited abovee. I am also puzzled by **the Gates Foundation’s persistent funding of groups that want to privatize** public **education**. I am puzzled by their funding of “astroturf” groups of young **teachers who** insist that they **don’t want** any **job protections**, don’t want to be rewarded for their experience (of which they have little) or for any additional degrees, **and** certainly don’t want to be represented by a **collective bargaining** unit. I am puzzled by their funding of groups that are promoting an anti-teacher, anti-public education agenda in state after state. And I am puzzled by the hundreds of millions they have poured into the quixotic search to guarantee that every single classroom has a teacher that knows how to raise test scores. Sometimes I wonder if anyone at the Gates Foundation has any vision of what good education is, or whether they think that getting higher test scores is the same as getting a good education. I wonder if they ever think about their role in demoralizing and destabilizing the education profession. When Bill or Melinda Gates is asked whether it is democratic for one foundation, their foundation, to shape a nation’s education policy, they don a mask of false modesty. Who, little old us? They disingenuously reply that the nation spends more than $600 billion on education, which makes their own contribution small by comparison. Puny, by comparison. Anyone with any sense knows that their discretionary spending has had a powerful effect on the policies of the U.S. Department of Education, on the media, on states and on districts. When [Bill Gates](http://voices.washingtonpost.com/answer-sheet/anthony-cody/why-bill-gates-is-wrong-on-cla.html) speaks, the National Governors Association snaps to attention, awed by his wealth. They are pulling the strings, and they prefer to pretend they aren’t. But their disclaimers do not change the fact that **they have power without accountability.** They want accountability for teachers, but who holds them accountable? When I see Bill or Melinda make a pronouncement on education, I am reminded of the song in “Fiddler on the Roof:” “When you’re rich, they think you really know.” They don’t. And no one will tell them that they are out of their depth. They may be well-meaning but they are misinformed, and they are inflicting incalculable damage on our public schools and on the education profession. **Who elected them? Why should they** have the power to **shape American education?**. It’s puzzling.

5. CP can’t solve. Gates Foundation is vulnerable to corruption which leads to rollback of funding. **AP 3/10**[[10]](#footnote-10)

The head of **Sierra Leone**'s Anti-Corruption Commission says that 29 government health **officials will appear** in court **on corruption charges for having** allegedly **defrauded the** Bill and Melinda **Gates Foundation**'s vaccine program**.** Joseph Fitzgerald Kamara told The Associated Press that the government's Chief Medical Officer, Dr. Kisito Sheku Daoh, six other medical doctors and 22 health officials are charged with defrauding the Gates Foundation's Global Alliance for Vaccines and Immunization Fund of $523,000 US. He said all those charged are out on bail and scheduled to appear in court on March 18. **The Gates Foundation**'s immunization fund **has suspended** payments of **$6 million to Sierra Leone over** the **allegations of misuse of funds.** The immunization fund has disbursed more than $27 million to Sierra Leone since 2001. According to the foundation website, the foundation has committed $1.5 billion to the GAVI alliance for expanding childhood immunization.

6. CP trades off with funding for AIDS research. Gates Foundation is key.

**India Times 11**[[11]](#footnote-11)

LONDON: **More than 100,000** fresh **HIV cases have been averted** over the last five years among the general population **in India** which has some 2.4 million people living with the virus, according to a study in 'The Lancet' journal. This is all **thanks to a** Bill & Melinda **Gates Foundation** -funded US dollars 338 million **project**, called Avahan, **which** was launched in six Indian states of Tamil Nadu, Karnataka, Andhra Pradesh, Maharashtra, Manipur and Nagaland in 2003. Avahan was launched for the purpose of reducing the spread of HIV in India and developing a model prevention system to encourage others worldwide to adapt and adopt it. The project **serves** the **groups** that are **most vulnerable to HIV infection**, including sex workers, their clients, high-risk men who have sex with men, and injecting drug users in the six Indian states with an estimated population of 300 million.

AIDS spread risks extinction.

**Lederberg 91**[[12]](#footnote-12)

Will Aids mutate further ? Already known, **a** vexing **feature of AIDS is its** antigenic **variability,** further **complicating** the task of developing **a vaccine.** So we know that **HIV is still evolving.** Its global spread has meant there is far more HIV on earth today than ever before in history. **What are the odds of** its learning the tricks of **airborne transmission?** The short is, “**No one can be sure.**” But we could make the same attribution about any virus; alternatively the next influenza or chicken pox may mutate to an unprecedented lethality. As time passes, and HIV seems settled in a certain groove, that is momentary reassurance in itself. **However,** given its other ugly attributes, **it is hard to imagine a worse threat to humanity than** an **airborne** variant of **AIDS. No rule of nature contradicts such a possibility;** the **prolif**eration **of AIDS** cases with secondary pneumonia **multiplies the odds of such a mutant, as an analogue to** the emergence of **pneumonic plague.**

7. Agent CPs aren’t morally relevant.

a. Multiple actors can have the same obligation, so proving that the Gates Foundation should act doesn’t **dis**prove that the USFG has the same obligation.

b. CPs just represent opportunity cost disadvantages, but agent CPs aren’t opportunity costs because they aren’t alternative choices that could be made by the same actor.

### Agent CPs Bad

Omitted

### Solvency Advocates Good

Omitted

### Condo Bad

Omitted

# AT Flower Mound

## Farnham NC

1. No link to Pell Grants. The Plan doesn’t affect sentencing.

2. TURN – The Plan solves free riding. Giving inmates education ensures they contribute to the economy and stop committing crimes – That’s Buzzini 9.

3. Devolves to util. It would be in society’s interest to agree to maximize utility all the time. Controls the link to Farnham since he says society is created for mutual benefit.

4. The warrants for the side constraint are pragmatic, not absolute, so extinction still comes first.

5. Turn – criminals are disproportionately poor, so it’s good to help them because it brings them closer to the social equilibrium.

6. Extinction is a prereq. Can’t have society in the first place if we’re all dead.

7. Extinction turns the case. Worst harm to citizens. Most unequal burden.

8. Neg conception of desert fails. **Duss-Otterstrom 12**[[13]](#footnote-13)

Proponents of FPR have responded to the irrelevance objection by saying that while crimes can differ in terms of other moral characteristics, they all also include casting off the general burden of self restraint and hence involve unfairness (Boonin 2008, p. 124-126). The worrying thing about this so called general compliance response, however, is that it seems unable to differentiate between crimes. The general compliance response holds that all crime equally involve the same (general) unfairness of free riding. Yet this seems unable to capture some of our considered intuitions - for example, that murder is deserving of a much harsher punishment than tax evasion. A related worry is that FPR, in **saying that punishment is right because it removes the advantage the criminal has** taken **over the law-abiding, will say that** the **wrongness of** a **crime depends on** whether the offender takes **liberties that also tempt the law-abiding** (Dolinko 1991). FPR says that the wrongness of crime stems from the offender’s casting off the burdens of self-restraint that are shouldered by the law-abiding. **But most people** simply **are not tempted to commit severe crimes. Hence, it is no burden for them to refrain from committing them.** The conclusion seems to be that FPR will treat crimes as worse the more people are tempted to commit them. This has absurd implications for the way we rank crimes. **A crime that tempts many ([like] tax evasion) will be deemed worse than** a crime that tempts very few (like **murder**). The upshot seems to be that FPR can at best only handle a subset of crimes, at worst is irredeemably flawed.

## Delay CP

1. Perm do the counter-plan. It’s aff ground. (A) Normal means is months of debate in congress, not immediate passage. Immigration reform proves. (B) Plan would be bottom of the docket. Congress would resolve immigration, gun control and debt ceiling first.

These also take out the link to politics because Pell Grants wouldn’t trigger the link in time.

2. Delay counterplans are a voting issue. A. they kill clash. He just goes for politics and never has to engage the aff. Clash comes first. It’s the only form of education unique to debate. B. Kills fairness because he moots the whole 1AC with fiat. It’s a voter. My 1AR was already skewed. He spent 10 seconds on this in the NC. Also it’s a voter for deterrence.

3. Counter-plans must have solvency advocates. He violates. No one says “Delay Pell Grants until the debt ceiling.” (A) Key to predictability. If it’s not in the lit, I have no way to expect it. (B) key to ground. If no one writes about it, I can’t find answers. (C) Key to education. If it were real world, someone would write about it. We’re debating made up scenarios.

4. No solvency. Debt ceiling won’t happen. That’s on the DA. Proves the CP is just the squo.

5. All advocacies must be stable. He violates. His counter-plan shifts based on when or if debt ceiling is passed. Kills my ground. I can’t generate a solvency deficit if it’s not even clear when the counter-plan happens.

Justifies perm do the counter-plan independent of theory because the counter-plan might lead to pell grants passing right now.

6. Terminal solvency deficit. Pell grants won’t get passed in the middle of debate about the debt ceiling because new spending will be less popular when econ is the center of the media. If he says fiat solves the link, that proves the counter-plan is utopian.

7. Counter-plans must be disclosed on the NDCA wiki. He violates. He has 0 disclosure for Jan/Feb. A. It’s key to reciprocity. I disclosed. B. Key to predictability. I literally have an infinite research burden which outweighs other abuse. C. Key to small school side bias. Otherwise only big schools get flows.

8. Even if he wins each theory shell individually, they are all impact magnifiers to each other. The whole of the abuse is greater than the sum of its parts. Undisclosed unstable delay counterplans without solvency advocates are uniquely bad and a reason to vote neg even if each part is OK on its own. This is an independent shell.

## Politics DA

1-2 Omitted. Generic Ptx answers.

3. TURN – Rehab is popular due to budget cuts. **Gest 10** writes[[14]](#footnote-14)

For many years, criminal justice reform has stagnated in a ideological gridlock, with conservatives seeking harsher punishments and liberals touting prevention and rehabilitation. A big step toward breaking that split occurred 10 days before Christmas, when a group of conservatives did the extraordinary, admitting that they may have been wrong on some aspects of anticrime policy and seeking consensus on key issues. A new group called Right on Crime urged looking at the money spent on criminal justice and its effectiveness. "For too long, conservatives have allowed more money and more prisons to be the default solution to our public safety challenges," said   
Brooke Rollins of the Texas Public Policy Foundation, which is leading a national movement to change the conversation on crime and justice. Rollins spoke at an unusual session in Washington, D.C., that featured not only **conservative leader**s like Grover **Norquist** of Americans for Tax Reform, David Keene of the American Conservative Union, and Pat Nolan of Prison Fellowship but also invited guests from liberal groups like the Open Society Institute, Families Against Mandatory Minimums, and the Drug Policy Alliance. Now the question is whether the group's new statement of six principles can take hold in conservative ranks as well as be embraced by liberals. Removing crime as a divisive political issue may happen, at least for now, in an era of relatively more concern in the United States over issues of the economy, health care, and foreign wars. At the launch of the Right on Crime campaign, Norquist **said most modern** political **candidates realize that crime "isn't the magic button** they once thought it was" **to paint competitors as "soft" on criminals.** Conservatives generally favor less government, but they agree that criminal justice, along with national defense, are legitimate functions of government. Instead of "shouting at each other," he said, those on both ends of the ideological spectrum should work to make sure that taxpayers' money devoted to criminal justice is spent wisely. 'How do we keep the public safe on limited budgets?" asked Nolan. "This is an issue that will unite the left and the right." In a commentary marked by strong rhetoric, **Nolan called the** conservative **group**'s emergence a "seismic shift" and **a "game changer."** The group's leaders indicated that just about major criminal justice policy could be examined, from law enforcement to courts to prisons and sentencing to crime victims' rights. Right on Crime also is concerned with "overcriminalization," the tendency of government at all levels to try making every conceivable offense to society into a crime. One result is filling prisons and jails and sometimes having "the unintended consequence of hardening nonviolent, low-risk offenders--making them a greater risk to the public than when they entered." Right on Crime certainly has intellectual heft. Besides those who spoke this week, such notables as former House Speaker Newt Gingrich, former Attorney General Edwin Meese, one-time hardline criminologist John DiIulio of the University of Pennsylania, and former Republican Justice Department official Viet Dinh are among those who have signed on. The group has more than rhetoric to back up its principles. Led by a Texas think tank, it touts the example of **Texas**, a former leader in prison building that **has turned to** spending money instead on **rehab**ilitative approaches and still has seen its crime rate drop. In brief, the immediate goal of Right on Crime is to export the Texas model to other states. A few states already have embraced elements of it, notably Kansas and South Carolina. This could be the right time to press for reforms, because **a wave of Republican** governors is about to take over in **states** that **are hard pressed for** public **funds.** Already, Gov.-elect John Kasich of **Ohio**, a former conservative leader in Congress, has said that sentencing policies are on the table in his state, which **spends a large chunk of its budget on c**riminal **j**ustice functions.

4. No polcap now for Obama. **Goddard 3/13**[[15]](#footnote-15)

If President **Obama** "had piled up **pol**itical **cap**ital with his impressive re-election, **i**t'**s largely gone. His approval rating** has **dropped to the lowest level in more than a year**, with more voters now turning thumbs down on his performance than thumbs up," according to a new McClatchy-Marist poll. "The measure of how much people like him also has dropped. He's still vastly more popular than Congress, particularly congressional Republicans. But in the biggest political clash of the year - over the federal budget and how to curb deficits - voters split 44 percent to 42 percent between preferring Congress or Obama. At least some of the president's fall to Earth lies in the fact that **voters no longer see him in** the context of **an election. He** has to stand alone in the eyes of voters again and **doesn't benefit from** the **comparison with** Republican rival Mitt **Romney.**"

4. Counter-plan links to politics. Even if the CP passes after the bill, it would get discussed before.

5. My advantages turn the DA and prove now is key. If we improve the economy and solve crime, politicians will be less likely to be divisive over the debt ceiling.

6. No unique link – Obama is pushing Pell Grants now. **OFR 12** writes[[16]](#footnote-16)

Pell Grant Program Vulnerable:  **Amid a political climate in congress where** virtually every corner of federal **spending is in jeopardy, the Administration says it wants to protect Pell grants** for low-income college students.   But the quasi-entitlement program faces a huge funding shortfall for FY12 and has become a tempting target for Republican budget hawks, who say that it is a prime example of overspending and “promises we can’t keep.”  Those close to talks on a debt reduction deal are saying little about which programs are likely to be on the chopping block, but education experts say the large increases required to sustain the Pell grant program make it particularly vulnerable.

The **Pell grant** program is one of the federal government’s largest education initiatives, and **has been one of President’s top priorities.**  The program faces a shortfall each year because it is partially funded through discretionary spending, not just mandatory dollars that would sustain it automatically.  With the economic difficulties of the past few years, more people are qualifying for the grant and more people are going back to school to earn degrees, leaving the program strapped for cash.  Program costs have more than doubled since 2008, from $16 billion to an estimated $35 billion in FY12.  In order to maintain the current $5,550 maximum award, lawmakers must make up for an estimated $11 billion shortfall.  Lawmakers in both parties are looking at proposals to restructure the Pell grant program to reduce costs, but those decisions are unlikely to be made until after the White House and congressional leaders negotiate a deficit reduction plan.

7. Omitted.

8. No unique link – Obama is pushing rehab now. **Allen December 13 2012** writes[[17]](#footnote-17)

**PolitiFact**.com **recently gave** President **Obama a “promise kept” on** a **drug** enforcement **policy change.** In 2007, Senator **Obama promised to send first-time drug offenders to rehab** instead of jail. Obama wanted to treat drugs as more of a health issue than a law enforcement issue. PolitiFact.com stated: “The administration has supported drug courts, which allow low-level drug offenders to have their charges dropped if they successfully complete a court-monitored treatment program.” The drug courts mostly apply to local and state level drug crimes because most federal drug offenders are serious and usually involve the selling of drugs. The Obama administration estimates that 120,000 people were sent to treatment instead of jail, reports PoliticusUSA.com. Rafael Lemaitre, spokesman for the White House Office of National Drug Control Policy, said: “**Last** fiscal **year,** the **Obama** administration **spent $10**.4 **billion on drug** prevention and **treatment programs** compared with $9.2 billion on domestic drug enforcement.” Researchers at the National Institute of Justice stated: "Compared to traditional criminal justice system processing, treatment and other investment costs averaged $1,392 lower per drug court participant. Reduced recidivism and other long-term program outcomes resulted in public savings of $6,744 on average per participant (or $12,218 if victimization costs are included)."

9. Obama PC Not Key for the debt ceiling. **Pace, 4/8:**

(Obama Second Term Agenda On The Line. Julie Pace, Journalist For The Huffington Post. 4/8/2013)

But **Obama's advisers know the window for broad legislative victories is narrower for a second-term president. Political posturing is already underway for the 2014 midterm elections, which will consume Congress next year. And once those votes for a new Congress are cast, Washington's attention turns to the race to succeed Obama. Patrick Griffin, who served as White House legislative director under President Bill Clinton, said Obama's legislative efforts this year are likely to be the "sum and substance" of his second-term agenda. "I think it would be very tough to put another item on the agenda on his own terms," said Griffin, adding that unexpected events could force other issues to the fore.**

10. Debt Ceiling Won’t Pass; Obama sucks at leverage. **Hooper, 4/26:**

(Molly K. Hooper, Journalist For The Hill. 4/26/2013. GOP Angst Grows Over Leadership Fumbles)

Rep. Tom Cole (R-Okla.), a deputy whip, said pulling the Pitts bill would not harm the GOP in the debt talks. “I personally think it will be part of a different dynamic. It’s not likely to be a stand-alone vote in my view. If it is**, it most certainly will not pass,”** Cole said. The former head of the National Republican Congressional Committee conceded that he did not know the leadership’s strategy on the debt limit. **Obama launched his bipartisan charm offensive last month, but it has not yet yielded tangible results. The chances of a grand bargain on taxes and entitlements in the coming months are less than 50-50. That political reality will likely lead to a smaller deal, which in some ways is harder to reach.**

11. Action On The Debt Ceiling Isn’t Needed Until October; This Isn’t A Real Scenario.

**Schroeder, 4/26:**

(Peter Schroeder, Journalist For The Hill. 4/26/2013. Experts: Debt-Ceiling Increase Might Not Be Needed Until October)

**Congress could have until as late as mid-October to haggle over raising the debt limit**, according to new expert analysis. The Bipartisan Policy Center (BPC), which has been closely tracking the flow of the nation's finances as **policymakers prepare to spar over its $16.4 trillion borrowing cap, now believes the government could avoid a default on its obligations as late as mid-October** once its borrowing cap is reinstated in May. In January, the BPC said it believed **Washington would have to hike the limit to avoid default most likely in August, but there was a "realistic chance" it could be later. Now, with fresh information about the nation's fiscal picture, the BPC believes the deadline for a debt-limit deal will be roughly a month later, and possibly more.**

12. No polcap. Obama is a cactus. **Onion 10**[[18]](#footnote-18)

WASHINGTON—According to a poll released Tuesday, nearly **20 percent** of U.S. citizens now **believe** Barack **Obama is a** cactus, the most Americans to identify the president as a water-retaining **desert plant** since he took office. A growing segment of the population believes the president is **pollinated by moths and hummingbirds.** The poll, conducted by the Pew Research Center, found a sharp rise in the number of Americans who say they firmly believe Obama was either born a cactus, [or] became a cactus during his youth, or has questionable links to the *Cactaceae* family. "We asked people of varying races, ages, and backgrounds the same question: 'What is President Barack Obama?'" Pew spokeswoman Jodi Miller told reporters. "And a fifth of them responded, 'A cactus.'" According to the poll, Obama has lost favor among many voters who supported his candidacy in 2008 but have since come to doubt he is a mammal. While these Americans concede Obama may not specifically be a cactus, most believe he is a plant of some kind, with 18 percent saying the president is a ficus, 37 percent believing him to be a grain such as wheat or millet, and 12 percent convinced he is an old-growth forest in Northern California. When asked why they agreed with the statement "President Obama is a large succulent plant composed of specialized cells designed for water retention in arid climates," many responded that they "just know," claiming **the pres**ident **only acts like a human** being **for political purposes and is truly a cactus at heart.** A number of polled Americans identified the above as a photo of President Obama. White House officials have asserted that the nation's 44th president is a person. "You can't go a day without hearing how Obama's a radical cactus sympathizer who wants to sap America of all its drinking water, or how he was actually born in the Kalahari Desert," said media critic Lynn Pelmont, referring to cable news outlets that suggest the president has prickly spines he uses to protect himself from thirsty animals. "For a man who prides himself on delivering a coherent message, **there's a**n awful **lot of confusion** out there **about whether he's a Harvard** Law **grad**uate **or a leafless** flowering **shrub."** "He must speak frankly to the American people about his mammalian background," Pelmont added. "If not, it's only a matter of time before people start believing those fringe bloggers who claim the president of the United States is actually an old washing machine." Some Beltway observers have accused Republicans of tacitly encouraging the cactus rumor, pointing out that if millions of voters believe Obama produces buds through spirally arranged areoles situated along his stem, the GOP has a much better chance of retaking Congress in November. "If the president says he is a human being, I'll take him at his word," Senate Minority Leader Mitch McConnell said Sunday on *Meet the Press*. "Though I've never heard him complain about being thirsty. Not once. That could be a coincidence, I suppose, but it's really not my place to say."

# AT Greenhill

## AT Confinement CP

1. Perm, do the counterplan. I fiat an action. She fiats a mindset. There’s no competition.

2. Perm do both. Solves the net benefit.

3. Backlash kills counterplan solvency. Perm’s key. **Mears et al. 3** write[[19]](#footnote-19)

**Treatment and control**/management of offenders represent two distinct orientations of philosophies toward inmates. **Although** the two can be **compatible**, historically they **have been viewed otherwise** (Lipton 1996). **Thus, many correctional officers do not** understand, appreciate, or **support treatment**, while many treatment providers view correctional philosophies as fundamentally inappropriate, unnecessary, and ineffective. Frequently, there are no clear definitions of when a treatment vs. a correctional response is needed (Farabee et al. 1999). Ultimately, **the conflicting cultures** of correctional and treatment staff typically **work against treatment** programming and **efficacy because correctional goals usually “win”** in **this exchange** (Morrissey, Steadman, and Kilburn 1983). Indeed, few institutions directly address this conflict (Inciardi et al. 1992; ONDCP 1999).

4. No reason Pell Grants are key. Retributive mindset in every other aspect of CJS solves all neg offense.

5. Prefer Buzzini 9.

a. It’s empirical. Logan and Gaes 93 are just speculating.

b. Her evidence is not Plan-specific.

6. Rehab is key to humane punishment which turns every net benefit. **Rotman 86**[[20]](#footnote-20)

**To oppose** a right to **rehab**ilitation **is to ignore** the due process limitation to criminal sanctions embodied in the principle "nullum crimen, nulla poena, sine lege," inherited in substance from the Magna Carta,36 first expressed in positive law in the post-Enlightment codi- fication and applied today with few exceptions in all major legal sys- tems of the world. This principle implies not only that conduct cannot be considered criminal unless defined as such by the law before the conduct occurs but also **that no punishment beyond what was prescribed by** the pre-existent **law can be imposed**. Although not expressly stated in the Constitution, this principle is embodied in the prohibition of ex-post facto laws and bills of attainder and in the fifth and fourteenth amendments.37 "Just as there must be a declaration of the law's intention to make an act a crime, so its pun- ishment must be promulgated through the same process.""38 The legislative duty to provide fair warning of punishable conduct ex- tends, as an element of due process, to the nature and severity of the prescribed punishment. Due process of law is also violated when imprisonment includes punitive ingredients not specified by statute. This interpretation coincides with the principle established by a United States District Court in Florida that "the courts have the duty to protect prisoners from unlawful and onerous treatment of a nature that, of itself, adds punitive measures to those legally meted out by the court.""39 According to the "nullum crimen, nulla poena, sine lege" principle, the only valid purpose of imprisonment is to punish according to the law, however tautological this statement may appear. The no- tion of legal punishment considerably limits the possibility of ad- ding punitive elements, whatever their motivation, to incarceration. The deterrent function of criminal law must flow from the norma- tive threat of punishment and may not be left to the discretion of administrative authority. When the legislators wanted to make im- prisonment a particularly excruciating experience, they clearly ex- pressed that intention through laws embodying the now largely abolished forms of hard labor or penal servitude. In this regard, the Select Committee of the House of Lords defined in 1863 the plight of the convicted as "hard labour, hard fare, and hard bed." In op- position to this idea of increasing punishment by adding extra suf- fering to imprisonment, later scholars proclaimed that "offenders are sent to prison as punishment, not for punishment."40 This pol- icy is mirrored in the international movement for the unification of prison sentences, which sought to abolish publicly humiliating and afflictive forms of imprisonment and to reduce imprisonment solely to loss of liberty. The question was first introduced during the In- ternational Penitentiary Congress of London and further debated in the next Congress which met at Stockholm in 1878.41 In Barnes v. Virgin Islands,42 the district court reflected the viewpoint of enlight- ened modern penology when it wrote that "a convicted person is not sent to a penal institution to receive additional punishment... the fact of incarceration is the punishment."43 The "nulla poena, nullum crimen, sine lege" principle has been in- voked against an abusive notion of rehabilitation, which led to ex- cessively discretionary sentencing practices.44 Today this same principle can be used as a legal pillar to support a constitutional right to rehabilitation. **If** im**prison**ment **itself is the punishment,** the **unchecked harmful effects** of incarceration **on** the mental and social health of **the inmate represent illegal additional punishment**. Insti- tutionalization in an alienating and depersonalizing environment, without opportunities to combat degeneration or foster positive human development, is a source of various harmful effects that play no part in the design of legal sanctions. The law threatens citizens with imprisonment as the consequence of criminal conduct; that is where the deterrent function of the legal norm should stop. The law expects the citizen to foresee the loss of liberty prescribed by statute but not the additional horrors of incarceration that are not intended by law. **The only way to prevent** or compensate for **such unjustified deprivations is to carry out** a positive program of **rehab**il- itative action.

7. No solvency. Absent a rehab mindset, congress will roll back the plan or create a loophole to cut funding. Empirically confirmed; that’s exactly what happened in ’94.

8. Perm is key to staffing. Counterplan alone drives out qualified prison staff which kills solvency. **Mears et al. 3** write[[21]](#footnote-21)

**Effective treatment requires well-trained staff** and a certain level of consistency in staffing (Lipton 1996; Farabee et al. 1999). Yet many programs are lacking in both areas. Often, **programs have difficulty attracting** well-trained and motivated **counselors** due to the low pay, the conflict of **working** with**in a** correctional **setting where treatment is not** always **supported**, and the remote location of many prisons. Among well-trained counselors, many may not be trained in the particular treatment modalities that are most effective or that a particular correctional facility uses. When **high-quality staff** are hired, they frequently **leave for** better paying or **more attractive positions.** Lack of cross-training between treatment counselors and treatment officers has also been observed as a barrier to effective treatment (Farabee et al. 1999). **Effective treatment is facilitated by mutual understanding among treatment and correctional staff.** The goal of cross-training is to have treatment counselors respect and support the correctional process and, conversely, to have correctional officers understand and support the treatment process, as well as administer treatment sanctions when appropriate.

9. No link. No one in the public pays attention to CJS mission statements. If the policies are treatment, the public will perceive the system as rehab.

10. Pell Grants are key to respect inmates’ humanity – solves the net benefits.

**Yates 9**[[22]](#footnote-22)

Should we be concerned about victims of crimes committed by post-release prisoners who are unable to find employment due to lack of education? Should we care about the families of prisoners who often face emotional, psychological and economic hardship because of the loss of a loved one? Most definitely, but what about the prisoners themselves, the ones who have overstepped the borders of society‟s moral and judicial codes? Criminologist David Garland (2001) states that there are two dominant schools of 50 thought in criminology: 1) There are those who view prisoners as having the same opportunities as everyone else, but just made the wrong rational choices. However, **prisoners** generally do not have the same backgrounds as most in society since they **are usually poor with little** formal **education. To think of them as “the same as us” only with bad judgment is to deny** the very real **socioeconomic inequities** that exist for most prisoners. 2) The other common outlook is to view prisoners as incorrigible, fatallyflawed “animals” who should either be locked up or released only under highly disciplined, supervised conditions, denied fundamental rights such as voting and free association. To dehumanize them in this manner is to dismiss the lives of former prisoners such as Socrates, Jesus Christ, Eugene Debs, Mahatma Gandhi, Rosa Parks, Martin Luther King, Jr. and Nelson Mandela. Garland suggests an alternative outlook, one that recognizes that irrationality can be universal and that choices are usually not made out of context of the existent economic and social conditions. This way of seeing prisoners does not romanticize or demonize them. It allows us to realistically examine the societal conditions that give rise to our police and penal state; and to work toward equality based upon an understanding of our shared life struggle. Kevin Warner and Thom Gehring (2007) suggest **this view can be applied to** how **prison**ers are **ed**ucated. “Whether we are dealing with a prisoner in the overall context of the prison, or a learner who happens to be in prison, deficit models – which in each case over concentrate on what is deemed wrong or missing – are avoided as far as possible in favour of broader approaches to imprisonment and to **education** that **recognizes the common humanity of our fellow citizens in prison**” (p 182).

11. Perm: adopt a rehab mindset, but lie to the public and say the CJS is retributive. Solves all the net benefits and avoids the solvency deficits.

12. CP can’t solve – it kills budgeting. **Mears et al. 3** write[[23]](#footnote-23)

Implementation represents one of the most formidable challenges to providing drug treatment in corrections. Treatment **programs** often **encounter opposition because they run counter to the established punishment**/control **culture** in correctional settings. For this reason, successful implementation requires counselors who have strong leadership skills and can retain skilled and committed staff (Inciardi et al. 1992; Farabee et al. 1999). The **involvement** of experienced treatment providers **is crucial at all stages of implementation, including design** and monitoring of both the program **and** its **budget. Without** this **involvement, programs** frequently **suffer** from **a wide range of** additional **challenges, including failure to obtain** appropriate materials and **supplies**, placement of inappropriate clients, and an inability to anticipate and address fluctuations in available resources (Inciardi et al. 1992).

13. Double-bind. Either the counter-plan can’t solve state perception because it only uses the federal government, or it links to agent counter-plans bad and you drop the neg for skewing 1ar time and strategy.

## AT Therapeutic State K

1. No link to the Plan. Pell Grants are voluntary.

2. TURN – Therapeutic state is key to freedom. **Clark 5**[[24]](#footnote-24)

Libertarians like Bailey might object that this scenario adds insult to injury by expanding the therapeutic state, which treats diagnosable illnesses, into what might be called a mentor state, which seeks to treat and prevent moral defects among its citizens. Wouldn’t such a state’s policies and interventions constitute excessive intrusions on people’s liberty to exercise their “power of choice” as Bailey calls it? Not at all. Exercising choice, as Bailey acknowledges, isn’t a matter of being free from conditioning circumstances, since we are always and everywhere fully caused. Instead, it’s a matter of doing what we want, unconstrained by coercion or mental illness. Social **policies** and interventions **which create** healthy families and communities, which **rehab**ilitate inmates, and which therefore foster benign moral sensibilities, **are not coercive**, but formative. They would simply ameliorate the often punitive, morally corrupting, and **criminogenic conditions** that now hold sway in too many families, communities and prisons. We now know for sure, and Bailey agrees, that toxic circumstances, **not free will, create bad apples, so there’s no excuse not to prevent them** so long as individual freedoms aren’t compromised. **And** there’s **no reason to suppose that preventing obvious moral defects** (those that lead to abuse and criminality) need **involve** imposing **a monolithic**, narrow **conception of** moral **virtue**, the scenario sometimes invoked by conservatives and libertarians to inspire fear of liberal do-gooders. No, **there’s still plenty of latitude for difference of opinion on what constitutes good behavior,** the good life, and the good society, **even after our worst impulses are attenuated.** And taxpayer expense is no objection, since it’s at least arguable (and in some cases proven) that preventing crime and addiction costs the same or less than the crime, addiction, victimization, adjudication, punishment, rehabilitation, parole supervision and recidivism that would otherwise result.[[7]](http://www.naturalism.org/maximizing_liberty.htm" \l "_ftn7" \o ") The question that libertarians must consider is: which state, our current laissez-faire disciplinarian state, or a mentor state, most infringes on freedom of choice, defined as the personal liberty to do as one wishes? It’s no contest. **Coercive social control**, which intervenes after the fact of misconduct, and **depends primarily on retrib**utively justified confinement with little or no rehabilitative amenities, reduces liberty far more than do social policies which encourage citizens to develop proclivities for making good choices in advance of potential misconduct. Such proclivities, not being harmful, need no threat or practice of punishment to channel. So, without any compromise of liberty up front (remember, ameliorative social programs aren’t coercive), **we end up with better moral agents, less need for punishment, and** thus an **increase in liberty overall.** Those retributivists who rather like the imposition of just deserts, and those libertarians who are reflexively ideological in opposing public investment in character development, won’t cotton to this proposal. But having dispensed with the freely willing contra-causal agent, we can’t suppose there’s intrinsic moral worth to suffering, and this blocks retributivism. Further, seeing that we are always fully caused means that creating conditions that foster virtue - conceived as the absence of obvious moral defects - can no longer be characterized as coercive or manipulative. This puts the burden of proof on laissez-fairists to justify their hit or miss system of moral enculturation. Retributivists must offer us good reasons to impose punishment that’s divorced from achieving consequential benefits, and libertarians must say why they prefer after-the-fact coercive control to before-the-fact formation of virtuous citizens. Although we’re far from **a therapeutic** mentor **state** in which both mental health and responsible behavior are accepted as worthy goals of enlightened social policies, giving up the myth of contra-causal freedom reveals that such a state **is no threat to liberty, but** rather **its champion.**

3. TURN – Pell Grants are key to shift rehab from the treatment model to the opportunities model which solves the coercive mindset. **Page 4** writes[[25]](#footnote-25)

**The sharp rise in** PSCE [postsecondary correctional **education**] in the 1970s **was due**, in large part, **to** a shift in penal philosophy and the implementation of **the Pell Grant** program. In the 1960s **critics challenged** the fundamental assumption of **the ‘treatment model’, arguing that people committed crime because they did not have access to legitimate avenues** of accumulating wealth, status and power – **not because they were** socially or **psychologically ‘sick’.** The critics contended that **prisoners should have the opportunity to partake in** programs, including **higher education**, which provided convicts with necessary social resources. During the late 1960s, proponents of **this ‘opportunities model’ encouraged** local and national governments to support PSCE [postsecondary **correctional education**] programming, and many of them went into prisons to teach college courses themselves (Seashore and Haberfeld, 1976).

4. TURN – Rehab is key to humane punishment. **Rotman 86**[[26]](#footnote-26)

**To oppose** a right to **rehab**ilitation **is to ignore the due process** limitation to criminal sanctions embodied in the **principle** "nullum crimen, nulla poena, sine lege," inherited in substance from the Magna Carta,36 first expressed in positive law in the post-Enlightment codi- fication and applied today with few exceptions in all major legal sys- tems of the world. This principle implies not only that conduct cannot be considered criminal unless defined as such by the law before the conduct occurs but also **that no punishment beyond what was prescribed by** the pre-existent **law can be imposed**. Although not expressly stated in the Constitution, this principle is **embodied in** the prohibition of ex-post facto laws and bills of attainder and in **the fifth and fourteenth amendments.**37 "Just as there must be a declaration of the law's intention to make an act a crime, so its pun- ishment must be promulgated through the same process.""38 The legislative duty to provide fair warning of punishable conduct ex- tends, as an element of due process, to the nature and severity of the prescribed punishment. Due process of law is also violated when imprisonment includes punitive ingredients not specified by statute. This interpretation coincides with the principle established by a United States District Court in Florida that "the courts have the duty to protect prisoners from unlawful and onerous treatment of a nature that, of itself, adds punitive measures to those legally meted out by the court.""39 According to the "nullum crimen, nulla poena, sine lege" principle, the only valid purpose of imprisonment is to punish according to the law, however tautological this statement may appear. The no- tion of legal punishment considerably limits the possibility of ad- ding punitive elements, whatever their motivation, to incarceration. The deterrent function of criminal law must flow from the norma- tive threat of punishment and may not be left to the discretion of administrative authority. When the legislators wanted to make im- prisonment a particularly excruciating experience, they clearly ex- pressed that intention through laws embodying the now largely abolished forms of hard labor or penal servitude. In this regard, the Select Committee of the House of Lords defined in 1863 the plight of the convicted as "hard labour, hard fare, and hard bed." In op- position to this idea of increasing punishment by adding extra suf- fering to imprisonment, later scholars proclaimed that "offenders are sent to prison as punishment, not for punishment."40 This pol- icy is mirrored in the international movement for the unification of prison sentences, which sought to abolish publicly humiliating and afflictive forms of imprisonment and to reduce imprisonment solely to loss of liberty. The question was first introduced during the In- ternational Penitentiary Congress of London and further debated in the next Congress which met at Stockholm in 1878.41 In Barnes v. Virgin Islands,42 the district court reflected the viewpoint of enlight- ened modern penology when it wrote that "a convicted person is not sent to a penal institution to receive additional punishment... the fact of incarceration is the punishment."43 The "nulla poena, nullum crimen, sine lege" principle has been in- voked against an abusive notion of rehabilitation, which led to ex- cessively discretionary sentencing practices.44 Today this same principle can be used as a legal pillar to support a constitutional right to rehabilitation. **If** im**prison**ment **itself is the punishment,** the **unchecked harmful effects** of incarceration on the mental and social health of the inmate **represent illegal additional punishment**. Insti- tutionalization in an alienating and depersonalizing environment, without opportunities to combat degeneration or foster positive human development, is a source of various harmful effects that play no part in the design of legal sanctions. The law threatens citizens with imprisonment as the consequence of criminal conduct; that is where the deterrent function of the legal norm should stop. The law expects the citizen to foresee the loss of liberty prescribed by statute but not the additional horrors of incarceration that are not intended by law. The only way to prevent or compensate for such unjustified deprivations is to carry out a positive program of rehabil- itative action.

# AT Harrison

## AT Moral Agency NC

1. Extinction outweighs and turns the case. No moral agency if you’re dead.

2. No side constraints are absolute. There are non-ideal cases where our action goes horribly wrong from what we intended – that’s Korsgaard 2.

3. No agency violation. Plan doesn’t coerce criminals. That’s not my form of rehab.

4. TURN – Pell Grants are key to shift rehab from the treatment model to the opportunities model which solves the coercive mindset. **Page 4** writes[[27]](#footnote-27)

**The sharp rise in** PSCE [postsecondary correctional **education**] in the 1970s **was due**, in large part, **to** a shift in penal philosophy and the implementation of **the Pell Grant** program. In the 1960s **critics challenged** the fundamental assumption of **the ‘treatment model’, arguing that people committed crime because they did not have access to legitimate avenues** of accumulating wealth, status and power – **not because they were** socially or **psychologically ‘sick’.** The critics contended that **prisoners should have the opportunity to partake in** programs, including **higher education**, which provided convicts with necessary social resources. During the late 1960s, proponents of **this ‘opportunities model’ encouraged** local and national governments to support PSCE [postsecondary **correctional education**] programming, and many of them went into prisons to teach college courses themselves (Seashore and Haberfeld, 1976).

5. TURN – Rehab is key to humane punishment. **Rotman 86**[[28]](#footnote-28)

**To oppose** a right to **rehab**ilitation **is to ignore the due process** limitation to criminal sanctions embodied in the **principle** "nullum crimen, nulla poena, sine lege," inherited in substance from the Magna Carta,36 first expressed in positive law in the post-Enlightment codi- fication and applied today with few exceptions in all major legal sys- tems of the world. This principle implies not only that conduct cannot be considered criminal unless defined as such by the law before the conduct occurs but also **that no punishment beyond what was prescribed by** the pre-existent **law can be imposed**. Although not expressly stated in the Constitution, this principle is **embodied in** the prohibition of ex-post facto laws and bills of attainder and in **the fifth and fourteenth amendments.**37 "Just as there must be a declaration of the law's intention to make an act a crime, so its pun- ishment must be promulgated through the same process.""38 The legislative duty to provide fair warning of punishable conduct ex- tends, as an element of due process, to the nature and severity of the prescribed punishment. Due process of law is also violated when imprisonment includes punitive ingredients not specified by statute. This interpretation coincides with the principle established by a United States District Court in Florida that "the courts have the duty to protect prisoners from unlawful and onerous treatment of a nature that, of itself, adds punitive measures to those legally meted out by the court.""39 According to the "nullum crimen, nulla poena, sine lege" principle, the only valid purpose of imprisonment is to punish according to the law, however tautological this statement may appear. The no- tion of legal punishment considerably limits the possibility of ad- ding punitive elements, whatever their motivation, to incarceration. The deterrent function of criminal law must flow from the norma- tive threat of punishment and may not be left to the discretion of administrative authority. When the legislators wanted to make im- prisonment a particularly excruciating experience, they clearly ex- pressed that intention through laws embodying the now largely abolished forms of hard labor or penal servitude. In this regard, the Select Committee of the House of Lords defined in 1863 the plight of the convicted as "hard labour, hard fare, and hard bed." In op- position to this idea of increasing punishment by adding extra suf- fering to imprisonment, later scholars proclaimed that "offenders are sent to prison as punishment, not for punishment."40 This pol- icy is mirrored in the international movement for the unification of prison sentences, which sought to abolish publicly humiliating and afflictive forms of imprisonment and to reduce imprisonment solely to loss of liberty. The question was first introduced during the In- ternational Penitentiary Congress of London and further debated in the next Congress which met at Stockholm in 1878.41 In Barnes v. Virgin Islands,42 the district court reflected the viewpoint of enlight- ened modern penology when it wrote that "a convicted person is not sent to a penal institution to receive additional punishment... the fact of incarceration is the punishment."43 The "nulla poena, nullum crimen, sine lege" principle has been in- voked against an abusive notion of rehabilitation, which led to ex- cessively discretionary sentencing practices.44 Today this same principle can be used as a legal pillar to support a constitutional right to rehabilitation. **If** im**prison**ment **itself is the punishment,** the **unchecked harmful effects** of incarceration on the mental and social health of the inmate **represent illegal additional punishment**. Insti- tutionalization in an alienating and depersonalizing environment, without opportunities to combat degeneration or foster positive human development, is a source of various harmful effects that play no part in the design of legal sanctions. The law threatens citizens with imprisonment as the consequence of criminal conduct; that is where the deterrent function of the legal norm should stop. The law expects the citizen to foresee the loss of liberty prescribed by statute but not the additional horrors of incarceration that are not intended by law. The only way to prevent or compensate for such unjustified deprivations is to carry out a positive program of rehabil- itative action.

6. TURN Prison education is key to respect that inmates are citizens. **Rotman 86**[[29]](#footnote-29)

The humanistic model of **rehab**ilitation **affirms** the concept of prison **inmates as possessors of rights.** This legal status generates feelings of self-worth and trust in the legal system and favors the possibility of self-command and responsible action within society. **This** conception ultimately **leads** rehabilitative efforts **toward the paradigm of the inmate as a full-fledged citizen.**'" The prisoners' legal status reinforces their eventual participation in the shaping and governing of society. Thus, prisoners' rights can be qualified, using Ely's terminology, as representation-reinforcing. 4 **This** continuum of rights **culminates in the right to rehab**ilitation, **which** can be formulated as the right to an opportunity to return to society with an improved chance of being a useful citizen and of staying out of prison. This right **requires** not only **education and** therapy, but also **a non-destructive prison environment** and, when possible, less- restrictive alternatives to incarceration. The right to rehabilitation is consistent with the drive towards the full restoration of the civil and political rights of citizenship after release.'5

7. Neuroscience proves that there’s no such thing as moral agents. **Parfit 84** writes[[30]](#footnote-30)

Some **recent medical cases provide striking evidence in favour of the Reductionist View.** Human beings have a **lower brain and** two **upper hemispheres**, which **are connected by a bundle of fibres.** In treating a few people with severe epilepsy, **surgeons have cut these fibres.** The aim was to reduce the severity of epileptic fits, by confining their causes to a single hemisphere. This aim was achieved. But the operations had another unintended consequence. **The effect**, in the words of one surgeon, **was the creation of ‘two separate spheres of consciousness.’ This effect was revealed by** various **psychological tests.** These made use of two facts. We control our right arms with our left hemispheres, and vice versa. And what is in the right halves of our visual fields we see with our left hemispheres, and vice versa. When someone’s hemispheres have been disconnected, **psychologists can thus present** to this person two different written **questions in the two halves of his visual field, and can receive two different answers** written by this person’s two hands.

In the absence of personal identity, you should use a pure util calculus.

**Shoemaker 99**[[31]](#footnote-31)

Extreme reductionism might lend support to utilitarianism in the following way. Many people claim that we are justified in maximizing the good in our own lives, but not justified in maximizing the good across sets of lives, simply because each of us is a single, deeply unified person, unified by the further fact of identity, whereas there is no such corresponding unity across sets of lives. But if the only justification for the different treatment of individual lives and sets of lives is the further fact, and this fact is undermined by the truth of reductionism, then nothing justifies this different treatment. **There are no deeply unified subjects of experience. What remains are merely the experiences themselves, and so any ethical theory distinguishing between individual lives** and sets of lives **is mistaken.** If the deep, further fact is missing, then there are no unities. **The morally significant units should then be the states people are in at particular times, and an ethical theory that focused on them** and attempted to improve their quality, whatever their location, **would be the most plausible. Util**itarianism **is just such a theory.**

## AT Due Process NC

1. Extinction outweighs and turns the case. The state must exist to protect constitutional due process – that’s Lincoln 64.

2. No side constraints are absolute. There are non-ideal cases where our action goes horribly wrong from what we intended – that’s Korsgaard 2.

3. No due process violation. Plan doesn’t change sentencing or remove any due process checks.

4. TURN – Rehab is key to due process; avoids undue punishment. **Rotman 86**[[32]](#footnote-32)

**To oppose** a right to **rehab**ilitation **is to ignore the due process** limitation to criminal sanctions embodied in the **principle** "nullum crimen, nulla poena, sine lege," inherited in substance from the Magna Carta,36 first expressed in positive law in the post-Enlightment codi- fication and applied today with few exceptions in all major legal sys- tems of the world. This principle implies not only that conduct cannot be considered criminal unless defined as such by the law before the conduct occurs but also **that no punishment beyond what was prescribed by** the pre-existent **law can be imposed**. Although not expressly stated in the Constitution, this principle is **embodied in** the prohibition of ex-post facto laws and bills of attainder and in **the fifth and fourteenth amendments.**37 "Just as there must be a declaration of the law's intention to make an act a crime, so its pun- ishment must be promulgated through the same process.""38 The legislative duty to provide fair warning of punishable conduct ex- tends, as an element of due process, to the nature and severity of the prescribed punishment. Due process of law is also violated when imprisonment includes punitive ingredients not specified by statute. This interpretation coincides with the principle established by a United States District Court in Florida that "the courts have the duty to protect prisoners from unlawful and onerous treatment of a nature that, of itself, adds punitive measures to those legally meted out by the court.""39 According to the "nullum crimen, nulla poena, sine lege" principle, the only valid purpose of imprisonment is to punish according to the law, however tautological this statement may appear. The no- tion of legal punishment considerably limits the possibility of ad- ding punitive elements, whatever their motivation, to incarceration. The deterrent function of criminal law must flow from the norma- tive threat of punishment and may not be left to the discretion of administrative authority. When the legislators wanted to make im- prisonment a particularly excruciating experience, they clearly ex- pressed that intention through laws embodying the now largely abolished forms of hard labor or penal servitude. In this regard, the Select Committee of the House of Lords defined in 1863 the plight of the convicted as "hard labour, hard fare, and hard bed." In op- position to this idea of increasing punishment by adding extra suf- fering to imprisonment, later scholars proclaimed that "offenders are sent to prison as punishment, not for punishment."40 This pol- icy is mirrored in the international movement for the unification of prison sentences, which sought to abolish publicly humiliating and afflictive forms of imprisonment and to reduce imprisonment solely to loss of liberty. The question was first introduced during the In- ternational Penitentiary Congress of London and further debated in the next Congress which met at Stockholm in 1878.41 In Barnes v. Virgin Islands,42 the district court reflected the viewpoint of enlight- ened modern penology when it wrote that "a convicted person is not sent to a penal institution to receive additional punishment... the fact of incarceration is the punishment."43 The "nulla poena, nullum crimen, sine lege" principle has been in- voked against an abusive notion of rehabilitation, which led to ex- cessively discretionary sentencing practices.44 Today this same principle can be used as a legal pillar to support a constitutional right to rehabilitation. **If** im**prison**ment **itself is the punishment,** the **unchecked harmful effects** of incarceration on the mental and social health of the inmate **represent illegal additional punishment**. Insti- tutionalization in an alienating and depersonalizing environment, without opportunities to combat degeneration or foster positive human development, is a source of various harmful effects that play no part in the design of legal sanctions. The law threatens citizens with imprisonment as the consequence of criminal conduct; that is where the deterrent function of the legal norm should stop. The law expects the citizen to foresee the loss of liberty prescribed by statute but not the additional horrors of incarceration that are not intended by law. The only way to prevent or compensate for such unjustified deprivations is to carry out a positive program of rehabil- itative action.

5. TURN Prison education is key to respect citizenship. **Rotman 86**[[33]](#footnote-33)

The humanistic model of **rehab**ilitation **affirms** the concept of prison **inmates as possessors of rights.** This legal status generates feelings of self-worth and trust in the legal system and favors the possibility of self-command and responsible action within society. **This** conception ultimately **leads** rehabilitative efforts **toward the paradigm of the inmate as a full-fledged citizen.**'" The prisoners' legal status reinforces their eventual participation in the shaping and governing of society. Thus, prisoners' rights can be qualified, using Ely's terminology, as representation-reinforcing. 4 **This** continuum of rights **culminates in the right to rehab**ilitation, **which** can be formulated as the right to an opportunity to return to society with an improved chance of being a useful citizen and of staying out of prison. This right **requires** not only **education and** therapy, but also **a non-destructive prison environment** and, when possible, less- restrictive alternatives to incarceration. The right to rehabilitation is consistent with the drive towards the full restoration of the civil and political rights of citizenship after release.'5

6. TURN – Pell Grants are key to shift rehab from the treatment model to the opportunities model. **Page 4** writes[[34]](#footnote-34)

**The sharp rise in** PSCE [postsecondary correctional **education**] in the 1970s **was due**, in large part, **to** a shift in penal philosophy and the implementation of **the Pell Grant** program. In the 1960s **critics challenged** the fundamental assumption of **the ‘treatment model’, arguing that people committed crime because they did not have access to legitimate avenues** of accumulating wealth, status and power – **not because they were** socially or **psychologically ‘sick’.** The critics contended that **prisoners should have the opportunity to partake in** programs, including **higher education**, which provided convicts with necessary social resources. During the late 1960s, proponents of **this ‘opportunities model’ encouraged** local and national governments to support PSCE [postsecondary **correctional education**] programming, and many of them went into prisons to teach college courses themselves (Seashore and Haberfeld, 1976).

## AT Outsourcing CP

1. Prefer the specificity of the 1AC evidence. He has one solvency advocate from 20 years ago that’s not in the context of the aff. I have case-specific studies.

2. Plan solves all your offense, and your authors agree. Pell Grants are OK because they are DOE funded and available to non-prisoners. **Logan and Gaes 93** write[[35]](#footnote-35)

One way to achieve this separation would be to postpone treatment activities until after release from prison, or to send prisoners temporarily into the community to participate in such activities. **Another way would be** to make it clear that **treatment** is not the official business of the penal system, even while allowing it to be **provided** by other agencies either inside or outside the prison and **to the same degree as** it is **available to nonprisoners**. Yet regardless of where these elective activities take place, **their separation from** the **confinement** mission should be **emphasized by requiring that they be** conducted and **paid for by** civilian (i.e., **nonpenal**) **agencies**, organizations, or individuals. That requirement could include activities conducted and paid for by prisoners themselves; what counts is that they are not sponsored by the penal system. **Many such activities are** permissible and **desirable within a prison** as long as they are compatible–and are not confused-with the prison's essential mission of confinement as punishment.

3. The counter-plan is the status quo which means it solves 0% of the case. Inmates can already get a Pell Grant upon release. All my empirics prove that it doesn’t solve crime because they can’t get a job to support themselves unless they already have the degree.

4. Permutation do both.

5. Permutation do the counterplan. It is the aff. Pell Grants are totally voluntary.

6. Permutation: do the plan because of advantage 3 [Prison Violence]. Solves the net benefit. **Logan and Gaes 93** write[[36]](#footnote-36)

Many inmate **programs** currently **offered in prisons**–**such as** work, training, **education,** arid recreation-**can be justified under** the heading of **constructive activity** ("keep them busy"). "Constructive" activity is not defined here as "contributing to the betterment of inmates" but as activity that is, on its face, consistent with the orderly, safe, secure, and humane operation of a prison. Idleness and boredom can be viewed as wrong from a work ethic standpoint, or as unnatural because human beings are not meant to be idle, or as so fundamentally related to mischief as to be undesirable for that reason. In any case, prison programs can be defended as forms of constructive and meaningful activity and **as antidotes to idleness, without** invoking **claims of rehab**ilitative effectiveness. **This is not to say that it does not matter whether** the **programs have** any **rehab**ilitative **effects; it would be fine if they did** so.

7. Can’t solve the aff. Prisoners go to college because they have nothing better to do. There’s no guarantee they’d be motivated once outside of prison.

8. Can’t solve advantage 3. That requires rehab inside prison.

9. Can’t solve advantage 4. Rehab outside prison would cost more because we’d have to pay for housing and food, too.

## AT Politics DA

1-2. Omitted (Generic PTX answers).

3. TURN – Rehab is popular due to budget cuts. **Gest 10** writes[[37]](#footnote-37)

For many years, criminal justice reform has stagnated in a ideological gridlock, with conservatives seeking harsher punishments and liberals touting prevention and rehabilitation. A big step toward breaking that split occurred 10 days before Christmas, when a group of conservatives did the extraordinary, admitting that they may have been wrong on some aspects of anticrime policy and seeking consensus on key issues. A new group called Right on Crime urged looking at the money spent on criminal justice and its effectiveness. "For too long, conservatives have allowed more money and more prisons to be the default solution to our public safety challenges," said   
Brooke Rollins of the Texas Public Policy Foundation, which is leading a national movement to change the conversation on crime and justice. Rollins spoke at an unusual session in Washington, D.C., that featured not only **conservative leader**s like Grover **Norquist** of Americans for Tax Reform, David Keene of the American Conservative Union, and Pat Nolan of Prison Fellowship but also invited guests from liberal groups like the Open Society Institute, Families Against Mandatory Minimums, and the Drug Policy Alliance. Now the question is whether the group's new statement of six principles can take hold in conservative ranks as well as be embraced by liberals. Removing crime as a divisive political issue may happen, at least for now, in an era of relatively more concern in the United States over issues of the economy, health care, and foreign wars. At the launch of the Right on Crime campaign, Norquist **said most modern** political **candidates realize that crime "isn't the magic button** they once thought it was" **to paint competitors as "soft" on criminals.** Conservatives generally favor less government, but they agree that criminal justice, along with national defense, are legitimate functions of government. Instead of "shouting at each other," he said, those on both ends of the ideological spectrum should work to make sure that taxpayers' money devoted to criminal justice is spent wisely. 'How do we keep the public safe on limited budgets?" asked Nolan. "This is an issue that will unite the left and the right." In a commentary marked by strong rhetoric, **Nolan called the** conservative **group**'s emergence a "seismic shift" and **a "game changer."** The group's leaders indicated that just about major criminal justice policy could be examined, from law enforcement to courts to prisons and sentencing to crime victims' rights. Right on Crime also is concerned with "overcriminalization," the tendency of government at all levels to try making every conceivable offense to society into a crime. One result is filling prisons and jails and sometimes having "the unintended consequence of hardening nonviolent, low-risk offenders--making them a greater risk to the public than when they entered." Right on Crime certainly has intellectual heft. Besides those who spoke this week, such notables as former House Speaker Newt Gingrich, former Attorney General Edwin Meese, one-time hardline criminologist John DiIulio of the University of Pennsylania, and former Republican Justice Department official Viet Dinh are among those who have signed on. The group has more than rhetoric to back up its principles. Led by a Texas think tank, it touts the example of **Texas**, a former leader in prison building that **has turned to** spending money instead on **rehab**ilitative approaches and still has seen its crime rate drop. In brief, the immediate goal of Right on Crime is to export the Texas model to other states. A few states already have embraced elements of it, notably Kansas and South Carolina. This could be the right time to press for reforms, because **a wave of Republican** governors is about to take over in **states** that **are hard pressed for** public **funds.** Already, Gov.-elect John Kasich of **Ohio**, a former conservative leader in Congress, has said that sentencing policies are on the table in his state, which **spends a large chunk of its budget on c**riminal **j**ustice functions.

4. No polcap now for Obama. **Goddard 3/13**[[38]](#footnote-38)

If President **Obama** "had piled up **pol**itical **cap**ital with his impressive re-election, **i**t'**s largely gone. His approval rating** has **dropped to the lowest level in more than a year**, with more voters now turning thumbs down on his performance than thumbs up," according to a new McClatchy-Marist poll. "The measure of how much people like him also has dropped. He's still vastly more popular than Congress, particularly congressional Republicans. But in the biggest political clash of the year - over the federal budget and how to curb deficits - voters split 44 percent to 42 percent between preferring Congress or Obama. At least some of the president's fall to Earth lies in the fact that **voters no longer see him in** the context of **an election. He** has to stand alone in the eyes of voters again and **doesn't benefit from** the **comparison with** Republican rival Mitt **Romney.**"

5. No internal link. Reform can’t solve. Not comprehensive enough.

**Root 4-27** writes[[39]](#footnote-39)

Ebony's France François asks how close the Gang of Eight's legislation comes to what advocates were hoping for. Last week, **the** Senate's bipartisan **Gang of Eight released a**n immigration reform **bill** to cautious praise and protest alike from both immigration advocates and opponents. Latino groups, employee unions, Silicon Valley representatives, and anti-immigration advocates have all weighed in on the bill, but the question remains an open one: Is this the comprehensive immigration reform we've been waiting for? To answer this question, EBONY.com discussed the proposed legislation with Opal Tometi of the Black Immigration Network and Loide Jorge, **a D.C. immigration attorney** and member of the Congressional Black Caucus' Rapid Response Team on immigration reform. The ladies **agreed without hesitation that this bill was** an important first step, but **far from** the **comprehensive** reform that it's being touted as. "Sadly, what we see with the Senate's immigration bill is that **they've** decidedly **moved away from** having an immigration system that is **family-based to** one that is **employment-based,"** says Opal. **The bill eliminates family reunification green cards** for siblings of U.S. citizens and married children over 30 years old. Read France François' entire piece at Ebony.

6. A new watchdog report released this morning with derail the bill. **Ken 4-27** writes[[40]](#footnote-40)

The U.S. government has been caught promoting the delivery of taxpayer-funded welfare benefits to foreigners, and Judicial Watch’s conclusion is that the Obama administration “cannot be trusted to protect our borders.” **Judicial Watch,** the Washington watchdog which is **known for tracking down** and trying to stamp out government **corruption,** has **issued a report revealing that the** U.S. **Department of Ag**riculture is working with the Mexican government to **promote the** U.S. **food stamp program to illegal aliens.** The report said the program, called Supplemental Nutrition Assistance Program, features a Spanish-language flyer supplied to the Mexican Embassy by the USDA “with a statement advising Mexicans in the U.S. that they do not need to declare their immigration status in order to receive financial assistance.” Just so they don’t miss the idea, the message is in bold and underlined on the brochure: “You need not divulge information regarding your immigration status in seeking this benefit for your children.” “**The revelation** that the USDA is actively working with the Mexican government to promote food stamps for illegal aliens **should have a direct impact on** the fact of **the immigration bill** now being debated in Congress,” said Tom Fitton, the president of the organization. “**These disclosures further confirm** the fact **that** the **Obama** administration **cannot be trusted to** protect our borders or **enforce our immigration laws.** And the coordination with a foreign government to attack the policies of an American state is contemptible,” he said.

7. No unique link – Obama is pushing Pell Grants now. **OFR 12** writes[[41]](#footnote-41)

Pell Grant Program Vulnerable:  **Amid a political climate in congress where** virtually every corner of federal **spending is in jeopardy, the Administration says it wants to protect Pell grants** for low-income college students.   But the quasi-entitlement program faces a huge funding shortfall for FY12 and has become a tempting target for Republican budget hawks, who say that it is a prime example of overspending and “promises we can’t keep.”  Those close to talks on a debt reduction deal are saying little about which programs are likely to be on the chopping block, but education experts say the large increases required to sustain the Pell grant program make it particularly vulnerable.

The **Pell grant** program is one of the federal government’s largest education initiatives, and **has been one of President’s top priorities.**  The program faces a shortfall each year because it is partially funded through discretionary spending, not just mandatory dollars that would sustain it automatically.  With the economic difficulties of the past few years, more people are qualifying for the grant and more people are going back to school to earn degrees, leaving the program strapped for cash.  Program costs have more than doubled since 2008, from $16 billion to an estimated $35 billion in FY12.  In order to maintain the current $5,550 maximum award, lawmakers must make up for an estimated $11 billion shortfall.  Lawmakers in both parties are looking at proposals to restructure the Pell grant program to reduce costs, but those decisions are unlikely to be made until after the White House and congressional leaders negotiate a deficit reduction plan.

8. TURN – Winners win in Obama’s second term. **Ignatius 12** writes[[42]](#footnote-42)

Barack **Obama will** be **get**ting **advice** by the boatload over the next few weeks, but **the best** guidance **may be** what emerges from Caro’s biography “The Passage of Power”: **Think big.** Find strategies and pressure points that can **break the gridlock in Congress**, which was as rigid in 1963 as it is today. **Surprise your adversaries with bold moves** and concessions that create new space on which to govern.¶ As I watched Tuesday’s triumph, it seemed obvious that Obama needs the policy equivalent of David Plouffe, his senior campaign adviser. Plouffe’s genius was to decide early on that the race depended on nine battleground states; if he could deliver those states by **a relentless** and sometimes ruthless **assault**, he **would win the larger victory.** He was like a general who concentrates his forces at the points of greatest vulnerability and then prevails through sheer force of will.¶ Obama’s performance as president has often lacked this decisive, strategic quality. The notes are there but not the policy “music.” In both foreign and domestic policy, the impression of **Obama**, after his blunderbuss, first-year battles on health care and the Israeli-Palestinian issue, **has been** of **a careful president who** reacts to events, waits for others to make the first moves and **plays to avoid losing rather than** to **win.** Well, Mr. President, what the hell’s the presidency for? **A strategic second term would** begin by **identify**ing a list of necessary and achievable **goals, and** then **pursu**ing **them with the** **unyielding** manipulative **skill** of a Lyndon Johnson. On the top of everybody’s list would be a budget deal. Everybody knows, more or less, what it will require: changes in Social Security and Medicare that slow the growth of entitlement spending; reform of the tax code that produces a fairer and simpler system that raises revenue without limiting growth.¶ A road map is there in the Simpson-Bowles deficit-reduction plan, and Obama administration officials have been thinking privately for months about how to tweak the plan so it’s better and fairer. Mitt Romney’s generous concession speech Tuesday night opened a possible door, and the president should follow up his statement that he will “look forward to sitting down with Governor Romney to talk about where we can work together to move this country forward.” The president and his new Treasury secretary (Jack Lew?) should take the next step and ask Romney to help close the budget deal the country needs.¶ In foreign policy, Obama will need to be equally strategic. What does he want to accomplish? My list: a deal with Iran that verifiably limits its nuclear program and avoids war; a deal in Afghanistan that averts civil war when U.S. forces leave in 2014; a deal for a political transition in Syria (a shorthand Syria summary would be to organize the opposition so that it’s strong enough to bargain, then help win a Nobel Peace Prize for Vladimir Putin). And, finally, a deal to create a Palestinian state so that Israel has secure borders and the Arab world can get on with the process of becoming modern and democratic.¶ All these primary foreign policy goals are “deals,” and it follows that the president needs a dealmaker as secretary of state. Who could do that, after Hillary Clinton leaves, probably at the end of January? John Kerry is an experienced man who thinks outside the box and is willing to take risks. Even if the president is said to have found him somewhat windy as the stand-in for Romney during debate preparation, Kerry has shown over the past four years a willingness to negotiate with adversaries, in secret, to achieve results.¶ A longtime Democratic adviser argues that Obama needs the “Bolten Plan,” as in Josh Bolten, the White House chief of staff who mobilized the machinery of government to get it moving in the same direction in George W. Bush’s second term. This will never be a happy model for Democrats, but it captures an important point: **A successful second term is less about ideology than about results.** Think big. Take risks. Get it done. Maybe someone should slip a note in Obama’s desk drawer that asks: What would Lyndon Johnson have done to make it happen?

9. No unique link – Obama is pushing rehab now. **Allen December 13 2012** writes[[43]](#footnote-43)

**PolitiFact**.com **recently gave** President **Obama a “promise kept” on** a **drug** enforcement **policy change.** In 2007, Senator **Obama promised to send first-time drug offenders to rehab** instead of jail. Obama wanted to treat drugs as more of a health issue than a law enforcement issue. PolitiFact.com stated: “The administration has supported drug courts, which allow low-level drug offenders to have their charges dropped if they successfully complete a court-monitored treatment program.” The drug courts mostly apply to local and state level drug crimes because most federal drug offenders are serious and usually involve the selling of drugs. The Obama administration estimates that 120,000 people were sent to treatment instead of jail, reports PoliticusUSA.com. Rafael Lemaitre, spokesman for the White House Office of National Drug Control Policy, said: “**Last** fiscal **year,** the **Obama** administration **spent $10**.4 **billion on drug** prevention and **treatment programs** compared with $9.2 billion on domestic drug enforcement.” Researchers at the National Institute of Justice stated: "Compared to traditional criminal justice system processing, treatment and other investment costs averaged $1,392 lower per drug court participant. Reduced recidivism and other long-term program outcomes resulted in public savings of $6,744 on average per participant (or $12,218 if victimization costs are included)."

10. Won’t pass now; divided GOP. **Jean 4-27**

**Immigration Reform Could Sink Due To Differences Within GOP, Analysts Say** The new effort to **reform** immigration **is mired in** a pitched **battle** – but between unlikely foes. In 2007, the public fight over immigration reform largely was between Republicans and Democrats. The bill died. Now, the match is between conservative Republicans, and conservative Republicans. In the middle is a new bi-partisan Senate bill that would make sweeping changes to immigration, including tightening enforcement and giving millions of undocumented immigrants a chance to live and work legally in the United States. Conservatives and more moderate Republicans who support the bill have been diligently selling it – on Sunday news shows, in press releases, interviews with conservative talk radio hosts and meetings with fellow lawmakers. On the other side are other **conservatives like** U.S Senator Jeff **Sessions** of Alabama who seem motivated by a **fear** of **alienating the** Republican **Party’s base.** Latino Sen. Marco Rubio, Florida Republican, has launched a near-daily email blitz about the almost 900-page immigration bill, its pros and the misconceptions about it. Rubio, a Tea Party conservative, has become the spokesman, for all intents and purposes, for the bill, which he helped draft. Last week, when **conservatives** in Congress **tried to link the Boston** Marathon **bombing**, in which the suspects are Chechen brothers who received political asylum, **to immigration reform**, Rubio quickly fired back that tying the two issues was irresponsible. Last week, Florida Tea Party members staged a protest against Rubio, often referred to as a Tea Party darling, and who won his seat with the strong support of conservative voters and leaders. The protesters took issue with Rubio’s backing of, and central role in, the bipartisan immigration reform bill. Protesters with The Martin 9/12 Committee, a Tea Party group, held signs that read: “No Amnesty for Undocumented and Illegal” and “Stop the Senate!” Jim McGovern, a founder of The Martin 9/12 Committee, and an organizer of the rally, said the protesters singled out Rubio because they feel betrayed, in a way, by their icon. “He put himself up as a spokesperson on this [immigration] issue,” McGovern said, “at great political risk because he knew he was going to get opposition from people he considers his base.” “We are constituents of his,” he said. “We were concerned he wasn’t listening to the real concerns of the people who elected him.” Rep. Paul Ryan, a Wisconsin conservative and the GOP vice presidential candidate last year, appeared with Rep. Luis Gutierrez, an Illinois Democrat, this week at a rally in Chicago in a show of bipartisan support for comprehensive immigration reform. Ryan called the reform bill a job creator that everyone, especially conservatives, should get behind. **Conservatives** who oppose the reform bill **see the fight** over it **as one** that actually is **over** something larger – the fight for **the base, which has come** increasingly **under attack** after it was blamed for having had a major role in Republican presidential nominee Mitt Romney’s bruising defeat in the November election.

# AT Jesuit

## AT Deon NC

Omitted. Mostly Framework responses.

# AT Kent Denver

## AT Mackie NC

Your author admits the plan is a good idea. **Mackie 82**[[44]](#footnote-44)

Spontaneous retaliation will thus develop because it is often beneficial, either immediately or in a longer term, but it will be spontaneous, not chosen by the retaliator for the sake of the benefit. Of course, **we need not assume that retaliation is always beneficial, as it** clearly **is not, and** we can well admit that **what is thus biologically developed is** likely to be **a “mixed strategy,”** a combination **of retaliatory tendencies with** tendencies, say, to flight or, at least among members of the same species, to **conciliation.** All that we need is that there should be a retaliatory component in whatever mixed strategy is developed, and it is easy to see why this should be so.

## AT Extinction Good

Omitted.

# AT La Costa

## AT Crime NC

1. TURN – Deterrence causes prison overcrowding. That destroys low-income communities which increases the root cause of crime. **Tierney 12** writes[[45]](#footnote-45)

Many researchers agree that the rise in imprisonment produced some initial benefits, particularly in urban neighborhoods, where violence decreased significantly in the 1990s. But as sentences lengthened and the prison population kept growing, it included more and more nonviolent criminals like Ms. George. **Half a million** people **are** now **in prison** or jail **for drug offenses,** about **10 times the number in 1980**, and there have been especially sharp increases in incarceration rates for women and for people over 55, long past the peak age for violent crime. In all, about 1.3 million people, more than half of those behind bars, are in prison or jail for nonviolent offenses. **Researchers note that the policies have done little** to stem the flow of illegal drugs. And they say goals like keeping street violence in check could be achieved without the expense of locking up so many criminals for so long. While many scholars still favor tough treatment for violent offenders, they have begun suggesting alternatives for other criminals. James Q. Wilson, the conservative social scientist whose work in the 1970s helped inspire tougher policies on prison, several years ago recommended diverting more nonviolent drug offenders from prisons to treatment programs. Two of his collaborators, George L. Kelling of the Manhattan Institute and John J. DiIulio Jr. of the University of Pennsylvania, have joined with prominent scholars and politicians, including Jeb Bush and Newt Gingrich, in a group called Right on Crime. It advocates more selective incarceration and warns that **current policies** “have the unintended consequence of **harden**ing **nonviolent, low-risk offenders” so that they become “a greater risk** to the public **than when they entered.”** These views are hardly universal, particularly among elected officials worried about a surge in crime if the prison population shrinks. Prosecutors have resisted attempts to change the system, contending that the strict sentences deter crime and induce suspects to cooperate because the penalties provide the police and prosecutors with so much leverage. Some of the strongest evidence for the benefit of incarceration came from studies by a University of Chicago economist, Steven D. Levitt, who found that penal policies were a major factor in reducing crime during the 1990s. But as crime continued declining and the prison population kept growing, the returns diminished. “We know that harsher punishments lead to less crime, but we also know that the millionth prisoner we lock up is a lot less dangerous to society than the first guy we lock up,” Dr. **Levitt said**. “In the mid-1990s I concluded that the social benefits approximately equaled the costs of incarceration. Today, my guess is that the costs outweigh the benefits at the margins. I think **we should** be **shrink**ing **the prison population by at least one-third.**” Some social scientists argue that **the incarceration rate is** now so high that the net effect is “crimogenic”: **creating more crime** over the **long term by harming** the social fabric in **communities and permanently damaging the economic prospects of prisoners as well as their families. Nationally,** about **one in 40 children have a parent in prison. Among black children, one in 15 have a parent in prison.**

Independently turns neg solvency. Incarceration overburdens the CJS. The states can’t afford it. **Warren 07** writes[[46]](#footnote-46)

**Over-reliance on incarceration has also resulted in enormous cost increases for** state **taxpayers. Between** 19**85 and** 20**04** state corrections **expenditures increased over 200%, more than any other cost item in state budgets. By comparison, spending on higher education** in the states during the same period **increased by 3%,** spending on Medicaid by 47%, and spending on secondary and elementary education by 55%. 39

2. TURN – meta-analysis overwhelmingly concludes aff.

**Cullen and Gendreau 2k** write[[47]](#footnote-47)

Even if interventions are effective with a range of other behaviors, the question still remains whether they are able to reduce delinquent and criminal behavior. **Lipsey and Wilson** (1993) **listed 10 meta-analyses** that were conducted on evaluations of treatment programs for offenders. In all cases, a positive effect size was reported. There was a tendency, however, for the treatment effect size for offender interventions to be lower than that for interventions targeting other outcomes for change. The lower effect size may reflect the difficulty of changing antisocial conduct and/or the lower quality of interventions with offenders (Losel 1995). Still, it is instructive to reiterate that **every meta-analysis** of offender treatment **indicated that programs**, in the aggregate, **reduced problem behavior.** As such, there is no evidence that offenders cannot be rehabilitated. **Losel** (1995) has **conducted the most comprehensive assessment of** the **metaanalyses** of offender rehabilitation programs. **In a review of 13 meta-analyses** published between 1985 and 1995, **Losel found that the mean effect size ranged from** a low of 0**.05 to** a high of 0**.18**. **This** finding **has been confirmed** in an updated review **by Redondo, Sanchez**-Meca, **and Garrido (1999, 252). The consistency** of the positive effect of treatment **in these meta-analyses is important because it suggests that this result**, at least in broad terms, **is not dependent on the** sample of **studies selected** and coding decisions made **by individual authors.** Indeed, **even meta-analyses conducted by scholars unsympathetic to rehab**ilitation **produced positive effects** (see Whitehead and Lab 1989). Losel estimates that across all the meta-analyses, “the mean effect size of all assessed studies probably has a size of about 0.10” (p. 89). Using Rosenthal’s (1991) BESD statistic, this would mean that the recidivism rate for the treatment group would be 45 percent, while the rate for the control group would be 55 percent. According to Losel (1995, 90–91), however, this overall effect size might be underestimated. Treatment groups, for example, are often compared with control groups that do not receive “no intervention” but some other type of criminal justice sanction, which might involve some kind of treatment. The use of dependent variables that are measured dichotomously and with official measures of recidivism also may attenuate the effect size. Thus, Lipsey (1992, 98) notes that official indicators of delinquency have low reliability because “it is largely a matter of chance whether a particular delinquent act eventuates in an officially recorded contact with an agent of law enforcement or the juvenile justice system.” He calculates that when this fact in taken into account, the “deattenuated effect size” for the interventions “doubles” (p. 98).

This directly answers Martinson – Martinson gets his ass kicked by every researcher that comes after him. His methodology is unsophisticated, and he doesn’t assume modern rehab techniques. **Cullen and Gendreau 2k** write[[48]](#footnote-48)

**In the subsequent quarter century, a growing revisionist movement has questioned Martinson**’s portrayal of the empirical status of the effectiveness of treatment interventions. **Through painstaking literature reviews, these** revisionist **scholars** have **show**n that **many** correctional **treatment programs are effective** in decreasing recidivism. **More recently, they have undertaken more sophisticated quantitative syntheses of an increasing body of evaluation studies through** a technique called **“meta-analysis.”** These meta-analyses reveal that across evaluation studies, the recidivism rate is, on average, 10 percentage points lower for the treatment group than for the control group. However, this research has also suggested that some correctional interventions have no effect on offender criminality (e.g., punishment-oriented programs), while others achieve substantial reductions in recidivism (i.e., approximately 25 percent).

Prefer meta-analyses – multiple warrants. **Cullen and Gendreau 2k** write[[49]](#footnote-49)

There are, however, advantages to using the meta-analytic technique to organize research findings. **First, meta-analysis can detect effects that traditional** narrative or ballot box **reviews fail to capture**. **Because the statistical power of many** evaluation **studies is low due to** use of **small sample size**s, real effects are often missed as studies are counted one by one (Schmidt 1996). By summing effect sizes across a sample of studies regardless of their statistical significance, however, meta-analysis avoids this problem. Thus, as Lipsey (1999, 619) notes, meta-analysis is able: to identify effects not clearly visible to traditional reviewers . . . because research findings come to us in the form of signal-to-noise ratios, where the signal is the intervention effect we are attempting to estimate and the noise is the background, sampling error, measurement error, and betweenstudy variability that tends to obscure the signal. Meta-analytic techniques allow some of that background noise to be controlled statistically in ways not available to traditional reviewers and, hence, may reveal effects not previously detected. **Second,** it is possible **to assess whether** methodological factors (e.g., the quality of the research design) influence the size of a treatment effect by introducing them into a multivariate **an**alysis. If a treatment **effect is robust after** these **[methodological] factors are taken into account**, then confidence is increased that the effect is real and not a methodological artifact. **Third,** and relatedly, through a multivariate analysis, it also is possible **to assess** whether the magnitude of a treatment effect is conditioned by substantively important **“moderating factors,” such as** the **risk level** of offenders **or** the **type of treatment modality employed. Fourth,** various statistical procedures (e.g., “fail safe N”) have been developed to provide guidance on the likelihood that the findings of a meta-analysis are, or are not, vulnerable to being reversed as unpublished studies are uncovered and future evaluation studies are conducted (Orwin 1983; Rosnow and Rosenthal 1993). No such statistics, of course, exist for traditional reviews. Fifth, **any given meta-analysis is open to replication by other scholars,** either on the same data set or on a different data set. In this way, **coding decisions or the sample of studies** chosen for review **can be assessed independently.** Again, **if** a treatment effect is **sustained in** these **replication**s, **then we** can **have confidence that** we have found that **something does** indeed work to **reduce recidivism.** Sixth, and perhaps most noteworthy, by presenting information in a precise, parsimonious way, meta-analysis facilitates the process of constructing knowledge about a topic, such as correctional treatment. Narrative reviews are unwieldy and tend to permit only broad generalizations. In contrast, meta-analysis is better able to convey information that shows, in a more delimited and clear way (e.g., listing effect sizes and their confidence intervals in a table), what does not work, what does work, and (as noted) what factors moderate what works. Let us hasten to say that these data do not allow definitive answers; nonetheless, they do illuminate what we currently know from the existing body of research and what data need to be collected to advance our knowledge base. They also provide clearer guidance on what factors effective programs have in common and, in turn, on what empirically based features correctional personnel should consider including in the treatment interventions they initiate.

TURN – Empirically harsh sentences can’t solve crime. **McGuire 04** writes[[50]](#footnote-50)

The broadest, though possibly weakest, kind of evidence pertaining to this comes from studies of the relationship between the numbers of persons incarcerated in a society and its general rate of recorded crime. **For** example, where opportunities have been available to monitor recorded **levels of crime across periods when rates of incarceration were** steadily **changing, no clear relationship materializes, even allowing for** possible **time-lags** (Zimring and Hawkins 1994, 1995). **This emerges particularly in studies** of, and projections based upon, the increased use of incarceration in parts **of the U**nited **S**tates (Greenwood et al. 1996). Reviewing the evidence bearing on this point up to 1997, **Nagin** (1998) described the conceptual and other difficulties posed in researching this question, **but could find no study** that can be taken seriously as **demonstrating a deterrence effect of imprisonment on general rates of crime. Furthermore, recent research has failed to establish any relationship**, in a direction that would be predicted by deterrence theory, **between length**s **of prison sentences and** rates of **recidivism. Gendreau et al**. (1999a) have **systematically** reviewed this area in a report for the Solicitor General of Canada. The research group **reviewed 23 studies** yielding 222 comparisons of groups of offenders (total sample size, 68,248) who spent longer (an average of 30 months) versus shorter (an average of 17 months) periods in prison. The groups were similar on a series of five risk factors. Contrary to what would be predicted by deterrence theory, offenders who served longer sentences had slight increases in recidivism of between 2 and 3%; **there was a small positive correlation between sentence length and sub-sequent rates of re-conviction.** Incidentally, **even** Robert **Martinson** (1974), in his widely cited and highly influential paper which gave ‘very little reason to hope that we have in fact found a sure way of reducing recidivism through rehabilitation’ (p. 49), also **concluded that there was no evidence of an association** between recidivism and sentence length. **The foregoing review integrated information from many sources and was conducted on a mammoth scale.** But smaller-scale research, for example on the comparative impact of fines and short jail sentences on rates of drinking and driving, have not unequivocally shown that the deterrence effect of the latter is necessarily any more powerful than that of the former (Evans et al. 1991; Martin et al. 1993). Another frequently heard claim regarding deterrence is that it is more likely to work with ‘ white-collar ’ crimes, committed by mainly middle- or upper-class offenders. Weisburd and Chayet (1995) followed the criminal careers of 742 offenders convicted of such crimes. The sample, which was divided into those who received and those who did not receive prison sentences, was followed up for a total of more than ten years. There was no observable effect that could be attributed to specific deterrence.

And, crime is generally caused by “dynamic predictors”.

**Cullen and Gendreau 2k** write[[51]](#footnote-51)

The first principle is that interventions should target the known predictors of crime and recidivism for change. This principle starts with the assumption that correctional treatments must be based on criminological knowledge—what they call the “social psychology of criminal conduct” (Andrews 1995; Andrews and Bonta 1998). **There are two** types of **predictors** that place offenders at risk **for crime: “static” predictors—such as** an offender’s **criminal history—which cannot be changed, and “dynamic” predictors**—such as antisocial values—**that can** potentially **be changed.** In this perspective, these dynamic predictors or risk factors are typically referred to as “criminogenic needs.” In investigating risk factors or predictors of crime, it is possible that the research could have indicated that the major predictors are static. If so, then the prospects for rehabilitation would have been minimal. But this did not turn out to be the case. **Meta-analyses reveal that many of the most salient predictors are dynamic** (Andrews and Bonta 1998; Gendreau, Little, and Goggin 1996). **These include**: (1) “**antisocial**/procriminal attitudes, values, **beliefs** and cognitive-emotional states (that is, personal cognitive supports for crime)”; (2) “**procriminal associates** and isolation from anticriminal others (that is, interpersonal supports for crime)”; and (3) antisocial personality factors, such as impulsiveness, risk-taking, **and low self-control** (Andrews 1995, 37; see also Andrews and Bonta 1998, 224–225; Gendreau, Little, and Goggin 1996). **Conversely,** the research suggests that **many factors thought to cause crime, such as low self-esteem, are unrelated** or only weakly related **to recidivism.** Thus, targeting these factors for intervention will produce little, if any, change in offenders’ conduct

That means rehab’s key to solve. **Cullen and Gendreau 2k** write[[52]](#footnote-52)

Second, the **treatment** services **should be behavioral in nature.** In general, **behavioral interventions are effective in changing an array of human behavior.** With regard to crime, **they are well-suited to altering the** “criminogenic needs”— **antisocial attitudes**, cognitions, personality orientations, **and associations**—**that underlie recidivism.** For this reason, Andrews argues that behavioral interventions satisfy the criterion of “general responsivity”; that is, they match the needs of offenders. Andrews (1995, 56) notes that these interventions would “employ the cognitive behavioural and social learning techniques of modelling, graduated practice, role playing, reinforcement, extinction, resource provision, concrete verbal suggestions (symbolic modelling, giving reasons, prompting) and cognitive restructuring.” Reinforcements in the program should be largely positive, not negative. And the services should be intensive, lasting 3 to 9 months and occupying 40 to 70 percent of the offenders’ time while they are in the program (Gendreau 1996b). In contrast, other treatment modalities lack general responsivity. Andrews and Hoge (1995, 36) contend that less effective treatment “styles are less structured, self-reflective, verbally interactive and insight-oriented approaches.” **Punishment approaches do not target criminogenic needs and thus are among the most ineffective interventions with offenders.**

Retribution fails at deterring crime. **Andrews and Bonta 10**[[53]](#footnote-53)

All of the above conditions consider only how punishment needs to be delivered to suppress behavior. They do not address characteristics of the person that may interact with the application of punishment. In situations where punishment is not delivered with immediacy and certainty, it may still be effective with certain types of people. For example, those who are futureoriented and evidence good self-monitoring and regulation skills can make the connections between the behavior and the negative consequences that may occur days, weeks, or months later. However, **many offenders are impulsive** (Gottfredson & Hirschi, 1990) **and underestimate the chances of being punished** (Piquero & Pogarsky, 2002). There is even some evidence that **punishment can lead to increased offending through** operation of **the “gambler’s fallacy.” That is, “if I was punished now** then **it is unlikely that I will get caught and be punished again”** (Pogarsky & Piquero, 2003). In addition, **[And,] applying “maximum” punishment can** have undesired consequences ranging from **[lead to] learned helplessness** (Seligman, 1975) to **[and] retaliatory aggression** (McCord, 1997). The long and short of all of this is how can one possibly expect that a policy centered on punishment can reduce criminal behavior?

Rehabilitation reduces crime. **Gadek 08**[[54]](#footnote-54)

I believe that society does have at least some responsibility to fix the “broken” person.  The reason for this is the mentality of a lot of American people, which is to “pass the buck down.”  Well, if one is to think about it, where does this passing of the buck stop?  It’s usually prison and it’s usually too late.  Some may say: It’s not my responsibility; I live in a good neighborhood; I am a law abiding citizen, and so on.  Crime affects everyone, no matter the level of involvement, neighborhood you live in, or your ability to leave jaywalking to the jaywalkers.  One must not forget that this world of ours is unpredictable at best, and that crime can happen even to the “best” of us.  **If society “chips in” to help** in **rehab**ilitation **programs** and other alternatives to prison **we may see less crime** on our streets, with safer neighborhoods, more law abiding citizens, and a sense of responsibility that’s emitted by all, not just few.

**Punishment is not the only thing offenders understand**, but a lot of “us,” regular people, don’t see it this way.  “We” may feel like warehousing (incarceration without rehabilitation) is the only way.  However, I think that when a crime in consciously committed incarceration without rehabilitation is a viable option.  It is understandable to not fully comprehend the mindset of a criminal, but **criminals, like us, are people, too.**  Their outbursts of **crime may be heavily influenced by psychological deficiencies,** by **[or] inability to provide for themselves** and their families, or by pure choice**.**  Some of the offenders should have the ability to use resources like rehabilitation and early release programs with monitoring/rehabilitation.  Not many have the chance to do so.

**There needs to be a nationwide effort to shift** the **focus** of corrections **from incarceration to** alternative programs that address the special needs of offenders. In addition, most alternative programs are far less expensive than incarceration of prisoners.  Such savings can then be used for **educational and preventive programs**.  However, there is a drawback of such a mobilization: the “buck stops here.” Individuals, communities, local, state, and federal governments must be involved in order for such programs to succeed.  Once executed, these programs will benefit not only the offenders, but all parties involved: victims, various correction agencies, and local communities (Lobardo & Levy, 2005).

Retributive policies have failed. **Warren 7** writes[[55]](#footnote-55)

Starting **in the** mid-19**70s,** the federal and many state **governments turned to** “offensebased” theories of sentencing reflected in **“retributive”** and “determinate” sentencing **models.** The new models emphasized punishment rather than rehabilitation and favored incarceration not only for punishment but also for incapacitation and general deterrence. “Determinate” sentencing provisions limited judicial discretion in individual cases through passage of mandatory sentencing requirements and sentencing guidelines that also increased the penalties for many crimes. Other provisions eliminated or limited parole and early release discretion, requiring all offenders to serve a longer portion of judicially imposed prison sentences. 17 Use of **rehab**ilitation and treatment **programs**, custodial and noncustodial, **dried up.** Thus, the goals of retribution, incapacitation, and general deterrence came to supersede the goals of rehabilitation and specific deterrence in federal and state sentencing policy. The new sentencing policies sought to reduce crime not by changing the behaviors of criminal offenders but by removing more offenders from the community for longer periods of time through harsher punishment and incapacitation. High Incarceration Rates and Costs **The consequences** of our more retributive sentencing policies **have been dramatic.** Between 1974 and 2005, **the number of inmates in** federal and state **prison**s **increased** from 216,000 18 to 1,525,924, 19 an increase of more than **sixfold. America’s rate of imprisonment** had **remained steady until the** 19**70s** at about 110 per 100,000. 20 **Since that time the** U.S. imprisonment **rate has increased more than fourfold** to 491. 21 **The likelihood of** an American **going to prison** sometime in his or her lifetime **more than tripled** between 1974 and 2001 **to 6.6%.** 22

Consensus of meta-analyses is on my side. **McGuire 04** writes[[56]](#footnote-56)

What a journalist might call the front-page banner headline, **scanning** results across **all meta-analyses,** is that the impact of **intervention** is on average positive. That is, it **is associated with a net reduction in recidivism** in experimental relative to comparison samples. This sharply contradicts the commonly repeated assertion that ‘nothing works’ (Hollin 1999,2001a; Lösel 2001; McGuire 2002a).However, the average effect taken across a broad spectrum of different types of treatment or intervention is relatively modest. Expressed as a correlation coefficient, it is estimated on average to be approximately 0.10 (Lösel 1995). This can be represented in a different form using the binomial effect size display described above. A correlation of 0.10 translates to an average difference of 10 percentage points between experimental and control groups across all the intervention studies. The BESD compares outcomes for the two groups against a hypothetical situation where the expected rate of recidivism across all groups is 50%. The average finding obtained from the meta-analyses corresponds to recidivism rates of 45% for the experimental groups and 55% for the control groups, respectively. That situation is shown in the central section of Table 6.1. Cohen (1988) has proposed a broad classification of effect sizes, suggesting that those in the region of 0.20 or less are small, those in the region of 0.50 are moderate and those in the region of 0.80 and above are large. While this is a very rough-and-ready guide, many researchers refer to it as a useful yardstick. According to Cohen’s scheme, then, this is a relatively small effect. Remember, however, that **the effect** we are discussing here **is averaged across all types of intervention.** The experimental ‘treatments’ studied in this research can consist of a huge variety of approaches. They include **criminal sanctions** (punishment), which as we will see in more detail in Chapter 7, **have often been found to have zero and** sometimes **even negative effect** sizes. **If such effects were excluded** from the overall calculation, **the average** for the remaining treatments **would be higher than 0.10.** But given that its overall scale is apparently unremarkable, the question inevitably arises as to whether this finding tells us anything meaningful in practical or policy terms. One way of putting this in perspective is to consider the distinction between what Rosenthal (1994) has called statistical and practical significance. The mean effect size obtained here, although small, is statistically significant and compares reasonably well with those found in other fields (Lipsey 1995). Some healthcare interventions that are generally regarded as producing worthwhile benefits have lower mean effect sizes. Others with mean effects only marginally higher are in receipt of considerable public investment (Lipsey and Wilson 1993). McGuire (2002a) tabulated a series of effect sizes from various sources and found the following. For the impact of aspirin in reducing the risk of myocardial infarction (a type of heart attack), the effect size was 0.034; for chemotherapy reducing the risk of recurrence of breast cancer, 0.08; for bypass surgery reducing the risk of coronary heart disease, 0.15.

# AT LHP

## AT Authorial View NC

### Framework

1. No impact – util looks at end states, not actions, so it doesn’t need an account of unity of action.

2. TURN – only util respects everyone’s will by weighing them equally – that’s Cummiskey.

3. TURN – authority view fails for states. Decisions made by multiple agents don’t have a unified intention, so they can only be defined by their consequences.

4. Personal identity doesn’t exist across time – that’s Vaidman and Parfit, so any view of action that relies on unity of self across time fails.

5. Fallacy of origin – just because actions are explained by intentions doesn’t mean the intentions themselves have normative value.

6. TURN – Only the productive view is verifiable. We can’t know intentions.

7. TURN – unity of action is infinitely regressive. An “action” could be infinitely short or infinite long.

8. Only util solves the regress. It allows comparison of infinite values – that’s Lauwers and Valentyne.

9. No such thing as unity of will. **Nietzsche 86** writes[[57]](#footnote-57)

Philosophers are accustomed to speak of the will as though it were the best-known thing in the world; indeed, Schopenhauer has given us to understand that **the will** alone is really known to us, absolutely and completely known, without deduction or addition. But it again and again seems to me that in this case Schopenhauer also only did what philosophers are in the habit of doing—he seems to have adopted a POPULAR PREJUDICE and exaggerated it. Willing seems to me to be above all something COMPLICATED, something that **is a unity only in name**—and it is precisely in a name that popular prejudice lurks, which has got the mastery over the inadequate precautions of philosophers in all ages. So let us for once be more cautious, let us be "unphilosophical": let us say that **in all willing there is** firstly **a plurality of sensations**, namely, the sensation of the condition "AWAY FROM WHICH we go," the sensation of the condition "TOWARDS WHICH we go," the sensation of this "FROM" and "TOWARDS" itself, and then besides, an accompanying muscular sensation, which, even without our putting in motion "arms and legs," commences its action by force of habit, directly we "will" anything. Therefore, just as sensations (and indeed many kinds of sensations) are to be recognized as ingredients of the will, so, in the second place, thinking is also to be recognized; in every act of the will there is a ruling thought;—and let us not imagine it possible to sever this thought from the "willing," as if the will would then remain over! In the third place, the will is not only a complex of sensation and thinking, but it is above all an EMOTION, and in fact the emotion of the command. That which is termed "freedom of the will" is essentially the emotion of supremacy in respect to him who must obey: "I am free, 'he' must obey"—this consciousness is inherent in every will; and equally so the straining of the attention, the straight look which fixes itself exclusively on one thing, the unconditional judgment that "this and nothing else is necessary now," the inward certainty that obedience will be rendered—and whatever else pertains to the position of the commander. A man who WILLS commands something within himself which renders obedience, or which he believes renders obedience. But now let us notice what is the strangest thing about the will,—this affair so extremely complex, for which the people have only one name. Inasmuch as in the given circumstances we are at the same time the commanding AND the obeying parties, and as the obeying party **we know the sensations of** constraint, **impulsion**, pressure, resistance, **and motion**, which usually commence immediately after the act of will; inasmuch as, on the other hand, **we** are accustomed to **disregard this duality, and** to **deceive ourselves** about it **by means of the** synthetic **term "I":** a whole series of erroneous conclusions, and consequently of false judgments about the will itself, has become attached to the act of willing—to such a degree that he who wills believes firmly that willing SUFFICES for action. Since in the majority of cases there has only been exercise of will when the effect of the command—consequently obedience, and therefore action—was to be EXPECTED, the APPEARANCE has translated itself into the sentiment, as if there were a NECESSITY OF EFFECT; in a word, he who wills believes with a fair amount of certainty that will and action are somehow one; he ascribes the success, the carrying out of the willing, to the will itself, and thereby enjoys an increase of the sensation of power which accompanies all success. "Freedom of Will"—that is the expression for the complex state of delight of the person exercising volition, who commands and at the same time identifies himself with the executor of the order—who, as such, enjoys also the triumph over obstacles, but thinks within himself that it was really his own will that overcame them. In this way the person exercising volition adds the feelings of delight of his successful executive instruments, the useful "underwills" or under-souls—indeed, our body is but a social structure composed of many souls—to his feelings of delight as commander. L'EFFET C'EST MOI. what happens here is what happens in every well-constructed and happy commonwealth, namely, that the governing class identifies itself with the successes of the commonwealth. In **all willing** it **is** absolutely a question of **commanding and obeying**, on the basis, as already said, **of a social structure composed of many "souls"**, on which account a philosopher should claim the right to include willing-as-such within the sphere of morals—regarded as the doctrine of the relations of supremacy under which the phenomenon of "life" manifests itself.

### Contention

1. No link to Pell Grants.

2. TURN – Pell Grants are key to respect the inmates’ intentions because it gives them the option to change their views and reform.

3. TURN – retribution violates intent because it holds that only the law on the books matters for sentencing. Rehab allows us to take the criminals’ intent into account.

4. TURN – Rehab is key to fair punishment. **Rotman 86**[[58]](#footnote-58)

**To oppose** a right to **rehab**ilitation **is to ignore** the due process limitation to criminal sanctions embodied in the principle "nullum crimen, nulla poena, sine lege," inherited in substance from the Magna Carta,36 first expressed in positive law in the post-Enlightment codi- fication and applied today with few exceptions in all major legal sys- tems of the world. This principle implies not only that conduct cannot be considered criminal unless defined as such by the law before the conduct occurs but also **that no punishment beyond what was prescribed by** the **pre-existent law can be imposed**. Although not expressly stated in the Constitution, this principle is embodied in the prohibition of ex-post facto laws and bills of attainder and in the fifth and fourteenth amendments.37 "Just as there must be a declaration of the law's intention to make an act a crime, so its pun- ishment must be promulgated through the same process.""38 The legislative duty to provide fair warning of punishable conduct ex- tends, as an element of due process, to the nature and severity of the prescribed punishment. Due process of law is also violated when imprisonment includes punitive ingredients not specified by statute. This interpretation coincides with the principle established by a United States District Court in Florida that "the courts have the duty to protect prisoners from unlawful and onerous treatment of a nature that, of itself, adds punitive measures to those legally meted out by the court.""39 According to the "nullum crimen, nulla poena, sine lege" principle, the only valid purpose of imprisonment is to punish according to the law, however tautological this statement may appear. The no- tion of legal punishment considerably limits the possibility of ad- ding punitive elements, whatever their motivation, to incarceration. The deterrent function of criminal law must flow from the norma- tive threat of punishment and may not be left to the discretion of administrative authority. When the legislators wanted to make im- prisonment a particularly excruciating experience, they clearly ex- pressed that intention through laws embodying the now largely abolished forms of hard labor or penal servitude. In this regard, the Select Committee of the House of Lords defined in 1863 the plight of the convicted as "hard labour, hard fare, and hard bed." In op- position to this idea of increasing punishment by adding extra suf- fering to imprisonment, later scholars proclaimed that "offenders are sent to prison as punishment, not for punishment."40 This pol- icy is mirrored in the international movement for the unification of prison sentences, which sought to abolish publicly humiliating and afflictive forms of imprisonment and to reduce imprisonment solely to loss of liberty. The question was first introduced during the In- ternational Penitentiary Congress of London and further debated in the next Congress which met at Stockholm in 1878.41 In Barnes v. Virgin Islands,42 the district court reflected the viewpoint of enlight- ened modern penology when it wrote that "a convicted person is not sent to a penal institution to receive additional punishment... the fact of incarceration is the punishment."43 The "nulla poena, nullum crimen, sine lege" principle has been in- voked against an abusive notion of rehabilitation, which led to ex- cessively discretionary sentencing practices.44 Today this same principle can be used as a legal pillar to support a constitutional right to rehabilitation. **If imprisonment itself is the punishment,** the **unchecked harmful effects of incarceration** on the mental and social health of the inmate **represent illegal additional punishment**. Insti- tutionalization in an alienating and depersonalizing environment, without opportunities to combat degeneration or foster positive human development, is a source of various harmful effects **that play no part in the design of legal sanctions.** The law threatens citizens with imprisonment as the consequence of criminal conduct; that is where the deterrent function of the legal norm should stop. The law expects the citizen to foresee the loss of liberty prescribed by statute but not the additional horrors of incarceration that are not intended by law. **The only way to prevent** or compensate for **such unjustified deprivations is to carry out** a positive program of **rehab**il- itative action.

# AT Loyola

## AT Borders K

Omitted.

# AT Lynbrook Overpop DA

1. Latest data shows global pop is declining due to birthrate adjustment to period of peace, proving there’s no scenario and plan helps keep population down. **Nelson 1/11**[[59]](#footnote-59)

The number of people on the planet has grown exponentially in the past half-century alone, from 2.5 billion in 1950 to an estimated 7 billion in 2012, according to the U.S. Census Bureau. The world’s 7 billionth person, born sometime last March, elicited concern that we would run out of food and resources for everyone. An ever updating Census Bureau population clock shows the numbers rising. People have worried about this since at least the 18th century, when British political economist Thomas Malthus first theorized that unchecked population growth would ultimately lead to starvation. China, so concerned about the drain of overpopulation on its resources, instituted a one-child policy in 1979, imposing heavy fines on parents who go over the limit. But it turns out **the world’s population isn’t growing nearly as fast** as it once did**.** In fact, **experts say** the rate of **population growth will continue to slow and** that the total population will eventually — likely **within our lifetimes — fall**. This isn’t news for two of the world’s most populous countries, Japan and Russia, which as TIME reported in 2011 are both facing rapidly declining birthrates. In general, developed countries where more women have the means for financial independence and motherhood isn’t a given are facing much slower rates of population growth. Many Western European countries have birthrates below the population-replacement rate of 2.1 births per woman: Spain and Italy are tied at 1.4; Holland and Belgium, 1.8; and Germany is at 1.36. The U.S. has seemingly been immune to the declining-birthrate trend. But in 2011, the Pew Research Center found that the birthrate in the U.S. reached its lowest point ever recorded: 63.2 children per 1,000 women of childbearing age. In Slate, Jeff Wise reports that the babymaking slowdown is due to “demographic transition” — basically, the phenomenon whereby **humans,** long **used to having large families to cope with** the society-decimating consequences of famine, **war and disease**, begin to **rein in childbirth as these threats dissipate.** Warren **Sanderson, a professor of economics** at Stony Brook University**, explained it** to Wise **as “a shift** between two very different long-run states: **from high death** rates **and** high **birthrates to low death** rates **and** low **birthrates**.”

2. Extinction is inevitable absent the Plan, so voting Neg doesn’t solve his impacts. It’s try or die for the aff. Only affirming has a risk of solving extinction.

# AT Meadows

## AT Biopower K

### AT Link

1. Uniqueness overwhelms the link. TSA screenings, Gitmo, and targeted killing are biopolitical, and the K can’t solve.

2. No link. Pell Grants are voluntary, the State isn’t coercing people.

3. No link. The Plan doesn’t affect sentencing and treats criminals as rational agents in need of resources. Your author would agree. **Morrisey 6**[[60]](#footnote-60)

**Morris’ objection to** a system of **rehab**ilitation **does not preclude** the incorporation of **certain sorts of** therapy or **rehab**ilitation into penal institutions. **Rehab**ilitation programs can be offered as part of legitimate penal institutions. However, these programs would be subject to the sorts of constraints that respect for persons dictates. For the most part respect for persons constrains the content and the approach of rehabilitation programs. Programs **would have to respect** the **participants as rational agents who need** support, **resources or assistance; rather than** treating them **as if they are ill and need to be**, in some sense, **fixed.** Moreover, Morris’ argument does not rule out the possibility of a separate set of institutions designed for those lawbreakers who are not deemed culpable for their actions. We may well have state sponsored mental health institutions, drug rehabilitation centers and the like for those lawbreakers who are mentally ill, drug addicts or otherwise not culpable for 13 their actions but who the state, nevertheless, has a legitimate interest in detaining.16 **Morris’ argument from respect for persons is levied against those who argue that the entire institution** of punishment **should be replaced by** systematic **rehab**ilitation and therapy. It is not an argument that rehabilitation and therapy are never justified.

### Framework

### Perms

### Impact

### Alt

All Omitted. It’s just generic biopower answers.

## AT Death Penalty DA

1. No link. I don’t defend removing the death penalty. It’s also not an effect of the plan. Excluding death row inmates from Pell Grant eligibility is normal means. **Karpowitz and Kenner 2k**[[61]](#footnote-61)

As part of this effort, **the** Department’s **Office of Correctional Education** issued a Facts and Commentary in 1995 entitled “Pell Grants for Prisoners,” in which it **stated** that “Pell grants help inmates obtain the skills and education needed to acquire and keep a job following their eventual release.” Furthermore, the Department published the following facts **in support of Pell eligibility for the incarcerated**: Of the $5.3 billion awarded in Pell grants in 1993, about $34 million were awarded to inmates. This represents less than 1/10 of one percent (1%) of the total grant awards. The annual Pell grant awarded per inmate was less than $1,300. Pell grants are given to education providers, not to inmates, to pay for the inmates’ educational expenses. **Death row inmates** and inmates serving life sentences without parole **were not eligible for Pell grants.**

2. Dictators mean deterrence fails. Heg is key to solve his impacts. **Miller 02** writes[[62]](#footnote-62)

The U.S. should use whatever means necessary to stop our enemies from gaining the ability to kill millions of us. We should demand that countries like Iraq, Iran, Libya, and North Korea make no attempt to acquire weapons of mass destruction. We should further insist on the right to make surprise inspections of these countries to insure that they are complying with our proliferation policy. What if these nations refuse our demands? If they refuse we should destroy their industrial capacity and capture their leaders. True, the world's cultural elites would be shocked and appalled if we took preventive military action against countries that are currently doing us no harm. What is truly shocking, however, is that America is doing almost nothing while countries that have expressed hatred for us are building weapons of mass destruction. France and Britain allowed Nazi Germany's military power to grow until Hitler was strong enough to take Paris. America seems to be doing little while many of our foes acquire the strength to destroy U.S. cities. **We can't rely upon deterrence** to prevent an atomic powered dictator from striking at us. Remember, the Nazi's killed millions of Jews even though the Holocaust took resources away from their war effort. As September 11th also shows, **there exist evil men** in the world **who would gladly sacrifice all other goals** for the opportunity **to commit mass murder.** The U.S. should take not even the slightest unnecessary chance that some dictator, perhaps a dying Saddam Hussein, would be willing to give up his life for the opportunity to hit America with nuclear missiles. **Once a dictator has** the ability to hit a U.S., or perhaps even a European city, with **atomic weapons it will be too late** for America **to pressure him** to give up his weapons. **His ability to hurt us will** effectively **put him beyond** our **military reach.** Our conventional forces might even be made impotent by a nuclear-armed foe. Had Iraq possessed atomic weapons, for example, we would probably have been unwilling to expel them from Kuwait. What about the rights of those countries I have proposed threatening? **America should** not even pretend to care about the rights of dictators. In the 21st century the only leaders whom we should recognize as legitimate are those who were democratically elected. The U.S. should reinterpret international law to give no rights to tyrants, not even the right to exist. We should have an ethically based foreign policy towards democratic countries. With dictatorships, however, we should be entirely Machiavellian; we should deal with them based upon what is in our own best interests. It's obviously in our self-interest to prevent as many dictators as possible from acquiring the means to destroy us. We shouldn't demand that China abandon her nuclear weapons. This is not because China has proved herself worthy to have the means of mass annihilation, but rather because her existing stockpile of atomic missiles would make it too costly for us to threaten China. It's too late to stop the Chinese from gaining the ability to decimate us, but for the next ten years or so it is not too late to stop some of our other rivals. If it's politically impossible for America to use military force against currently non-hostile dictators then we should **use trade sanctions to punish nations who don't agree to our prolif**eration **policy.** Normal trade sanctions, however, do not provide the punishing power necessary to induce dictators to abandon their arms. If we simply don't trade with a nation other countries will sell them the goods that we used to provide. To make trade sanctions an effective weapon the U.S. needs to deploy secondary boycotts. America should create a treaty, the signatories of which would agree to: • only trade with countries which have signed the treaty, and • not trade with any country which violates our policy on weapons proliferation. Believe that if only the U.S. and, say, Germany initially signed this treaty then nearly every other country would be forced to do so. For example, if France did not sign, they would be unable to trade with the U.S. or Germany. This would obviously be intolerable to France. Once the U.S., Germany and France adopted the treaty every European nation would have to sign or face a total economic collapse. The more countries which sign the treaty, the greater the pressure on other countries to sign. Once most every country has signed, any country which violated America's policy on weapons proliferation would face almost a complete economic boycott. Under this approach, **the U.S.** and Germany **alone could use** our **economic power to dictate** the **enforcement** mechanism **of a treaty designed to protect against Armageddon.** Even the short-term survival of humanity is in doubt. The greatest threat of extinction surely comes from the proliferation of weapons of mass destruction. America should refocus her foreign policy to prioritize protecting us all from atomic, biological, and chemical weapons.

[Stop here unless there is absolutely nothing else to say in the 1AR.]

The death penalty kills the US economy. **Miranda 09**[[63]](#footnote-63)

SACRAMENTO, CA (KGO) -- A new report released today by the Death Penalty Information Center claims **the death penalty is detrimental to the economy.** The report says **states can save hundreds of millions of** tax payer **dollars by abolishing executions.** The Death Penalty Information Center concludes California is one of many states that wastes millions of dollars on the death penalty. **In California, the bill is $137 million a year** to imprison and litigate the sentence of death row inmates.If they were serving a life sentence without parole, the estimated cost to taxpayers would be $11.5 million.

Professor Michael Vitiello has been studying prison reform for years and says the savings could be used to make streets safer. "Studies demonstrate that the certainty of punishment is far more important than the severity, so we can have more police, more district attorneys, public defenders," Vitiello said. But voters in California approved the return of capital punishment and death penalty advocate Gov. Schwarzenegger says it is not a waste of money, even for his cash-strapped state. "Justice -- it's worth the money no matter what type of budget crunch we're in, so I think we're going to continue with that until the people have changed their mind," Schwarzenegger said. **California's death row inmates** are known to **stretch out the appeals process for decades, racking up huge expenses for their lawyers**, if they can find one, **and** their **incarceration.**

Attorney Ellen Eggers opposes the death penalty and represents inmates through the appeal process. "There's parts of it you simply can't shorten; under the law, every capital defendant has the right to an automatic appeal to the California Supreme Court," Eggers said. In times of deep cuts to education and social services, crime victims groups say they want to see death sentences carried out no matter the costs. "Ultimately, it was the sentence they were given. If that victim is supportive of that, then the victim has the right to see that through," Crime Victims Action Alliance spokesperson Christine Ward said.

US is key to global economy. **Helbing et al. 07**[[64]](#footnote-64)

As a starting point, it is useful to establish some basic facts about the relative size of the U.S. economy and its linkages with other regions. • **The U**nited **S**tates **remains** by far **the** world’s **largest economy** (Table 4.1). When measured at PPP exchange rates, **the U.S. economy accounts for** about one-fifth of global GDP. In terms of market exchange rates, it accounts for **slightly less than one-third of global GDP**. These ratios have not changed much in the past three decades. • **The U**nited **S**tates **is the largest importer in the global economy.** It has been importing, on average, about one-fifth of all internationally traded goods since 1970. It is the second largest exporter after the euro area. • In line with the generally rapid growth in intraregional trade, **the share of trade with the U**nited **S**tates **has greatly increased in the Western Hemisphere** region, including in neighboring countries—Canada and Mexico— and some others in Central and South America (Figure 4.2). Compared with the euro area and Japan, the United States has seen a larger increase in trade with emerging market and other developing countries in general, not just with countries in the Western Hemisphere. Export exposure to the United States—the share of exports to the United States as a percent of GDP—has generally continued to increase, even for countries where the U.S. share of total exports has declined, as trade openness has increased everywhere (Table 4.2). Export exposure to the United States also tends to be larger than that to the euro area and Japan, except in neighboring regions. • Overall, U.S. financial markets have been and remain by far the largest, reflecting not only the size of the economy but also their depth. Changes in U.S. asset prices tend to have strong signaling effects worldwide, and **spillovers from U.S. financial markets have been important, especially during** periods of **market stress.** In particular, correlations across national stock markets are highest when the U.S. stock market is declining (Box 4.1). • Reflecting the size and depth of its financial markets, as well as its increasing net external liabilities, claims on the United States typically account for the lion’s share of extra-regional foreign portfolio assets of the rest of the world (Table 4.3). At the same time, the share of foreign portfolio liabilities held by U.S. investors typically also exceeds the holdings of investors elsewhere, except for the euro area, where intraregional holdings are more important. This illustrates the extent of important international financial linkages with U.S. markets.

Economic crisis causes nuclear war–strong statistical support. **Royal 10**[[65]](#footnote-65)

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defense behavior of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level, Pollins (2008) advances **Modelski and Thompson**’s (1996) work on leadership cycle theory, **find**ing **that rhythms in the global economy are associated with** the rise and fall of a pre-eminent power and the often **bloody transition from one** pre-eminent **leader to the next.** As such, exogenous **shocks** such as economic crises could **usher in a redistribution of** relative **power** (see also Gilpin, 1981) that leads to uncertainty about power balances, **increasing** the risk of **miscalculation** (Fearon 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflicts as **a rising power may seek to challenge a declining power** (Werner, 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remains unknown. Second, on a dyadic level, Copeland’s (1996, 2000) theory of trade expectations suggest that “future expectation of trade” is a significant variable in understanding economic conditions and security behavior of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, **if** the **expectations of future trade decline**, particularly for difficult to replace item such as energy resources, the likelihood for **conflict increases**, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states. Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write, The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favor. Moreover, the presence of a recession tends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg and Hess, 2002, p. 89) Economic **decline has also been linked with** an increase in the likelihood of **terrorism** (Blomberg, Hess and Weerapana, 2004), which has the capacity to spill across borders and lead to external tensions. Furthermore, **crises** generally **reduce the popularity of a sitting government.** “Diversionary theory” suggests that, when facing unpopularity arising from economic decline, sitting **governments have** increased **incentive**s **to fabricate** external military **conflict**s **to create a “rally around the flag” effect**. Wang (1996), DeRouen (1995) and Blomberg, Hess and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states due to the fact the democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. De DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States and thus weak Presidential popularity are statically linked to an increase in the use of force. In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels. This implied connection between integration, crises and armed conflict has not featured prominently in economic-security debate and deserves more attention. This observation is not contradictory to other perspectives that link economic interdependence with a decrease in the likelihood of external conflict, such as those mentioned in the first paragraph of this chapter. Those studies tend to focus on dyadic interdependence instead of global interdependence and do not specifically consider the occurrence of and conditions created by economic crises. As such the view presented here should be considered ancillary to those views.

It’s impossible to determine whether the death penalty deters crime.

**Mataconis 12**[[66]](#footnote-66)

It turns out, though, that **there’s absolutely no evidence that the death penalty deters crime**:

In recent years, five U.S. states have eliminated capital punishment, and several others are currently reconsidering their policies. Advocates of the death penalty insist the moves will lead to more murders. They point to a number of studies conducted over the past couple of decades that purport to find clear evidence supporting their view. Experts happily serve up unequivocal congressional testimony, and feed their analyses to lobby groups.

The reality, unsatisfying and inconvenient as it may be, is that **we** simply **don’t know how capital punishment affects the homicide rate. That’s the conclusion of the N**ational **A**cademy of **S**ciences, which typically plays the role of **[an] impartial arbiter** in these social-science debates. Their expert panel recently concluded that existing research “is not informative about whether capital punishment decreases, increases, or has no effect on homicide rates,” and that such studies “should not influence policy judgments about capital punishment.”

**The panel’s conclusions** largely **echo those from** research conducted by one of us (Justin Wolfers) jointly with **Stanford** University **law professor** John **Donohue**. That research replicated and probed the leading studies, **finding that** even **minor changes in** how **the analyses** were conducted **dramatically altered the conclusions.** As a result, **there’s “not just ‘reasonable doubt’ about** whether there is **a**ny **deterrent effect** of the death penalty**, but profound uncertainty**,” the authors [wrote](http://bpp.wharton.upenn.edu/jwolfers/Press/DeathPenalty%28BEPress%29.pdf). Indeed, “we remain unsure even of whether” the effects “are positive or negative.”

The main reason that a conclusion cannot be reached here is because there’s simply no way to correlate the homicide rate, which has fluctuated many times over the years, to a single factor like whether or not a particular state has the death penalty. This makes completely sense, actually. The number of **factors that could potentially influence the homicide rate** itself **are too numerous** to list, and they could be societal, cultural, or individual in nature. Additionally, even in states that have been aggressive in the use of the death penalty like Texas and Virginia, the **factors that determine whether** or not **a case will be** considered **death penalty eligible can vary from jurisdiction to jurisdiction**, and convictions can vary depending on a wide variety of factors ranging from the makeup of the jury to the competence of a particular Defense Attorney. Trying to factor all of those variable, many of which are entirely subjective, in order to answer the question “Does the death penalty deter crime?” would seem to be a next-to-impossible task even for the best team of social scientists.

Even if the death penalty has a deterrent effect, it’s marginal. **Mataconis 12**[[67]](#footnote-67)

Moreover, as the authors go on to point out, even if we could come up with an answer to this question, that still doesn’t end the discussion: Even if one accepts the possibility that the threat of death deters some would-be murderers, that doesn’t mean it’s the best way to do so. **Capital punishment diverts** hundreds of **millions** of dollars **from other** criminal-justice **interventions that may** have **do**ne **more to reduce homicide rates.** This important point — there’s an opportunity cost to spending on capital punishment — often gets overlooked Amid all the uncertainty, the data do allow one conclusion that the National Academy should have emphasized more strongly: **The death penalty isn’t the dominant factor driving** the **fluctuations in the U.S. homicide rate.** If it were, the homicide rate in the U.S. wouldn’t have moved in lockstep with that of Canada, even as the two countries experimented with different death-penalty regimes (see chart). Likewise, **homicide rates tend to rise and fall roughly in unison across states, even as some** – - **such as Texas** — **ramp up executions, and others have chosen not to adopt the practice** (see chart). Overall, the panel’s conclusions are a welcome corrective to a debate in which politically expedient, yet imperfect, findings have attracted greater attention than those rare moments of humility when we social scientists admit what we don’t know. Now that a widely respected authority has established the uncertainty about the deterrent effects of the death penalty, it’s time for advocates on both sides to recognize that their beliefs are the product of faith, not data.

# AT PVP

## AT Dagger NC

1. No link to Pell Grants. The Plan doesn’t affect sentencing.

2. TURN – The Plan solves free riding. Giving inmates education ensures they contribute to the economy and stop committing crimes – That’s Buzzini 09.

3. Devolves to util. It would be in society’s interest to agree to maximize utility all the time. Controls the link to Dagger since he says society is created for mutual benefit.

4. The warrants for the side constraint are pragmatic, not absolute, so extinction still comes first.

5. Extinction is a prereq. Can’t have society in the first place if we’re all dead.

6. Extinction turns the case. Worst harm to citizens. Most unequal burden.

7. TURN – criminals have less access to Pell Grants than noncitizens, so plan equalizes Pell Grants access. That outweighs because education is a prerequisite to being able to use other social benefits.

8. TURN – criminals are disproportionately poor, so it’s good to help them because it brings them closer to the social equilibrium.

9. TURN – Rehab is key to social equilibrium. Your author agrees. **Dagger 12**[[68]](#footnote-68)

The second point to note, by way of elaboration, is that the fair-play theory is essentially retributive. Punishment is justified because those who break the law take unfair advantage of those whose law-abiding cooperation makes the rule of law possible. Punishment is thus a way of paying back those who do not play fair. **Fair play does not** begin and **end with** simple **retribution**, though. **It** also aims at maintaining society as a fair system of cooperation under law; indeed, it aims to move polities closer to that ideal. That is why the fair-play theory **will support** penal policies, such as **rehab**ilitation, that are not ordinarily associated with straightforward retribution. Three problems of penal policy To see how considerations of fair play can generate this support for rehabilitation, let us begin by addressing the three controversies I mentioned earlier: those involving recidivism, voting rights and the public or private management of prisons. The first of these may appear to be something less than controversial, for the practice of punishing recidivists more severely than first-time offenders seems to be widely accepted. From the standpoint of retributive theory, though, this 'recidivist premium' is hard to justify. If the point of punishment is to give criminals their just desert, then why should we care whether the offender has stolen a car for the first, second, third or fourth time? The offence is the same in every case, so shouldn't the punishment also be the same? The fair-play theorist can answer these questions by saying that the offence is not really the same in these cases, not even when the recidivist steals a car of exactly the same value every time he steals. If we can reasonably assume that the offender has had a fair chance to live as a law-abiding member of the polity, then **the aim of punishment** in the first instance **is to give** him his **due as a criminal** who has not played fair with others **and** to **restore him** to his place **in the polity as a citizen** who respects the person and property of other citizens. If the punishment proceeds in accordance with this aim, then we have a reason to think that recidivists deserve harsher punishment when they offend again. Despite our efforts to impress upon recidivists the injustice of their actions to those who make it possible for them to enjoy the benefits of the rule of law, they continue to hold themselves above the law. Each new offence is thus a worse offence, for each is in a way less fair than the one before it. To be sure, this argument assumes that the punishment the offender receives is in keeping with the aims of retribution and restoration, which is quite a lot to assume. The high rate of recidivism in Britain and the US suggests that prison is at least as likely to prepare prisoners for a life of crime as to convince them of the virtues of the law-abiding citizen. But here is where the theory of fair play holds legislators, prison administrators and the polity in general accountable. **If punishment is** to be **justified on** the grounds of **fair play,** then **we must see to it that people** have a reasonable chance to play fair. In particular, we must see to it that the men and women **who pass through** the gates of **prison** are treated in ways that help them to **grasp that society is a fair system of cooperation** under law **and that they have a responsibility to** do their part to **support it.** Exactly what we should do for and to prisoners if we are to help them in this way is a difficult and complicated problem. We confront it, for example, when we consider the question of whether prisoners should be allowed to vote. Without entering into the details of the current controversy between the British government and the European Court of Human Rights on this point, it seems to me that those convicted of crimes serious enough to warrant a prison sentence should lose their voting rights while they are imprisoned. This is currently the case in the UK and in all but two states in the US. In a society that approaches the ideal of a fair system of cooperation under law, crime is, among other things, a failure to do one's civic duty. It is appropriate, then, to suspend some of the criminal's civil rights as part of his or her punishment. When the punishment is complete, however, and the offender's debt to society has been discharged, his or her voting rights should be restored. This is what fair play requires. In the US, where several states either bar ex-felons outright from voting or make it extremely difficult for them to regain the franchise, this basic requirement of fair play is violated. If we are to expect offenders to play fair with the law-abiding members of the polity, we must also play fair with them. What, finally, of the trend toward private management and even ownership of prisons, a trend especially marked in the US? Fair-play theory can countenance such arrangements as long as it remains clear that punishing criminals is a matter of the public interest for which the public is ultimately responsible. When the treatment of prisoners becomes a matter of corporate profit or loss, we have reason to worry that this treatment will not foster the sense of fair play we should want offenders to take with them when they have completed their sentences. More promising to my mind than the private-for-profit prison is the social-enterprise model that the RSA is now championing. This model has many virtues from the perspective of fair-play theory. One is the way it regards prisoners' work as a form of rehabilitation rather than a means of generating profits; another is the careful transition it envisions between prison leaving and full re-entry into the polity. Fair play and the rehabilitation revolution Fair-play theory does not by itself answer every question of penal policy and practice. It does, however, provide a framework for approaching these questions and guidance as to how to answer many of them. More broadly, it provides a way of connecting the retributive nature of punishment with the desire to rehabilitate criminals. If the polity is to be a fair system of cooperation under law, then punishment of those who break the law is warranted. But such **punishment should** also **aim at returning to society ex-offenders** who are **ready** and willing **to do their part in the cooperative effort** by respecting the law. Whether a policy that embraces rehabilitation in this way is really revolutionary is doubtful. Nevertheless, rehabilitation need not be revolutionary to be right. What matters is that it is fair.

10. Doesn’t turn the aff. It’s empirically denied. There wasn’t massive social disorder the last time prisoners got Pell Grants.

# AT Scarsdale

## AT Scarsdale “Perms”

### General

1. These aren’t “perms.” They’re functionally conditional counterplans. He concedes the interp at the bottom of the AC that neg must defend only one unconditional advocacy. Extend that conditionally skews my strat since he’d be a moving target, and that it’s also unreciprocal since I can’t kick the aff.

Fairness is a gateway issue to determining the better debater. Vote on theory since my 1AR was skewed, and I already had to commit to theory.

2. Inmate education is aff ground. It’s rehab, and retribution means de-emphasis on education. That’s Buzzini 09.

3. Perms are aff ground because they include the plan. [Laugh heartily at opponent]

### AT DoE “Perm”

1. I reserve the right to clarify. The USFG does the Plan – that includes the DoE.

2. This links to the NC.

3. That’s the plan. DoE is normal means.

### AT “Just send them to work”

1. This isn’t competitive with the Plan, and there’s no net benefit.

2. Plan solves better. Prisoners need skills before they can work, so Pell Grants are key.

3. No solvency advocate kills predictability and pre-round prep. Voter for fairness.

### AT Retrib Sentencing First

This isn’t competitive. Pell Grants don’t affect sentencing anyway. If we can do both the Plan and the NC, vote aff.

## AT Subjecitivism NC

1. Even if morality is subjective, extinction is key to all moral theories. It’s the precondition of value – that’s Seeley.

2. Subjectivism means minimize existential risk. It’s the only way to account for moral uncertainty – that’s Bostrom.

3. TURN – Pell Grants are key to subjectivity because they give prisoners the choice of education.

4. Happiness is objectively good. It’s the ultimate value. That’s Harris 10.

5. No link to the plan. Pell Grants don’t inhibit state power.

6. TURN – Crime and destruction of Naval power both undermine the state.

7. Morality is truth apt. Sinnot-Armstrong[[69]](#footnote-69)

Another common response is that sometimes a **moral truth is necessary for the best explanation of a non-moral fact. Hitler's vices are sometimes cited to explain his atrocities. Slavery's injustice has been said to explain its demise.** And the fact that everyone agrees that it is morally wrong to torture babies just to get sexual pleasure might be best explained by the fact that this common belief is true.

8. Science shows moral realism is true and justifies util. **Harris 10** writes[[70]](#footnote-70)

I believe that **we will increasingly understand** good and evil, **right and wrong**, **in scientific terms**, **because moral concerns translate into facts about** how our thoughts and behaviors affect **the well-being of conscious creatures like ourselves. If there are facts** to be known **about the well-being of such creatures**—and there are—**then there must be right and wrong answers to moral questions.** Students of philosophy will notice that **this commits me to** some form of **moral realism** (viz. moral claims can really be true or false) **and** some form of **consequentialism** (viz. the rightness of an act depends on how it impacts the well-being of conscious creatures). While moral realism and consequentialism have both come under pressure in philosophical circles, they have the virtue of corresponding to many of our intuitions about how the world works. Here is my (consequentialist) starting point: all questions of value (right and wrong, good and evil, etc.) depend upon the possibility of experiencing such value. Without potential consequences at the level of experience—happiness, suffering, joy, despair, etc. —all talk of value is empty. Therefore, to say that an act is morally necessary, or evil, or blameless, is to make (tacit) claims about its consequences in the lives of conscious creatures (whether actual or potential).I am unaware of any interesting exception to this rule. Needless to say, if one is worried about pleasing God or His angels, this assumes that such invisible entities are conscious (in some sense) and cognizant of human behavior. It also generally assumes that it is possible to suffer their wrath or enjoy their approval, either in this world or the world to come. Even within religion, therefore, consequences and conscious states remain the foundation of all values.

9. The only subjective morality the state can look to is util. That’s Goodin.

10. Happiness is objectively good. **Sayre McCord** writes[[71]](#footnote-71)

According to the second argument, the evaluative starting point is again each person thinking "my own happiness is valuable," but this fact about each person is taken as evidence, with respect to each bit of happiness that is valued, that that bit is valuable. **Each person** is seen as **ha[s]**ving **reason to think that the happiness she enjoys is valuable, and** reason to think of others -- given that they are in a parallel situation with respect to the happiness they enjoy -- that each person's happiness is such **that there is the same evidence** available to each **for the value of the happiness that another person enjoys** as there is for the value of one's own happiness. **If** happiness is such that **every piece of** it **[happiness] is desired by someone, then** it seems as if, **in** taking ourselves to have reason to **see[ing] the bit we value as valuable, we are committed to acknowledging the value of all the rest.**

11. Perceiving happiness as objective is epistemologically inescapable. We can’t help but feel that pleasure is good and pain is bad.

12. Util is axiomatic. **Harris 10** writes[[72]](#footnote-72)

So, while it is possible to say that one can't move from "is" to "ought," we should be honest about how we get to "is" in the first place. **Scientific "is" statements rest on implicit "oughts" all the way down.** When I say, "Water is two parts hydrogen and one part oxygen," I have uttered a quintessential statement of scientific fact. But what if someone doubts this statement? **I can appeal to data** from chemistry, describing the outcome of simple experiments. **But in so doing, I implicitly appeal to the values of empiricism and logic. What if my interlocutor doesn't share these values?** What can I say then? What evidence could prove that we should value evidence? What logic could demonstrate the importance of logic? As it turns out, **these are the wrong questions.** The right question is, **why should we care what such a person thinks in the first place? So it is with the linkage between morality and well-being: To say that morality is arbitrary** (or culturally constructed, or merely personal), **because we must first assume** that the **well-being** of conscious creatures **is good, is exactly like saying that science is arbitrary** (or culturally constructed, or merely personal), **because we must first assume** that a **rational understanding** of the universe **is good.** We need not enter either of these philosophical cul-de-sacs.

13. Vote aff because I subjectively think I’m right.

### AT Argument from Relativity

Omitted

## AT 2nd Personal Shenanigans

There’s no authors in the NC framework because you couldn’t pay a real philosopher to make this up. A few problems:

1. Parfit precludes. 2nd personal focus makes no sense without persons to focus on.

2. Total misinterpretation of Scanlon. This justifies giving reasons that no one could reasonably reject, not giving reasons in a 2nd-personal fashion.

3. 3rd personal focus is key to evaluate all relevant impacts. Neg framework excludes impacts to the 1st person.

4. TURN – 3rd personal focus is key to make actions justifiable to everyone. It’s the only universalizable form of argumentation.

5. TURN – 3rd personal focus is uniquely consistent with the nature of the state because it has to provide for the general welfare – that’s in the constitution.

6. Fallacy of origin. Just because I’m arguing doesn’t mean I think arguments have intrinsic value.

7. 2nd person devolves to 3rd person because considering all 2nd person relations means aggregating them to create an objective 3rd person reason.

8. 2nd personal focus fails for states because reasons that apply first personally to states don’t apply 2nd personally to individuals.

Contention

1. Devolves to util. Util’s the only second-personal justification that everyone could agree to. That’s my first framework warrant.

2. TURN – Pell Grants respect 2nd personhood by giving the criminal the choice to go to college or not.

3. TURN – retrib violates second personhood because it relies on predetermined sentencing guidelines.

4. Missing internal link. Just because the nature of morality is second personal doesn’t mean we should maximize respect for 2nd personhood.

5. Extinction precludes. There’s no 2nd person if we’re all dead.

6. The 2nd person likes happiness, so AC turns the NC.

## AT Quran NC

### Short Version (No Presumption)

1. No link to the aff. Pell Grants doesn’t interfere with proportional punishment.

2. Religion devolves to util. Its normative force is premised on happiness – that’s Harris 10.

3. Jesus devolves to util. He’s an Islamic prophet. **Mill 63** writes[[73]](#footnote-73)

I must again repeat, what the assailants of utilitarianism seldom have the justice to acknowledge, that the happiness which forms the utilitarian standard of what is right in conduct, is not the agent’s own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator. **In the golden rule of Jesus** of Nazareth, **we read** the complete spirit of the ethics of **util**ity. **To** do as you would be done by, and to **love your neighbour as yourself, constitute[s]** the ideal perfection of **util**itarian morality. As the means of making the nearest approach to this ideal, **util**ity **would enjoin**, first, **that laws** and social arrangements **should place the happiness**, or (as speaking practically it may be called) the interest, **of every individual**, **as nearly as possible in harmony with the interest of the whole**; and secondly, that education and opinion, which have so vast a power over human character, should so use that power as to establish in the mind of every individual an indissoluble association between his own happiness and the good of the whole; especially between his own happiness and the practice of such modes of conduct, negative and positive, as regard for the 20/John Stuart Mill universal happiness prescribes; so that not only he may be unable to conceive the possibility of happiness to himself, consistently with conduct opposed to the general good, but also that a direct impulse to promote the general good may be in every individual one of the habitual motives of action, and the sentiments connected therewith may fill a large and prominent place in every human being’s sentient existence. If the, impugners of the utilitarian morality represented it to their own minds in this its, true character, I know not what recommendation possessed by any other morality they could possibly affirm to be wanting to it; what more beautiful or more exalted developments of human nature any other ethical system can be supposed to foster, or what springs of action, not accessible to the utilitarian, such systems rely on for giving effect to their mandates.

4. Pell Grants are key to literacy rates which allow people to read the Quran – that’s Buzzini 9.

5. TURN – Rehab is key to fair punishment. **Rotman 86**[[74]](#footnote-74)

**To oppose** a right to **rehab**ilitation **is to ignore** the due process limitation to criminal sanctions embodied in the principle "nullum crimen, nulla poena, sine lege," inherited in substance from the Magna Carta,36 first expressed in positive law in the post-Enlightment codi- fication and applied today with few exceptions in all major legal sys- tems of the world. This principle implies not only that conduct cannot be considered criminal unless defined as such by the law before the conduct occurs but also **that no punishment beyond what was prescribed by** the **pre-existent law can be imposed**. Although not expressly stated in the Constitution, this principle is embodied in the prohibition of ex-post facto laws and bills of attainder and in the fifth and fourteenth amendments.37 "Just as there must be a declaration of the law's intention to make an act a crime, so its pun- ishment must be promulgated through the same process.""38 The legislative duty to provide fair warning of punishable conduct ex- tends, as an element of due process, to the nature and severity of the prescribed punishment. Due process of law is also violated when imprisonment includes punitive ingredients not specified by statute. This interpretation coincides with the principle established by a United States District Court in Florida that "the courts have the duty to protect prisoners from unlawful and onerous treatment of a nature that, of itself, adds punitive measures to those legally meted out by the court.""39 According to the "nullum crimen, nulla poena, sine lege" principle, the only valid purpose of imprisonment is to punish according to the law, however tautological this statement may appear. The no- tion of legal punishment considerably limits the possibility of ad- ding punitive elements, whatever their motivation, to incarceration. The deterrent function of criminal law must flow from the norma- tive threat of punishment and may not be left to the discretion of administrative authority. When the legislators wanted to make im- prisonment a particularly excruciating experience, they clearly ex- pressed that intention through laws embodying the now largely abolished forms of hard labor or penal servitude. In this regard, the Select Committee of the House of Lords defined in 1863 the plight of the convicted as "hard labour, hard fare, and hard bed." In op- position to this idea of increasing punishment by adding extra suf- fering to imprisonment, later scholars proclaimed that "offenders are sent to prison as punishment, not for punishment."40 This pol- icy is mirrored in the international movement for the unification of prison sentences, which sought to abolish publicly humiliating and afflictive forms of imprisonment and to reduce imprisonment solely to loss of liberty. The question was first introduced during the In- ternational Penitentiary Congress of London and further debated in the next Congress which met at Stockholm in 1878.41 In Barnes v. Virgin Islands,42 the district court reflected the viewpoint of enlight- ened modern penology when it wrote that "a convicted person is not sent to a penal institution to receive additional punishment... the fact of incarceration is the punishment."43 The "nulla poena, nullum crimen, sine lege" principle has been in- voked against an abusive notion of rehabilitation, which led to ex- cessively discretionary sentencing practices.44 Today this same principle can be used as a legal pillar to support a constitutional right to rehabilitation. **If imprisonment itself is the punishment,** the **unchecked harmful effects of incarceration** on the mental and social health of the inmate **represent illegal additional punishment**. Insti- tutionalization in an alienating and depersonalizing environment, without opportunities to combat degeneration or foster positive human development, is a source of various harmful effects **that play no part in the design of legal sanctions.** The law threatens citizens with imprisonment as the consequence of criminal conduct; that is where the deterrent function of the legal norm should stop. The law expects the citizen to foresee the loss of liberty prescribed by statute but not the additional horrors of incarceration that are not intended by law. **The only way to prevent** or compensate for **such unjustified deprivations is to carry out** a positive program of **rehab**il- itative action.

6. Util links to the Quran. **Al Khatib 11** writes[[75]](#footnote-75)

This section aims to explain theory of property right in Islam, inspired by Quran. I will first discuss theory of “rights” in Quran, generally. Then, I will apply it to “property rights”. My theory is that system of “property rights” in **Islam is a** unique **combination of both** natural **rights** theory **and util**itarianism. However, there are clear distinctions between Islamic theory of property and the two aforementioned theories. i. Right in Quran a) Categorical justice and natural rights Quran believes in existence of categorical justice and natural rightness. This may be inferred from many of its verses. Here we briefly explore the terminology of the word “right” in Quran. The word “Hagh” in Quran denotes several meanings, among which is “right”: 1) Right, in contrast to duty : 2) Justice and rightness, in contrast to injustice 3) Definiteness 4) Truth, in contrast to Falsehood The fact that same word is used for all of these meanings interchangeably indicates an internal connection between them: First, justice is definite, namely, there is no change in its nature; it exists timelessly. Second, justice is independent from anyone’s will, even God’s will (see footnote No. 2, Az-Zumar, 69, stating that God will judge with justice. It does not say that God’s decision establishes the rules of justice, rather God acts according to justice.). Third, right (in comparison to duty) is also the result of inherent justice; hence existence of natural, definite and independent rights. b) Special features of “Rights theory” in Quran There are particularly two features about Quran’s system of rights which sets it apart from any other system: 1. Duty and Capacity of Understanding: Given that Quran believes in natural rights, one might infer form it the existence of natural duties. However, this is not true. In Quran existence of duty is dependent on satisfaction of two requirements: First, one’s capacity to understand the concept of right from wrong Second, one’s efforts to utilize and increase her capacity. In fact, the important condition for existence of duty is the individual’s capacity to realize justice, not his actual knowledge. One might better state that duty exists automatically when a right exists; however, it is one’s liability which is contingent on her understanding of rightness. Nevertheless, Quran treats duty as though it does not exist at all if the above-mentioned conditions are met. One’s capacity means all the opportunities a person has at stake to increase her knowledge, from her intelligence and inheritance, to her social/political/economic situation. Therefore, each individual should exert her utmost efforts to take the benefit of her capacity and to improve her understanding, otherwise, her lack of understanding is not an excuse. This is why there are many verses in Quran in which people are encouraged to think and ponder in themselves and the universe and everything that is created by God, as well as the guidance which is offered to them through revelation. Furthermore, people are required in Quran to consult with each other in order to increase their understanding. In fact, religiously speaking it is obligatory for Muslims to spread their knowledge of rightness and wrongness in the society, and to consult about it. The most important conclusion which is derived from the aforementioned is that: Quran approves of existence of different systems of right at different times and places, as long as the existent system is the result of people’s utmost efforts to realize inherent rightness, and keeps evolving into a better system incessantly. 2. Importance of Devine Source: Quran emphasizes that people, in their efforts to utilize and develop their capacity, shall take account of the divine source. Therefore, those principles of justice which are clearly revealed in Quran must be observed by people. Below we discuss the most important principles of justice mentioned by Quran, which will directly affect our discussion about Islamic “Property” right: - **Quran strictly forbids “waste”,** be it waste of time or other resources in a meaningless and purposeless manner. - **Productivity**: this **is inherently** right and **just.** - Poverty and Distributive Justice: **Poverty is** considered as an **inherently unjust** situation **which must be** prevented, and if occurred, **rectified.** As we will be shown in the next sub-section, there are certain duties imposed by Quran on individuals, the purpose of which is to prevent or rectify poverty in the society. We will discuss these principles more in the next sub-section. However, so far, we wished to emphasize that according to Quran, humans must take account of the Revelation in their quest for the optimal system of rights. ii. System of Property Rights In Quran : We had discussed in previous sections that every system of property should answer both questions of common and private property rights. We were shown how Natural Rights Theories and Utilitarianism respond to these questions. In this section we address these questions in Quran. a) Common Property: According to Quran everything in the universe originally belongs to God. Then, God has given everything to the human beings in common to use. **According to Quran humans are** successor of **God[’s]** on earth, and his **trustee in** using and **management of the world.** A successor is a person who takes over and continues the role or position of another. A trustee is a person who holds the title of the property to the benefit of beneficiaries. That is, he is the owner of the property, but his ownership is subject to certain conditions and fiduciary duties. The beneficiaries are also humans themselves. Therefore:

7. Pell Grants are key to allow prisoners to turn away from crime and get jobs. That’s key to Islam. **Ali no date** writes[[76]](#footnote-76)

**The concept of forgiveness in the Qur'an is expressed in three terms**, (1) 'afw, (2) safhu, and (3) ghafara

'**Afw means** to pardon, **to excuse for a fault** or an offense or a discourtesy, waiver of punishment and amnesty. Examples of usage in the Qur'an are verses 42:40, 2:187 and 5:95.  
**Safhu means to turn away from** a sin or **a misdeed**, ignore, etc. Examples of usage in the Qur'an are verses 2:109, 15:85 and 43:89.  
**Ghafara** or maghfira **means** to cover, **to forgive** and to remit. Examples of usage in the Qur'an are verses 2:263, 42:37 and 43:43.

For more details see Lane's Lexicon2 and Hans Wehr's dictionary3, among others.

The God, **Allah**4 **is the ultimate power Who can forgive.** Forgiveness means closing an account of offense against God or any of His creation. However, forgiveness must meet the criteria of sincerity. God, the All-Knowing, has the knowledge of everything including whatever a person thinks but does not express in words or deeds. An offense may be against (a) a person, (b) a group of persons or society, (c) other creation of God such as animals, plants, land, atmosphere, bodies of water and the life therein, and (d) God, Allah. Muslims understand that an offense against the creation of God is an offense against God.

### Long Version

1. No link to the aff. Pell Grants doesn’t interfere with proportional punishment.

2. Religion devolves to util. Its normative force is premised on happiness – that’s Harris 10.

3. Jesus devolves to util. He’s an Islamic prophet. **Mill 63** writes[[77]](#footnote-77)

I must again repeat, what the assailants of utilitarianism seldom have the justice to acknowledge, that the happiness which forms the utilitarian standard of what is right in conduct, is not the agent’s own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator. **In the golden rule of Jesus** of Nazareth, **we read** the complete spirit of the ethics of **util**ity. **To** do as you would be done by, and to **love your neighbour as yourself, constitute[s]** the ideal perfection of **util**itarian morality. As the means of making the nearest approach to this ideal, **util**ity **would enjoin**, first, **that laws** and social arrangements **should place the happiness**, or (as speaking practically it may be called) the interest, **of every individual**, **as nearly as possible in harmony with the interest of the whole**; and secondly, that education and opinion, which have so vast a power over human character, should so use that power as to establish in the mind of every individual an indissoluble association between his own happiness and the good of the whole; especially between his own happiness and the practice of such modes of conduct, negative and positive, as regard for the 20/John Stuart Mill universal happiness prescribes; so that not only he may be unable to conceive the possibility of happiness to himself, consistently with conduct opposed to the general good, but also that a direct impulse to promote the general good may be in every individual one of the habitual motives of action, and the sentiments connected therewith may fill a large and prominent place in every human being’s sentient existence. If the, impugners of the utilitarian morality represented it to their own minds in this its, true character, I know not what recommendation possessed by any other morality they could possibly affirm to be wanting to it; what more beautiful or more exalted developments of human nature any other ethical system can be supposed to foster, or what springs of action, not accessible to the utilitarian, such systems rely on for giving effect to their mandates.

4. Pell Grants are key to literacy rates which allow people to read the Quran – that’s Buzzini 9.

5. TURN – Rehab is key to fair punishment. **Rotman 86**[[78]](#footnote-78)

**To oppose** a right to **rehab**ilitation **is to ignore** the due process limitation to criminal sanctions embodied in the principle "nullum crimen, nulla poena, sine lege," inherited in substance from the Magna Carta,36 first expressed in positive law in the post-Enlightment codi- fication and applied today with few exceptions in all major legal sys- tems of the world. This principle implies not only that conduct cannot be considered criminal unless defined as such by the law before the conduct occurs but also **that no punishment beyond what was prescribed by** the **pre-existent law can be imposed**. Although not expressly stated in the Constitution, this principle is embodied in the prohibition of ex-post facto laws and bills of attainder and in the fifth and fourteenth amendments.37 "Just as there must be a declaration of the law's intention to make an act a crime, so its pun- ishment must be promulgated through the same process.""38 The legislative duty to provide fair warning of punishable conduct ex- tends, as an element of due process, to the nature and severity of the prescribed punishment. Due process of law is also violated when imprisonment includes punitive ingredients not specified by statute. This interpretation coincides with the principle established by a United States District Court in Florida that "the courts have the duty to protect prisoners from unlawful and onerous treatment of a nature that, of itself, adds punitive measures to those legally meted out by the court.""39 According to the "nullum crimen, nulla poena, sine lege" principle, the only valid purpose of imprisonment is to punish according to the law, however tautological this statement may appear. The no- tion of legal punishment considerably limits the possibility of ad- ding punitive elements, whatever their motivation, to incarceration. The deterrent function of criminal law must flow from the norma- tive threat of punishment and may not be left to the discretion of administrative authority. When the legislators wanted to make im- prisonment a particularly excruciating experience, they clearly ex- pressed that intention through laws embodying the now largely abolished forms of hard labor or penal servitude. In this regard, the Select Committee of the House of Lords defined in 1863 the plight of the convicted as "hard labour, hard fare, and hard bed." In op- position to this idea of increasing punishment by adding extra suf- fering to imprisonment, later scholars proclaimed that "offenders are sent to prison as punishment, not for punishment."40 This pol- icy is mirrored in the international movement for the unification of prison sentences, which sought to abolish publicly humiliating and afflictive forms of imprisonment and to reduce imprisonment solely to loss of liberty. The question was first introduced during the In- ternational Penitentiary Congress of London and further debated in the next Congress which met at Stockholm in 1878.41 In Barnes v. Virgin Islands,42 the district court reflected the viewpoint of enlight- ened modern penology when it wrote that "a convicted person is not sent to a penal institution to receive additional punishment... the fact of incarceration is the punishment."43 The "nulla poena, nullum crimen, sine lege" principle has been in- voked against an abusive notion of rehabilitation, which led to ex- cessively discretionary sentencing practices.44 Today this same principle can be used as a legal pillar to support a constitutional right to rehabilitation. **If imprisonment itself is the punishment,** the **unchecked harmful effects of incarceration** on the mental and social health of the inmate **represent illegal additional punishment**. Insti- tutionalization in an alienating and depersonalizing environment, without opportunities to combat degeneration or foster positive human development, is a source of various harmful effects **that play no part in the design of legal sanctions.** The law threatens citizens with imprisonment as the consequence of criminal conduct; that is where the deterrent function of the legal norm should stop. The law expects the citizen to foresee the loss of liberty prescribed by statute but not the additional horrors of incarceration that are not intended by law. **The only way to prevent** or compensate for **such unjustified deprivations is to carry out** a positive program of **rehab**il- itative action.

6. Util links to the Quran. **Al Khatib 11** writes[[79]](#footnote-79)

This section aims to explain theory of property right in Islam, inspired by Quran. I will first discuss theory of “rights” in Quran, generally. Then, I will apply it to “property rights”. My theory is that system of “property rights” in **Islam is a** unique **combination of both** natural **rights** theory **and util**itarianism. However, there are clear distinctions between Islamic theory of property and the two aforementioned theories. i. Right in Quran a) Categorical justice and natural rights Quran believes in existence of categorical justice and natural rightness. This may be inferred from many of its verses. Here we briefly explore the terminology of the word “right” in Quran. The word “Hagh” in Quran denotes several meanings, among which is “right”: 1) Right, in contrast to duty : 2) Justice and rightness, in contrast to injustice 3) Definiteness 4) Truth, in contrast to Falsehood The fact that same word is used for all of these meanings interchangeably indicates an internal connection between them: First, justice is definite, namely, there is no change in its nature; it exists timelessly. Second, justice is independent from anyone’s will, even God’s will (see footnote No. 2, Az-Zumar, 69, stating that God will judge with justice. It does not say that God’s decision establishes the rules of justice, rather God acts according to justice.). Third, right (in comparison to duty) is also the result of inherent justice; hence existence of natural, definite and independent rights. b) Special features of “Rights theory” in Quran There are particularly two features about Quran’s system of rights which sets it apart from any other system: 1. Duty and Capacity of Understanding: Given that Quran believes in natural rights, one might infer form it the existence of natural duties. However, this is not true. In Quran existence of duty is dependent on satisfaction of two requirements: First, one’s capacity to understand the concept of right from wrong Second, one’s efforts to utilize and increase her capacity. In fact, the important condition for existence of duty is the individual’s capacity to realize justice, not his actual knowledge. One might better state that duty exists automatically when a right exists; however, it is one’s liability which is contingent on her understanding of rightness. Nevertheless, Quran treats duty as though it does not exist at all if the above-mentioned conditions are met. One’s capacity means all the opportunities a person has at stake to increase her knowledge, from her intelligence and inheritance, to her social/political/economic situation. Therefore, each individual should exert her utmost efforts to take the benefit of her capacity and to improve her understanding, otherwise, her lack of understanding is not an excuse. This is why there are many verses in Quran in which people are encouraged to think and ponder in themselves and the universe and everything that is created by God, as well as the guidance which is offered to them through revelation. Furthermore, people are required in Quran to consult with each other in order to increase their understanding. In fact, religiously speaking it is obligatory for Muslims to spread their knowledge of rightness and wrongness in the society, and to consult about it. The most important conclusion which is derived from the aforementioned is that: Quran approves of existence of different systems of right at different times and places, as long as the existent system is the result of people’s utmost efforts to realize inherent rightness, and keeps evolving into a better system incessantly. 2. Importance of Devine Source: Quran emphasizes that people, in their efforts to utilize and develop their capacity, shall take account of the divine source. Therefore, those principles of justice which are clearly revealed in Quran must be observed by people. Below we discuss the most important principles of justice mentioned by Quran, which will directly affect our discussion about Islamic “Property” right: - **Quran strictly forbids “waste”,** be it waste of time or other resources in a meaningless and purposeless manner. - **Productivity**: this **is inherently** right and **just.** - Poverty and Distributive Justice: **Poverty is** considered as an **inherently unjust** situation **which must be** prevented, and if occurred, **rectified.** As we will be shown in the next sub-section, there are certain duties imposed by Quran on individuals, the purpose of which is to prevent or rectify poverty in the society. We will discuss these principles more in the next sub-section. However, so far, we wished to emphasize that according to Quran, humans must take account of the Revelation in their quest for the optimal system of rights. ii. System of Property Rights In Quran : We had discussed in previous sections that every system of property should answer both questions of common and private property rights. We were shown how Natural Rights Theories and Utilitarianism respond to these questions. In this section we address these questions in Quran. a) Common Property: According to Quran everything in the universe originally belongs to God. Then, God has given everything to the human beings in common to use. **According to Quran humans are** successor of **God[’s]** on earth, and his **trustee in** using and **management of the world.** A successor is a person who takes over and continues the role or position of another. A trustee is a person who holds the title of the property to the benefit of beneficiaries. That is, he is the owner of the property, but his ownership is subject to certain conditions and fiduciary duties. The beneficiaries are also humans themselves. Therefore:

7. Pell Grants are key to allow prisoners to turn away from crime and get jobs. That’s key to Islam. **Ali no date** writes[[80]](#footnote-80)

**The concept of forgiveness in the Qur'an is expressed in three terms**, (1) 'afw, (2) safhu, and (3) ghafara

'**Afw means** to pardon, **to excuse for a fault** or an offense or a discourtesy, waiver of punishment and amnesty. Examples of usage in the Qur'an are verses 42:40, 2:187 and 5:95.  
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For more details see Lane's Lexicon2 and Hans Wehr's dictionary3, among others.

The God, **Allah**4 **is the ultimate power Who can forgive.** Forgiveness means closing an account of offense against God or any of His creation. However, forgiveness must meet the criteria of sincerity. God, the All-Knowing, has the knowledge of everything including whatever a person thinks but does not express in words or deeds. An offense may be against (a) a person, (b) a group of persons or society, (c) other creation of God such as animals, plants, land, atmosphere, bodies of water and the life therein, and (d) God, Allah. Muslims understand that an offense against the creation of God is an offense against God.

8. Allah is an a priori contradiction because he could create an unliftable stone and lift it.

9. Science disproves Islam. **Gale no date**[[81]](#footnote-81)

**We have seen from** investigating **recent scientific developments that**

1. The Universe is flat.

2. Because **the Universe** is flat it **won't end with a Big Crunch**

3. As of 1998, modern science has proven that the universe will expand forever.

**4. The Quran, which talks about the big crunch, is** false and **disproved by Modern science.**

5. If Science is used to prove the Quran it can be used to disprove it also.

If the Quran preaches a "Big Crunch" ending to the universe as shown in this surah:

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SHAKIR: On the day when We will ROLL UP HEAVEN like the rolling up of the scroll for writings, as We originated the first creation, (so) We shall reproduce it; a promise (binding on Us); surely We will bring it about. Surah 21:104

Then it is clearly in error according to modern science. According to Science, the Quran is wrong on the Big Crunch since recent experiments prove that the universe will continue to expand forever. On a fantastic website dealing with astronomical question sposed to NASA we find this mentioned about the Quran:

Question 13: How could the writers of the Qur'an 1400 years ago know that when the universe reaches its maximum size we will have Judgment Day?

**Dr.** Sten **Odenwald of NASA responds** by saying:

Well...**the best model we have** to account for the data we have is that THE UNIVERSE WILL CONTINUE TO EXPAND FOREVER. There has never been evidence that **suggests** we live in a closed universe slated to recollapse in the future. So, your question is answered by saying that ancient writings either got the right answer or the wrong answer. IN THIS INSTANCE **THEY 'GUESSED' INCORRECTLY** so there is really no historical mystery to explain. (Quran on Judgment Day; found at Big Bang Cosmology - Miscellaneous ; Posted on NASA Astronomy Site)

10. The ontological argument fails. (a) Existence isn’t a predicate, so a maximally perfect entity doesn’t have to exist. (b) it reduces to absurdity. You could conceive of a maximally perfect elephant, but that doesn’t mean a perfect elephant exists. (c) Default to scholarly consensus. Even religious scholars like Kant think this argument is dumb.

### Straight Turn (with Util)

1. No link to the aff. Pell Grants doesn’t interfere with proportional punishment.

2. Religion devolves to util. Its normative force is premised on happiness – that’s Harris 10.

3. Jesus devolves to util. He’s an Islamic prophet. **Mill 63** writes[[82]](#footnote-82)

I must again repeat, what the assailants of utilitarianism seldom have the justice to acknowledge, that the happiness which forms the utilitarian standard of what is right in conduct, is not the agent’s own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator. **In the golden rule of Jesus** of Nazareth, **we read** the complete spirit of the ethics of **util**ity. **To** do as you would be done by, and to **love your neighbour as yourself, constitute[s]** the ideal perfection of **util**itarian morality. As the means of making the nearest approach to this ideal, **util**ity **would enjoin**, first, **that laws** and social arrangements **should place the happiness**, or (as speaking practically it may be called) the interest, **of every individual**, **as nearly as possible in harmony with the interest of the whole**; and secondly, that education and opinion, which have so vast a power over human character, should so use that power as to establish in the mind of every individual an indissoluble association between his own happiness and the good of the whole; especially between his own happiness and the practice of such modes of conduct, negative and positive, as regard for the 20/John Stuart Mill universal happiness prescribes; so that not only he may be unable to conceive the possibility of happiness to himself, consistently with conduct opposed to the general good, but also that a direct impulse to promote the general good may be in every individual one of the habitual motives of action, and the sentiments connected therewith may fill a large and prominent place in every human being’s sentient existence. If the, impugners of the utilitarian morality represented it to their own minds in this its, true character, I know not what recommendation possessed by any other morality they could possibly affirm to be wanting to it; what more beautiful or more exalted developments of human nature any other ethical system can be supposed to foster, or what springs of action, not accessible to the utilitarian, such systems rely on for giving effect to their mandates.

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#### Christianity Off Case

Christianity is most likely correct. Only the existence of the Christian God can explain historical facts. For example, in the Old Testament there were over 300 prophesies made about Jesus hundreds of years before his birth, and every one was correct. The probability of any one man fulfilling just 8 of these prophesies by present day was found to be 1 in 10 to the 17th power. **Stoner and Newman** write[[86]](#footnote-86)

**Suppose** that **we take 1017 silver dollars and lay them on** the face of **Texas. They will cover all of the state two feet deep.** Now mark one of these silver dollars and stir the whole mass thoroughly, all over the state. Blindfold a man and **tell [a man]** him that he can travel as far as he wishes, but **he must pick** up **one** silver dollar and say that this is the right one. **What chance would he have of getting the right one? Just the same chance that the prophets would have had of writing these eight prophecies and having them all come true in any one man**, from their day to the present time, **providing they wrote using their own wisdom.**

*(Skip this if you need time.)*

When considering all 300 plus prophecies, the odds are even smaller.

**Stoner and Newman-2** explain5

There are more than three hundred prophecies dealing with Christ's first advent. If this number is correct, and it no doubt is, you could set your estimates ridiculously low on the whole three hundred prophecies and still obtain tremendous evidence of inspiration.

For example **you may place all of your estimates at one in four. You may say that one man in four has been born in Bethlehem: that one** of these children **in four was taken to Egypt,** to avoid slaughter; that one in four of these came back and made his home in Nazareth; that one in four of these was a carpenter; **that one in four** of these **was betrayed for thirty pieces of silver;** that one in four of these has been crucified on a cross; that one in four was then buried in a rich man's tomb; yes, **even that one in four rose from the dead** on the third day; **and so on for all** of the **three hundred prophecies and** from them I will **build a number much larger than the one** we obtained **from** the **forty-eight prophecies.**

Science disproves Islam. **Gale no date**[[87]](#footnote-87)

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2. Because **the Universe** is flat it **won't end with a Big Crunch**

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Christianity affirms.

First, the Pope wants rehab. **Catholic World News 12** writes[[88]](#footnote-88)

**The criminal-justice system must strive to rehabilitate convicts** as well as to punish them, **Pope Benedict** XVI **said** in an address to a group of European prison officials. "In order to practice justice it is not enough that those found guilty of crimes be simply punished: it is necessary that in punishing them, everything possible be done to correct and improve them,” the Pope said. “When this does not happen, justice is not done in an integral sense.” In fact, the Pontiff continued, **a prison system** that punishes criminals **without providing for rehab**ilitation “**paradoxically reinforces** rather than overcomes **the tendency to commit crime** and the threat posed to society by the individual.” At a time when crime rates are rising in many societies, **the Pope said**, **prison systems should do their utmost to “bring about the offender’s** effective **re-education, which is required** both **for** the sake of **his own dignity** and with a view to his reintegration into society.”

The Pope is infallible on the matter of interpreting Jesus’s teachings – multiple warrants. **CA 04** writes[[89]](#footnote-89)

Given these common misapprehensions regarding the basic tenets of papal infallibility, it is necessary to explain exactly what infallibility is not. Infallibility is not the absence of sin. Nor is it a charism that belongs only to the pope. Indeed, infallibility also belongs to the body of bishops as a whole, when, in doctrinal unity with the pope, they solemnly teach a doctrine as true. We have this from **Jesus himself**, who **promised the apostles and their successors the bishops**, the magisterium of the Church: **"He who hears you hears me"** (Luke 10:16), **and "Whatever you bind on earth shall be bound in heaven"** (Matt. 18:18). Vatican II’s Explanation Vatican II explained the doctrine of infallibility as follows: "**Although** the individual **bishops do not enjoy** the prerogative of **infallibility, they can** nevertheless **proclaim Christ’s doctrine infallibly**. This is so, **even when** they are **dispersed around the world**, provided that while maintaining the bond of unity among themselves and with Peter’s successor, and while teaching authentically on a matter of faith or morals, they concur in a single viewpoint as the one which must be held conclusively. This authority is even more clearly verified when, gathered together in an ecumenical council, they are teachers and judges of faith and morals for the universal Church. Their definitions must then be adhered to with the submission of faith" (Lumen Gentium 25). **Infallibility belongs in a special way to the pope as head of the bishops** (Matt. 16:17–19; John 21:15–17). As Vatican II remarked, it is a charism the pope "enjoys in virtue of his office, when, as the supreme shepherd and teacher of all the faithful, who confirms his brethren in their faith (Luke 22:32), he proclaims by a definitive act some doctrine of faith or morals. Therefore **his definitions**, of themselves, and not from the consent of the Church, **are** justly held **irreformable, for they are pronounced with** the **assistance of the Holy Spirit, an assistance promised to him in blessed Peter." The infallibility of the pope** is not a doctrine that suddenly appeared in Church teaching; rather, it is a doctrine which **was implicit in the early Church. It is** only our understanding of infallibility which has developed and been more clearly understood over time. In fact, the doctrine of infallibility is **implicit in** these Petrine texts: **John 21**:15–17 ("Feed my sheep . . . "), **Luke 22**:32 ("I have prayed for you that your faith may not fail"), **and Matthew 16**:18 ("You are Peter . . . ").

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Second, Jesus’ love is unconditional and doesn’t demand retribution.

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I am amazed and in awe when I think about the love of Jesus. **Jesus' love is not like human love.** Jesus love for me and for you is unlike any other love that we have and will ever experience. **Jesus love for you and me compelled him to step down out of** the comfort of **heaven and enter** into **this world.** Jesus love compelled him to do for us what we could not do for ourselves. **Jesus love compelled him to dine with sinners, offer** his **forgiveness freely,** heal the sick, touch the leper **and** be **associate**d **with people that others would have nothing to do with.** Jesus love compelled him to take on sin and death. His love compelled him to lay down his life for all humanity. His love compelled him to reach out to the thief on the cross next to him. **The love of Jesus cried out "Father, forgive them for they know not what they do." The love of Jesus cried out, "let he who is without sin cast the first stone."** The love of Jesus cries out, "fear not for I am with you." **Jesus love is not a love that holds grudges or requires retribution.** Jesus love does not require a love you in return. Jesus just loves you and me. And he said the way that others will know that we are his followers are by our love. By God's grace, as we follow Jesus, **our love should become more like his**. Our love for others, our forgiveness, our willingness to lay down our lives for others grows **because that is what the love of Jesus does.**

Third, rehabilitation is most consistent with God’s love because it expresses love for the sinner.

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**Retribution** is a concept of the immature. It does no good to those offended, it doesn’t resurrect the murdered person, it doesn’t heal the broken bone, and it doesn't restore one’s innocence or recover stolen goods. It also **doesn’t** heal, develop, **save**, **or transform the sinner**/criminal. Utilitarianism, which I will call **Rehabilitation**, **is focused on protecting** both society from the criminal and **the criminal from damaging themselves by continued actions in violation of God’s design** for life. **Each act of selfishness** actually **damages the sinner, searing the conscience**, warping the character, **and hardening the heart**. Putting someone in prison, where they are forced to cease their destructive behavior, can provide an opportunity for reflection, reevaluation, and rehabilitation, while also protecting the innocent. However, allowing one to continue on destructive rampages not only harms society, but ensures the eventual eternal destruction of the criminal. **So, in a world of sin, governments act in redemptive ways by intervening in the lives of those who**, when they commit crimes, **are violating the principles of love**, of going good for their fellow 'man.' Arrest, prosecution and appropriate punishments are stand-in consequences, like spanking for playing in the road, intended to teach the person that such behaviors are damaging and destructive, while simultaneously protecting society. Incarceration may result in rehabilitation for some, but for others who have persisted in destructive living so long they have permanently destroyed the faculties that respond to love and truth, they put themselves beyond rehabilitation and incarceration becomes the earthly means of limiting the extent of individual destructive behavior. So, my answer is that a loving person seeks the most effective means of making society a truly safe place. And what would be the safest society? One filled with many prisons, guards, police at every corner? Or a society filled with people who love others more than self and would rather die than hurt another? **While incarceration is sadly a necessity** in the world in which we live, **to the degree we can rehabilitate people** such that they actually become mature individuals who respect the rights of others, **we have done more good for society than retribution ever can.** As Gandhi, speaking of retribution, said, “An eye for an eye and the entire world will go blind.” **Let us incarcerate with hearts that love the criminal, that want to see the person redeemed, saved, and restored,** or if that is not possible, then to see that they are kept from doing more harm. Consider, what you would want if the criminal was your first born son or daughter? – **for we are all God’s children and He wants to heal us all.**

### Straight Turn (without Util)

1. No link to the aff. Pell Grants doesn’t interfere with proportional punishment.

2. Pell Grants are key to literacy rates which allow people to read the Quran – that’s Buzzini 9.

3. TURN – Rehab is key to fair punishment. **Rotman 86**[[93]](#footnote-93)

**To oppose** a right to **rehab**ilitation **is to ignore** the due process limitation to criminal sanctions embodied in the principle "nullum crimen, nulla poena, sine lege," inherited in substance from the Magna Carta,36 first expressed in positive law in the post-Enlightment codi- fication and applied today with few exceptions in all major legal sys- tems of the world. This principle implies not only that conduct cannot be considered criminal unless defined as such by the law before the conduct occurs but also **that no punishment beyond what was prescribed by** the **pre-existent law can be imposed**. Although not expressly stated in the Constitution, this principle is embodied in the prohibition of ex-post facto laws and bills of attainder and in the fifth and fourteenth amendments.37 "Just as there must be a declaration of the law's intention to make an act a crime, so its pun- ishment must be promulgated through the same process.""38 The legislative duty to provide fair warning of punishable conduct ex- tends, as an element of due process, to the nature and severity of the prescribed punishment. Due process of law is also violated when imprisonment includes punitive ingredients not specified by statute. This interpretation coincides with the principle established by a United States District Court in Florida that "the courts have the duty to protect prisoners from unlawful and onerous treatment of a nature that, of itself, adds punitive measures to those legally meted out by the court.""39 According to the "nullum crimen, nulla poena, sine lege" principle, the only valid purpose of imprisonment is to punish according to the law, however tautological this statement may appear. The no- tion of legal punishment considerably limits the possibility of ad- ding punitive elements, whatever their motivation, to incarceration. The deterrent function of criminal law must flow from the norma- tive threat of punishment and may not be left to the discretion of administrative authority. When the legislators wanted to make im- prisonment a particularly excruciating experience, they clearly ex- pressed that intention through laws embodying the now largely abolished forms of hard labor or penal servitude. In this regard, the Select Committee of the House of Lords defined in 1863 the plight of the convicted as "hard labour, hard fare, and hard bed." In op- position to this idea of increasing punishment by adding extra suf- fering to imprisonment, later scholars proclaimed that "offenders are sent to prison as punishment, not for punishment."40 This pol- icy is mirrored in the international movement for the unification of prison sentences, which sought to abolish publicly humiliating and afflictive forms of imprisonment and to reduce imprisonment solely to loss of liberty. The question was first introduced during the In- ternational Penitentiary Congress of London and further debated in the next Congress which met at Stockholm in 1878.41 In Barnes v. Virgin Islands,42 the district court reflected the viewpoint of enlight- ened modern penology when it wrote that "a convicted person is not sent to a penal institution to receive additional punishment... the fact of incarceration is the punishment."43 The "nulla poena, nullum crimen, sine lege" principle has been in- voked against an abusive notion of rehabilitation, which led to ex- cessively discretionary sentencing practices.44 Today this same principle can be used as a legal pillar to support a constitutional right to rehabilitation. **If imprisonment itself is the punishment,** the **unchecked harmful effects of incarceration** on the mental and social health of the inmate **represent illegal additional punishment**. Insti- tutionalization in an alienating and depersonalizing environment, without opportunities to combat degeneration or foster positive human development, is a source of various harmful effects **that play no part in the design of legal sanctions.** The law threatens citizens with imprisonment as the consequence of criminal conduct; that is where the deterrent function of the legal norm should stop. The law expects the citizen to foresee the loss of liberty prescribed by statute but not the additional horrors of incarceration that are not intended by law. **The only way to prevent** or compensate for **such unjustified deprivations is to carry out** a positive program of **rehab**il- itative action.

4. Solving poverty and joblessness links to the Quran. **Al Khatib 11** writes[[94]](#footnote-94)

This section aims to explain theory of property right in Islam, inspired by Quran. I will first discuss theory of “rights” in Quran, generally. Then, I will apply it to “property rights”. My theory is that system of “property rights” in **Islam is a** unique **combination of both** natural **rights** theory **and util**itarianism. However, there are clear distinctions between Islamic theory of property and the two aforementioned theories. i. Right in Quran a) Categorical justice and natural rights Quran believes in existence of categorical justice and natural rightness. This may be inferred from many of its verses. Here we briefly explore the terminology of the word “right” in Quran. The word “Hagh” in Quran denotes several meanings, among which is “right”: 1) Right, in contrast to duty : 2) Justice and rightness, in contrast to injustice 3) Definiteness 4) Truth, in contrast to Falsehood The fact that same word is used for all of these meanings interchangeably indicates an internal connection between them: First, justice is definite, namely, there is no change in its nature; it exists timelessly. Second, justice is independent from anyone’s will, even God’s will (see footnote No. 2, Az-Zumar, 69, stating that God will judge with justice. It does not say that God’s decision establishes the rules of justice, rather God acts according to justice.). Third, right (in comparison to duty) is also the result of inherent justice; hence existence of natural, definite and independent rights. b) Special features of “Rights theory” in Quran There are particularly two features about Quran’s system of rights which sets it apart from any other system: 1. Duty and Capacity of Understanding: Given that Quran believes in natural rights, one might infer form it the existence of natural duties. However, this is not true. In Quran existence of duty is dependent on satisfaction of two requirements: First, one’s capacity to understand the concept of right from wrong Second, one’s efforts to utilize and increase her capacity. In fact, the important condition for existence of duty is the individual’s capacity to realize justice, not his actual knowledge. One might better state that duty exists automatically when a right exists; however, it is one’s liability which is contingent on her understanding of rightness. Nevertheless, Quran treats duty as though it does not exist at all if the above-mentioned conditions are met. One’s capacity means all the opportunities a person has at stake to increase her knowledge, from her intelligence and inheritance, to her social/political/economic situation. Therefore, each individual should exert her utmost efforts to take the benefit of her capacity and to improve her understanding, otherwise, her lack of understanding is not an excuse. This is why there are many verses in Quran in which people are encouraged to think and ponder in themselves and the universe and everything that is created by God, as well as the guidance which is offered to them through revelation. Furthermore, people are required in Quran to consult with each other in order to increase their understanding. In fact, religiously speaking it is obligatory for Muslims to spread their knowledge of rightness and wrongness in the society, and to consult about it. The most important conclusion which is derived from the aforementioned is that: Quran approves of existence of different systems of right at different times and places, as long as the existent system is the result of people’s utmost efforts to realize inherent rightness, and keeps evolving into a better system incessantly. 2. Importance of Devine Source: Quran emphasizes that people, in their efforts to utilize and develop their capacity, shall take account of the divine source. Therefore, those principles of justice which are clearly revealed in Quran must be observed by people. Below we discuss the most important principles of justice mentioned by Quran, which will directly affect our discussion about Islamic “Property” right: - **Quran strictly forbids “waste”,** be it waste of time or other resources in a meaningless and purposeless manner. - **Productivity**: this **is inherently** right and **just.** - Poverty and Distributive Justice: **Poverty is** considered as an **inherently unjust** situation **which must be** prevented, and if occurred, **rectified.** As we will be shown in the next sub-section, there are certain duties imposed by Quran on individuals, the purpose of which is to prevent or rectify poverty in the society. We will discuss these principles more in the next sub-section. However, so far, we wished to emphasize that according to Quran, humans must take account of the Revelation in their quest for the optimal system of rights. ii. System of Property Rights In Quran : We had discussed in previous sections that every system of property should answer both questions of common and private property rights. We were shown how Natural Rights Theories and Utilitarianism respond to these questions. In this section we address these questions in Quran. a) Common Property: According to Quran everything in the universe originally belongs to God. Then, God has given everything to the human beings in common to use. **According to Quran humans are** successor of **God[’s]** on earth, and his **trustee in** using and **management of the world.** A successor is a person who takes over and continues the role or position of another. A trustee is a person who holds the title of the property to the benefit of beneficiaries. That is, he is the owner of the property, but his ownership is subject to certain conditions and fiduciary duties. The beneficiaries are also humans themselves. Therefore:

5. Pell Grants are key to allow prisoners to turn away from crime and get jobs. That’s key to Islam. **Ali no date** writes[[95]](#footnote-95)

**The concept of forgiveness in the Qur'an is expressed in three terms**, (1) 'afw, (2) safhu, and (3) ghafara

'**Afw means** to pardon, **to excuse for a fault** or an offense or a discourtesy, waiver of punishment and amnesty. Examples of usage in the Qur'an are verses 42:40, 2:187 and 5:95.  
**Safhu means to turn away from** a sin or **a misdeed**, ignore, etc. Examples of usage in the Qur'an are verses 2:109, 15:85 and 43:89.  
**Ghafara** or maghfira **means** to cover, **to forgive** and to remit. Examples of usage in the Qur'an are verses 2:263, 42:37 and 43:43.

For more details see Lane's Lexicon2 and Hans Wehr's dictionary3, among others.

The God, **Allah**4 **is the ultimate power Who can forgive.** Forgiveness means closing an account of offense against God or any of His creation. However, forgiveness must meet the criteria of sincerity. God, the All-Knowing, has the knowledge of everything including whatever a person thinks but does not express in words or deeds. An offense may be against (a) a person, (b) a group of persons or society, (c) other creation of God such as animals, plants, land, atmosphere, bodies of water and the life therein, and (d) God, Allah. Muslims understand that an offense against the creation of God is an offense against God.

#### Christianity Off Case

Christianity is most likely correct. Only the existence of the Christian God can explain historical facts. For example, in the Old Testament there were over 300 prophesies made about Jesus hundreds of years before his birth, and every one was correct. The probability of any one man fulfilling just 8 of these prophesies by present day was found to be 1 in 10 to the 17th power. **Stoner and Newman** write[[96]](#footnote-96)

**Suppose** that **we take 1017 silver dollars and lay them on** the face of **Texas. They will cover all of the state two feet deep.** Now mark one of these silver dollars and stir the whole mass thoroughly, all over the state. Blindfold a man and **tell [a man]** him that he can travel as far as he wishes, but **he must pick** up **one** silver dollar and say that this is the right one. **What chance would he have of getting the right one? Just the same chance that the prophets would have had of writing these eight prophecies and having them all come true in any one man**, from their day to the present time, **providing they wrote using their own wisdom.**

*(Skip this if you need time.)*

When considering all 300 plus prophecies, the odds are even smaller.

**Stoner and Newman-2** explain5

There are more than three hundred prophecies dealing with Christ's first advent. If this number is correct, and it no doubt is, you could set your estimates ridiculously low on the whole three hundred prophecies and still obtain tremendous evidence of inspiration.

For example **you may place all of your estimates at one in four. You may say that one man in four has been born in Bethlehem: that one** of these children **in four was taken to Egypt,** to avoid slaughter; that one in four of these came back and made his home in Nazareth; that one in four of these was a carpenter; **that one in four** of these **was betrayed for thirty pieces of silver;** that one in four of these has been crucified on a cross; that one in four was then buried in a rich man's tomb; yes, **even that one in four rose from the dead** on the third day; **and so on for all** of the **three hundred prophecies and** from them I will **build a number much larger than the one** we obtained **from** the **forty-eight prophecies.**

Science disproves Islam. **Gale no date**[[97]](#footnote-97)

**We have seen from** investigating **recent scientific developments that**

1. The Universe is flat.

2. Because **the Universe** is flat it **won't end with a Big Crunch**

3. As of 1998, modern science has proven that the universe will expand forever.

**4. The Quran, which talks about the big crunch, is** false and **disproved by Modern science.**

5. If Science is used to prove the Quran it can be used to disprove it also.

If the Quran preaches a "Big Crunch" ending to the universe as shown in this surah:

YUSUF ALI: The Day that We ROLL UP THE HEAVENS like a scroll rolled up for books (completed),- even as We produced the first creation, so shall We produce a new one: a promise We have undertaken: truly shall We fulfil it.

PICKTHAL: The Day when We shall ROLL UP THE HEAVENS as a recorder rolleth up a written scroll. As We began the first creation, We shall repeat it. (It is) a promise (binding) upon Us. Lo! We are to perform it.

SHAKIR: On the day when We will ROLL UP HEAVEN like the rolling up of the scroll for writings, as We originated the first creation, (so) We shall reproduce it; a promise (binding on Us); surely We will bring it about. Surah 21:104

Then it is clearly in error according to modern science. According to Science, the Quran is wrong on the Big Crunch since recent experiments prove that the universe will continue to expand forever. On a fantastic website dealing with astronomical question sposed to NASA we find this mentioned about the Quran:

Question 13: How could the writers of the Qur'an 1400 years ago know that when the universe reaches its maximum size we will have Judgment Day?

**Dr.** Sten **Odenwald of NASA responds** by saying:

Well...**the best model we have** to account for the data we have is that THE UNIVERSE WILL CONTINUE TO EXPAND FOREVER. There has never been evidence that **suggests** we live in a closed universe slated to recollapse in the future. So, your question is answered by saying that ancient writings either got the right answer or the wrong answer. IN THIS INSTANCE **THEY 'GUESSED' INCORRECTLY** so there is really no historical mystery to explain. (Quran on Judgment Day; found at Big Bang Cosmology - Miscellaneous ; Posted on NASA Astronomy Site)

Christianity affirms.

First, the Pope wants rehab. **Catholic World News 12** writes[[98]](#footnote-98)

**The criminal-justice system must strive to rehabilitate convicts** as well as to punish them, **Pope Benedict** XVI **said** in an address to a group of European prison officials. "In order to practice justice it is not enough that those found guilty of crimes be simply punished: it is necessary that in punishing them, everything possible be done to correct and improve them,” the Pope said. “When this does not happen, justice is not done in an integral sense.” In fact, the Pontiff continued, **a prison system** that punishes criminals **without providing for rehab**ilitation “**paradoxically reinforces** rather than overcomes **the tendency to commit crime** and the threat posed to society by the individual.” At a time when crime rates are rising in many societies, **the Pope said**, **prison systems should do their utmost to “bring about the offender’s** effective **re-education, which is required** both **for** the sake of **his own dignity** and with a view to his reintegration into society.”

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# AT St Louis Park

## AT Sentimentalism

1. Extinction first. It precludes all sentiments.

2. No impact to moral motivation in the context of government. It’s not an agent with motivation.

3. No impact to moral semantics. If the common usage of “morality” was defined as “genocide”, that wouldn’t make it good. Language doesn’t guide action.

4. Rationality is the natural aspiration of human beings. We’re motivated to act morally, not emotionally. **Korsgaard 2** writes[[103]](#footnote-103)

C.M.K.: **I would not** quite **say that the account of moral motivation only works if we assume that people are rational. Rather,** I would say that **there is a descriptive sense in which people have no choice but to be rational** and to act on reasons of some kind. **Rationality** in this descriptive sense **is forced upon us by the fact that we are self-conscious beings and can act on our incentives only if we take them to be reasons.** So there is no question of acting rationally versus not acting rationally. There is only a question whether our reasons are good ones or bad ones, whether we are rational in a normative sense. (And of course there is the precedent question whether we can derive some standard for reasons being good or bad ones, such as the Formula of Humanity in the argument I described before.) So I don’t think that **I am [not] making a strong presupposition of rationality in the normative sense. It is more a thesis in moral psychology.**

5. Use extinction as a meta-standard to resolve moral uncertainty. **Bostrom 2** writes[[104]](#footnote-104)

These reflections on **moral uncertainty suggest[s]** an alternative, complementary way of looking at existential risk. Let me elaborate. Our present understanding of axiology might well be confused. **[that] We may not** now **know**—at least not in concrete detail—**what outcomes would count as a big win for humanity;** we might not even yet be able to imagine the best ends of our journey. If we are indeed profoundly uncertain about our ultimate aims, then **we should recognize that there is** a **great option value in preserving**—and ideally improving—**our ability to recognize value and to steer the future accordingly. Ensuring that there will be a future version of humanity** with great powers and a propensity to use them wisely **is** plausibly **the best way** available to us **to increase the probability that the future will contain a lot of value.**

6. Gut check aff if you like rehab. Under her framework, you can’t be wrong.

7. Punishment makes criminals sad; that’s a negative emotion.

8. No link. Pell Grants don’t affect sentencing.

9. TURN – Rehab is key to sympathy. **Clark 3**[[105]](#footnote-105)

But Moore recognizes that retributive emotions often compete against other responses when we think about criminal offenders. We may find, for instance, that when we consider the tough circumstances of some criminals, we are moved to sympathy, a **sympathy** that **might offset** to some extent the desire to impose suffering on the offender. Why shouldn’t sympathy mitigate the degree of **retribution** sought? Doesn’t it too reflect some sort of moral reality? If so, **might it not suggest** other responses to crime, such as **rehab**ilitation, restitution, and addressing the multiple criminogenic factors revealed by behavioral science**?** To secure retribution’s pride of place, Moore adduces two considerations against this line of argument. First, it is only virtuous emotions, he says, which we should generally rely upon as heuristic guides to moral reality: "…in ethics we should recognize that the virtue of (or vice) of an emotion may often, but not always, be taken as an indication of the truth (or falsity) of the judgment to which it leads" (137). Second, in developing an overall theory of justice, he explicitly adopts a "coherentist" approach, in which the theory seeks maximum overall consistency among our intuitions and judgments. (This approach differs, for instance, from a foundationalist approach in which certain first principles have privileged status and form the basis from which the rest of the theory is derived.) Combining these two desiderata, the way we decide which of our conflicting moral intuitions should be kept and which should be discarded to achieve coherence, is to see which are based in virtuous emotions. Virtue works as a guide to coherence. Unsurprisingly, Moore argues the case that retributive emotions, at least some of them, are virtuous, while the sympathy we feel for certain offenders is not. Thus we can safely discard our errant sympathies, what Moore calls "moral hallucinations" (132) since they distort our view of moral reality, and hew to the retributive imperative. But whether we agree with Moore about all this hinges on whether 1) we agree with Moore’s claims about the virtue and theoretical probity of retributive versus sympathetic emotions, and 2) whether we agree that maximum coherence should be the driving feature of a true theory of justice. I shall contest both these claims. Moore, very much to his credit, bends over backwards to present the strongest case against the virtue of retributive emotions, which he then tries to rebut in the chapter entitled "The Moral Worth of Retribution". He candidly admits that retribution is often motivated by what Nietzsche described with the word ressentiment. Moore defines ressentiment as "a witches’ brew: resentment, fear, anger, cowardice, hostility, aggression, cruelty, sadism, envy, jealousy, guilt, self-loathing, hypocrisy and self-deception" (120). Moore says "It may well be that insofar as the retributive urge is based on such emotions as these…the urge is bad for us" (125). But, he points out, there are also virtuous emotions which ground retribution, namely the "moral outrage" that often is inspired by witnessing or contemplating flagrant acts of wrongdoing that cause suffering, and the often appropriate sense of guilt when we ourselves do something wrong. In both cases, we might feel that retributive punishment is fairly imposed on the offender, that it is deserved, whether the offender be someone else or ourselves. Not to feel these emotions, Moore says, is to be morally defective, and the virtue of such feelings is evidence for the truth of retributivism, since virtuous feelings come with "good epistemic credentials" (147). As Moore says about guilt: "Our feelings about guilt thus generate a judgment that we deserve the suffering that is punishment. If the feelings of guilt are virtuous to possess, we have reason to believe that this last judgment is correct, generated as it is by emotions whose epistemic import is not in question" (148). It is this intuition of desert, generated by guilt and moral outrage, Moore says, that makes it not only permissible to punish wrongdoers, but that makes it morallyrequired to punish them, even if no other desirable outcomes follow from retribution (148, 154). So although retribution may indeed sometimes be inspired by despicable motives and emotions, for Moore that doesn’t undercut its valid basis in some virtuous moral sentiments. Assuming for the moment that Moore has indeed demonstrated the virtue and reality-revealing nature of some retributive emotions, what about sympathy, e.g., "the **sympathy we may feel for wrongdoers whose wrongdoing was caused by** factors such as **social adversity or psychological abuse during childhood**"?Moore writes: "There are three things to say about this range of moral experience. First, the moral judgment it seems to support does not fit with the much larger set of judgments about responsibility that we make in daily life. In seeking the most coherent expression of our moral judgements considered as a whole, these sympathetic judgements may simply have to be discarded. No area of human knowledge is perfectly coherent. Any systematic exposition of our sensory experience, for example, has to disregard certain visual experiences because they give us inaccurate information about the world…The same can be said of our sympathetic responses to disadvantaged criminals" (544, my emphasis). In other words, to minimize conflict in our judgments, we must disregard the sympathies generated by the adversities undergone by offenders. Such sympathies are inconsistent with our more numerous and powerful retributive inclinations, and furthermore they are "inaccurate" in some sense. On the face of it, this seems arbitrary, to say the least. Conflict between retributive feelings, even virtuous ones, and sympathetic feelings (which at least initially seem virtuous) may simply reflect a real moral conflict, and to discount one side of the conflict in order to preserve theoretical coherence might well compromise theoretical accuracy. We may well have both feelings about an offender (if not simultaneously, at least in succession), both of which reflect sets of circumstances that pertain to the case. Moore’s comparison of sympathetic feelings to inaccurate visual information assumes that our sympathy is somehow misplaced, but of course he has to prove this. Secondly, and in response to just this point, Moore goes on to say, "…just as we discount our experience with sticks looking bent when immersed in water because we can explain the experience away, so we should discount any sympathy for disadvantaged criminals if we can explain why we feel that sympathy in terms of extraneous factors." Moore suggests two such factors: "our own guilt at not having done enough to alleviate ‘unhappy’ causes of crime, or…our sense that those who became criminals because of adverse circumstances have ‘already suffered enough’" (545). But even if we discount these causes of sympathy as extraneous, surely there are others that are not. Contemplating the chaotic, punitive and often dangerous conditions that disadvantaged offenders grow up in often generates sympathetic compassion, for indeed **were any of us raised in those conditions, we** too **would be more likely [to] suffer the same criminal fate.** Putting ourselves in the disadvantaged shoes of an offender should inspire sympathy, for if it does not, then we are supposing that we would have been immune to the influences that shaped her. From a naturalistic perspective, which Moore shares, in which human beings are determined by environment (as well as heredity), such a supposition is clearly false, and the lack of sympathy it generates is a clear moral defect. Such **sympathy may not outweigh** feelings of **outrage, but it nevertheless** reflects circumstances as real as the crime committed, and so **is not a "moral hallucination"** on a par with the bent stick illusion. [2](http://www.naturalism.org/criminal.htm#Note2) Third and lastly, Moore says about sympathy that "..we have reason to discount certain experiences and the intuitions they generate when, on examination, their appearance of moral goodness proves deceptive" (545). Moore goes on to speculate that our sympathies for disadvantaged offenders might be due not to any laudable variety of compassion, but to unconscious feelings of superiority to the offender, or perhaps the elitist refusals to judge others by the standards we impose on ourselves or to acknowledge the moral dignity and autonomy of others (546). If these were the only source of our sympathy, then its moral goodness (and epistemic credentials) would be put in question, but since there is another robust source, the compassion described above, its goodness stands unchallenged. This point is the same Moore himself makes about the sources of retributive judgements: some sources are morally dubious, but since others have merit, retribution survives in his theory. So, even by Moore’s own criterion of moral virtue, sympathy passes muster, and thus it seems we might concede it a role in a theory of criminal justice and in the disposition of criminal cases. To recap: to achieve a maximally coherent theory of criminal law, Moore wants us to jettison our sympathetic responses to disadvantaged criminals. This would give retribution freer reign, no doubt simplifying the mission of criminal justice. We should discount sympathy because it is morally hallucinatory (it doesn’t accurately represent moral reality, just as a bent stick in water doesn’t accurately represent the true physical state of the stick) and because its sources are morally dubious. I think Moore is mistaken on all counts. In reverse order, it appears that sympathy can be morally good, that is, it can stem from what we acknowledge is a moral virtue, namely compassion. Second, such sympathy accurately reflects a significant aspect of moral reality, namely the punitive and distressing conditions associated with increased criminality. To ignore such conditions and the compassion they inspire is to give short shrift to an important dimension of our moral universe. Third, we cannot, on grounds of seeking coherence, simply dispense with **sympathy** as an emotional outlier when forming judgements about criminal offenses. Rather, it **justifiably competes with our retributive inclinations.** This theory isn’t as clean as Moore’s, but it does better justice, I submit, to the often ambiguous and conflicting moral reality we inhabit.

Sympathy comes first under sentimentalism. **Landow 12**[[106]](#footnote-106)

According to [Samuel Johnson](http://www.victorianweb.org/previctorian/johnson/sjov.html)'s Dictionary (1755), **sympathy is defined as** "fellow-feeling; mutual sensibility; **the quality of being affected by the** affections [**feelings**] **of another.**"More than one hundred years later, [John Ruskin,](http://www.victorianweb.org/authors/ruskin/ruskinov.html) the great Victorian critic of art and society, similarly explained that sympathy, "the imaginative understanding of the natures of others, and the power of putting ourselves in their place, is the faculty on which virtue depends" (Fors Clavigera, 1873). During the second half of the eighteenth century and throughout most of the nineteenth, sympathy, which today signifies little more than compassion or pity, was a word of almost magical significance that described a particular mixture of emotional perception and emotional communication. **Johnson and Ruskin derived** their ideas of **sympathy from** a British school of moral **philosophy that referred ethics to feelings** in a radical manner, one that eventually caused fundamental changes in politics, culture, religion, and conceptions of human nature**.** This **sentimentalist** or emotionalist school of **ethics**, which provided an important part of the foundations of both [Romanticism](http://www.victorianweb.org/previctorian/misc/romanticov.html) and the [French Revolution](http://www.victorianweb.org/history/hist7.html), developed in response to the English [empiricists](http://www.victorianweb.org/philosophy/phil3.html) Thomas Hobbes and [John Locke](http://www.victorianweb.org/philosophy/locke1.html). 1. Locke claimed that we have no innate ideas of good and evil. 2. In an attempt to find another basis for arguments that men and women were moral beings, Thomas Burnett and Anthony Cooper, [Lord Shaftesbury](http://www.victorianweb.org/history/shaftesb.html), founders of this new school of moral philosophy, replaced innate ideas with emotional reactions, thought with emotion. Extending Locke's own notion that the mind has an innate power or principle that perceives differences in color, Burnett suggested that a similar power perceives differences in moral value. Shaftesbury, the more influential of the two, then argued that we have an internal moral sense much like the senses of sight, hearing, and taste. 3. The Scottish school of emotionalist moral philosophers -- [Adam Smith](http://www.victorianweb.org/economics/smith.html) (better known now for his economics), Dugald Stewart, and Thomas Reid -- **identified****the moral sense with the imagination, whose job it is to make us feel the effects upon others of our actions.** In other words, the **sympathetic imagination**, as it was called, **provides the psychological** mechanism of the **Golden Rule**: we do not steal from others because our imagination projects us into their vantage point (into their minds), and we thus experience how it would feel

10. TURN – Rehab is more consistent with our emotions than retribution. Studies prove. **Petersen et al. 12**[[107]](#footnote-107)

6.2. Results Does perceived association value predict preferences for reparative over punitive sanctions? Yes. As shown in the bottom right of Fig. 4, the perceived association value influences the choice between a reparative over a punitive strategy (odds ratio=11.81, p=.03, one-tailed). The odds ratio of 11.81 implies that a change in the **perceived association value** of the criminal from the variable's minimum value (0) to its maximum value (1) **makes it 11**.81 **times more likely that the subject will choose a reparative rather [than] punitive sanction.** This finding replicates the relationship between association value and reparative preferences found in Study 1 while measuring association value as expectations of becoming a productive member of society rather than expectations of committing crimes in the future. Furthermore, as shown in Fig. 4, **crime seriousness did not have a significant effect** (odds ratio=0.25, p=0.49). 2 In the online supplemental materials, it is demonstrated that the recidivism and productivity measures are highly correlated (and likely track the same underlying psychological variable) and the effects reported here are replicated using a scale combining the two measures. -.15\* 11.81\* (odds ratio) .48\*\*\* -.08 Intensity of sanction Preference for reparative over punitive sanctions Criminal’s association value Crime seriousness Criminal shows remorse, lacks criminal record and has a job -.04 .13\*\* .25 (odds ratio) 1.29 (odds ratio) Fig. 4. Study 2 (battery): perceived seriousness of crime and perceived association value of the criminal as mediators of cues to association value. Unstandardized regression coefficients (b) and odds ratios calculated using binary logistic regression. All variables are coded between 0 and 1. M.B. Petersen et al. / Evolution and Human Behavior xx (2012) xxx–xxx 11**Do cues of remorse**, lack of criminal record, and employment **contribute** more strongly **to perceptions of association value** than to perceptions of the seriousness of his crime**? Yes.** As shown in the left side of Fig. 4, variation in information about the criminal had a significant effect on perceptions of his association value (b= 0.13, p=.005, one-tailed), but no effect on how serious his crime was seen to be (r=−0.04, p=.25, one-tailed). The effect of the cues on perceived association value was three times greater than their effect on the perceptions of the crime's seriousness. To test whether these cues affect the preference for a reparative over a punitive sanction indirectly, through their effects on perceptions of the criminal's association value, we performed a formal mediation test suited for binary dependent variables (Stata FAQ 2012). We find that perceived association value does significantly and fully mediate the effect of the experimentally varied cues on sanctioning preference.3 Does the perceived seriousness of the crime predict the preferred intensity of the sanction? Yes. As shown in the top left of Fig. 4, the preferred intensity of sanction was predicted by both the perceived seriousness of the crime (r= 0.48, pb.001, one-tailed) and perceptions of the criminal's association value (r=−0.15, p=.03, one-tailed), but the effect size for seriousness was more than three times larger than for association value. These results provide strong further support for the recalibrational theory counterexploitation. We were able to replicate the core findings from Study 1 in a different country using a benefit-oriented measure of association value—one that does not tap expectations about future criminal activities— and a more demanding measure of reparative preferences. 7. Discussion Extending extant research on lay intuitions about criminal justice, we have demonstrated that individuals spontaneously compute an index of the criminal's association value and that this value regulates the motivation to repair the criminal or punish him. **Across a range of** different **types of crime and** across two highly different countries (**the U**nited **S**tates **and Denmark**)**, subjects' preferences for rehab**ilitation **over punishment were regulated by** their **perceptions of the criminal, independently of** their perceptions of **the crime.** The seriousness of the crime, as judged by the subjects, did not regulate their preferences for repair over punishment for violent crimes. **The effect of seriousness** on reparative sentiments **was significant only for** the vignette describing a nonviolent crime, **vandalism; even so, its effect size was only half that for** the criminal's **association value.** The seriousness of the crime, in contrast, regulated the intensity of preferred sanctions far more than perceptions of the criminal did. A person's association value is an estimate of how likely that person is to exploit (or confer benefits) on you and those you care about in the future. We experimentally manipulated several ancestrally valid cues to association value: the offender's criminal history, the offender's status as an ingroup or out-group member, and the offender's expression of remorse. The results confirmed that these cues have a major effect on the computation of a criminal's association value but little or no effect on computations of the crime's seriousness. As previous studies have shown, the seriousness of the crime seems instead to be computed primarily on the basis of the costs the crime imposes on others (see online supplemental materials, available on the journal's website at www.ehbonline.org). These results support the hypothesis that the mind's design for deciding how to respond to criminals (exploiters) has two distinct information processing channels, which use two distinct sets of cues to compute two different decision variables: the criminal's association value and the seriousness of the crime. In sum, these results show that **while a crime's** indexed **seriousness regulates how much to react,** the criminal's indexed **association value regulates the more fundamental decision of** how to react (i.e., **whether we want to punish or rehab**ilitate)**.**

11. Sentimentalism fails for policymakers; can’t calculate emotions accurately.

**Steinberg and Piquero**:[[108]](#footnote-108)

**It is** generally **accepted that** intense public concern about the threat of youth crime has driven this trend, and that the **public supports** this legislative inclination toward **increased punitiveness.** **But it is not clear** **whether this** view of the public’s attitude about the appropriate response to juvenile crime **is accurate.** On the one hand, various opinion surveys have found public support generally for getting tougher on juvenile crime and punishing youths as harshly as their adult counterparts. At the same time, however, scrutiny of the sources of information about public opinion reveals that the view that the public supports adult punishment of juveniles is based largely on either responses to highly publicized crimes such as school shootings or on mass opinion polls that typically ask a few simplistic questions. It is quite plausible that **assessments of public sentiment** about juvenile crime, and the appropriate response to it, **vary greatly as a function of when and how public opinion is gauged.** In our own work, **we have found** that very **slight variations in** the **wording of survey questions generate** vastly **different pictures of public attitude**s about juvenile justice policy. An assessment of the public’s support for various responses to juvenile offending is important because policy makers often justify expenditures for punitive juvenile justice reforms on the basis of popular demand.

12. Util is axiomatic. **Harris 10** writes[[109]](#footnote-109)

So, while it is possible to say that one can't move from "is" to "ought," we should be honest about how we get to "is" in the first place. **Scientific "is" statements rest on implicit "oughts" all the way down.** When I say, "Water is two parts hydrogen and one part oxygen," I have uttered a quintessential statement of scientific fact. But what if someone doubts this statement? **I can appeal to data** from chemistry, describing the outcome of simple experiments. **But in so doing, I implicitly appeal to the values of empiricism and logic. What if my interlocutor doesn't share these values?** What can I say then? What evidence could prove that we should value evidence? What logic could demonstrate the importance of logic? As it turns out, **these are the wrong questions.** The right question is, **why should we care what such a person thinks in the first place? So it is with the linkage between morality and well-being: To say that morality is arbitrary** (or culturally constructed, or merely personal), **because we must first assume** that the **well-being** of conscious creatures **is good, is exactly like saying that science is arbitrary** (or culturally constructed, or merely personal), **because we must first assume** that a **rational understanding** of the universe **is good.** We need not enter either of these philosophical cul-de-sacs.

# AT Valley

## AT Scanlon NC

### Framework

Omitted

### Contention

1. This is just defense. Even if no one rejects retribution, there’s no reason people would reject rehab either.

2. Crime turns the case independent of util. Society could reject lack of Pell Grants because it would cause crime which hurts everyone.

3. TURN – Prison colleges could reject the Pell Grants ban because it forced them to close down – Buzzini 9.

4. Proportionality is impossible. It’s arbitrary and based on intuitions. There’s no reason five years in prison equals selling ten grams of cocaine. That means there’s no reason committing one crime means criminals can’t reject another punishment.

5. There’s still punishment in the aff world. There’s no reason that punishment has to be retributive.

6. Everyone can reject extinction because life is a prerequisite to having reasons to reject anything.

## AT “The” PIC

Omitted.

## AT Constitution NC

1. TURN – The Plan is constitutional. **Millhiser 11**[[110]](#footnote-110)

Yet, **while Congress’s powers are not unlimited, they are still** quite **sweeping**— and one of Congress’s broadest powers is its power to spend money. **Congress is free to spend money, so long as it** does so to “**provide[s] for** the common defense and **general welfare** of the United States.” For this reason, **federal programs** designed to **[that] expand educational opportunity are** clearly **constitutional.** There is no question that programs designed to build a highly-skilled and competitive national workforce provide for the “general welfare” of this country.

2. States have all the obligations people do because they are just a bunch of people acting collectively.

3. TURN – Necessary and proper clause means my advantages prove the Plan’s constitutional.

4. States can rationally deliberate, for example when Congress debates what to do, so states can rationally deduce moral standards.

5. TURN – Supreme Court didn’t overrule prisoner Pell grants pre-1994. If the Plan was unconstitutional, there would’ve been a court case about it.

6. States make intentional choices which they can be held accountable for.

**Donaldson 95**[[111]](#footnote-111)

The state is not deprived of intentionality, as Hardin alleges, by the fact that “various officials of a particular state must typically reach different conclusions about what is rationally required.” Like corporations and judicial systems, **states possess decision-making procedures designed to allow inferences** about the acts and intentions of the state itself from the acts of individual members. **When, for example, majorities** of the duly-elected members **of both houses** of the U.S. Congress **approve aid to Poland** for the purposes of developing its economic infrastructure, **and when the** U.S. **President concurs**, then **we may correctly infer that the U**nited **S**tates **has acted intentionally** in giving aid to Poland.

7. “States aren’t moral agents” is non-unique defense. There’s always a risk that states have moral obligations, so this can’t be an offensive reason to vote neg.

8. Presumption goes aff because of time skew.

## AT Contracts NC

1. TURN – Prison education is required by the UDHR. It’s binding on the US.

**Whitney 9**[[112]](#footnote-112)

International law considers the Universal Declaration of Human Rights as customary international law, which means that it has been recognized as “international custom, as evidence of a general practice accepted as law” under the Statute of the International Court of Justice (“ICJ”). So, with “state practice, and a sense of legal obligation, or opinio juris,” a customary norm is born.145 **[S]tandards set by the U**niversal **D**eclaration of **H**uman **R**ights, although initially only declaratory and non-binding, **have** by now, through wide acceptance and recitation by nations as having normative effect, **become binding** customary law**.** Whatever may be the weight of this argument, it is certainly true that **the Declaration is** in practice **frequently invoked as if it were** legally **binding**, both by nations and by private individuals and groups. While not binding, customary norms are still highly influential. International legal scholar Richard Bilder has observed that: **Article 26 of the Declaration** speaks directly to the fundamental right to education. It succinctly **states that “[e]veryone has a right to education.”**147 The purpose of this general statement is to “[develop] . . . the human personality” and promote respect, tolerance, and appreciation among all groups of people.148 This purpose aligns with the conclusion in McGee v. Aaron stressing the importance of education in improving self-esteem and contributing to a person’s successful functioning in society.149 Richard Pierre Claude, author of The Right to Education and Human Rights Education, discusses Article 26 in detail Education takes on the status of a human right because it is integral to and enhances human dignity through its fruits of knowledge, wisdom, and understanding. . . . It is a social right because in the context of the community it promotes the full development of the human personality. It is an economic right because it facilitates economic self-sufficiency through employment or self-employment. It is a cultural right . . . . In short, education is a prerequisite for individuals to function as fully human being in modern society.151 Because the Declaration of Human Rights is customary international law, **it is** s **binding on** all nations, including **the U**nited **S**tates**.** **Prisoners**, though restricted in some of their rights, **are still citizens. The U**nited **S**tates **is obligated** under customary international law **to ensure that all** of its citizens, and thus **its prisoners**, **have access to education.**

2. Contracts fail; they beg the question of morality. If we don’t already have a moral system, there’s no reason agreeing to a contract is binding.

3. ILaw outweighs. Federal sentencing guidelines aren’t binding. Supreme Court agrees.

**Wagner 5**[[113]](#footnote-113)

**Justice Breyer delivered the opinion of the Court** in part, **concluding that** 18 U.S.C. A. §3553(b)(1), **[the statute] which makes the Federal Sentencing Guidelines mandatory, is incompatible with** today’s **Sixth Amendment** “jury trial” holding **and therefore** must be severed and excised from the Sentencing Reform Act of 1984 (Act). Section 3742(e), which depends upon the Guidelines’ mandatory nature, also must be severed and excised. So modified, the Act **makes the Guidelines** effectively **advisory**, requiring a sentencing court to consider Guidelines ranges, see §3553(a)(4), but permitting it to tailor the sentence in light of other statutory concerns, see §3553(a). Pp. 2—26.

4. Contracts create a contradiction because we could agree to a contract to break contracts.

5. No link. Federal sentencing guidelines take no explicit stance on either rehab or retrib. Must use util since this contract can’t obligate. **Dubber and Kelman 12**[[114]](#footnote-114)

**The Sentencing Guidelines, written by the U**nited **S**tates **Sentencing Commission** pursuant to the Sentencing Reform Act, see Pub. L. 98-473, $ 217, 98 Stat. 1987, 2019 (1984), purport to comport with the competing theoretical ways of thinking about punishment. The Guidelines **state that they** “further the basic purposes of criminal punishment: deterrence, incapacitation, just punishment, and rehabilitation.” See U.S.S.G. Chap. 1, Pt. A(2). A systematic, theoretical approach to these four purposes was not, however, employed by the Commission: A philosophical problem arose when the Commission attempted to reconcile the differing perceptions of the purposes of criminal punishment. Most observers of the criminal law agree that the ultimate aim of the law itself, and of punishment in particular, is the control of crime. Beyond this point, however, the consensus seems to break down. Some argue that appropriate punishment should be defined primarily on the basis of the principle of “just deserts.” Under this principle, punishment should be scaled to the offender’s culpability and the resulting harms. Others argue that punishment should be imposed primarily on the basis of practical “crime control” considerations. This theory calls for sentences that most effectively lessen the likelihood of future crime, either by deterring others or incapacitating the defendant. Id. at A(3). The Commission **decided not to create a solely retributivist or utilitarian paradigm, or “accord one primacy over the other.”** Id. It is claimed that, “as a practical matter this choice [between the competing purposes of criminal punishment] was unnecessary because in most sentencing decisions the application of either philosophy will produce the same or similar results.” Id. This premise is flawed. In practice, results may vary widely depending upon theory. A penalty imposed based upon pure utilitarian considerations would hardly ever be identical to one that was imposed in a pristine retributive system. While it cannot be said that one is always harsher than the other, seldom would their unrestrained application produce the same sentence.

6. Extinction still comes first. Can’t respect contracts if we’re all dead.

7. Devolves to util. The US government has a contractual obligation to promote the general welfare – that’s the preamble to the Constitution.

# AT Whitman

## AT Omnilateral Will NC (Kick the Plan)

1. The omni-lateral will causes crime. **Yankah 12**[[115]](#footnote-115)

A theory which focuses on our civic bonds changes the purpose of punishment from upholding law’s supremacy, as such, to maintaining civic equality, which in turn alters the scope and aim of our duties towards crime victims. Criminal acts call for punishment that leaves in no uncertain terms our outrage that a person has taken it upon themselves to steal from, hurt or kill a fellow citizen. At the same time, a republican view of criminal law highlights that our civic bonds with the criminal offender do not evaporate upon punishment. **A legal regime justiﬁed** only **by freedom ﬁnds little room to** explain why a polity must also **extend itself to reincorporating criminals after they have been** fully **punished** (Braithwaite and Pettit 1993: 91–92). Modern criminal law systematically shows a stunning lack of civic concern for those we must and should punish. One clear symbol of our willingness to sever our civic bonds with past offenders has been the practice of disenfranchising felons (Fletcher 1999). In recent years, states were tempted by ‘‘Three Strikes and Out’’ legislation, which amounted to little more than a thirst for lifetime warehousing of criminals (Yankah 2004: 1028). **Collateral sanctions** further reveal our lack of civic concern, **prohibit**ing **ex-offenders from** running for ofﬁce, sitting on a jury, participating in government programs and restricting employment, in short systematically excluding from **civil, economic and social participation.** These sanctions even extend to the deprivation of social and welfare rights including welfare support programs, federal beneﬁts, contracts and licenses, grants, and small business and educational loans. In fact certain ex-felons are denied federal monies solely meant to assist with the purchase of food. These beneﬁts are often crucial in preventing vulnerable citizens from falling beneath an acceptable threshold. Social and welfare beneﬁts evidence a communal commitment to honor the needs of citizens. Denying these rights demonstrates that this concern does not extend to the exoffender (ibid). This break down in civic concern is not only a philosophical point. A **society which lacks** any **civic concern for offenders is doomed to** the frustration and futility that characterizes modern American criminal justice, with its stunning **recidivism** rates and revolving door prison system. **Such a system** not only **leaves** the **offenders** we have punished **marginalized** upon release **and** all too **willing to return to crime** but, more Crim Law and Philos 123 Author's personal copyimportantly, leaves citizens vulnerable to being future victims of crime; too likely to become victims in a system which is unable to address the roots of criminality.

Overwhelming consensus of meta-analyses confirms that rehab solves crime.

**Cullen and Gendreau 2k** write[[116]](#footnote-116)

Even if interventions are effective with a range of other behaviors, the question still remains whether they are able to reduce delinquent and criminal behavior. **Lipsey and Wilson** (1993) **listed 10 meta-analyses** that were conducted on evaluations of treatment programs for offenders. In all cases, a positive effect size was reported. There was a tendency, however, for the treatment effect size for offender interventions to be lower than that for interventions targeting other outcomes for change. The lower effect size may reflect the difficulty of changing antisocial conduct and/or the lower quality of interventions with offenders (Losel 1995). Still, it is instructive to reiterate that **every meta-analysis** of offender treatment **indicated that programs**, in the aggregate, **reduced problem behavior.** As such, there is no evidence that offenders cannot be rehabilitated. **Losel** (1995) has **conducted the most comprehensive assessment of** the **metaanalyses** of offender rehabilitation programs. **In a review of 13 meta-analyses** published between 1985 and 1995, **Losel found that the mean effect size ranged from** a low of 0**.05 to** a high of 0**.18. This** finding **has been confirmed** in an updated review **by Redondo, Sanchez**-Meca, **and Garrido** (1999, 252). **The consistency** of the positive effect of treatment **in these meta-analyses is important because it suggests that this result**, at least in broad terms, **is not dependent on the** sample of **studies selected** and coding decisions made **by individual authors.** Indeed, **even meta-analyses conducted by scholars unsympathetic to rehab**ilitation **produced positive effects** (see Whitehead and Lab 1989). Losel estimates that across all the meta-analyses, “the mean effect size of all assessed studies probably has a size of about 0.10” (p. 89). Using Rosenthal’s (1991) BESD statistic, this would mean that the recidivism rate for the treatment group would be 45 percent, while the rate for the control group would be 55 percent. According to Losel (1995, 90–91), however, this overall effect size might be underestimated. Treatment groups, for example, are often compared with control groups that do not receive “no intervention” but some other type of criminal justice sanction, which might involve some kind of treatment. The use of dependent variables that are measured dichotomously and with official measures of recidivism also may attenuate the effect size. Thus, Lipsey (1992, 98) notes that official indicators of delinquency have low reliability because “it is largely a matter of chance whether a particular delinquent act eventuates in an officially recorded contact with an agent of law enforcement or the juvenile justice system.” He calculates that when this fact in taken into account, the “deattenuated effect size” for the interventions “doubles” (p. 98).

2. Ripstein justifies minimizing crime independent of util. **Yankah 12**[[117]](#footnote-117)

It does, however, establish some important requirements of a legal system as well as deﬁne certain limits. A legal system that is justiﬁed by the protection of freedom must secure some basic level of individual freedom from being purely at the mercy of another’s whims. A state without any public land or thoroughfares would leave those unable to purchase private land at the mercy of others; simply by existing they would be wronging those on whose land they were unless the land owner granted them permission. Thus, **Ripstein points out that that** the universal convention of **public roads** is **[are]** not simply a matter of social or economic coordination but **required by the Kantian state** in order **to guarantee a minimal level of freedom** (232). **More intuitively, Kant writes that a state must assure citizens** some minimum **protection against** extreme **poverty** for the same reason. Notice here **the reason is not owed to** efﬁciency, **util**ity or social coordination. Indeed, for Kant, the state would be obligated to do so even if private charities were robust enough to provide for the basic needs of the poor. The reason is the same as that for roads; **to rely on private charities would** be to **rely on** the **private choices of individuals thus undermining freedom by subjecting it to the wishes of others** (274–278). From the same requirement, Ripstein argues that the Kantian state may require the adoption of universal health care in order to prevent the spread of diseases that may undermine the state or cause individuals to fall into a state of dependency. Similarly, a state grounded on freedom will not allow legal recognition of a legal condition which undermines or abrogates freedom; this makes sense of the classic example of why the state cannot recognize a willful act which forever abdicates the use of one’s will such as a contract to sell oneself into slavery (217–223).

3-11. Omitted. (General framework answers)

12. Consistency with equal freedom is just defense. Neg needs to win a positive justification for retribution. This requires util. **Wood 90**[[118]](#footnote-118)

Hegel's theory suffers from a second serious limitation, regarded as a defense of retributivism. We might ask two different questions about the justification of punishment. First, we might ask by what right the state punishes the criminal. This is the question on which a retributivist theory of punishment tends to focus. Second, we might ask for a positive reason why the state should actually inflict punishment. That is, granting that punishment does no injustice, we might still ask if there is any good reason for the state to punish. Hegel's theory answers the first question by showing how criminals have renounced or forfeited the rights they violate. Hegel appears to want to answer the second question in the same way, by appeal[s]ing to the idea that punishment is the criminal's right, the fulfillment of the criminal's rational will. But it is not clear that the second question can be satisfactorily answered in this way. If I renounce my right to something, then it follows that you are not obligated or required to give it to me; if you choose not to give it to me, you cite my renunciation in support of the claim that your refusal to give it to me is in accordance with my will. But it does not follow from this that you must not give it to me, or that you are doing anything wrong if you go ahead and give it to me anyway. If I have contracted to shovel your walk in the winter, then you have the right to that service, and I have an obligation to perform it. But our contractual arrangement gives you no positive reason to insist that I perform the service for you; and you do no wrong if you choose not to exact the service. **If criminals will their** own **punishment**, as Hegel's theory says, then it follows that **the state violates no right of theirs** by punishing them; they are punished in accordance with their own rational will. **It does not follow**, however, **that the state has** acquired any **positive reason to punish** them. In particular, it does not follow that the state in any sense fails to honor a criminal's rational will if it chooses not to punish the criminal. Perhaps Hegel's thought is that since criminals will the actual violation of the other's right, they are committed to willing the actual violation of their own right. That thought is mistaken, or at least without foundation in Hegel's theory. Criminals do not typically desire the violation of the other's right for its own sake; often they regard it only as a regrettable means to their end. Even where criminals do desire the violation of right for its own sake, it is not clear that Hegel's theory of abstract right entitles us to say that the criminal act [this doesn’t] commits the criminal to positively willing that anyone else's rights should be violated. Abstract right, according to Hegel, deals entirely with permissions. It grounds positive actions only when they can be interpreted as cases of standing aside and allowing persons to exercise freedom within their proper external sphere (PR § 38). It seems inconsistent with the spirit of Hegel's theory to suppose that the criminal act has the effect of going beytfnd the granting of a permission. Hegel's own language reflects this, when he describes the criminal as "consenting" to punishment, as having declared that "it is right to violate freedom" and that it is "allowed" to violate the right he is violating (VPR17: 70). **To say that I consent to** or allow **something is to** say that I **permit it, but not** that I **positively demand** it. Occasionally, it is true, criminals do positively desire to be punished, and' do not feel properly reconciled with themselves until they have undergone punishment. Hegel, like Dostoyevsky, might find such sentiments appropriate and want to encourage them. There is nothing in Hegel's theory, however, that explains the desire of wrongdoers to be punished or lends any support to it. **If criminals want to be punished, that might provide the state with a reason for punishing** them; **but it would be a consequentialist, not a retributivist reason.**

13. Rehab is key to proportional punishment. **Rotman 86**[[119]](#footnote-119)

**To oppose** a right to **rehab**ilitation **is to ignore** the due process limitation to criminal sanctions embodied in the principle "nullum crimen, nulla poena, sine lege," inherited in substance from the Magna Carta,36 first expressed in positive law in the post-Enlightment codi- fication and applied today with few exceptions in all major legal sys- tems of the world. This principle implies not only that conduct cannot be considered criminal unless defined as such by the law before the conduct occurs but also **that no punishment beyond what was prescribed by** the **pre-existent law can be imposed**. Although not expressly stated in the Constitution, this principle is embodied in the prohibition of ex-post facto laws and bills of attainder and in the fifth and fourteenth amendments.37 "Just as there must be a declaration of the law's intention to make an act a crime, so its pun- ishment must be promulgated through the same process.""38 The legislative duty to provide fair warning of punishable conduct ex- tends, as an element of due process, to the nature and severity of the prescribed punishment. Due process of law is also violated when imprisonment includes punitive ingredients not specified by statute. This interpretation coincides with the principle established by a United States District Court in Florida that "the courts have the duty to protect prisoners from unlawful and onerous treatment of a nature that, of itself, adds punitive measures to those legally meted out by the court.""39 According to the "nullum crimen, nulla poena, sine lege" principle, the only valid purpose of imprisonment is to punish according to the law, however tautological this statement may appear. The no- tion of legal punishment considerably limits the possibility of ad- ding punitive elements, whatever their motivation, to incarceration. The deterrent function of criminal law must flow from the norma- tive threat of punishment and may not be left to the discretion of administrative authority. When the legislators wanted to make im- prisonment a particularly excruciating experience, they clearly ex- pressed that intention through laws embodying the now largely abolished forms of hard labor or penal servitude. In this regard, the Select Committee of the House of Lords defined in 1863 the plight of the convicted as "hard labour, hard fare, and hard bed." In op- position to this idea of increasing punishment by adding extra suf- fering to imprisonment, later scholars proclaimed that "offenders are sent to prison as punishment, not for punishment."40 This pol- icy is mirrored in the international movement for the unification of prison sentences, which sought to abolish publicly humiliating and afflictive forms of imprisonment and to reduce imprisonment solely to loss of liberty. The question was first introduced during the In- ternational Penitentiary Congress of London and further debated in the next Congress which met at Stockholm in 1878.41 In Barnes v. Virgin Islands,42 the district court reflected the viewpoint of enlight- ened modern penology when it wrote that "a convicted person is not sent to a penal institution to receive additional punishment... the fact of incarceration is the punishment."43 The "nulla poena, nullum crimen, sine lege" principle has been in- voked against an abusive notion of rehabilitation, which led to ex- cessively discretionary sentencing practices.44 Today this same principle can be used as a legal pillar to support a constitutional right to rehabilitation. **If imprisonment itself is the punishment,** the **unchecked harmful effects of incarceration** on the mental and social health of the inmate **represent illegal additional punishment**. Insti- tutionalization in an alienating and depersonalizing environment, without opportunities to combat degeneration or foster positive human development, is a source of various harmful effects **that play no part in the design of legal sanctions.** The law threatens citizens with imprisonment as the consequence of criminal conduct; that is where the deterrent function of the legal norm should stop. The law expects the citizen to foresee the loss of liberty prescribed by statute but not the additional horrors of incarceration that are not intended by law. **The only way to prevent** or compensate for **such unjustified deprivations is to carry out** a positive program of **rehab**il- itative action.

14. TURN— the plan is key to freedom. **Johnson 65** writes[[120]](#footnote-120)

That beginning is freedom; and the barriers to that freedom are tumbling down. **Freedom is the right** to share, share fully and equally, in American society—to vote, **to hold a job,** to enter a public place, **to go to school. It is the right to** be treated in every part of our national life as a person **equal** in **dignity** and promise to all others. But freedom is not enough. You do not wipe away the scars of centuries by saying: Now you are free to go where you want, and do as you desire, and choose the leaders you please. **You do not take a person** who, for years, has been **hobbled by chains and** liberate him, bring him up to the starting line of a race and then **say, “you are free to compete with all the others,”** and still justly believe that you have been completely fair. Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates. This is the next and the more profound stage of the battle for civil rights. We seek not just freedom but opportunity. **We seek not just legal equity** but human ability, **not just equality as a right** and a theory **but equality** as a fact and equality **as a result.**

## AT Omnilateral Will NC (Kick the Plan)

1. Buzzini 9 proves that Pell Grants solve crime which turns the case. Ripstein justifies minimizing crime independent of util.

**Yankah 12**[[121]](#footnote-121)

It does, however, establish some important requirements of a legal system as well as deﬁne certain limits. A legal system that is justiﬁed by the protection of freedom must secure some basic level of individual freedom from being purely at the mercy of another’s whims. A state without any public land or thoroughfares would leave those unable to purchase private land at the mercy of others; simply by existing they would be wronging those on whose land they were unless the land owner granted them permission. Thus, **Ripstein points out that that** the universal convention of **public roads** is **[are]** not simply a matter of social or economic coordination but **required by the Kantian state** in order **to guarantee a minimal level of freedom** (232). **More intuitively, Kant writes that a state must assure citizens** some minimum **protection against** extreme **poverty** for the same reason. Notice here **the reason is not owed to** efﬁciency, **util**ity or social coordination. Indeed, for Kant, the state would be obligated to do so even if private charities were robust enough to provide for the basic needs of the poor. The reason is the same as that for roads; **to rely on private charities would** be to **rely on** the **private choices of individuals thus undermining freedom by subjecting it to the wishes of others** (274–278). From the same requirement, Ripstein argues that the Kantian state may require the adoption of universal health care in order to prevent the spread of diseases that may undermine the state or cause individuals to fall into a state of dependency. Similarly, a state grounded on freedom will not allow legal recognition of a legal condition which undermines or abrogates freedom; this makes sense of the classic example of why the state cannot recognize a willful act which forever abdicates the use of one’s will such as a contract to sell oneself into slavery (217–223).

2. No link to the plan. Pell Grants don’t affect sentencing.

3. Naval power turns the case. Ripstein and Kant agree.

**Yankah 12**[[122]](#footnote-122)

While space does not allow the inspection of every possible aspect in which Ripstein might embed these modern features, the most overarching feature requires attention. Ripstein implies many of the functions of the modern state, presumably including those which have no immediate connection with the protection of freedom as such, are permissible in securing a rightful civic condition. Remember, all rights outside of one’s innate right in your body are provisional for Kant in the state of nature. Once people come together to enter a rightful civic condition they can create coercively enforceable rights without it being the case that any particular person is arbitrarily imposing her will on Crim Law and Philos 123 Author's personal copyanother (198–199). Within this rightful condition, however, a community has great latitude in determining the shape of their legal rights and duties (223). **Kant** even **goes so far as to argue the state may aim at promoting** the **happiness** of citizens generally **if it increases the stability of state** as **against foreign enemies.** All in all, **Ripstein concludes that the state** maintains broad powers to **act in the name of securing a rightful condition** so long as ofﬁcials can give a public justiﬁcation for government actions.

4-11. Omitted. (General framework answers)

12. Consistency with equal freedom is just defense. Neg needs to win a positive justification for retribution. This requires util. **Wood 90**[[123]](#footnote-123)

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14. TURN— the plan is key to freedom. **Johnson 65** writes[[125]](#footnote-125)

That beginning is freedom; and the barriers to that freedom are tumbling down. **Freedom is the right** to share, share fully and equally, in American society—to vote, **to hold a job,** to enter a public place, **to go to school. It is the right to** be treated in every part of our national life as a person **equal** in **dignity** and promise to all others. But freedom is not enough. You do not wipe away the scars of centuries by saying: Now you are free to go where you want, and do as you desire, and choose the leaders you please. **You do not take a person** who, for years, has been **hobbled by chains and** liberate him, bring him up to the starting line of a race and then **say, “you are free to compete with all the others,”** and still justly believe that you have been completely fair. Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates. This is the next and the more profound stage of the battle for civil rights. We seek not just freedom but opportunity. **We seek not just legal equity** but human ability, **not just equality as a right** and a theory **but equality** as a fact and equality **as a result.**

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2. Charlzetta Driver (mother of four. Being a veteran of the U.S. Army, EMT, supervisor, instructor, and real estate agent proves she's intelligent, enterprising and resourceful. Charlzetta works magic in the kitchen, home, garden, and is an authority in the workplace. She is the go-to girl for recipes and advice. Charlzetta is overflowing with tips, tricks, and wisdom that will be useful in everyday life.) “Texas crying the blues: Two Reasons why Texas won’t be seceding.” The Examiner. November 12th, 2012. http://www.examiner.com/article/texas-crying-the-blues-two-reasons-why-texas-won-t-be-seceding [↑](#footnote-ref-2)
3. Douglas Harper. Harper is a graduate of Dickinson College, Carlisle, Pa., with a degree in history and English. Online Etymology Dictionary: Ought. 2012. <http://www.etymonline.com/index.php?term=ought&allowed_in_frame=0> [↑](#footnote-ref-3)
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12. Joshua Lederberg (Molecular biologist and Nobel Prize winner in 1958, 1991). “In Time of Plague: The History and Social Consequences of Lethal Epidemic Disease.” p 35-6 [↑](#footnote-ref-12)
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