KARMA K OF THEORY (1:25)

My opponents theoretical arguments attempt to punish me for running a so called abusive argument.

Sigel, [“Punishment: Does It Fit the Crime?” Doug Sigel, Northwestern University 1985 - Clarifying Water Policy, SK]

**The punishment paradigm boils down to the argument that abusive debate practices should be punished with a loss.** **If a team employs strategies which are unfair to their opponents or which harm the debate process, the penalty should be a loss**--even if they win the substantive policy issues in the debate. For example, a negative team who runs conditional counterplans would lose a debate in which the punishment paradigm was successfully argued even if they were able to refute all other affirmative arguments--like competition, topicality, and disadvantages--against those policies. In short, **the punishment approach makes the legitimacy of the debate practices of both teams a prior issue to the substantive policy concerns** that normally form the basis for judges' decisions. There are three major justifications for punishment. First, voting against bad debate practices deters their future use. Second, the unfair burdens created by tactics like conditional counterplans and incomprehensible delivery requires the judge to restore competitive equity by punishing the team employing those tactics in a round. Third, the judge is an educator and should teach proper academic conduct by nullifying all arguments made by students who abuse the debate process. These three justifications are the most common reasons advanced for punishment but there are probably others. SK

This sort of punishment paradigm is a flawed mindset.

Loy, [How to Reform a Serial Killer: The Buddhist Approach to Restorative Justice, David R. Loy, Journal of Buddhist Ethics No. 7 (2000) pp. 145-168 Copyright 2000. SK]

There are more philosophical versions of this argument, such as Kant's deontological view of punishment as rationally needed to maintain the cosmic order, and Hegel's idealist view that punishment "annuls the crime." Challenging such views would involve evaluating the metaphysical systems that they are part of, but there is no need to go into that here. The important point, I think, is that **all versions of [punishment]** this third justification **build upon our** intuitive **belief that something must be done to "make right" the harm that offenses cause to victims and to the social fabric**. From that perspective, the basic problem with our present judicial systems is that they are not working well enough to make things right, and this problem seems to be so deeply rooted that we are encouraged to consider the judicial perspectives of other religious and cultural traditions. "**The failure** of contemporarycriminaljustice **is not one of technique but of purpose; what is needed is** not simply new programs but **a new pattern of thinking"** (Wright 159). Our understanding of justice may be connected with a social paradigm that we have difficulty seeing objectively because we are part of it. **We sense that something may be wrong with our** atomistic understanding of the social contract and its **presumptions about how to pursue [it]** "the good life," **but we are not sure which way to look for an alternative paradigm**-**in which case it is essential to get perspectives on this paradigm that can only be provided by** the worldviews and values of **other cultures**. **The Buddhist approach to punishment**, like any other approach to punishment, cannot really be separated from its understanding of human psychology (especially motivation and intention); of the relationship between the individual and society; and, last but not least, of its vision of human possibility, of what a good life **is** or can be. This suggests **that** the problem of how to have a good criminal justice system is not solely a secular concern, for **issues of** **fairness** and justice **cannot be** completely **separated from** the **religious perspectives** that they historically derive from. In the past, and even today for the vast majority of humankind, such issues are inextricably bound up with religious views and customs. Justice is one of those ultimate questions (like "the meaning of life") that bridge whatever distinctions we try to make between sacred and secular. It is not an historical accident that restorative justice programs have so often been promoted by Christian groups (for example, Quakers and Mennonites). Pepinsky, in a discussion of Buddhism, has pointed out that **the problem** of justice **is** part of a broader issue: how to make all our relationships just and peaceful -- in general, **how humans can get along.** **When conflict occurs, how can we restore peace, instead of responding in kind**? If this is the main problem, the issue of a good criminal justice system must be viewed as subordinate to our larger vision of how people are to relate to each other. Buddhist teachings agree with Pepinsky that conflict is inevitable as long as we are the kind of people that we are; the issue, then, is how to learn from these conflicts. Unless we can make peace in the privacy of our own homes, men with women, adults with children and with older people, we cannot build peace outside in our other workplaces and in our nations. Research on peacemaking in criminology thus becomes the study of how and where people manage to make peace, under the assumption that the principles that create or destroy peace are the same from the Smith family kitchen to the Pentagon and the prison. (Pepinsky 305) This, however, is not the focus of our present criminal justice systems. Are the defects of our judicial system then manifestations of a wider social failure? As many have observed, perhaps criminal justice cannot be achieved without social justice. Expressed another way, **if we punish offenders so that they will pay their "debt to society," we should also consider whether society is meeting its obligations to them**. We cannot hope to reintegrate offenders back into the community when there are so few communities left to integrate back into, and this lack means that many victims also face similar problems in trying to heal the harm that they have experienced. Maybe our criminal justice system is a barometer of our social failure in these other respects: ultimately, of our inadequate vision of what personal and social possibilities there are, which I think many people today experience as a loss of vision and hope. This would explain our uncomfortable suspicion that criminals often become scapegoats, their offenses easily exploited by ambitious politicians trying to get (re)elected (a fourth justification for punishment, unfortunately). Crime reminds us that something is wrong with society, but that is something we do not like to think about, so it is tempting to banish the problem by blaming "them" for what we do not like. Yet the interdependence between "us" and "them" can be turned around and transformed into a source of hope: the increasingly obvious failure of our criminal justice system can be used as a focal point to address this larger crisis. A successful reformation of judicial systems could have important implications for many other social problems. It is difficult to generalize about crime, because there are many different types of crime, committed by many different types of people, which may require many different kinds of responses. Because this paper is concerned to present a Buddhist perspective, the first thing to emphasize is that the same is true for Buddhism itself. Buddhist countries (more precisely, countries with a predominant number of Buddhists) such as Thailand, Tibet, China and Japan have had and continue to have very different judicial as well as political systems. Despite their important differences, however, some very similar threads have been used to weave their various patterns. Perhaps the predominant threads that will recur in the following sections are, first, that all of us, offenders and victims alike, have the same Buddha-nature, which is not to be confused with our usual sense of self, an ever-changing collection of wholesome and unwholesome mental tendencies; secondly, **we are usually dominated by our** greed, malice, and **delusion, but it is possible for all of us to change and outgrow them**; hence, thirdly, the only acceptable reason for punishment is education and reformation.SK

This pattern of thinking is counterproductive – theory’s view of reciprocal punishment increases conflict and destroys peace in the debate sphere. Any violation should be treated with karma, as it provides the best fairness and justice, and truly deters people from future abuse.

Van Pelt, [Karma: The Law of Consequences, Gertrude W. van Pelt, M.D, Theosophical Manual Series, Third and Revised Edition copyright © 1998 by Theosophical University Press. SK]

The sense of justice is deeply rooted in the human mind because mind is part of the cosmos, all of whose actions and reactions are based upon justice. There is nothing a child so keenly resents, nothing that so embitters an adult, as a feeling that he has been unjustly treated. People will accept misfortunes, at least without bitterness, if they *know*they deserve them. Unfortunately, in the confused and distorted mental outlook of today, with selfishness so rife and the "every man for himself" doctrine so commonly practiced, **there is in Western lands no confidence in the justice of things**. How could there be, after centuries of false teachings and counter-strokes of revenge all down the ages, until few can be found who are not in the tangle? **Nothing but a true philosophy of life can possibly make people face the facts.** There must be a broader outlook than the one-life theory offers. Some chance to harmonize with justice the frequent sight of good punished and bad rewarded must be given men before they can clean their hearts of bitterness, turn suspicion into trust, and shake off the deceiving lenses which have disguised every brother as an alien. **It is** more **particularly in** Christian **[these] lands that the perception of justice in the universe has been so completely lost sight of. In Buddhism**, Zoroastrianism, Vedantism, Taoism, **the teaching of karma has not been lost**, and even though the countries under these religions are in their dark cycles, crime is not as rampant as with us. In *The Key to Theosophy,*H. P. Blavatsky said in 1889: According to the last census in Ceylon and India, in the comparative table of crimes committed by Christians, Mussulmen, Hindoos, Eurasians, Buddhists, etc., etc., on two millions of population taken at random from each, and covering the misdemeanors of several years, the proportion of crime committed by the Christian stands at 15 to 4 as against those committed by the Buddhist population. — pp. 73-4 (orig. ed.) Since then, we know, crime has enormously increased in the West. In *Lucifer,*Vol. 2, p. 147, April, 1888, H. P. Blavatsky writes editorially: This is what one reads in the *Tablet,*the leading organ of Roman Catholic Englishmen, about Creeds and Criminality. I underline the most remarkable statements. "The official statement as to the moral and material progress of India, which has recently been published, supplies a very interesting contribution to the controversy on the missionary question. It appears from these figures that while we effect a *very marked moral deterioration in the natives by converting them to our creed,*THEIR NATURAL STANDARD OF MORALITY IS SO HIGH that, however much we Christianize them, *we cannot succeed in making them altogether as bad as ourselves*." The following quotation from *The Wheel of the Law*may suggest an explanation of these facts: **Buddhists believe that every act, word, or thought has its consequence, which will appear sooner or later in the present or in the future state. Evil acts will produce evil consequences**, good acts will produce good consequences . . . — p. 57 Theosophy teaches that **justice does not call for punishment from us. Karma will take care of this more efficiently than we can possibly do, and bring to all *just*what they deserve.** Why should any seek to add to this? Our sole care should be to help men to meet their deserts bravely. What might we not accomplish if our prison system were based on educative rather than punitive measures! The wisest and best minds of our civilization in increasing numbers are realizing this in considering the most outstanding violation of the duty of one to another, namely, legalized murder, which is a stigma upon our age. Future citizens of our Republic will certainly look back with horror to the barbarous custom of capital punishment. **The karma of thwarting nature's plan in this way must be heavy for the nations who have permitted it.** Society must, of course, be protected against malefactors, but in such a way that the latter are redeemed, not made worse. When one's moral sense is shocked, it is safe to assume that there is always a philosophic basis for this in the facts. Theosophy has given very specific teachings in regard to the sin of taking the life of another, which seems, in a way, to be magnified when the State is the murderer, because so many are involved in the crime. Without attempting to explain in detail here the teaching as to the reaction upon society, it may be said that one who is violently deprived of his body does not really die — that is, leave this earth atmosphere — but remains on the astral plane, more at liberty in a way than behind the prison bars, until his natural life-term has expired. Here he can and does freely influence the weak-minded to commit crime and inject his feeling of hate against society, which has so ill treated him, into the minds of living men. Think of the terrible karma this brings to all concerned, and contrast that with the results which would follow an intelligent and sincere effort to help the criminal out of the mire he is in. Certainly, in this country at present, we manufacture criminals. *Resist not evil, and render good for evil,*are Buddhist precepts, and were first preached in view of the implacability of Karmic law. **For man to take the law into his own hands is** anyhow **a sacrilegious presumption.** Human Law may use restrictive not punitive measures; but a man who, believing in Karma, still revenges himself and refuses to forgive every injury, thereby rendering good for evil, is a criminal and only hurts himself. As Karma is sure to punish the man who wronged him, by seeking to inflict an additional punishment on his enemy, he, who instead of leaving that punishment to the great Law adds to it his own mite, only begets thereby a cause for the future reward of his own enemy and a future punishment for himself. — H. P. Blavatsky, *The Key to Theosophy*, p.200 (orig. ed.) Theosophy also states something which may further complicate the reading of the karmic law. Besides the so-called misfortunes which come unwittingly and unasked to the majority, there are those who have surpassed this majority in the school of life, and whose egos sometimes take up deliberately what is called bad karma for the sake of discipline, to overcome defects, and to gain fortitude. Or, they may assume difficult and unpleasant tasks, such as voluntary living in the slums or our prisons, solely for the sake of helping our brothers. There will occur to the mind many other such examples, which are happily becoming more and more frequent and form many a bright picture against the black background of our civilization. Another evidence that the sense of justice is obscured is found in the belief in prayer to an external deity. This does not refer to aspiration, to the effort to reach to the god within — which should be ever in the background of consciousness when not in the foreground — but to the begging for personal benefits. H. P. Blavatsky calls this foolish and useless unless accompanied with willpower; when so accompanied it becomes black magic. Impersonally regard the spectacle of two armies sent forth to murder each other, each side appealing piously to God to bring it victory! If sincere, prayer for personal favors is weakening and degrading; if not sincere, it is pure *cant.*How much more healthy, virile, stimulating, and elevating is the teaching of **karma**! How it **evokes the innate dignity in man** to know that he is master of his destiny; **that as he sows, so shall he reap; that there is no chance in the universe; that "privileged beings" do not exist, but that the unlimited treasures of nature are open to all who meet the conditions.** There is a gentler aspect to the justice dealt to all which should not pass notice. After the life of struggle, of discipline, of perhaps pain and disappointment, there comes the beautiful devachan — a wonderful compensation of bliss and rest, a glorious preparation for the new day.SK

Debaters cannot take “rule-making” into their own hands, as it destroys the nature of punishment in itself. True justice is based upon the laws of nature, which regulate our every action. Thus, even if my opponent proves that punishment is good, this is still an alternative that is net beneficial. The implication is twofold: (a) instead of dropping me or dropping the argument, accept the alternative of karma, and let nature decide whether or not I am doing something which harms the debate space, and (b) even if you vote on the shell, the punishment will come to nothing which serves as terminal defense on the voter. The kritik precludes theory, as the kritik frames how their theory can be run.

[External Impact: Karma makes sure that privileged beings do not exist which is key to deconstructing oppressive hierarchies – means alt controls the internal link into accessibility which outweighs:]

## AT Perm/Inaction

Sambhavi,

A *Jaya Kula* reader asked if we will be punished by Mahasiddhas or other accomplished beings if we do something inappropriate. First, we must understand that **experiencing some result in our lives as punishment** at the hands of other beings **can only happen within the context of dualistic experience and linear time.** This is the View of the Judeo-Christian tradition**. If we are established in nondual View**, **we can** see the possibility of holding the View that we are being punished. This appears to us as part of the play of manifest life. But we do **not actually hold the View of punishment.** We suffer less from a feeling of separation, fear, and victimization. However, we know firsthand that the world works in a certain way. From one important perspective, every bound action creates a result. **This is karma**. Until we are totally realized, more realized than even a Mahasiddha, we know that we are still operating in the field of karma. **Karma is natural law operating at the level of dualistic experience.** At the same time, karma is an effect of the continuity of Reality. If you splash in a pond, the water of the entire pond will respond by moving. If we are in a relatively ignorant or bound state, we experience the movement of the water as something outside of ourselves, and perhaps unrelated to us. Only in this state can we feel we are being punished. If we are in a more open state, we understand **that karma is nothing but responsiveness in a state of continuity.** When we are established in this knowledge, we know that any result in our lives is due to the responsiveness of Reality as a whole. Particular beings may arise and play their part in that total responsiveness, like waves in an ocean. But our View should be that Reality is responding to us appropriately according to our actions and real situation, not that we are being punished by another being. This is the condition of taking 100% responsibility for our conduct. Another fundamental aspect of this View is that no matter what is happening, Reality is communicating in a way that has the possibility of opening us to greater Self-recognition. Every moment is this compassionate communication, even so-called punishment. We are all inappropriate in our actions. This is the same as saying that we are not yet Self-realized. We should not be hysterical about it. We want to relax more deeply, not bind ourselves more. Instead of becoming morose or hysterical about our relative ignorance, we try to develop discrimination and sensitivity to the times. Sensitivity to the times means discerning the activity in a moment that takes advantage of that moment’s opportunity for greater relaxation and realization. Slowly, as we practice, we relax and gain more sensitivity to the world. At some point we are able to “hear” the instructions of the world letting us know how to act and not act. In fact, we are already hearing those instructions. If we eat a pint of ice cream after a big meal, we will likely get indigestion. We have been communicated to about the inappropriateness of our actions. If we are in a tense situation with another person, and we relax and respond with natural kindness, the other person may relax, too. We have been communicated to about the appropriateness of our action. The whole world is like this. One big communication in every moment without exception. The fundamental question in each moment is: Are we going to listen and follow, or are we going to let the momentum of habit move us temporarily toward states of greater tension and entanglement? Are we going to take the short way or the long way? If you have not developed this world listening capacity yet, you can rely on Guru, on the teachings of the Masters, and on the expertise of traditions such as Ayurveda that teach us how to “go with the flow” toward Self-realization. The world provides you with many compassionate supports, and you should make use of these. Even with support, you will make mistakes. A mistake only means that you will inevitably act out of a habit pattern that temporarily creates greater tension. **When you start to gain more clarity** about this process, and **about the total responsivity of the world, it can**, at one stage, **cause you to fear taking any action at all**. **But understand that** devotion and **constancy to the process** of discovering your real situation, **and being responsible to that will overcome any mistakes**. **This world is full of compassion and grace.** Surrender to your devotion and longing for realization, wherever it leads you, because it will inevitably lead you home.SK

Thus, Karma does not actually lead to inaction, and is the best way to set norms for debate.

## Solt Link

Siegel’s paradigm is one of punishment – this intrinsically links.

Solt,

The early 1980s saw the emergence of what was known, somewhat satirically, as the “punishment paradigm.” This was **the belief that the judge’s ballot should be used to punish the employment of unacceptable theories and practices on the part of debaters.** The first article to suggest this approach **was written by Doug Sigel**, an outstanding debater at Northwestern University, and published in the 1984 DEBATER’S RESEARCH GUIDE. Sigel’s article (which I shall refer to as “Sigel 1”) was titled, “The Punishment Theory: Illegitimate Styles and Theories as Voting Issues.” In this article, Sigel distinguished between the “old” punishment approach and the “new” punishment practice which he recommended. The old punishment was originated by the judge and aimed at practices which he or she found unappealing. It was interventionist and judgmental and was definitely not grounded in a tabula rasa view of judging. In sum, it was not and is not well calculated to appeal to most debaters. **The new punishment, in contrast, was debater initiated. Debaters were to be the ones who made arguments about what practices should be punished, and judges were to judge punishment arguments much as they would any other issue in the debate.** Sigel argued that this new approach was needed because debate had been overtaken by a number of unfair and anti-educational practices. (He pointed to unintelligible delivery, multiple conditional counterplans, and counterwarrants as examples.) The reign of punishment was to purify debate of these practices.

## Sigel Link

Sigel,

**The punishment paradigm boils down to the argument that abusive debate practices should be punished with a loss.** **If a team employs strategies which are unfair to their opponents or which harm the debate process, the penalty should be a loss**--even if they win the substantive policy issues in the debate. For example, a negative team who runs conditional counterplans would lose a debate in which the punishment paradigm was successfully argued even if they were able to refute all other affirmative arguments--like competition, topicality, and disadvantages--against those policies. In short, **the punishment approach makes the legitimacy of the debate practices of both teams a prior issue to the substantive policy concerns** that normally form the basis for judges' decisions. There are three major justifications for punishment. First, voting against bad debate practices deters their future use. Second, the unfair burdens created by tactics like conditional counterplans and incomprehensible delivery requires the judge to restore competitive equity by punishing the team employing those tactics in a round. Third, the judge is an educator and should teach proper academic conduct by nullifying all arguments made by students who abuse the debate process. These three justifications are the most common reasons advanced for punishment but there are probably others.

## AT Fairness

Sigel

**Fairness concerns can frequently be cited to justify punishment**. The introduction of a particular strategy into a particular debate is so unfair to one team that the only remedy can be punishment. **There are two problems** with the fairness rationale for punishment. **First, fairness is almost entirely situational.** The fairness argument in debate is always made when a team can't think of anything better to say. A new case is going to place an unfair burden on any negative team. If the affirmative can talk faster than the negative an unfair situation exists. If the negative has four really good counterplans against a case an unfair situation exists. In debate there is no objective way to tell what is and isn't fair because the activity by nature favors those participants who stay one step ahead of anyone else. It is time that debaters attack arguments on a substantive level. If this year's water topic is too broad then the negative has no right to whine about fairness when affirmatives take advantage of that breadth in case selection. If the negative has the technical skill to extend a plethora of arguments then the affirmative has no right to whine that there is an unfair proliferation of issues. **Almost any argument or tactic that is unfair in one round when a team lacks preparation for it becomes fair once opponents have devised substantive responses**. **Second, there is no good reason why fairness itself is a voting issue**. If a tactic is unfair it perhaps should not be allowed. **To punish a team for employing that tactic independent of the outcome of other issues seems excessive.** If it is unfair to amend the affirmative plan the judge should reject plan amendments and evaluate the debate based on the plan originally presented in the 1AC. All debaters seek to get the most favorable set of theoretical decision rules possible. **If the judge rejects one team's decision rules s/he must impose another set of procedures to decide the round's outcome. There is no reason to punish the team for trying to maximize their own advantages.**

## AT Education

Sigel,

**Another argument for punishment is grounded in educational concerns the judge might have**. The role of the judge is to educate students about proper conduct in debate rounds and this requires punishment when abuses occur. **There are three ways to refute this** type of claim. **First, the practical impact of punishment arguments is to destroy education.** **The punish tactic is so subjective and open to abuse,** as we have seen earlier, **that it hurts the activity**. The advocate of punishment isn't really concerned about education anyway. S/he is just whining about arguments s/he can't answer. **Second, punishment arguments confuse the role of a debate judge. The debate judge is evaluating public policy argument.** S/he is not an umpire who hands out penalties for rule violators. The arguments in a debate about theory are important because they tell the judge how to evaluate the policy arguments. **The theoretical concerns have no independent value.** If hypothesis testing is bad then a judge shouldn't decide based on that paradigm, To punish a team for advocating hypothesis testing is to turn a debate judge into an umpire. The notion that the debate process is a forum for punishment has crept into the activity with little critical scrutiny. **It is ridiculous that a team is able to win a debate by whining about the practices of their opponents.** Debate is educational because it trains students in oral argument and it is the job of the judge to evaluate who better argues the policy issues in a debate. **Third, punishment arguments create an esoteric activity with little real world applicability**. Debate is already charged with being too remote and elitist. The kinds of theory debates that will probably evolve if punishment arguments continue to be accepted are mind boggling. Why not turn the impacts of punishment arguments? Why is destroying debate bad? Why is education good? Why is fairness ethically justified? We may see the day when a team argues that the destruction bf debate is good because it hurts democracy. And democracy is bad because it hurts the transition to a new form of ecological organization. Or maybe we will see debaters arguing studies that deterrence is counterproductive. This means that the way to stop bad debate is to vote for the team that runs the worst arguments. These examples seem absurd. However, the "good is bad" arguments that are common today-that individual rights are bad, that nuclear war is good, that starvation is good--appear equally absurd to anyone not involved in debate. **The recent development of arguments that topicality is not a voting issue empirically proves that stupid theory arguments can get totally out of control.**

## Note:

Sigel link doesn’t work if theory is drop the arg – must find better link ev or just leave it out entirely.