**T – Restorative Justice**

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# \*\*SHELL\*\*

## SHELL

#### Interpretation: Rehabilitation seeks to minimize harms from crime by treatment programs, while restorative justice is about fixing communal relationships.

Tony Ward and Robyn Langlands 2009. “Repairing the rupture: Restorative justice and the rehabilitation of offenders.” Aggression and Violent Behavior 14 (2009) 205–214. Victoria University of Wellington, New Zealand. DT.

A simple way of capturing the links between the two frameworks¶ is via the concept of restoration and its relationship to moral and¶ prudential values. Restorative justice's focus is squarely on repairing relationships [and] between victims, offenders, and the community in a way¶ that is responsive to considerations of justice. The restorative process¶ concerns reasserti[ng]on and validation of shared community norms, and,¶ in particular, recognition of the harm suffered by victims. In essence,¶ restorative justice is an ethical response to crime that stresses the¶ importance of offenders making amends for their offenses and the¶ subsequent resolution of the harm suffered by innocent people.¶ However, the types of reparations sought are modulated by concern¶ for proportionality and attention to the degree of harm inﬂicted on the¶ offender and also the victim. Thus from the point of view of restorative¶ justice, prudential or well-being related values act as constraints upon the types of plans agreed on during restorative encounters.¶ By way of contrast, rehabilitation theories are essentially concerned with prudential values and seek to reduce the likelihood of¶ harm to members of the community and also enhance the well-being¶ of offenders and their ability to lead good lives. In order to rebuild¶ relationships between the community, victims, and offenders, it is¶ necessary [and] to ensure that [offenders] the latter have the resources to live pro-social lives. The capabilities required to live individually meaningful and¶ socially acceptable lives in turn depend on: (a) offenders believing¶ that they can live better lives and learning how to do this, (b) a¶ community that is welcoming, and (c) government policies that make¶ all this possible by virtue of funding rehabilitation programs,¶ restorative encounters, and opportunities for work and offender reentry. From the point of view of the GLM, attention is centered on the¶ restoration of offenders' positions within the community by a process¶ of skill acquisition and risk reduction. Ethical values operate as¶ constraints on the types of interventions utilized and care is taken to¶ ensure that offenders' rehabilitation plans do not violate the rights of¶ others.¶ Both restorative justice and rehabilitation theories incorporate¶ prudential and ethical values but do so in quite different ways. In other¶ words, restoration is manifest in distinct ways within the two¶ normative frameworks: justice within the community [is the] (restorative¶ model) versus the restoration of an offender's psychological and¶ special functioning (GLM). It is therefore a mistake to seek to¶ incorporate rehabilitative practices within a restorative framework or vice versa. They are complementary normative frameworks that are designed to deal with quite different tasks. But in our opinion, one thing is clear: they are both essential components of an effective crime¶ reduction strategy.

#### Violation: The aff advocacy is restorative justice, which is distinct from their topical burden of defending rehabilitation. *[Point out specific cards/CX]*

#### The standard is Predictable Limits: Combining rehab with restorative justice violates commonly accepted interpretations in the literature. Rehabilitation focuses on individual risk whereas restorative justice is about the broader community.

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It is indisputable that one of the principal aims of the conventional¶ justice system is to reduce recidivism by a combination of (proportional) punishment and rehabilitation initiatives (Andrews & Bonta,¶ 2003). Concerning the latter, the criminal justice system seeks to¶ rehabilitat[iv]e offenders through speciﬁc treatment programs that are¶ tailored to effectively address individual levels of risk through a focus on their speciﬁc proﬁle of dynamic risk factors or criminogenic needs. By way of contrast, reducing offending is seldom explicitly identiﬁed¶ as a priority for restorative justice theorists who typically espouse more abstract goals such as repairing and restoring relationships,ensuring stakeholder satisfaction, and reintegrating offenders into the¶ community. Although, Bazemore and O'Brien (2002) note that there is¶ a disjunction between theory and practice in that restorative justice¶ programs and policies do aim to reduce recidivism. Unfortunately, the majority of this scholarly and practice-oriented work tends to overlook the need for evidence-based principles for effective rehabilitation and is instead guided by theory and the experiences¶ of practitioners working at the coalface with offenders and victims (Bonta, Jesseman, Rugge, & Cormier, 2006). Failure to formulate¶ detailed rehabilitation policies and guidelines based on empirical¶ evidence and cogent rehabilitation theory makes it less likely that¶ restorative interventions will have a signiﬁcant impact on recidivism¶ (Levrant, Cullen, Fulton, & Wozniak, 1999). Bazemore and O'Brien¶ (2002) conclude that, “without some priorities for intervention based¶ on empirical ﬁndings of impact, practitioners may continue to focus¶ on one or another or combine various theories in unproductive, or¶ even counterproductive, ways” (p. 34).

This evidence is directly comparative between large swaths of topic literature instead of just citing what one particular author might do, so it more accurately analyzes the entire scholarly literature. Topic literature is the strongest internal link to predictable limits because it forms the basis of pre-round prep in terms of academic research.

Predictable limits are key to substantive engagement by restricting aff ground to arguments the neg could reasonably predict, so it 1) controls the internal link to ground arguments because it controls for quality and prevalence in topic literature in addition to the mere existence of ground, which is insufficient in a world where the ballot goes to the debater with the best comparison as well as the strongest offense. The aff interpretation explodes their ability to generate topical offense by underlimiting the understanding of rehabilitation to gain advantages to broader community relationships and reintegration instead of just offense based on individual levels of risk. This arbitrarily inflates the credibility of aff weighing analysis in terms of things like scope and magnitude, unfairly harming negatives that research within the literature.

And it 2) decreases direct clash because of the disjunction between what the neg would reasonably be expected to research. Clash controls the strongest internal link to deep learning impacts because actual discussion is necessary for meaningful development of issues. We can always read about restorative justice outside of the round but the unique educational value of competitive debate comes from argument comparison, not argument presentation.

Mere appeals to things like grammar or text don’t give us guidance on what the majority of actual evidence discusses in the literature which means those standards don’t access the internal links to predictable limits. They are also non-unique because all uses o terms of art in the topic literature are necessarily textual, so my arguments are still reasons to prefer my interpretation.

#### Voter:

#### Fairness is an axiomatic principle of debate because the judge’s function is to determine the better debater by comparing arguments on the flow. Unfair arguments skew substance such that any argument won could be as a result of a structural advantage rather than skill, precluding an accurate decision. Fairness thus functions as a meta-constraint on substantive issues.

#### Deep learning is key to meta-cognition where people critically reflect on their beliefs to eliminate harmful biases or dogma. It is a unique educational benefit debate offers.

Tom Lombardo [Professor Emeritus, Director of Center for Future Consciousness] – Ethical Character Development and Personal and Academic Excellence. 2011. Center for Future Consciousness. Accessed through the Wisdom Page. “Deep learning involves… associated with wisdom (Bransford, Brown, and Cocking, 2000; Lombardo, 2006c).” DT.

Deep learning involves getting the big picture—a synthesized and comprehensive understanding of a domain of study, rather than simple surface learning of a set of disconnected facts. Whereas surface learning never penetrates to the core ideas of a learner, deep learning penetrates and [and] affects the learner’s fundamental values and beliefs. Deep learning involves [through] conceptual re-organization; in surface learning nothing of importance in the learner’s mind changes. Deep learning is carried into the future and affect[ing]s decisions and problem solving; deep learning transfers from the original learning situation to new situations. Surface learning is the opposite—it doesn’t transfer. Deep learning empowers the individual. Deep learning is achieved through thinking about the subject matter; surface learning involves rote memorization. In fact, deep learning means that a person can think about the new ideas learned and can think with these ideas—[so] the new knowledge becomes operational; it is active and useable knowledge. Surface learning is inert, floating on the surface of the mind, and a person’s thinking processes and problem solving do not incorporate the new knowledge. Hence, deep learning creates practical knowledge—knowledge that can be used—whereas surface learning is the accumulation of trivia. Deep learning also connects with self-awareness, reflection, and meta-cognition: when individuals engage in deep learning, they think about their own thinking processes and beliefs. Surface learning occurs without self-reflection. Finally, deep learning is usually associated with an intrinsic motivation to learn and the associated emotional affect is positive. Surface learning is extrinsically motivated (e.g., to pass a test) and the associated emotional affect is frequently negative, involving anxiety, fear, and stress. Deep learning is an active and exhilarating process; surface learning is more passive and often felt as mere drudgery. All these qualities of deep learning apply to the type of knowledge associated with wisdom (Bransford, Brown, and Cocking, 2000; Lombardo, 2006c).

#### Drop the debater.

#### Dropping the argument on topicality is terrible. Either A) he has no world so you can’t drop the argument because it would essentially be the same thing – there would be no offense or B) he shifts his advocacy which alters the uniqueness conditions on all of my offense because my comparisons were relative to his world and allows him to construct new links for his own arguments for which I don’t have responses since that wasn’t his original advocacy. This is the strongest internal link to fairness because all NC arguments are contingent on dropping the debater – I can’t read new positions in the 2N so I will always lose. It is never sufficient to drop the argument on topicality because the abuse occurs from my inability to structure NC offense.

## EVIDENCE-BASED MODELS DON’T MATTER

#### Restorative justice models aren’t concerned with empirical effectiveness,

Ward and Langlands 09 [Tony Ward and Robyn Langlands 2009. “Repairing the rupture: Restorative justice and the rehabilitation of offenders.” Aggression and Violent Behavior 14 (2009) 205–214. Victoria University of Wellington, New Zealand. AJ]

As discussed above, evidence-based models of offender rehabilitation are commonly used by practitioners working within the conven- tional criminal justice system. Despite the fact that these models are grounded in decades of research evidence (Andrews & Bonta, 2003; Ward & Maruna, 2007), [but] they are not typically utilized or referred to by restorative justice advocates when outlining a comprehensive ethical and treatment response to crime. To understand why these rehabilita- tive frameworks have been disregarded or neglected, it is necessary to unpack[there are] two common approaches to rehabilitation we have identified within the restorative justice literature. First, some restorative justice advocates downplay the value of rehabilitation as a component of a just response to crime that has the potential to reduce re-offending. Second, other advocates acknowledge the value of rehabilitation principles and attempt to incorporate these into restorative justice theory and initiatives. However, by doing so, they succeed in deflating contemporary rehabilitation theorists' claims that correctional treatment programs add value to the criminal justice system and also widen the scope of restorative justice to the point that it is in danger of losing its conceptual integrity. We will now discuss each of these approaches in turn.

## BONUS RATHER THAN PRIORITY

#### Some restorative justice advocates on the fringe might be okay with rehab, but it is never a priority, only an additional benefit.

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Not all [for some] restorative justice advocates dismiss rehabilitation as incompatible with restoration; instead, rehabilitation is presented as a bonus rather than a priority for restorative justice programs. Robinson and Shapland (2008) observe that¶ ...to a large extent the problem of appearing to be overly concerned with ‘offender outcomes’ has been dealt with by rejecting ‘rehabilitation’ as an aim, but at the same time welcoming the crime reduction outcomes as a ‘happy side-effect’ of restorative justice encounters (p. 340).¶ This indifference towards rehabilitation is evidence of restorative justice proponents devaluing the role that rehabilitation can play in achieving justice for the victims, communities, and offenders. Rehabilitation is not deemed to be of enough significance to pursue as a legitimate goal in its own right. Additionally, it is suggestive of overly pejorative judgments about offenders and their entitlements. In accordance with this perspective, Johnstone (2002) maintains that the goal of “healing offenders...is to be pursued only insofar as it can be made compatible with the goal of achieving justice for their victims” (p. 95).