# TOC Aff

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### Framework

#### I value morality.

#### The standard is maximizing expected well being. Here’s why:

#### Epistemology precludes other justifications for ethics because it justifies how we know things about morality.

#### Knowledge is only based on the phenomena we experience since perceptual cognition is always present.

UTI 7 (Unification of Thought Institute, “The Essentials of Unification of Thought” UTI, 2007, pp 179-180, online)

According to materialist dialectic, the spirit (consciousness) is a product or function of the brain, and **cognition takes place as** **objective** **reality is reflected** (copied) **onto consciousness.** This theory is called the "theory of reflection" or "copy theory" (leoriya oirazhenia). Of this, Engels said, "**we comprehended** the **concepts** in our leads once more materialistically**-as** images [Abbilder] of real things." Lenin stated that, "From Engels' point of view, the only immutability is **the reflection by the** human **mind** (when there is a human mind) **of an external world existing** and developing **independently** of the mind." 13 In Marxist epistemology, what Kant called sensory content is not the only reflection of the objective world upon consciousness. The form of thinking is also a reflection of the objective world; it is a reflection of the forms of existence.  b) Sensory Cognition, Rational Cognition, and Practice.--  Cognition is not merely a reflection of the objective world, but it has to be verified through practice, according to Marxist epistemology. Lenin explains this process as follows: "From living perception to abstract thought, and from this to practice -- such is the dialectical path of the cognition of truth, of the cognition of objective reality."  14 Mao Tse-tung explained the process of materialist dialectical cognition more concretely. He said the following:  This dialectical-materialist theory of the process of development of knowledge, basing itself on practice and proceeding from the shallow to the deeper. ...Marxism-Leninism holds that each of the two stages in the process of cognition has its own characteristics, with knowledge manifesting itself as perceptual at the lower stage and logical at the higher stage, but that both are stages in an integrated process of cognition**. The perceptual and the rational are qualitatively different, but** are not divorced from each other; they **are unified on** the basis of **practice.** **The first step** in the process **of cognition is contact with the** objects of the **external** world; **this** belongs to the stage of **[is] perception** [the stage of sensory cognition]. **The second step is to synthesize** the date of **perception** by arranging and reconstructing them; **this** belongs to the stage of conception, judgment, and inference **[is]** **the** stage of **rational** cognition]. 16  In this way, **cognition proceeds from sensory cognition to rational cognition** (or logical cognition), **and from rational cognition to practice.** Now, cognition and practice are not something that takes place only once. "Practice, knowledge, again practice, and again knowledge. **This** form **repeats itself in endless cycles,** and with each cycle the content of practice and knowledge rises to a higher level."  **Kant said that** cognition takes place insofar as the subject synthesizes the object, and that **it is impossible to cognize the "things-in-themselves" behind the phenomena**, advocating agnosticism. **In contrast,** Marxism asserted that the essence of **things can be known *only* through phenomena, and** that things can be knownfully **through practice, negating the existence of the "things-in-themselves"** separate from the phenomena. About Kant, Engels said the following:  In Kant's time, our knowledge of natural objects was indeed so fragmentary that he might well suspect, behind the little we knew about each of them, a mysterious "thing-in-itself." But one after another these ungraspable things have been grasped, analyzed, and, what is more, reproduced by the giant progress of science; and what we can produce we certainly cannot consider as unknowable.  18 Now, in the process of cognition and practice, practice is held to be more important. Mao Tse-tung said, "The dialectical-materialist theory of knowledge placespractice in the primary position, holding that human knowledge can in no way be separated from practice. Practice usually refers to human action on nature and social activities, but in Marxism, revolution is held to be the supreme form of practice among all kinds of practice. Therefore, it can be said that the ultimate purpose of cognition is revolution. In fact, Mao Tse-tung said, The active function of knowledge manifests itself not only in the active leap from perceptional to rational knowledge, but-and this is more important-it must manifest itself in the leap from rational knowledge to revolutionary practice." 20  Next I will deal with the forms of thought in logical cognition (rational cognition). Logical cognition refers to thinking such as Judgment and inference mediated by concepts, in which the forms of thought play an important role. Marxism, which advocates copy theory, regards the forms of thought as reflections of the processes in the objective world upon consciousness, that is, as reflections of existing forms.

#### The goodness of pleasure and badness of pain are qualities all humans experience that relate back to our objective considerations.

Nagel 86 (Thomas Nagel [NYU Philo Prof] “The View from Nowhere” Oxford Press, 1986, pp 156-168, MG)

I shall defend the unsurprising claim that sensory pleasure is good and pain bad, no matter whose they are. The point of the exercise is to see how the pressures of objectification operate in a simple case. Physical pleasure and pain do not usually depend on activities or desires which themselves raise questions of justification and value. They are just sensory experiences in relation to which we are fairly passive, but toward which we feel involuntary desire or aversion. Almost everyone takes the avoidance of his own pain and the promotion of his own pleasure as subjective reasons for action in a fairly simple way; they are not back up by any further reasons. On the other hand if someone pursues pain or avoids pleasure, either it as a means to some end or it is backed up by dark reasons like guilt or sexual masochism. What sort of general value, if any, ought to be assigned to pleasure and pain when we consider these facts from an objective standpoint? What kind of judgment can we reasonably make about these things when we view them in abstraction from who we are? We can begin by asking why there is no plausibility in the zero position, that pleasure and pain have no value of any kind that can be objectively recognized. That would mean that I have no reason to take aspirin for a severe headache, however I may in fact be motivated; and that looking at it from outside, you couldn't even say that someone had a reason not to put his hand on a hot stove, just because of the pain. Try looking at it from the outside and see whether you can manage to withhold that judgment. If the idea of objective practical reason makes any sense at all, so that there is some judgment to withhold, it does not seem possible. If the general arguments against the reality of objective reasons are no good, then it is at least possible that I have a reason, and not just an inclination, to refrain from putting my hand on a hot stove. But given the possibility, it seems meaningless to deny that this is so. Oddly enough, however, we can think of a story that would go with such a denial. It might be suggested that the avers

ion to pain is a useful phobia—having nothing to do with the intrinsic undesirability of pain itself—which helps us avoid or escape the injuries that are signaled by pain. (The same type of purely instrumental value might be ascribed to sensory pleasure: the pleasures of food, drink, and sex might be regarded as having no value in themselves, though our natural attraction to them assists survival and reproduction.) There would then be nothing wrong with pain in itself, and someone who was never motivated deliberately to do anything just because he knew it would reduce or avoid pain would have nothing the matter with him. He would still have involuntary avoidance reactions, otherwise it would be hard to say that he felt pain at all. And he would be motivated to reduce pain for other reasons—because it was an effective way to avoid the danger being signaled, or because interfered with some physical or mental activity that was important to him. [Imagine someone] He just wouldn't regard the pain as itself something he had any reason to avoid, even though he hated [it] the feeling just as much as the rest of us. (And of course he wouldn't be able to justify the avoidance of pain in the way that we customarily justify avoiding what we hate without reason—that is, on the ground that even an irrational hatred makes its object very unpleasant!) There is nothing self-contradictory in this proposal, but it seems nevertheless insane. Without some positive reason to think there is nothing in itself good or bad about having an experience you intensely like or dislike, we can't seriously regard the common impression to the contrary as a collective illusion. Such things are at least good or bad for us, if anything is. What seems to be going on here is that we cannot from an objective standpoint withhold a certain kind of endorsement of the most direct and immediate subjective value judgments we make concerning the contents of our own consciousness. We regard ourselves as too close to those things to be mistaken in our immediate, nonideological evaluative impressions. No objective view we can attain could possibly overrule our subjective authority in such cases. There can be no reason to reject the appearances here.

#### We sense other people’s pain through intersensory perceptions.

Botvinik and Cohen 98 (Matthew [Psychiartry Prof at Pittsburgh] and Jonathan [Psychology Prof at Carnegie Mellon] “Rubber Hands ‘Feel’ Touch that Eyes See” MacMillan Publishers, 1998, MG)

This illusion belongs to a class of perceptual effects involving intersensory bias1–4. In closely related work, Ramachandran et al. got phantom limb patients to view their intact arm in a mirror, so that their amputated arm appeared to have been resurrected. Several subjects viewing the reflection as the intact arm was touched reported feeling the touch in the amputated (phantom) limb5 . Also relevant is the finding of cells in the premotor cortex of monkeys which respond both to tactile stimulation of a particular body region and to visual perception of an object approaching that area6 . The connectionist network referred to above features a layer of units with analogous response properties, units that appear to be necessary for the relevant cross-modal interactions to occur. It has been proposed that the body is distinguished from other objects as belonging to the self by its participation in specific forms of intermodal perceptual correlation7,8. Subjects in our first experiment who referred their tactile sensations to the rubber hand also consistently reported, in both sections of the questionnaire, experiencing the rubber hand as belonging to themselves. Indeed, eight of ten subjects spontaneously employed terms of ownership in their free-report descriptions, for example: “I found myself looking at the dummy hand thinking it was actually my own.”

#### If each person values their own happiness they have to value everybody’s.

Sayre-McCord 1 (Geoffrey, [Graduate degree at University of Pittsburg] “Mill's "Proof" of the Principle of Utility: A More than Half-Hearted Defense,” UNC Press, 2001, pp 21-22, MG)

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 is desired by someone, then it seems as if, in taking ourselves to have reason to see the bit we value as valuable, we are committed to acknowledging the value of all the rest. Analogously, again with suitable adjustments, the argument in Kant's hands would take as an evaluative starting point each having reason to think of her own rational nature as an end, and reason to think of other's -- given that they are in a parallel situation with respect to their own rational nature -- that each person's rational nature is such that there is the same evidence available to each for the value of another person's rational nature as there is for the value of one's own. If every rational being is such that her rational nature is thought of by her as an end, then it seems as if, in taking ourselves to have reason to see our own rational nature as an end, we are committed to acknowledging that other people's rational natures are likewise to be seen as ends. Unlike the first argument, this one does, if successful, move to an appropriate [utilitarian] conclusion. Of course, its success depends on each person having reason to think of her own happiness, or rational nature, as valuable, as an end.

#### Next, the aff advocacy is for all jurisdictional actors in the United States correctional system to condemn retributive goals being valued over rehabilitation and embrace a determinate sentencing rehabilitative model of corrections. I’ll clarify. Lipsey and Cullen 7 define rehabilitation to clarify the aff advocacy.

(Nana [doctoral candidate for clinical psychology at Vanderbilt] and Mark [Director of the Center for Evaluation Research and Methodology] “The Positive Effects of Cognitive-Behavioral Programs for Offenders: A Meta-Analysis of Factors Associated with Effective Treatment” Vanderbilt Institute for Public Policy Studies, 2007, MG)

Rehabilitation treatment is distinguished from correctional sanctions by the centrality of interactions with the offenders aimed at motivating, guiding, and supporting constructive change in whatever characteristics or circumstances engender their criminal behavior or subvert their prosocial behavior. It is typically provided in conjunction with some form of sanction (e.g., incarceration or probation) but is not defined by that sanction and could, in principle, be delivered without any accompanying sanction. Cognitive behavioral therapy, for instance, involves exercises and instruction designed to alter the dysfunctional thinking patterns exhibited by many offenders (e.g., a focus on dominance in interpersonal relationships, feelings of entitlement, self-justification, displacing blame, and unrealistic expectations about the consequences of antisocial behavior; Walters 1990).

### Racism

#### Contention 1 is racism:

#### A. Squo policy emphasizes retribution over rehabilitation. Penalties and imprisonment have increased while rehabilitation has been phased out.

Warren 7 (Roger K [President Emeritus of the National Center for State Courts] “Evidence-Based Practice to Reduce Recidivism: Implications for State Judiciaries” For the Crime and Justice Institute, National Institute of Corrections and National Center for State Courts, 2007, MG)

Starting in the mid-1970s, 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 rehabilitation 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. The consequences of our more retributive sentencing policies have been dramatic. Between 1974 and 2005, the number of inmates in federal and state prisons 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 1970s 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

#### B. The squo criminal justice system is racist, and it’s getting worse.

Kearney 3 (Gavin [NYC Director of Environmental Justice] “Literature Review: Structural Racism, the Criminal Justice System and Violence Against Women” Battered Woman’s Justice Project, 2003, MG)

There are 50 million criminal records on file with the police. Five million Americans have lost the right to vote as a result of a criminal conviction. • 84% of the increase in admissions to prison since 1980 were non-violent offenders. • Relative to their populations, there are seven times as many minorities in prison as whites. • In many cities, about half of young African American men are under the control of the criminal justice system. In Baltimore the figure is 56%; in D.C. it is 42%. In a single year in Los Angeles, one third of the young African American men spend time behind bars. Almost one in three young African American men in the age group 20-29 is under criminal justice supervision on any given day.7 Not only are the disparities stark in the present, there is reason to believe that they will become worse in the future, Nearly three fourths of admissions to prison today are African Americans or Hispanics suggesting that these disparities will only worsen over time.8 In addition the largest imprisoned population on a per capita basis is Native Americans. In communities of color, men bear the brunt of the CJS. The burden borne by women of color, however, is increasing rapidly. As Angela Y. Davis observed in her keynote address at the Color of Violence Against Women conference: It is rarely acknowledged that the fastest growing group of prisoners are black women. …While women still constitute a relatively small percentage of people behind bars, today the number of incarcerated women in California alone is almost twice what the nationwide women’s prison population was in 1970.9 Studies have consistently found that racial/ethnic disparities in the CJS are a reflection of law enforcement policies and practices rather than different levels of criminal behavior. According to the NCJC: Racial disparities are better explained by disparate enforcement practices than higher rates of crime in minority communities. For example, African Americans constitute 12% of the U.S. population, 13% of the drug using population, but an astonishing 74% of the people in prison for drug possession. Latinos, Asians, Native Americans and other racial groups also suffer from disparate enforcement of the criminal law.10

#### C. Rehab solves structurally racist incarceration rates.

ASA 7 (American Psychological Association “Race, Ethnicity, and the Criminal Justices System” ASA series on how race and ethnicity matter, 2007, MG)

At current incarceration rates, about 1 in 3 black males, 1 in 6 Hispanic males and 1 in 17 white males are expected to go to prison during their lifetime (11:1, 8). Most researchers agree that these huge increases in incarceration can be attributed to policy changes that began in the 1970s and 1980s with shifts from rehabilitative to incapacitative sentencing policies, enactment of legislation mandating tougher penalties for drug offenses, more aggressive drug enforcement, and implementation of more stringent post-release supervision under new determinate sentencing models (see, e.g., 98:26). Although there is some recent evidence that the number of incarcerated individuals has begun to level off (and even decline in some states), the sheer number of individuals under correctional supervision remains enormous. At year end 2003, 6.9 million people (3.2 percent of all U.S. adult residents) were incarcerated (in prisons and jails at the state level and at the federal level), on probation, or on parole. The majority of these (about 4 million people) were on probation and 775,000 were on parole (36:1). Such large-scale incarceration has had a particularly Negative effect on minorities, and especially young African Americans males, who, as noted earlier, are disproportionately represented in these increases. There is wide consensus among researchers that increases in the prison population during the 1990s can largely be accounted for by drug control strategies, and that punitive drug policies are largely responsible for the darkening of America’s prisons over the past several decades (23; 97). Petersilia notes that “[s]erving a prison term is becoming almost a normal experience in some poor, minority communities” (76:28).

### **Economy**

#### Contention 2 is states’ economies:

#### A. States’ economies are vital to the national economy and need change NOW – err aff on an invisible threshold.

Moran 13 (Andrew [Political journal editor and reporter] “11 scenarios of how an economic collapse in America could play out” Economic Collapse New, March 16, 2013, MG)

Since the last economic collapse that occurred in 2007/2008, the unemployment rate has remained just under (officially) eight percent, the Federal Reserve is pumping $85 billion each month just to keep the Dow Jones above 14,000, the federal government borrows 48 cents out of every dollar spent just to keep the doors of Congress open and the value of the nation’s currency persists in being debased. For the past few years, a lot of adherers to gloom and doom have predicted complete collapse of the United States system. Although the U.S. is on life support at the present time, it still remains alive. The question is, however, [but] for how long? Despite the disastrous policies imposed by the administration of President Barack Obama and the endless quantitative easing by Fed Chairman Ben Bernanke, how much longer can the U.S. keep the illusion up? There are many scenarios to consider when the U.S. economy reaches its end point: from hyperinflation to astronomical tax rates to confiscation of private property. Here are 11 scenarios of what an economic collapse could look like in the United States. 1. If the Fed has the printing press going 24 hours a day and seven days a week or China and Japan demand its money back, this could lead to hyperinflation. What does this mean for Americans? Remember your history class that looked at the Weimar Republic and its citizens carrying wheelbarrows of money? Picture everyone walking around New York City doing the same thing. Indeed, there will be millions of Americans who will become “billionaires.” 2. The U.S. national debt grows $10 million each minute of the day. At the time of this writing, the national debt is more than $16.5 trillion. By 2023, the Congressional Budget Office projects the national debt to be $26 trillion. If the national debt grows at this rate, eventually, the federal government won’t be able to afford anything else other than a few budgetary items. 3. Most Americans and politicians are enjoying the benefits of low interest rates. Despite the heavy debt loads, the U.S. government paid $248 billion in the Fiscal Year 2013, which is roughly 1.5 percent. When interest rates soar, a considerable chunk of annual expenditures will be put towards interest payments. 4. National security is at risk because if the U.S. government can’t afford to allocate money to the Pentagon and the military then it can’t defend the nation’s borders – not just closing down U.S. bases in 132 countries. What if another country decided to invade the U.S. since it can’t protect its land because of insolvency? 5. Price controls have occurred in U.S. history and the unfathomable policy still takes place today (see Argentina and Venezuela). When the government decides to institute production quotas and price controls on everyday items, food, oil and even water riots could come to fruition. 6. No more forms of energy. Back in the day, households would have to go to bed early when night arrived. However, due to capitalist ingenuity, families could stay up late and do anything they wanted. When the economy collapses, there won’t be enough energy for anything, especially considering that Iran and Russia will control half of the world’s energy and China is buying up anything it can get its hands on. 7. The bankruptcy of states and cities. Already, cities have declared insolvency, while states are having a difficult time keeping afloat. Investors are bailing out of municipal bonds, while state and local debt accounts for nearly a quarter of U.S. gross domestic product (GDP). 8. When the U.S. can no longer afford its budget, it may turn to horrific tax rates. First, it will target the rich, but then the affluent will simply leave the country (as recent reports suggest is already taking place). Once the rich cannot be taxed then everyone else will experience the tax burden – Americans already pay nearly 50 percent of their incomes in taxes (federal, state and local). 9. In any crisis, the first thing that government does is confiscate private property. During the Great Depression, President Franklin Delano Roosevelt took away gold and silver from the people. In the aftermath of Hurricane Katrina, authorities confiscated civilian-held firearms. Last year, the president issued the National Defense Resources Preparedness Executive Order, an order that has been described by some as authoritarian and totalitarian for peace-time martial law that could allow the government to confiscate private property. 10. What happens if social safety nets, such as unemployment, Social Security and Medicaid, suddenly vanished overnight? If the government can only afford interest payments and a few other budgetary expenditures then how could it afford these social programs? No longer would the jobless receive benefits. Little old ladies could become homeless because of no check. The poor would not be able to afford their healthcare. 11. As with other nations that suffered a tremendous economic collapse, the U.S. could see the rise of a new leader that is just as dangerous as Adolf Hitler, Joseph Stalin, Hugo Chavez, Robert Mugabe, Mao Tse-Tung and many other brutal dictators. Over the past few decades, the executive branch has garnered more and more power, which could mean it would be exploited by nefarious individuals in the future.

#### And, retributive policies have put major strains on state economies.

Andrews and Bonta 10 (DA [Carleton University] and James [Public Safety Canada] “Rehabilitating Criminal Justice Policy and Practice” American Psychological Association, 2010, MG)

Over the past 35 years, the trend in dealing with criminal[s] offenders became increasingly harsh and punitive. The message was clear: offenders were not to be mollycoddled. The U.S. Parole Commission and many states abolished their paroling authorities. Instead, parole was replaced with “truth-in-sentencing” legislation (Holt, 1998) and “three strikes and you’re out” laws (Turner, Greenwood, Chen, & Fain, 1999). Boot camps and “Scared Straight” programs sprung up throughout the United States and abroad. There were even calls to make probation as “punishing as prison” (Erwin, 1986, p. 17). The rehabilitation of offenders, an important activity for many correctional psychologists, was devalued in favor of the “get tough” approach for dealing with offenders. The accumulating evidence is that the retribution movement has been a disastrous failure. Sentencing guidelines and the various truth-in-sentencing laws that require a minimum sentence to be served before release have resulted in longer sentences and more crowded prisons (Wood & Dunaway, 2003). The three strikes laws further compounded the problem of prison growth without any evidence that prison sentences reduce recidivism (Doob & Webster, 2003; Smith, Goggin, & Gendreau, 2002; von Hirsch, Bottoms, Burney, & Wikstro¨m, 1999). The tough new sanctions of boot camps, electronic monitoring, and Scared Straight programs that expose at-risk young offenders to prison life have had either a negligible or detrimental impact on recidivism (MacKenzie & Armstong, 2004; Petrosino, Turpin-Petrosino, & Finckenauer, 2000; Renzema & MayoWilson, 2005). All of this has caused a tremendous strain on state economies, with 22 states cutting corrections budgets for ﬁscal year 2010 (Scott-Hayward, 2009). Only Medicaid has out-paced corrections budgets (Stemen, 2007) and, in 2008, it was estimated that state budgets for corrections were in excess of $52 billion (Pew, 2009). The incarceration and re-entry of large numbers of adults has a number of less visible costs. Many prisons are far removed from the neighborhoods where offenders reside. For example, in New York State, almost all of the prisons are located upstate with 60% of the prisoners coming from the poorest borough of New York City. Many of these neighborhoods have high concentrations of offenders who are sent to upstate prisons at an annual cost of over $30[k],000. It has been estimated that Brooklyn alone has 35 blocks where the costs of imprisonment exceeds $1 million per block (Gonnerman, 2004). The neighborhood of Brewer Park, Detroit has an annual cost of $2.9 million (Pew, 2009). Not only is there a signiﬁcant cost in imprisoning people from poor neighborhoods, but additional ﬁnancial hardships are placed upon the families of offenders and the communities where they reside. A family may lose a breadwinner and even during incarceration, the family may still continue to support the offender. Offenders released from prisons return to their communities with poor job prospects, and their idle presence on the streets discourage the frequenting of local businesses. This in turn threatens business success, thereby eroding the tax base for many cities (Clear, 2008).

#### And, US economic collapse means multiple scenarios for nuclear conflict – extinction.

Friedberg and Schoenberg 8 (Aaron [Prof of Politics and IR at Princeton], Gabriel [senior editor for commentary at WSJ] “The Dangers of a Diminished America” Wall Street Journal, 2008, MG)

Then there are the dolorous consequences of a potential collapse of the world's financial architecture. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future?¶ Meanwhile, tsraditional foreign-policy challenges are multiplying. The threat from al Qaeda and Islamic terrorist affiliates has not been extinguished. Iran and North Korea are continuing on their bellicose paths, while Pakistan and Afghanistan are progressing smartly down the road to chaos. Russia's new militancy and China's seemingly relentless rise also give cause for concern.¶ If America now tries to pull back from the world stage, it will leave a dangerous power vacuum. The stabilizing effects of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk.¶ In such a scenario there are shades of the 1930s, when global trade and finance ground nearly to a halt, the peaceful democracies failed to cooperate, and aggressive powers led by the remorseless fanatics who rose up on the crest of economic disaster exploited their divisions. Today we run the risk that rogue states may choose to become ever more reckless with their nuclear toys, just at our moment of maximum vulnerability.¶ The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity.¶ None of this is good news if the authoritarian leaders of these countries seek to divert attention from internal travails with external adventures.

#### B. Rehab is much cheaper – solves states’ economies.

Causey 12 (James E [Editorial writer, columnist & blogger for the Milwaukee Journal Sentinel] “Treatment is the best way to fight crime” Journal Sentinel, Nov 27, 2012, MG)

Contrary to popular belief, the Wisconsin prison system is not packed with killers. Since 1996, 80% of the growth in the prison population in Wisconsin has been attributed to drug and alcohol use. This figure mirrors national statistics. Here's the problem: The state average cost of putting someone behind bars for a year is $32,000, while the most expensive treatment program costs less than $8,000. I'm not a financial whiz, but it makes more sense to spend $8,000 on people and turn them into a productive member of society, rather than pay $32,000 to incarcerate them. Every dollar spent on treatment programs saves almost $2 in criminal justice costs, according to the Wisconsin Office of Justice Assistance. Using that yardstick, an investment of $75 million on the front end in alternatives to prison programs would lead to annual savings of almost $150 million. These findings are outlined in a report released Wednesday by Human Impact Partners and WISDOM. "Healthier Lives, Stronger Families, Safer Communities" looks at the impact of drug and alcohol and mental health treatment courts, based on the principle that public health issues are at the root of many crimes. Since 2006, after the state Legislature put $1 million per year into the Treatment Alternatives and Diversion programs, there has been a decline in the recidivism rates in the seven piloted locations. In Milwaukee, for example, crime decreased 23% since 2007, the year TAD programs went into effect. Specifically, homicide and rape have decreased between 4% and 5%, and theft and auto theft dropped 17% and 27%, respectively. Most notably, Milwaukee had a 14% decline in inmate population at the county jail and County Correctional Facility-South between 2008 and 2010. John Chisholm, the Milwaukee County district attorney, said cutting crime rates while reducing the number of those incarcerated should be the goal.

### **Underview**

#### Underview:

#### 1. The most comprehensive study of recidivism has concluded retribution increases recidivism while rehabilitation decreases it.

Lipsey and Cullen 3 (Mark [Director of the Center for Evaluation Research and Methodology] and Francis [UC Prof of Correctional Theory Policy] “The Effectiveness of Correctional Rehabilitation: A review of systematic reviews” Annual Review of Law and Social Science, 2007, MG)

This review has attempted to catalog[s] every meta-analysis that has been conducted on studies of correctional interventions and summarize the most general and robust of their collective findings. Some of these meta-analyses have broad scope, some narrow. Some are elaborate and some are relatively simple. Some are very well done and a few are rather inept. Across this diversity, however, there is striking consistency on a two key points. First, every meta-analysis of studies that compare recidivism outcomes for offenders receiving greater versus lesser or no sanctions has found, at best, modest mean recidivism reductions for the greater sanctions and, at worst, increased recidivism for that condition. Second, every meta-analysis of large samples of studies comparing offenders who receive rehabilitation treatment with those who do not has found lower mean recidivism for those in the treatment conditions. Moreover, the least of those mean reductions is greater than the largest mean reductions reported by any metaanalysis of sanctions. In addition, nearly all of the meta-analyses of studies of specific rehabilitation treatments or approaches show mean recidivism reductions and the great majority of those are greater than the largest reductions found in any meta-analysis of sanctions.

#### 2. Retributive punishment is ineffective because it doesn’t change the personal attitudes and mindsets established in criminals.

Cullen 2k (Francis [UC Prof of Correctional Theory Policy] “Assessing Correctional Rehabilitation: Policy, Practice, and Prospects” Criminal Justices, 2000, MG)

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.

#### Only rehab promotes the ability to understand the law itself while retribution excludes from the community—this is Kant’s own prerequisite to criminal theory.

Merle 11 (Jean [PhD Philo Prof at Saarlandes] “A Kantian Critique of Kant’s Theory of Punishment, JStor, 2011, JD)

**To be a 'citizen of the world' means having a claim** towards the state **to preserve one's** possibility of becoming an actual **citizen of the state**. Moreover**, the establishment of a legal community between all human beings is a** postulate or a requirement. It is not only a **requirement from** the point of view of **Kant's categorical imperative**. It is even a requirement if we admit Pogge's one-way thesis that we must accept Kant's system of right if we accept his categorical imperative, but that we do not have to accept the categorical imperative if we accept Kant's system of right. Indeed, Kant's doctrine of right is not merely descriptive, but normative- it clearly contains the criterion of universalization and applies it to all external freedoms, i.e. agents. Thus **Kant's system** of right does not produce the agents, but **takes them for granted, and it ought to integrate them** as far as possible **in the law of mutual limitation of freedom**. In my view, **this demands** that **the system of law promote** the development of **the ability to obey the law.**

#### 3. Psychological bias means retributivists will disproportionately punish.

Dripps (Donald [USD Professor of Law] “Fundamental Retribution Error: Criminal Justice and the Social Psychology of Blame” Vanderbilt Law Review)

FAE [Fundamental Attribution Error] has troubling implications for the retributivist’s project of rationally assessing blameworthiness. The character-based approach directly embraces the project of inferring personality traits from behavior. This is the very inference that the psychological research suggests human observers will make too readily. Consider, in this regard, the Fidel Castro essays, the quiz master experiment, or the foul shots taken in a dimly lit gymnasium.184 In these experiments, observers held actors responsible despite the observers’ knowledge of very serious situational constraints. Indeed the term “correspondence bias” refers precisely to the tendency to associate behavior with a corresponding trait. In the choice approach, the problem recurs. FAE predisposes observers to exaggerate both volitional capacity and fair opportunity to resist situational pressure. A choice theorist who does not repudiate situational excuse altogether admits that some bad choices are not blameworthy. As a result of FAE, however, in deciding how hard a choice the actor faced, observers will tend to attribute the choice to the actor’s character rather than the situation.FAE tends to magnify the causal significance of the defendant’s conduct relative to other factors. Observers predisposed to believe that the world is just need to identify personal, rather than impersonal, causes for negative events.185 Compounding this tendency is the so-called hindsight bias, which inclines observers ex post to believe that actual events were probable ex ante even when they were not.186 This, in turn, inclines observers to infer intention, knowledge, or recklessness from the foreseeability of events that were in fact not foreseeable. Harm-based retributivists, with their focus on causing or risking harm, invite the tendency of observers to commingle fault with causation, amplified by the hindsight bias. A purely subjectivist culpability theorist, by contrast, considers the actor eligible for punishment based on his subjective awareness of wrongdoing. This may disadvantage the government unduly, as those who focus on the person rather than the situation interpret failed attempts as innocent accidents and harmless recklessness as due care. As the utilitarians have pointed out, retributivists have some difficulty in determining the amount of punishment required by any given instance of culpable wrongdoing.187

#### 4. Because of their epistemic choices, governments have to be utilitarian.

Shaw 99 (William [Philo Prof at SJSU] “Contemporary ethics: taking account of utilitarianism” Wiley, 1999, pp 171-172, MG)

Utilitarianism ties right and wrong to the promotion of well-being, but it is not only a personal ethic or a guide to individual conduct. It is also a "public philosophy°" - that is, a normative basis for public policy and the structuring of our social, legal, and political institutions. Indeed, it was just this aspect of utilitarianism that primarily engaged Bentham, John Stuart Mill, his father James, and their friends and votaries. For them utilitarianism was, first and foremost, a social and political philosophy and only secondarily a private or personal moral code. In particular, they saw utilitarianism as providing the yardstick by which to measure, assess, and, where necessary, reform government social and economic policy and the judicial institutions of their day. In the public realm, utilitarianism is especially compelling. Because of its consequentialist character, a utilitarian approach to public policy requires officials to base their actions, procedures, and programs on the most accurate and detailed understanding they can obtain of the circumstances in which they are operating and the likely results of the alternatives open to them. **Realism and empiricism are the hallmarks of** a utilitarian **orientation, not** customary practice, **unverified abstractions**, or wishful thinking**. Promotion of the well being** of all **is the** appropriate, indeed the **only** sensible, **touchstone for assessing public policies and institutions, and the standard** **objections to utilitarianism as a personal morality carry little or no weight against it when viewed as a public philosophy.** Consider, for instance, the criticisms that utilitarianism is too impersonal and ignores one's individual attachments and personal commitments, that it is coldly calculating and concerned only with maximizing, that it demands too much of moral agents and that it permits one to violate certain basic moral restraints on the treatment of others. The previous two chapters addressed sorne of these criticisms; others will be dealt with in Chapter 8. The point here, though, is that far from undermining utilitarianism as a public philosophy, these criticisms highlight its strengths. **We want public officials** to be neutral, impersonal. and detached and **to proceed with their eyes** firmly **on the effects of the policies** they pursue **and the institutions** that **their decisions shape. Policy making requires public officials to address general issues, typical conditions. and common circumstances. Inevitably, they must do this through general rules, not on a case by case basis.** As explained later in this chapter,this fact precludes public officials from violating the rights of individuals as a matter of policy.

#### 5. Congress is supporting evidence-driven CJS policies.

Gest April 15 (Ted [Political analyst for The Crime Report] “Obama’s anti-crime spending hike: will congress agree?” The Crime Report, April 15, 2013, MG)

Federal anti-crime aid is surviving calls for spending cuts in Washington, at least in President Barack Obama's proposed budget for fiscal 2014. The plan issued last week included a surprisingly large number of increases in a variety of Justice Department programs. The administration seems to be betting on the notion that a cautious Congress will go for crime-fighting ideas that are backed by scientific evidence. Previous Obama budgets endorsed evidence-based programs, but this is the first time that the Justice Department specifically has tied funding to the idea. For example, the budget includes a new $40 million annual program for states and localities "to implement proven public safety strategies." It also includes $25 million for what the budget calls [for] projects of "evidence-based, data-driven justice system realignment" that replaces costly programs with less costly alternatives.

#### Rehab is highly popular—republicans agree.

**Hart 02**, (Hart Research Associates, Changing Public Attitudes toward the Criminal Justice System, 02)

Americans strongly favor rehabilitation and reentry programs over incapacitation as the best method of ensuring public safety. Nearly **two-thirds of** all **Americans** (66%) **agree** that **the best way to reduce crime is to rehabilitate prisoners** by requiring education and job training so they have the tools to turn away from a life of crime, while just one in three (28%) believe that keeping criminals off the streets through long prison sentences would be the more effective alternative.¶ **This idea has** broad-based **support**, **with** solid majorities of whites (63% / 31%), **fundamentalist Protestants** (55% / 36%), **and Republicans** (55% [to] 38%) supporting rehabilitation over incapacitation as the best way to reduce crime. Interestingly, the 23% of Americans who report that they or a close family member have been the victim of a violent crime endorse rehabilitation even more strongly than the general public, by a decisive 73% to 21% margin.

#### Prefer this evidence:

**A) Reverse bias-** Republicans and Protestants have a long history of supporting punitive measures so the shift shows broad support

**B) Breadth-** Every group interviewed supported rehab—all polls are subject to bias, so interviewing a large group of people and delineating results for ones that were expected to conclude otherwise provides the clearest result.

#### C) Trend shifting- the margin is only getting bigger.

Hart 2 (Hart Research Associates, Changing Public Attitudes toward the Criminal Justice System, 02)

A question first developed by the Gallup organization confirms the same fundamental shift in attitudes. In 1994, **the public was [once] divided between fighting crime** by “attacking the social and economic problems that lead to crime **through better education** and job training” (51%) **or by “deterring crime** by improving law enforcement with more prisons, police, and judges” (42%). In December 2001, we found that **the same question now elicits a 66% to 29% majority in favor of attacking the causes** of crime.

#### 6. Deterrence leads to more crimes committed and much higher recidivism rates.

Wright 10 (Valeria [PhD Research Analyst at The Sentencing Project] “Deterrence in Criminal Justice” The Sentencing Project, 2010, MG)

A series of studies have examined the public safety effects of imposing longer periods of imprisonment.13, 14, 15 Ideally, from a deterrence perspective, the more severe the imposed sentence, the less likely offenders should be to re-offend. A 1999 study tested this assumption in a meta-analysis reviewing 50 studies dating back to 1958 involving a total of 336,052 offenders with various offenses and criminal histories. Controlling for risk factors such as criminal history and substance abuse, the authors assessed the relationship between length of time in prison and recidivism, and found that longer prison sentences were associated with a three percent increase in recidivism. Offenders who spent an average of 30 months in prison had a recidivism rate of 29%, compared to a 26% rate among prisoners serving an average sentence of 12.9 months. The authors also assessed the impact of serving a prison sentence versus receiving a community-based sanction. Similarly, being incarcerated versus remaining in the community was associated with a seven percent increase in recidivism.16

#### 7. Even if I lose that util is moral, we still use util calculus because it links directly to the resolution. Punishment is only justified by utilitarian political calculus.

Binder 2 (Guyora [University at Buffalo Prof of Law] “Punishment Theory: Moral or Political?” Buffalo Criminal Law Review, 2002, MG)

In their efforts to reform the criminal law, Beccaria and Bentham adopted the perspective recommended by Helvetius. They approached the subject from the standpoint of the legislator, and they viewed criminal law as an institution of government rather than a set of moral norms. Beccaria’s famous reformist tract, On Crimes and Punishments began with a discussion of political theory, inspired by Rousseau’s Social Contract. Beccaria argued that government was legitimate insofar as rationally consented to, and rational persons would consent only to so much public coercion and injury as served their common interests. While law should serve the common welfare, “the greatest happiness of the greatest number,” lawmakers inevitably served their own interests and profited by the public’s ignorance and misplaced trust. Hence legitimate law could only arise from the will of an enlightened general public, and the function of the philosopher was to enlighten the public as to its own interest. 25 Beccaria used utility as the touchstone of policy analysis, because it was a principle on which individuals of differing views could rationally agree; 26 hence it could provide the basis for a social contract. 27 Beccaria argued that public coercion and injury served the common interest only to the extent that they prevented greater private coercion and injury. 28 It followed that deterrence of crime was the only legitimate basis for punishment, and then only where noncoercive measures would not suffice. 29 And the most important noncoercive crime control device was the “public tranquility” achieved by establishing legitimate government. 30 Like Helvetius, Beccaria assumed that citizens were by nature ruled by passion and self-interest, 31 and that all social achievement proceeded from using legislation to harness or enable these energies. 32

### **Retribution Theory**

#### Underview 1:

#### A. Interpretation: The neg must defend Retribution ought to be valued over rehabilitation in the United States criminal justice system.

#### B. They violate if they try to gain offense outside of the value paradigm set by the word “over.” I reserve the right to clarify.

#### C. Offense:

1. Ground skew: They get triple the ground if they get routes to value systems outside of the word “over” in the resolution which is unfair because they have more access to the ballot on these different weighing mechanisms. It’s also the internal link to clash and reciprocity so that we can weigh args equally against each other.

2. Strat skew: They get a huge advantage on strat if they are able to shift between the various options available in the converse of the resolution which kills fairness because strat determines how easy our reach to the ballot is.

3. Time skew: They can nullify 6 minutes of AC speech time by refusing to operate in a weighing mechanism that lets the aff get offense which is unfair because you can only win arguments if you spend time on them.

#### D. Impacts:

1. Advocacy skills is a voter because being able to advocate and see argument interaction is the unique set of skills gained from debate. It’s the only portable skill we get and is the terminal impact of fairness and education claims because they just try to maximize our ability to advocate.

2. Prefer competing interps because reasonability invites arbitrary judge intervention

3. Reject the debater: debaters want to win so it’s the only meaningful message otherwise they’ll just kickout and go for a time tradeoff.

### Framework Add-on

#### I value political calculus because the resolution questions the political philosophy of an institution.

#### The resolution is a question of political philosophy because punishment is inherently immoral. Valuations within criminal law are not moral but political. Punishment is only justified by utilitarian political calculus.

Binder 2 (Guyora [University at Buffalo Prof of Law] “Punishment Theory: Moral or Political?” Buffalo Criminal Law Review, 2002, MG)

In their efforts to reform the criminal law, Beccaria and Bentham adopted the perspective recommended by Helvetius. They approached the subject from the standpoint of the legislator, and they viewed criminal law as an institution of government rather than a set of moral norms. Beccaria’s famous reformist tract, On Crimes and Punishments began with a discussion of political theory, inspired by Rousseau’s Social Contract. Beccaria argued that government was legitimate insofar as rationally consented to, and rational persons would consent only to so much public coercion and injury as served their common interests. While law should serve the common welfare, “the greatest happiness of the greatest number,” lawmakers inevitably served their own interests and profited by the public’s ignorance and misplaced trust. Hence legitimate law could only arise from the will of an enlightened general public, and the function of the philosopher was to enlighten the public as to its own interest. 25 Beccaria used utility as the touchstone of policy analysis, because it was a principle on which individuals of differing views could rationally agree; 26 hence it could provide the basis for a social contract. 27 Beccaria argued that public coercion and injury served the common interest only to the extent that they prevented greater private coercion and injury. 28 It followed that deterrence of crime was the only legitimate basis for punishment, and then only where noncoercive measures would not suffice. 29 And the most important noncoercive crime control device was the “public tranquility” achieved by establishing legitimate government. 30 Like Helvetius, Beccaria assumed that citizens were by nature ruled by passion and self-interest, 31 and that all social achievement proceeded from using legislation to harness or enable these energies. 32

#### So, the standard is adopting norms that maximize expected well being. Here’s some more justifications:

#### A. Even if governments have side constraints, there’s no act-omission distinction for them.

Sunstein and Vermule 5 (Cass [Prof of law at Harvard] and Adrian [Prof of law at Harvard] “Is capital punishment morally required? The relevance of life-life tradeoffs” Chicago Public Law and Legal Theory, 2005, MG)

In our view, any effort to distinguish between acts and omissions goes wrong by overlooking the distinctive features of government as a moral agent. If correct, this point has broad implications for criminal and civil law. Whatever the general status of the act/omission distinction as a matter of moral philosophy, 59 the distinction is least impressive when applied to government, because the most plausible underlying considerations do not apply to official actors. 60 The most fundamental point is that, unlike individuals, governments always and necessarily face a choice between or among possible policies for regulating third parties. The distinction between acts and omissions may not be intelligible in this context, and even if it is, the distinction does not make a morally relevant difference. Most generally, government is in the business of creating permissions and prohibitions. When it explicitly or implicitly authorizes private action, it is not omitting to do anything or refusing to act. 61 Moreover, the distinction between authorized and unauthorized private action—for example, private killing— becomes obscure when the government formally forbids private action but chooses a set of policy instruments that do not adequately or fully discourage it.

#### B. Because of their epistemic choices, governments have to be utilitarian.

Shaw 99 (William [Philo Prof at SJSU] “Contemporary ethics: taking account of utilitarianism” Wiley, 1999, pp 171-172, MG)

Utilitarianism ties right and wrong to the promotion of well-being, but it is not only a personal ethic or a guide to individual conduct. It is also a "public philosophy°" - that is, a normative basis for public policy and the structuring of our social, legal, and political institutions. Indeed, it was just this aspect of utilitarianism that primarily engaged Bentham, John Stuart Mill, his father James, and their friends and votaries. For them utilitarianism was, first and foremost, a social and political philosophy and only secondarily a private or personal moral code. In particular, they saw utilitarianism as providing the yardstick by which to measure, assess, and, where necessary, reform government social and economic policy and the judicial institutions of their day. In the public realm, utilitarianism is especially compelling. Because of its consequentialist character, a utilitarian approach to public policy requires officials to base their actions, procedures, and programs on the most accurate and detailed understanding they can obtain of the circumstances in which they are operating and the likely results of the alternatives open to them. **Realism and empiricism are the hallmarks of** a utilitarian **orientation, not** customary practice, **unverified abstractions**, or wishful thinking**. Promotion of the well being** of all **is the** appropriate, indeed the **only** sensible, **touchstone for assessing public policies and institutions, and the standard** **objections to utilitarianism as a personal morality carry little or no weight against it when viewed as a public philosophy.** Consider, for instance, the criticisms that utilitarianism is too impersonal and ignores one's individual attachments and personal commitments, that it is coldly calculating and concerned only with maximizing, that it demands too much of moral agents and that it permits one to violate certain basic moral restraints on the treatment of others. The previous two chapters addressed sorne of these criticisms; others will be dealt with in Chapter 8. The point here, though, is that far from undermining utilitarianism as a public philosophy, these criticisms highlight its strengths. **We want public officials** to be neutral, impersonal. and detached and **to proceed with their eyes** firmly **on the effects of the policies** they pursue **and the institutions** that **their decisions shape. Policy making requires public officials to address general issues, typical conditions. and common circumstances. Inevitably, they must do this through general rules, not on a case by case basis.** As explained later in this chapter,this fact precludes public officials from violating the rights of individuals as a matter of policy.

#### C. Life is a precondition: you have to be alive for politics or ethics to have anything to evaluate. Also, the criminal justice system needs constituents to exist.

#### D. No links to morality or justice and only the aff gets floating advocacies: rehabilitation is the teleological utilitarian form of punishment.

Lessnoff (Michael [Prof of Politics at Gaslow] “Two Justifications for Punishment” The Philosophical Quarterly, 1971, MG)

By 'the retributive theory' [is], I mean the view that what justifies the suffering inflicted by punishment is the moral culpability of the behaviour that is punished; that persons who have committed morally wrong acts (or at least seriously culpable ones), and only such persons, ought to be punished; and that the severity of punishment ought to be, so far as possible, in pro- portion to the moral culpability of the act punished.1 On this view, the consequences of punishment, other than the immediate deprivation suffered by the criminal, are irrelevant to its justification. On the utilitarian view, by contrast, it is entirely by its beneficial consequences that punishment is justified, and not by any obligation to visit suffering on the perpetrators of immoral acts; specifically, punishment is justified [if] in so far as it tends to reduce the occurrence of crimes, that is, of seriously undesirable or bad acts.2 Punishment may reduce the occurrence of bad acts in two ways: namely, through fear-the discouraging effect on those contemplating criminal acts of the possibility of suffering legal sanctions as a result (commonly called deterrence); or through moral education-the salutary effect of punishment on the moral personality of the individual punished, or of members of society generally, so that they become disinclined, for reasons of moral principle, to perform acts of the kind punished.3 I am here concerned with utilitarian and retributive theories of punishment, and not with utilitarianism or retributivism as broader ethical theories. Nothing is implied by either of the theories I am considering as to what, in general, is the criterion of morally good or bad action. The kinds of action that the utilitarian thinks bad, and wishes to reduce through punishment, he may hold to be bad on any ground at all, including intuition or divine revelation; the kind of action that the retributivist thinks immoral, and on whose perpetrator he wishes to visit suffering, he may, equally, hold to be immoral on any ground whatever, including the unhappiness or other bad consequence that they cause. Indeed, the kinds of action whose occurrence the utilitarian seeks to reduce through punishment could quite possibly be precisely the same kinds of action as call, in retributivist eyes, for the infliction of suffering on their perpetrators, and for the same reasons. Nor is either the utilitarian or the retributivist necessarily committed to upholding punishment at all: the utilitarian will abandon it if convinced it does not reduce crime; and the retributivist will do the same if he believes morally culpable acts to be non-existent (as might be the case if he were also a determinist).

#### E. All other normative theories collapse to consequentialism.

Pettit 99 (Philip [Prof of Politics and Human Values at Princeton] “The Cost of Non-consequentialism” University of Montreal, Feb 5, 1999, MG)

The upshot is that if as a non-consequentialist theorist I straightforwardly universalise the prescription that in a certain situation I should instantiate a favoured pattern, P, then the prescription to which I thereby commit myself — that in that situation any X ought to instantiate pattern, P — may force me to revise my original self-prescription. I have equal reason to prefer both that I instantiate P and that any agent instantiate P — this reason is expressed by the use of the word ‘right’ or ‘ought’ in each case — and the spirit of universalisability blocks me from treating myself as in any way special. Thus, if the preferences are inconsistent in a certain situation — if the choice is between my instantiating P alone, for example, or my acting so that many others instantiate P instead — then I will have reason not to instantiate P myself. As a would-be non-consequentialist thinker, my initial claim must have been that the point is to instantiate P in my own life, not promote it generally. But I countenance the general claims of the P-pattern when I universalise in the straightforward way: I prescribe general conformity to that pattern, not just conformity in my own case. Thus it now seems that what I must think is that this general conformity is to be promoted, even if that means not myself instantiating the pattern in my own behaviour or psychology or relationships. It seems that what I must embrace, in effect, is a consequentialism in which conformity to pattern P is the ultimate value to be promoted.

#### The aff advocacy is for all jurisdictional actors in the United States correctional system to condemn retributive goals being valued over rehabilitation and embrace a rehabilitative model of corrections. Lipsey and Cullen 7 define rehabilitation to clarify the aff advocacy.

(Nana [doctoral candidate for clinical psychology at Vanderbilt] and Mark [Director of the Center for Evaluation Research and Methodology] “The Positive Effects of Cognitive-Behavioral Programs for Offenders: A Meta-Analysis of Factors Associated with Effective Treatment” Vanderbilt Institute for Public Policy Studies, 2007, MG)

Rehabilitation treatment is distinguished from correctional sanctions by the centrality of interactions with the offenders aimed at motivating, guiding, and supporting constructive change in whatever characteristics or circumstances engender their criminal behavior or subvert their prosocial behavior. It is typically provided in conjunction with some form of sanction (e.g., incarceration or probation) but is not defined by that sanction and could, in principle, be delivered without any accompanying sanction. Cognitive behavioral therapy, for instance, involves exercises and instruction designed to alter the dysfunctional thinking patterns exhibited by many offenders (e.g., a focus on dominance in interpersonal relationships, feelings of entitlement, self-justification, displacing blame, and unrealistic expectations about the consequences of antisocial behavior; Walters 1990).

### Crime Add-On

#### Recidivism rates are high, rising above 40%.

Pew Center 11 (The Pew Center “State of Recidivism” The Pew Center on the States, 2011, MG)

Recognizing the importance of recidivism to policy makers seeking better results from their correctional systems, Pew, in collaboration with the Association of State Correctional Administrators (ASCA), undertook a comprehensive survey aimed at producing the first state-by-state look at recidivism rates. The Pew/ASCA survey asked states to report three-year return to-prison rates for all inmates released from their prison systems in 1999 and 2004.This survey differs from the prior BJS study in many important ways, the most significant of which is that it includes recidivism data from more than twice as many states. According to the survey results, 45.4 percent of people released from prison in 1999 and 43.3 percent of those sent home in 2004 were reincarcerated within three years, either for committing a new crime or for violating conditions governing their release. While differences in survey methods complicate direct comparisons of national recidivism rates over time, a comparison of the states included in both the Pew/ASCA and BJS studies reveals that recidivism rates have been largely stable. When excluding California, whose size skews the national picture, recidivism rates between 1994 and 2007 have consistently remained around 40 percent.

#### Recidivism has four impacts.

Wilson 7 (Jane [Stanford’s Strauss Scholar] “Reducing juvenile recidivism in the United States” Roosevelt Review, 2007, MG)

The effects of recidivism in the United States fall into four general categories. First, recidivism imposes tremendous public safety costs on American communities; high recidivism rates indicated additional victimizations (assuming that the crime for which the juvenile was arrested was in fact committed). Second, increased recidivism results in extremely destructive social costs: increases in violence, crime, homelessness, family destabilization, and public health risks are all associated with high recidivism rates. Third, recidivism imposes a considerable financial burden on the U.S. Department of Justice and, more generally, on American society: our government spends an annual sixty billion dollars on correctional programs. Fourth, high recidivism indicates a failure to provide meaningful rehabilitation for inmates re-entering the community: recidivist juveniles lose out on crucial educational, social, and personal developments that can rarely be regained. Additionally, studies show that recurrent offenses during teenage years can provide a dangerous inculcation leading to adult criminality. The tragedy of this cycle criminality cannot be understated.

#### Crime impact calculus can only be based on scientific evidence in order to prevent bureaucratic quackery.

Lipsey and Cullen 2 (Mark [Director of the Center for Evaluation Research and Methodology] and [UC Prof of Correctional Theory Policy] “The Effectiveness of Correctional Rehabilitation: A review of systematic reviews” Annual Review of Law and Social Science, 2007, MG)

The rehabilitation perspective embodies an assumption that the correctional system is expected to do more than exact just deserts from those who have harmed others—it is expected to reduce crime and foster public safety. To achieve this goal, correctional programs must reduce the potential for the offenders under its charge to reoffend when they are released from supervision or custody. Arguably, punitive correctional techniques might be more effective at dissuading offenders from further criminal behavior than rehabilitation treatment is for reforming them. Whether sanctions or treatment, or some combination, has the greatest effect on reoffense rates is fundamentally an empirical question. Treating it as such offers the potential for an evidence-based perspective on corrections in which offender interventions are evaluated and adopted only if they prove to inhibit criminal behavior (Cullen & Gendreau 2000, MacKenzie 2001, 2006). At present, much of what is done within corrections is not based on sound evidence but, rather, on custom, bureaucratic convenience, and political ideology with results that Latessa et al. (2002) have called “correctional quackery.”

#### Rehab programs like cognitive-behavioral therapy have been crazy effective.

Landenberger and Lipsey 7 (Nana [doctoral candidate for clinical psychology at Vanderbilt] and Mark [Director of the Center for Evaluation Research and Methodology] “The Positive Effects of Cognitive-Behavioral Programs for Offenders: A Meta-Analysis of Factors Associated with Effective Treatment” Vanderbilt Institute for Public Policy Studies, 2007, MG)

Several well conducted meta-analyses have identified cognitive-behavioral therapy (CBT) as a particularly effective intervention for reducing the recidivism of juvenile and adult offenders. Pearson, Lipton, Cleland, and Yee (2002), for instance, conducted a meta-analysis of 69 research studies covering both behavioral (e.g., contingency contracting, token economy) and cognitive-behavioral programs. They found that the cognitive-behavioral programs were more effective in reducing recidivism than the behavioral ones, with a mean recidivism reduction for treated groups of about 30%. Similarly, a meta-analysis by Wilson, Bouffard, and MacKenzie (2005) examined 20 studies of group-oriented cognitive behavioral programs for offenders and found that CBT was very effective for reducing their criminal behavior. In their analysis, representative CBT programs showed recidivism reductions of 20-30% compared to control groups. Although these meta-analyses provide strong indications of the effectiveness of cognitive-behavioral treatment for offenders, they encompassed considerable diversity within the range of offender types, outcome variables, quality of study design, and (especially in Pearson et al., 2002) variations in what was counted as a cognitive-behavioral treatment. A more circumscribed meta-analysis conducted by Lipsey, Chapman, and Landenberger (2001) examined 14 experimental and quasi-experimental studies that emphasized cognitive change as the defining condition of CBT, considered only effects for general offender samples, and focused on reoffense recidivism as the treatment outcome. The results showed that the odds of recidivating for offenders receiving CBT were only about 55% of that for offenders in control groups. Landenberger and Lipsey (2005; Lipsey & Landenberger, 2006) then focused further on an updated and overlapping set of studies and again found that the mean recidivism for the treatment groups was significantly lower than that of the control groups.

### Racism Add-On

#### 1. Structural racism causes extinction and is the root cause of their impacts.

Feagin 6 (Joe [President of American Sociology Association] “Systemic Racism: A theory of oppression” Routledge, 2006)

"No person is an island; all residents of the United States are part of the same deeply troubled society. **All will** thus **benefit,** yet to varying degrees, **from a large-scale change in racial oppression,** as well as from change in the often related oppressions of class and gender. Major racial change will mean that whites will lose much in the way of racialized power and privilege. Still**, the payoff** for them and **for** the entire **society is** and equality are **impossible without major changes in the** racially **oppressive structures of this society.** Indeed large, for real liberty, justice, , **this planet will not survive much longer if we continue to rely** so heavily **on the white men now at the helm for** key ideas, **policies,** and actions in regard to the world's ecology, economy, and politics. **Systemic racism has killed** not only people, but **many** important **human values,** scores of excellent ideas**,** and **countless innovations and inventions. One need not be melodramatic to suggest that the survival of the planet** likely **depends upon** the speedy **elimination of racial oppression** and other major social oppressions."

#### 2. Racism always outweighs: Whiteness manifests itself through representations that it uses to manipulate power and reality for those on the side of white supremacy. Breaking down whiteness must occur before other impacts can be accurately assessed.

Yancy 4 (George [Prof of Philosophy at Duquesne] “What White Looks Like” Routledge, 2004, MG)

One way of challenging whiteness is to interrogate its ontology, its being, as expressed through its imperial and hegemonic gaze. Indeed, such a challenge is designed to critique the representational power of whiteness. For whiteness sees what it wants to see and thus identifies that which it wants to see with that which is. The power and privilege of whiteness obfuscates its own complicity in seeing a “reality” that it constructs as objective. Functioning as the Transcendental Signified, within the specious taxonomy of naturally occurring racial kinds, whiteness is deemed that center from which all other racial differences are constituted. Within Aristotelian metaphysics, whiteness is but a mere accident; it is that which is predicated of something that is not itself an accident. Historically, however, whiteness has come to signify that which is transhistorical, nonaccidental, that which exists in virtue of itself. This process of reification often occludes recognition of the situated, value-laden, constructive force of whiteness, rendering invisible its Procrustean tendencies, myopia, narcissism, solipsism, hegemony, xenophobia, and misanthropy. Perhaps there is something ironically “Kantian” in this. Whiteness fails to call into question its own modes of socioepistemological constructivity, ways that social reality is constituted and regulated. Through this process of “white-world-making,” the construction of a world with values regulations, and policies that provide supportive structures to those identified as “white,” a world that whiteness then denies having given brith to, a possible slippage between knowing and being is often difficult to encourage. In short, what whiteness knows is what there is. As a racist, Kant was no stranger to the reduction of what is “known” about the black to what the black “is.” Too bad Kant failed to see (or refused to see) the specifically cultural and racial “Copernican” implications of what he held to be true about blacks. As space and time are pure forms of intuition, those conditions under which empirical objects appear, counterfactually, Kant could have reasoned: “Race is but a social category through which I construct and constitute others as having a racial status inferior to my own; it is an impure form of intuition through which the nonwhite, in this case the black, appears.” As is known, however, Kant’s own racial identity (and the racial identities of nonwhites) was constructed through the very metanarrative world-making of whiteness itself.

#### Cut this at some point.

Information on race is available for each step of the criminal justice system - from the use of drugs, police stops, arrests, getting out on bail, legal representation, jury selection, trial, sentencing, prison, parole and freedom. Look what these facts show.

One. The US has seen a surge in arrests and putting people in jail over the last four decades. Most of the reason is the war on drugs. Yet whites and blacks engage in drug offenses, possession and sales, at roughly comparable rates - according to a report on race and drug enforcement published by Human Rights Watch in May 2008. While African Americans comprise 13% of the US population and 14% of monthly drug users they are 37% of the people arrested for drug offenses - according to 2009 Congressional testimony by Marc Mauer of The Sentencing Project.

Two. The police stop blacks and Latinos at rates that are much higher than whites. In New York City, where people of color make up about half of the population, 80% of the NYPD stops were of blacks and Latinos. When whites were stopped, only 8% were frisked. When blacks and Latinos are stopped 85% were frisked according to information provided by the NYPD. The same is true most other places as well. In a California study, the ACLU found blacks are three times more likely to be stopped than whites.

Three. Since 1970, drug arrests have skyrocketed rising from 320,000 to close to 1.6 million according to the Bureau of Justice Statistics of the U.S. Department of Justice.

African Americans are arrested for drug offenses at rates 2 to 11 times higher than the rate for whites - according to a May 2009 report on disparity in drug arrests by Human Rights Watch.

Four. Once arrested, blacks are more likely to remain in prison awaiting trial than whites. For example, the New York state division of criminal justice did a 1995 review of disparities in processing felony arrests and found that in some parts of New York blacks are 33% more likely to be detained awaiting felony trials than whites facing felony trials.

Five. Once arrested, 80% of the people in the criminal justice system get a public defender for their lawyer. Race plays a big role here as well. Stop in any urban courtroom and look a the color of the people who are waiting for public defenders. Despite often heroic efforts by public defenders the system gives them much more work and much less money than the prosecution. The American Bar Association, not a radical bunch, reviewed the US public defender system in 2004 and concluded "All too often, defendants plead guilty, even if they are innocent, without really understanding their legal rights or what is occurring...The fundamental right to a lawyer that America assumes applies to everyone accused of criminal conduct effectively does not exist in practice for countless people across the US."

Six. African Americans are frequently illegally excluded from criminal jury service according to a June 2010 study released by the Equal Justice Initiative. For example in Houston County, Alabama, 8 out of 10 African Americans qualified for jury service have been struck by prosecutors from serving on death penalty cases.

Seven. Trials are rare. Only 3 to 5 percent of criminal cases go to trial - the rest are plea bargained. Most African Americans defendants never get a trial. Most plea bargains consist of promise of a longer sentence if a person exercises their constitutional right to trial. As a result, people caught up in the system, as the American Bar Association points out, plead guilty even when innocent. Why? As one young man told me recently, "Who wouldn't rather do three years for a crime they didn't commit than risk twenty-five years for a crime they didn't do?"

Eight. The U.S. Sentencing Commission reported in March 2010 that in the federal system black offenders receive sentences that are 10% longer than white offenders for the same crimes. Marc Mauer of the Sentencing Project reports African Americans are 21% more likely to receive mandatory minimum sentences than white defendants and 20% more like to be sentenced to prison than white drug defendants.

Nine. The longer the sentence, the more likely it is that non-white people will be the ones getting it. A July 2009 report by the Sentencing Project found that two-thirds of the people in the US with life sentences are non-white. In New York, it is 83%.

Ten. As a result, African Americans, who are 13% of the population and 14% of drug users, are not only 37% of the people arrested for drugs but 56% of the people in state prisons for drug offenses. Marc Mauer May 2009 Congressional Testimony for The Sentencing Project.

Eleven. The US Bureau of Justice Statistics concludes that the chance of a black male born in 2001 of going to jail is 32% or 1 in three. Latino males have a 17% chance and white males have a 6% chance. Thus black boys are five times and Latino boys nearly three times as likely as white boys to go to jail.

Twelve. So, while African American juvenile youth is but 16% of the population, they are 28% of juvenile arrests, 37% of the youth in juvenile jails and 58% of the youth sent to adult prisons. 2009 Criminal Justice Primer, The Sentencing Project.

Thirteen. Remember that the US leads the world in putting our own people into jail and prison. The New York Times reported in 2008 that the US has five percent of the world's population but a quarter of the world's prisoners, over 2.3 million people behind bars, dwarfing other nations. The US rate of incarceration is five to eight times higher than other highly developed countries and black males are the largest percentage of inmates according to ABC News.

Fourteen. Even when released from prison, race continues to dominate. A study by Professor Devah Pager of the University of Wisconsin found that 17% of white job applicants with criminal records received call backs from employers while only 5% of black job applicants with criminal records received call backs. Race is so prominent in that study that whites with criminal records actually received better treatment than blacks without criminal records!

### A2 De-Dev

#### 1. It’s just not true: global economic crisis causes war--strong statistical support.

Royal 10 (Jedediah [director of Cooperative Threat Reduction at the U.S. Department of Defense] “Economics of War and Peace: Economic, Legal, and Political Perspectives” pg 213-215)

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, finding 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 incentives to fabricate external military conflicts 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.