**Strategy and RFD:**

*Adam read an enfranchisement aff. I read a crime case, an interp that said if he parametrecizes the resolution then he has to disclose before the round, and then I made a few arguments how I turned the standard justifications and turned the prefiat reasons to endorse speaking about racism (meaning I my model of debate allows a better discussion). Adam read a counter interp in the 1ar and did a lot of weighing on theory, and also co-opted the neg case and made some turns. I went for theory in the 2n, and Adam went for theory (obviously) in the 2a. Jordan Lamothe voted aff (for Adam) off weighing on theory, or basically off case, since he was definitely beating me there, and both of our weighing on theory was a bit hard to resolve.*

“To Negate” is defined as “to deny the truth of,” thus you presume negative absent proof of the resolution’s truth. Further, truth testing comes before theoretical indicts because it speaks to how you view the round, and is derived from a definition, so (a) it’s the most predictable and (b) it comes logically prior to theory because it’s a definition.

**Observations**

1. The US government is the actor (a) the resolution specifies the U.S. criminal justice system, which only the government has power over (b) any specification inside the criminal justice system is arbitrary (c) the government is the only actor pertinent to the res that we can plausibly analyze the obligations of.

**Framework**

I value **Obligation.**[[1]](#footnote--1) The Online Etymology Dictionary[[2]](#footnote-0) defines ought:

**[The main modern use of ought is]** As an auxiliary verb **expressing duty or obligation** ~~(~~c.1175, the main modern use), it represents the past subjunctive.

Prefer this definition because it’s the most commonly used and words only obtain meanings through usage.

The **standard** is **maximizing expected lives of U.S. Citizens**

First, ends-based theories are the best theoretically because they force Topic Education – We have to use empirics and analytics to evaluate the consequences our actions have on the real world, which forces us to research the effects of actions and how those effects will come about, thus learning more about the topic. Education is the terminal impact of debate and the only reason why debate gets school funding, so always prefer the most educational value criterion on a theoretical level. Also, constrains arguments to a post-fiat level because that’s where we derive topic education.

**Second,** governments must be focused on ends.

(A) The obligation of policy-makers is to maximize ends since they only know generalities. **Goodin**[[3]](#footnote-1)

My larger argument turns on the proposition that there is something special about the situation of public officials that makes utilitarianism more probable for them than private individuals. Before proceeding with the large argument, I must therefore say what it is that makes it so special about public officials and their situations that make it both more necessary and more desirable for them to adopt a more credible form of utilitarianism. Consider, first, the argument from necessity. Public officials are obliged to make their choices under uncertainty , and uncertainty of a very special sort at that. All choices – public and private alike – are made under some degree of uncertainty, of course. But in the nature of things, private individuals will usually have more complete information on the peculiarities of their own circumstances and on the ramifications that alternative possible choices might have for them. Public officials, in contrast, are relatively poorly informed as to the effects that their choices will have on individuals, one by one. What they typically do know are generalities: averages and aggregates. They know what will happen most often to most people as a result of their various possible choices, but that is all. That is enough to allow public policy-makers to use the utilitarian calculus – assuming they want to use it at all – to chose general rules or conduct.

(B) The gov has to justify actions to their people, which means only ends can matter because they have visible effects. IE if a gov chooses between saving 10 lives and 100 lives, even if the hundred violates a side constraint, the only way the gov can justify an action to people is by saving the 100.

**Third,** value is contingent upon experiencing that value, which means all moral theories reduce to ends. **Harris**

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

Puts his theory in the double bind, either (a) we experience it and it reduces to consequences, or (b) we don’t experience it and it has no effect on us.

**Fourth,** maximizing life comes prior to any other ethical evaluation. **Rasmussen**[[4]](#footnote-2)

In so far as one chooses, regardless of the choice, one must choose (value) man's life. **It makes no sense to value some X without also valuing that which makes the valuing of X possible** ~: notice that this is different from saying "that which makes X possible"). If one lets X be equivalent to "death" or "the greatest happiness for the greatest number," one is able to have such a valuation only because of the precondition of being a living being. **Given that life is a necessary condition for valuation, there is no other way we can value something without also** (implicitly at least) **valuing [life].**that which makes valuation possible.

**NET BENEFITS: I advocate that the U.S. value retribution over rehabilitation in the US criminal justice system.**

**Contention 1: Offenders admit that punishment deters crimes.**

Criminologist’s interviews with juveniles reveals that punishment deters **violent crimes** and reduces recidivism. **Redding**

Although only 40% of the **participants reported** considering the chances of getting caught when they committed the offense, **they felt the transfer law would have deterred them had they been aware that they could** be tried as an adult and **receive a lengthy** adult **sentence.** As one juvenile said, “What are you talking about? I’m not doing ten years!” **Overall, they felt that the consequences** of committing the crime **were worse than they had expected. Seventy-six percent thought that being in** jail or **prison would make it less likely that they would commit crimes in the future;** “I don’t want to go through this again,” one participant commented.In comparison to the sanctions they had received in the juvenile court (which many characterized as “a slap on the wrist”), **many felt that** their experiences in **the criminal justice system had finally taught them that there will be serious consequences if they commit crimes:** “This ain’t no juvenile daycare—I’m facing real time now.” “[Being tried as an adult] showed me it’s not a game anymore. Before, I thought that since I’m a juvenile I could do just about anything and just get six months if I got caught. So, I didn’t care and thought I could get away with anything.” The juveniles said they had offended previously inpart because they perceived that the chances of getting caught and receiving a serious sanction were slim.[[5]](#footnote-3)

This evidence comes first in the round:

1. Only criminals can truly know why they act the way they do and what works best, so it’s a direct source.
2. Empirics and studies are always tainted by current trends in the world or by uncontrolled factors, direct interviews always come before imperfect studies. Also, the fact that there are so many studies with opposite conclusions supercharges this argument.

Also, deterrence outweighs all other impacts because it controls the internal link to recidivism mattering as well as preventing the initial unbeneficial crime from occurring in the first place. However, Redding also speaks to recidivism so that functions as a turn that outweighs because of data source.

**Contention 2: Rehab doesn’t affect recidivism in any positive way.**

An extensive study concludes that rehabilitation has NO positive effect on recidivism. **NCPA** [[6]](#footnote-4)

The most devastating blow to the theory was Robert Martinson’s exhaustive study. **Martinson examined every available report on rehabilitation techniques published** in English **from 1945 to 1967**, **drawing on 231 studies**. **He found that** “with few and isolated exceptions, **the rehabilitative efforts that have been reported so far have** **had no** appreciable **effect on recidivism**.”48 Relatively little comparable research has materialized to refute Martinson’s analysis, although this has not been from want of effort.49 A possible exception may be a modest superiority for the better-designed interventions in the outcomes of juveniles, and some researchers still believe that “appropriate correctional service” and treatment can cut recidivism sharply for other criminals, too.50

**AND,** prefer Martinson’s Study:  
(A) Only study that evaluated when rehab was actually implemented, so it comes before his studies that predict what will happen if we implement. It failed when we did so.

(B)It’s a meta-analysis that draws on all other studies in the field, so it’s the best overall study of findings and the best way to **resolve disputing conclusions** because he provides a summary.

(C) It was conducted over 22 years, so it solves for temporal bias which is key on this topic because criminal patterns fluctuate. Time frame of study outweighs recency becauseit doesn’t matter if a study is recent if it only evaluates a short-term trend.

**CONTENTION 3:**

Rehabilitation comparably failed when evaluating recidivism and violent crimes. **Fishman**[[7]](#footnote-5)**:**

**Rehabilitation** by the Projects **Was** Considered To Be **a Failure.** The failure of the projects was particularly evident with young clients, and **in relation to violent crime.** Overall, the judgment of failure is based upon the magnitude and severity of the criminal recidivism of project clients of all ages which resulted in great cost to both society and to the victims.53 **Failure** **is** also **indicated** **by** **comparison** **of** some project outcomes with those of **a** "**control**" **group**. Cost of Recidivism to Society and Victims.Of the 2,860 clients from seven to seventy-one years of age, 1,182, or **41%, were arrested** a total of 2,072 times during the twelve months **after project entry. These arrests reflect several thousand victims** and many millions of dollars in the costto victims of theft, property damage and injury**.** However, of the 2,072 arrests, 605 **(29%) were for violent crimes.** This means that **about fifty persons may have been killed or raped and 555** robbed or **severely assaulted by these recidivist clients.** This portion of the outcome is the main reason for the conclusion that the human costs of this recidivism are too high.Nor does this conclusion change if the cost is examined for each of the thirteen types of clients shown on Table 3 by age and prior arrests. For example, the comparatively "good" 29% recidivism rate of the 134 clients in the thirty-to-thirty-nine age group does not show that, out of their 147 arrests, about one in five was for a violent crime. When the results of representatives of the primary target groups54 are examined, **most outcomes are actually worse than the summary statistics for all** 2,860 **[three thousand] clients .**55It could be asserted that a 41% recidivism rate indicates that 59% of the clients were successfully rehabilitated. They were non-recidivists. This assertion, however, is not acceptable.When measured in terms of serious and violent crimes, the consequences of recidivism are qualitatively different than those of other measures such as failure to pass a test in reading achievement or job skills. Failure or recidivism in the context of serious or violent crime implies the presence of victims.

Prefer this study:

1. It compared control groups that tested punishment only so it’s a direct comparison to the resolution.
2. It evaluated about 3k people.
3. The study did follow up exams, which is key to ensuring the impact sticks.
4. It’s specific to violent crime, so even if he wins his study is better than mine, I still outweigh because I show that retribution decreases violent crime specifically.

Crime kills international credibility. **Falk**[[8]](#footnote-6)

This unabashed avowal of imperial goals is the main thesis of the article, perhaps most graphically expressed in the following words: "**The U**nited **S**tates **can** increase the effectiveness of its military forces and **make** the world safe for soft power, America's inherent comparative advantage." As the glove fits the hand, **soft power** complements hard power within the wider enterprise of transforming the world in the United States' image, or at least in the ideal version of the United States' sense of self.

The authors acknowledge (rather parenthetically) that **their strategy may not work if the US continues** much longer **to be seen unfavourably abroad as a national abode** **of** drugs, **crime**, **[and] violence**, fiscal irresponsibility, family breakdown, and political gridlock. They make a rather meaningless plea to restore "a healthy democracy" at home as a prelude to the heavy lifting of democratising the world, but they do not pretend medical knowledge, and offer no prescriptions for restoring the health of the American body politic. And now, 16 years after their article appeared, it would appear that the adage, "disease unknown, cure unknown", applies.

And, International credibility is key to allies, solves multiple scenarios for extinction. **Nye and Armitage**[[9]](#footnote-7)

Soft power is the ability to attract people to our side without coercion. **Legitimacy is central to soft power**. If a people or nation believes American objectives to be legitimate, we are more likely to persuade them to follow our lead without using threats and bribes. Legitimacy can **[and] also reduce[s] opposition** **to**—and the costs of—using **hard power** when the situation demands. Appealing to others’ values, interests, and preferences can, in certain circumstances, replace the dependence on carrots and sticks. Cooperation is always a matter of degree, and it is profoundly influenced by attraction. This is evident in the changing nature of conflict today, including in Iraq and against al Qaeda.

In traditional conflict, once the enemy is vanquished militarily, he is likely to sue for peace. But many of the organizations against which we are fighting control no territory, hold few assets, and sprout new leaders for each one that is killed. Victory in the traditional sense is elusive. Militaries are well suited to defeating states, but they are often poor instruments to fight ideas. Today, **victory depends on attracting** foreign **populations** **to** **our** **side** and helping them to build capable, democratic states. Soft power is essential to winning the peace. It is easier to attract people to democracy than to coerce them to be democratic. Since America rose on the world stage in the late nineteenth and early twentieth centuries, it has wielded a distinctive blend of hard and soft power. Despite nineteenth-century military adventures in the Western hemisphere and in the Philippines, the U.S. military has not been put in the service of building a colonial empire in the manner of European militaries. Particularly since World War II, America has sought to promote rules and order in a world in which life continues to be nasty, brutish, and short for the majority of inhabitants. American sources of soft power are plentiful. Soft power is more than mere cultural power, although the appeal of Hollywood and American products can play a role in inspiring the dreams and desires of others. Sources include the political values and ideas enshrined in the Constitution and Bill of Rights, U.S. economic and educational systems, personal contacts and exchanges, and our somewhat reluctant participation and leadership in institutions that help shape the global agenda. **One of the biggest sources of U.S. soft power is** quite simply **America’s** obvious **success as a nation**. Not everyone looks forward to a more interconnected and tolerant world. These ideas can be threatening to those who consider their way of life to be under siege by the West. Those who feel this divide most strongly are often the very people who seek to fight America and its allies. Yet every year the United States attracts more than four times the number of immigrants than any other country, and hundreds of thousands of foreign scholars and students as well. America’s history as an immigrant nation is an important source of its soft power. There is an enormous strength and vitality in the American civic spirit of opportunity, tolerance, mutual respect, and shared commitment and in an economy that rewards innovation and hard work. For people everywhere, the United States can be a partner for a better life.

Smart power is neither hard nor soft—it is the skillful combination of both. Smart power means developing an integrated strategy, resource base, and tool kit to achieve American objectives, drawing on both hard and soft power. It is an approach that underscores the necessity of a strong military, but also invests heavily in alliances, partnerships, and institutions at all levels to expand American influence and establish the legitimacy of American action. Providing for the global good is central to this effort because it helps America reconcile its overwhelming power with the rest of the world’s interests and values. Elements of this approach exist today in U.S. foreign policy, but they lack a cohesive rationale and institutional grounding. Three main obstacles exist. First, U.S. foreign policy has tended to over-rely on hard power because it is the most direct and CSIS COMMISSION ON Smart Power visible source of American strength. The Pentagon is the best trained and best resourced arm of the federal government. As a result, it tends to fill every void, even those that civilian instruments should fill. America must retain its military superiority, but in today’s context, there are limits to what hard power can achieve on its own. Second, U.S. foreign policy is still struggling to develop soft power instruments. Diplomatic tools and foreign assistance are often directed toward states, which increasingly compete for power with non-state actors within their borders. Diplomacy and foreign assistance are often underfunded and underused. These tools are neglected in part because of the difficulty of demonstrating their short-term impact on critical challenges. Figure 1 shows U.S. spending on international affairs over the past 20 years. Note that funding was generally stagnant for a decade. Increases in the early 1990s—due primarily to economic aid to Eastern and Central Europe—were offset by reductions in development assistance and public diplomacy funding. Increases from 1999 to 2002 were driven in part by security concerns following the embassy bombings in Nairobi and Dar el Salaam. Recent increases are on account of support to critical countries in the war on terror, the Millennium Challenge Corporation and PEPFAR initiatives, and humanitarian emergencies. It should come as no surprise that some of the best-funded and most appreciated soft power tools have been humanitarian operations carried out by the U.S. military such as tsunami relief in Southeast Asia and the earthquake response in Pakistan, since these operations produced results that were clear, measurable, and unassailable. Wielding soft power is especially difficult, however, because many of America’s soft power resources lie outside of government in the private sector and civil society, in its bilateral alliances, or through its participation in multilateral institutions. Third, U.S. foreign policy institutions are fractured and compartmentalized. Coordination, where there is any, happens either at a relatively low level or else at the very highest levels of government— both typically in crisis settings that drive out long-range planning. Stovepiped institutional cultures inhibit joint action. More thought should also be put into sequencing and integrating hard and soft power instruments, particularly in the same operating theater. Some elements of this approach are already occurring in the conduct of ongoing counterinsurgency, nation building, and counterterrorism operations— tasks that depend critically but only partially on hard power. The United States has in its past wielded hard and soft power in concert, with each contributing a necessary component to a larger aim. We used hard power to deter the Soviet Union during the Cold War and soft power to rebuild Japan and Europe with the Marshall Plan and to establish institutions and norms that have become the core of the international system. Today’s context presents a unique set of challenges, however, and requires a new way of thinking about American power.

The twenty-first century presents a number of unique foreign policy challenges for today’s decisionmakers. These challenges exist at an international, transnational, and global level. **Despite America’s status as the** lone **global** **power** and concerns about the durability of the current international order, America should renew its commitment to the current order and help find a way for today’s norms and institutions to accommodate rising powers that may hold a different set of principles and values. Furthermore, even countries invested in the current order may waver in their commitment to take action to minimize the threats posed by violent non-state actors and regional powers who challenge this order. The information age has heightened political consciousness, but also made political groupings less cohesive. **Small**, adaptable, transnational **networks have access to tools of destruction** **that are** increasingly cheap, easy to conceal, and **more** readily **available**. Although the integration of the global economy has brought tremendous benefits, **threats such as pandemic disease and the collapse of financial markets are more** distributed and more **likely to arise without warning**. The threat of widespread physical harm to the planet posed by nuclear catastrophe has existed for half a century, though the realization of the threat will become more likely as the number of nuclear weapons states increases. The potential security **challenges posed by climate change raise** the possibility of **an** **entirely new set of threats** for the United States **to consider**. The next administration will need a strategy that speaks to each of these challenges. Whatever specific approach it decides to take, two principles will be certain: First, an extra dollar spent on hard power will not necessarily bring an extra dollar’s worth of security. It is difficult to know how to invest wisely when there is not a budget based on a strategy that specifies trade-offs among instruments. Moreover, hard power capabilities are a necessary but insufficient guarantee of security in today’s context. Second, success and failure will turn on the ability to win new allies and strengthen old ones both in government and civil society. **The key is** not how many enemies the United States kills, but how many **allies** it grows. States and non-state actors who improve their ability to draw in allies will gain competitive advantages in today’s environment. **Those who alienate potential friends will stand at greater risk**. China has invested in its soft power to ensure access to resources and to ensure against efforts to undermine its military modernization. Terrorists depend on their ability to attract support from the crowd at least as much as their ability to destroy the enemy’s will to fight.

Credibility outweighs other scenarios because (a) the card indicates that it controls the internal link, other existential threats can be solved with allies and (b) The U.S. can solve for most harms such as economic collapse through government action and executive orders, but the impacts I’ve illustrated are uncontrollable.

**AND,** Extinction precedes ethics. **Bostrom[[10]](#footnote-8)**Our present understanding of axiology might well be confused. **We may not now know**— at least not in concrete detail—**what outcomes [are moral]** would count as a big win for humanity; we might not even yet be able to imagine the best ends of our journey. If we are indeed profoundly uncertain about our ultimate aims, then we should recognize that **there** **is** a great *option* ***value*****in** **preserving**— and ideally improving—**our ability to recognize value and to steer the future [in] accord**ingly. **Ensuring** that there will be **a** **future** version of **humanity** with great powers and a propensity to use them wisely **is** plausibly **the best way available to us to increase the probability that the future will contain** a lot of **value**. To do this, we must prevent any existential catastrophe.

Thus, this means that if another ethic is presented that we default to extinction, which outweighs because it’s the only way to ensure an action has value, making it a prerequisite to moral systems.

1. If the affirmative parametracizes the resolution into a specific plan text and only defends impacts to that plan text then he must disclose the plan text on the NDCA case wiki at least an hour before the round.
2. The violation occurred when he conceded in CX that he didn’t disclose the plan text on the wiki.
3. **Predictability** – Plans are unpredictable because he can plan any part of the resolution making it impossible to know which part he’s going to specify, the only predictable thing before the round is the text of the resolution so I always have a stronger strength of link.

By defending all instances of the resolution I can still link my prepared offense into his arguments. Predictability is key to fairness because I need to have some idea of what we’re going to debate so that I can properly prepare. Also, 2 more internal links:

1. **Reciprocity –** plans are unreciprocal because he is able to know which impacts he’s defending but I can’t. Forcing plans to be disclosed helps to solve back this skew so that we have equal access to prepare for the round, which is key to fairness. Also, reciprocity comes before every other link to fairness because a link to fairness is only good in so far as it applies to both debaters.
2. Predictability controls the internal link to **clash** because we can only clash if we’ve prepared on the same issue, which is unlikely. My interp will always promote more clash because if he defends all issues or at least discloses the plan text before debating it then it guarantees that we will have arguments on the issue, which controls the internal link to topic depth. Clash holds the strongest link to education because we derive unique knowledge from our argumentation, which is UNIQUE to debate so it’s the strongest link.

D – Fairness is a voter people wouldn’t compete if debate was unfair but also makes theory a gateway issue to substance because the round can’t be properly evaluated if it’s skewed towards one debater don’t use reasonability it just begs the question but also invites judge intervention since we don’t know your BS meter – competing interps finds the best rule for debate. Drop the debater otherwise he’ll keep making abusive arguments and kicking them to gain a positive time tradeoff on theory.

1. http://www.merriam-webster.com/dictionary/justice [↑](#footnote-ref--1)
2. http://www.etymonline.com/ [↑](#footnote-ref-0)
3. Robert Goodin, fellow in philosophy, Australian National Defense University, THE UTILITARIAN RESPONSE, 1990, p. 141-2 [↑](#footnote-ref-1)
4. Douglas Den Uyl and Douglas Rasmussen, Professors of Philosophy, Bellarmine College and St. John's University, READING NOZICK, Jeffrey Paul, ed., 1981, p245. (PDNSS1794) [↑](#footnote-ref-2)
5. Richard Redding and Elizabeth Fuller [Villanova University School of Law Public Law and Legal Theory]. Working Paper no 2005-2Villanova. *Public Law and Legal Theory Working Paper Series* (January 2005). [↑](#footnote-ref-3)
6. Robert Martinson, “What Works? Questions and Answers about Prison Reform,” *The Public Interest*, Spring 1974, pp.

   22-54; a more extensive version appeared in Douglas Lipton, Robert Martinson and Judith Wilks, *The Effectiveness of Correctional*

   *Treatment* (New York: Praeger, 1975). [↑](#footnote-ref-4)
7. “An Evaluation of Criminal Recidivism in Projects Providing Rehabilitation and Diversion Services in New York City” Robert Fishman [Assistant Professor of Medicine at Northwestern University Medical School] 1977 Methodology: Pg. 285-294 [↑](#footnote-ref-5)
8. “When soft power is hard,” Richard Falk, United Nations Special Rapporteur on Palestinian human rights. Al Jazzera Opinion. July 28th, 2012. http://www.aljazeera.com/indepth/opinion/2012/07/201272212435524825.html [↑](#footnote-ref-6)
9. Joseph Nye (University Distinguished Service Professor at Harvard University, and previous dean of Harvard University's John F. Kennedy School of Government) and Richard Armitage (13th United States Deputy Secretary of State, the second-in-command at the State Department, serving from 2001 to 2005), “CSIS Reports – A Smarter, More Secure America”, 11/6, 2007 <http://www.csis.org/component/option,com_csis_pubs/task,view/id,4156/type,1/> [↑](#footnote-ref-7)
10. Nick Bostrom [professor of philosophy at Oxford], July 2005 “On our Biggest Problems” http://www.ted.com/index.php/talks/view/id/44 [↑](#footnote-ref-8)