

## **RESOLVED: REHABILITATION OUGHT TO BE VALUED ABOVE RETRIBUTION IN CRIMINAL JUSTICE SYSTEMS**

Jon Venables and Robert Thompson were convicted of committing murder. They faced two possible outcomes: (*pause*) rotting in jail, or killing someone else after release. Retribution **was** meted out and justice **was** served, but these still fall short of more worthy values. You see, there's little intrinsic worth in administering punishment or achieving justice. Rather, we must hold to a goal that has inherent value. Because of this, I stand **RESOLVED: REHABILITATION OUGHT TO BE VALUED ABOVE RETRIBUTION IN CRIMINAL JUSTICE SYSTEMS**.

### **Definitions**

Merriam Webster<sup>1</sup> defines **Rehabilitation** as - To restore (as a convicted criminal defendant) to a useful and constructive place in society.

They also define<sup>2</sup> **Retribution as** - Punishment for doing something wrong.

### **Value – Intrinsic Worth**

My value is **Intrinsic Worth**, defined by the Stanford Encyclopedia of Philosophy as “something valuable for its own sake as opposed to being valuable for the sake of something else.”<sup>3</sup> In other words, if something has intrinsic worth, it's valuable in and of itself.

Intrinsic Worth is the highest value in the round because, by definition, it's the only thing that ultimately matters. In LD, the value acts as a weighing mechanism to decide which side of the **resolution** is more valuable. There's no better way to determine this than to see which side has more intrinsic worth – retribution or rehabilitation.

### **Criterion – Means To End Test**

My criterion is **The Means To End Test**. The “Means To End Test” has two parts. The first part says: “If something's used as a **means** to achieve an **end** goal, that **means** does **not** have intrinsic worth, since it's valued **‘for the sake of something else.’**” Remember, the definition of intrinsic worth states that intrinsically valuable entities can't be “valuable **for the sake of something else.**”

Part 2 of the means to end test says: “The **end** goal **has** intrinsic worth, since **it's** valued **for its own sake.**” We **don't** value it for any **other** goal – otherwise, **it wouldn't be an end, it would be a means** to achieving another goal.

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<sup>1</sup><https://www.merriam-webster.com/dictionary/rehabilitate>

<sup>2</sup>Merriam-Webster Learner's Dictionary. “Retribution.” Accessed January 2, 2017. This definition is available from <http://www.learnersdictionary.com/definition/retribution>

<sup>3</sup><https://plato.stanford.edu/entries/value-intrinsic-extrinsic/>

## **Contention 1: According to the means to end test, rehabilitation is higher**

When we apply the means to end test on the resolution, we find that retribution is a **means** pointing to the **end** of rehabilitation. Philosopher Jean Hampton once said, “**Wrong** occasions **punishment** not because pain deserves pain, **but because evil deserves correction.**”<sup>4</sup> You see, retribution is often performed on others so that the person **being** punished will be **corrected** to stop offending. Take a young child misbehaving. Hampton points out: “a father who punishes his child explains he does so **in order that** the child ‘**learns his lesson.**”<sup>5</sup> We see that retribution is used as a **means** to **signify** that the end goal is having the child learn better behavior, which is **rehabilitation.**

Likewise, retribution pushes the criminal to learn **his** lesson by teaching him he can’t get away with crime and what he did was wrong. Hereby, the punishment serves to teach and train him, pointing to the **goal** of rehabilitation.

Furthermore, the criminal justice system is often called “**corrections,**” and prisons “**correctional facilities**” – because correcting criminals, or rehabilitation, is the goal. Thus, retribution is a **means** valued for the sake of correction, so it has little intrinsic worth according to the Means To End Test. Rehabilitation, on the other hand, **DOES** have intrinsic worth as the intended and eventual **end goal**, making it highest in this debate.

## **Contention 2: Retribution Has Little Intrinsic Worth**

The problem with **retributive** criminal justice systems is that retribution **alone** has little intrinsic worth and stops short of our **end** goals. The Huffington Post titles an article: “He kidnapped, beat and tortured his wife. Free on bond, he killed her.”<sup>6</sup>

You see, retribution detains criminals for a while, but without rehabilitation, nothing’s done to **fix** their behavior, and they exit the system acting just as bad, or worse, than before! In other words, nothing intrinsically good comes from applying retribution. This is not an isolated example; the Bureau of Justice Statistics reports 68 percent of prisoners **reoffend** within 3 years of being released from jail, and 77 percent **reoffend** within 5 years.<sup>7</sup> Is that how the system should work? Is that something we want? No, but it’s the nature of retribution acting alone, pretending it has intrinsic worth.

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<sup>4</sup>Jean Hampton. From the book “What Is Justice? Classic and Contemporary Readings, Second Edition” published by Oxford University Press, edited by Robert C. Solomon and Mark C. Murphy. Jean Hampton was a political philosopher. This excerpt is from page 251 of the book.

<sup>5</sup>Jean Hampton. From the book “What Is Justice? Classic and Contemporary Readings, Second Edition” published by Oxford University Press, edited by Robert C. Solomon and Mark C. Murphy. Jean Hampton was a political philosopher. This excerpt is from page 249 of the book.

<sup>6</sup>Melissa Jeltsen. “He Kidnapped, Beat And Tortured His Wife. Free On Bond, He Killed Her.” Accessed January 2, 2017. Melissa Jeltsen is a senior reporter for The Huffington Post. This excerpt is available from [http://www.huffingtonpost.com/entry/domestic-violence-prevention\\_us\\_57cf20cde4b0a48094a623e8?](http://www.huffingtonpost.com/entry/domestic-violence-prevention_us_57cf20cde4b0a48094a623e8?)

<sup>7</sup>Matthew R. Durose, Alexia D. Cooper, Ph. D., and Howard N. Snyder, Ph.D. “Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010.” Accessed January 2, 2017. Matthew R. Durose, Alexia D. Cooper, Ph. D., and Howard N. Snyder, Ph.D are BJS Statisticians. This information is from page 1 of the report, available from <https://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf>

Obviously there's something deeper the system should be doing; if all we do is release prisoners back into society to harm more people, there's no value in having a criminal justice system!

### **Contention 3: Rehabilitation Has Intrinsic Worth**

Rehabilitation **is** intrinsically good because, by definition, it **restores** a human being, bringing him back to a good and worthy state.

We instinctively know that restoring a person to a useful place in society is an inherently worthy and noble goal. There's no external reason why we value rehabilitation; it's simply a concept with intrinsic worth.

Remember murderers Jon Venables and Robert Thompson at the beginning of my speech? They **were** punished and incarcerated for their crime, but officials didn't stop there. According to The Guardian<sup>8</sup>, rehabilitators put them through therapy, education, and heavy discipline.

Because they had the goal of reforming the criminals, the men were rehabilitated; instead of rotting in jail or killing someone else after release, they are now restored human beings contributing to society. Clearly, their rehabilitation was intrinsically valuable.

We see through these examples and the means to end test that retribution is only a means with no intrinsic value, while rehabilitation **is** intrinsically valuable and therefore highest in today's round. Thank you, I now stand ready for cross examination.

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<sup>8</sup>Peter Walker and Alan Travis. "Bulger killers prove child criminals can be rehabilitated." Accessed January 2, 2017. Peter Walker is a political correspondent, and Alan Travis is the Guardian's home affairs editor. This information is available from <https://www.theguardian.com/uk/2010/jan/22/edlington-brothers-bulger-rehabilitation>